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DECEMBER 21, 2020

RULES COMMITTEE PRINT 116-68
TEXT OF THE HOUSE AMENDMENT TO THE
SENATE AMENDMENT TO H.R. 133

**[Showing the text of the Consolidated Appropriations Act,
2021]**

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

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Consolidated Appro-
3 priations Act, 2021”.

4 SEC. 2. TABLE OF CONTENTS.

- Sec. 1. Short title.
- Sec. 2. Table of contents.
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- Sec. 7. Adjustments to compensation.
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 Title XXI—COVID–19 Regulatory Relief and Work From Home Safety Act

1 **SEC. 3. REFERENCES.**

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

6 **SEC. 4. EXPLANATORY STATEMENT.**

7 The explanatory statement regarding this Act, print-
 8 ed in the House section of the Congressional Record on
 9 or about December 21, 2020, and submitted by the Chair-
 10 woman of the Committee on Appropriations of the House,
 11 shall have the same effect with respect to the allocation
 12 of funds and implementation of divisions A through L of
 13 this Act as if it were a joint explanatory statement of a
 14 committee of conference.

1 **SEC. 5. STATEMENT OF APPROPRIATIONS.**

2 The following sums in this Act are appropriated, out
3 of any money in the Treasury not otherwise appropriated,
4 for the fiscal year ending September 30, 2021.

5 **SEC. 6. AVAILABILITY OF FUNDS.**

6 (a) Each amount designated in this Act by the Con-
7 gress as an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985 shall be available (or re-
10 scinded, if applicable) only if the President subsequently
11 so designates all such amounts and transmits such des-
12 ignations to the Congress.

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17 shall be available (or rescinded, if applicable) only if the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

20 **SEC. 7. ADJUSTMENTS TO COMPENSATION.**

21 Notwithstanding any other provision of law, no ad-
22 justment shall be made under section 601(a) of the Legis-
23 lative Reorganization Act of 1946 (2 U.S.C. 4501) (relat-
24 ing to cost of living adjustments for Members of Congress)
25 during fiscal year 2021.

1 **SEC. 8. DEFINITION.**

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

5 **SEC. 9. OFFICE OF MANAGEMENT AND BUDGET REPORT-**
6 **ING REQUIREMENT.**

7 Notwithstanding the “7 calendar days” requirement
8 in section 251(a)(7)(B) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985 (2 U.S.C.
10 901(a)(7)(B)), for any appropriations Act for fiscal year
11 2021 enacted before January 1, 2021, the Office of Man-
12 agement and Budget shall transmit to the Congress its
13 report under that section estimating the discretionary
14 budgetary effects of such Acts not later than January 15,
15 2021.



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

5 TITLE I

6 AGRICULTURAL PROGRAMS

7 PROCESSING, RESEARCH, AND MARKETING

8 OFFICE OF THE SECRETARY

9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses of the Office of the Secretary,
11 \$46,998,000, of which not to exceed \$5,101,000 shall be
12 available for the immediate Office of the Secretary; not
13 to exceed \$1,324,000 shall be available for the Office of
14 Homeland Security; not to exceed \$7,002,000 shall be
15 available for the Office of Partnerships and Public En-
16 gagement, of which \$1,500,000 shall be for 7 U.S.C.
17 2279(c)(5); not to exceed \$22,321,000 shall be available
18 for the Office of the Assistant Secretary for Administra-
19 tion, of which \$21,440,000 shall be available for Depart-
20 mental Administration to provide for necessary expenses
21 for management support services to offices of the Depart-
22 ment and for general administration, security, repairs and
23 alterations, and other miscellaneous supplies and expenses
24 not otherwise provided for and necessary for the practical

1 and efficient work of the Department: *Provided*, That
2 funds made available by this Act to an agency in the Ad-
3 ministration mission area for salaries and expenses are
4 available to fund up to one administrative support staff
5 for the Office; not to exceed \$3,908,000 shall be available
6 for the Office of Assistant Secretary for Congressional Re-
7 lations and Intergovernmental Affairs to carry out the
8 programs funded by this Act, including programs involv-
9 ing intergovernmental affairs and liaison within the execu-
10 tive branch; and not to exceed \$7,342,000 shall be avail-
11 able for the Office of Communications: *Provided further*,
12 That the Secretary of Agriculture is authorized to transfer
13 funds appropriated for any office of the Office of the Sec-
14 retary to any other office of the Office of the Secretary:
15 *Provided further*, That no appropriation for any office
16 shall be increased or decreased by more than 5 percent:
17 *Provided further*, That not to exceed \$22,000 of the
18 amount made available under this paragraph for the im-
19 mediate Office of the Secretary shall be available for offi-
20 cial reception and representation expenses, not otherwise
21 provided for, as determined by the Secretary: *Provided*
22 *further*, That the amount made available under this head-
23 ing for Departmental Administration shall be reimbursed
24 from applicable appropriations in this Act for travel ex-
25 penses incident to the holding of hearings as required by

1 5 U.S.C. 551–558: *Provided further*, That funds made
2 available under this heading for the Office of the Assistant
3 Secretary for Congressional Relations and Intergovern-
4 mental Affairs may be transferred to agencies of the De-
5 partment of Agriculture funded by this Act to maintain
6 personnel at the agency level: *Provided further*, That no
7 funds made available under this heading for the Office of
8 Assistant Secretary for Congressional Relations may be
9 obligated after 30 days from the date of enactment of this
10 Act, unless the Secretary has notified the Committees on
11 Appropriations of both Houses of Congress on the alloca-
12 tion of these funds by USDA agency: *Provided further*,
13 That during any 30 day notification period referenced in
14 section 716 of this Act, the Secretary of Agriculture shall
15 take no action to begin implementation of the action that
16 is subject to section 716 of this Act or make any public
17 announcement of such action in any form.

18 EXECUTIVE OPERATIONS

19 OFFICE OF THE CHIEF ECONOMIST

20 For necessary expenses of the Office of the Chief
21 Economist, \$24,192,000, of which \$8,000,000 shall be for
22 grants or cooperative agreements for policy research under
23 7 U.S.C. 3155.

1 AGRICULTURE BUILDINGS AND FACILITIES

2 (INCLUDING TRANSFERS OF FUNDS)

3 For payment of space rental and related costs pursu-
4 ant to Public Law 92–313, including authorities pursuant
5 to the 1984 delegation of authority from the Adminis-
6 trator of General Services to the Department of Agri-
7 culture under 40 U.S.C. 121, for programs and activities
8 of the Department which are included in this Act, and for
9 alterations and other actions needed for the Department
10 and its agencies to consolidate unneeded space into con-
11 figurations suitable for release to the Administrator of
12 General Services, and for the operation, maintenance, im-
13 provement, and repair of Agriculture buildings and facili-
14 ties, and for related costs, \$108,124,000, to remain avail-
15 able until expended.

16 HAZARDOUS MATERIALS MANAGEMENT

17 (INCLUDING TRANSFERS OF FUNDS)

18 For necessary expenses of the Department of Agri-
19 culture, to comply with the Comprehensive Environmental
20 Response, Compensation, and Liability Act (42 U.S.C.
21 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C.
22 6901 et seq.), \$6,514,000, to remain available until ex-
23 pended: *Provided*, That appropriations and funds available
24 herein to the Department for Hazardous Materials Man-
25 agement may be transferred to any agency of the Depart-

1 ment for its use in meeting all requirements pursuant to
2 the above Acts on Federal and non-Federal lands.

3 OFFICE OF SAFETY, SECURITY, AND PROTECTION

4 For necessary expenses of the Office of Safety, Secu-
5 rity, and Protection, \$23,218,000.

6 OFFICE OF INSPECTOR GENERAL

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

21 OFFICE OF THE GENERAL COUNSEL

22 For necessary expenses of the Office of the General
23 Counsel, \$45,390,000.

1 AGRICULTURAL RESEARCH SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of the Agricultural Research
4 Service and for acquisition of lands by donation, exchange,
5 or purchase at a nominal cost not to exceed \$100, and
6 for land exchanges where the lands exchanged shall be of
7 equal value or shall be equalized by a payment of money
8 to the grantor which shall not exceed 25 percent of the
9 total value of the land or interests transferred out of Fed-
10 eral ownership, \$1,491,784,000: *Provided*, That appro-
11 priations hereunder shall be available for the operation
12 and maintenance of aircraft and the purchase of not to
13 exceed one for replacement only: *Provided further*, That
14 appropriations hereunder shall be available pursuant to 7
15 U.S.C. 2250 for the construction, alteration, and repair
16 of buildings and improvements, but unless otherwise pro-
17 vided, the cost of constructing any one building shall not
18 exceed \$500,000, except for headhouses or greenhouses
19 which shall each be limited to \$1,800,000, except for 10
20 buildings to be constructed or improved at a cost not to
21 exceed \$1,100,000 each, and except for two buildings to
22 be constructed at a cost not to exceed \$3,000,000 each,
23 and the cost of altering any one building during the fiscal
24 year shall not exceed 10 percent of the current replace-
25 ment value of the building or \$500,000, whichever is

1 greater: *Provided further*, That appropriations hereunder
2 shall be available for entering into lease agreements at any
3 Agricultural Research Service location for the construction
4 of a research facility by a non-Federal entity for use by
5 the Agricultural Research Service and a condition of the
6 lease shall be that any facility shall be owned, operated,
7 and maintained by the non-Federal entity and shall be re-
8 moved upon the expiration or termination of the lease
9 agreement: *Provided further*, That the limitations on alter-
10 ations contained in this Act shall not apply to moderniza-
11 tion or replacement of existing facilities at Beltsville,
12 Maryland: *Provided further*, That appropriations here-
13 under shall be available for granting easements at the
14 Beltsville Agricultural Research Center: *Provided further*,
15 That the foregoing limitations shall not apply to replace-
16 ment of buildings needed to carry out the Act of April
17 24, 1948 (21 U.S.C. 113a): *Provided further*, That appro-
18 priations hereunder shall be available for granting ease-
19 ments at any Agricultural Research Service location for
20 the construction of a research facility by a non-Federal
21 entity for use by, and acceptable to, the Agricultural Re-
22 search Service and a condition of the easements shall be
23 that upon completion the facility shall be accepted by the
24 Secretary, subject to the availability of funds herein, if the
25 Secretary finds that acceptance of the facility is in the

1 interest of the United States: *Provided further*, That funds
2 may be received from any State, other political subdivi-
3 sion, organization, or individual for the purpose of estab-
4 lishing or operating any research facility or research
5 project of the Agricultural Research Service, as authorized
6 by law.

7 BUILDINGS AND FACILITIES

8 For the acquisition of land, construction, repair, im-
9 provement, extension, alteration, and purchase of fixed
10 equipment or facilities as necessary to carry out the agri-
11 cultural research programs of the Department of Agri-
12 culture, where not otherwise provided, \$35,700,000 to re-
13 main available until expended, of which \$11,200,000 shall
14 be allocated for ARS facilities co-located with university
15 partners.

16 NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

17 RESEARCH AND EDUCATION ACTIVITIES

18 For payments to agricultural experiment stations, for
19 cooperative forestry and other research, for facilities, and
20 for other expenses, \$992,642,000, which shall be for the
21 purposes, and in the amounts, specified in the table titled
22 “National Institute of Food and Agriculture, Research
23 and Education Activities” in the explanatory statement
24 described in section 4 (in the matter preceding division
25 A of this consolidated Act): *Provided*, That funds for re-

1 search grants for 1994 institutions, education grants for
2 1890 institutions, Hispanic serving institutions education
3 grants, capacity building for non-land-grant colleges of ag-
4 riculture, the agriculture and food research initiative, vet-
5 erinary medicine loan repayment, multicultural scholars,
6 graduate fellowship and institution challenge grants, and
7 grants management systems shall remain available until
8 expended: *Provided further*, That each institution eligible
9 to receive funds under the Evans-Allen program receives
10 no less than \$1,000,000: *Provided further*, That funds for
11 education grants for Alaska Native and Native Hawaiian-
12 serving institutions be made available to individual eligible
13 institutions or consortia of eligible institutions with funds
14 awarded equally to each of the States of Alaska and Ha-
15 waii: *Provided further*, That funds for education grants for
16 1890 institutions shall be made available to institutions
17 eligible to receive funds under 7 U.S.C. 3221 and 3222:
18 *Provided further*, That not more than 5 percent of the
19 amounts made available by this or any other Act to carry
20 out the Agriculture and Food Research Initiative under
21 7 U.S.C. 3157 may be retained by the Secretary of Agri-
22 culture to pay administrative costs incurred by the Sec-
23 retary in carrying out that authority.

1 NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

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

5 EXTENSION ACTIVITIES

6 For payments to States, the District of Columbia,
7 Puerto Rico, Guam, the Virgin Islands, Micronesia, the
8 Northern Marianas, and American Samoa, \$538,447,000,
9 which shall be for the purposes, and in the amounts, speci-
10 fied in the table titled “National Institute of Food and
11 Agriculture, Extension Activities” in the explanatory
12 statement described in section 4 (in the matter preceding
13 division A of this consolidated Act): *Provided*, That funds
14 for facility improvements at 1890 institutions shall remain
15 available until expended: *Provided further*, That institu-
16 tions eligible to receive funds under 7 U.S.C. 3221 for co-
17 operative extension receive no less than \$1,000,000: *Pro-*
18 *vided further*, That funds for cooperative extension under
19 sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C.
20 343(b) and (c)) and section 208(c) of Public Law 93–471
21 shall be available for retirement and employees’ compensa-
22 tion costs for extension agents.

23 INTEGRATED ACTIVITIES

24 For the integrated research, education, and extension
25 grants programs, including necessary administrative ex-

1 penses, \$39,000,000, which shall be for the purposes, and
2 in the amounts, specified in the table titled “National In-
3 stitute of Food and Agriculture, Integrated Activities” in
4 the explanatory statement described in section 4 (in the
5 matter preceding division A of this consolidated Act): *Pro-*
6 *vided*, That funds for the Food and Agriculture Defense
7 Initiative shall remain available until September 30, 2022:
8 *Provided further*, That notwithstanding any other provi-
9 sion of law, indirect costs shall not be charged against any
10 Extension Implementation Program Area grant awarded
11 under the Crop Protection/Pest Management Program (7
12 U.S.C. 7626).

13 OFFICE OF THE UNDER SECRETARY FOR MARKETING
14 AND REGULATORY PROGRAMS

15 For necessary expenses of the Office of the Under
16 Secretary for Marketing and Regulatory Programs,
17 \$809,000: *Provided*, That funds made available by this
18 Act to an agency in the Marketing and Regulatory Pro-
19 grams mission area for salaries and expenses are available
20 to fund up to one administrative support staff for the Of-
21 fice.

1 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses of the Animal and Plant
5 Health Inspection Service, including up to \$30,000 for
6 representation allowances and for expenses pursuant to
7 the Foreign Service Act of 1980 (22 U.S.C. 4085),
8 \$1,064,179,000, of which \$478,000, to remain available
9 until expended, shall be available for the control of out-
10 breaks of insects, plant diseases, animal diseases and for
11 control of pest animals and birds (“contingency fund”) to
12 the extent necessary to meet emergency conditions; of
13 which \$13,597,000, to remain available until expended,
14 shall be used for the cotton pests program, including for
15 cost share purposes or for debt retirement for active eradi-
16 cation zones; of which \$38,093,000, to remain available
17 until expended, shall be for Animal Health Technical Serv-
18 ices; of which \$2,009,000 shall be for activities under the
19 authority of the Horse Protection Act of 1970, as amend-
20 ed (15 U.S.C. 1831); of which \$63,213,000, to remain
21 available until expended, shall be used to support avian
22 health; of which \$4,251,000, to remain available until ex-
23 pended, shall be for information technology infrastructure;
24 of which \$196,553,000, to remain available until ex-
25 pended, shall be for specialty crop pests; of which,

1 \$10,942,000, to remain available until expended, shall be
2 for field crop and rangeland ecosystem pests; of which
3 \$19,620,000, to remain available until expended, shall be
4 for zoonotic disease management; of which \$41,268,000,
5 to remain available until expended, shall be for emergency
6 preparedness and response; of which \$60,456,000, to re-
7 main available until expended, shall be for tree and wood
8 pests; of which \$5,736,000, to remain available until ex-
9 pended, shall be for the National Veterinary Stockpile; of
10 which up to \$1,500,000, to remain available until ex-
11 pended, shall be for the scrapie program for indemnities;
12 of which \$2,500,000, to remain available until expended,
13 shall be for the wildlife damage management program for
14 aviation safety: *Provided*, That of amounts available under
15 this heading for wildlife services methods development,
16 \$1,000,000 shall remain available until expended: *Pro-*
17 *vided further*, That of amounts available under this head-
18 ing for the screwworm program, \$4,990,000 shall remain
19 available until expended; of which \$20,252,000, to remain
20 available until expended, shall be used to carry out the
21 science program and transition activities for the National
22 Bio and Agro-defense Facility located in Manhattan, Kan-
23 sas: *Provided further*, That no funds shall be used to for-
24 mulate or administer a brucellosis eradication program for
25 the current fiscal year that does not require minimum

1 matching by the States of at least 40 percent: *Provided*
2 *further*, That this appropriation shall be available for the
3 purchase, replacement, operation, and maintenance of air-
4 craft: *Provided further*, That in addition, in emergencies
5 which threaten any segment of the agricultural production
6 industry of the United States, the Secretary may transfer
7 from other appropriations or funds available to the agen-
8 cies or corporations of the Department such sums as may
9 be deemed necessary, to be available only in such emer-
10 gencies for the arrest and eradication of contagious or in-
11 fectious disease or pests of animals, poultry, or plants, and
12 for expenses in accordance with sections 10411 and 10417
13 of the Animal Health Protection Act (7 U.S.C. 8310 and
14 8316) and sections 431 and 442 of the Plant Protection
15 Act (7 U.S.C. 7751 and 7772), and any unexpended bal-
16 ances of funds transferred for such emergency purposes
17 in the preceding fiscal year shall be merged with such
18 transferred amounts: *Provided further*, That appropria-
19 tions hereunder shall be available pursuant to law (7
20 U.S.C. 2250) for the repair and alteration of leased build-
21 ings and improvements, but unless otherwise provided the
22 cost of altering any one building during the fiscal year
23 shall not exceed 10 percent of the current replacement
24 value of the building.

1 In fiscal year 2021, the agency is authorized to collect
2 fees to cover the total costs of providing technical assist-
3 ance, goods, or services requested by States, other political
4 subdivisions, domestic and international organizations,
5 foreign governments, or individuals, provided that such
6 fees are structured such that any entity's liability for such
7 fees is reasonably based on the technical assistance, goods,
8 or services provided to the entity by the agency, and such
9 fees shall be reimbursed to this account, to remain avail-
10 able until expended, without further appropriation, for
11 providing such assistance, goods, or services.

12 BUILDINGS AND FACILITIES

13 For plans, construction, repair, preventive mainte-
14 nance, environmental support, improvement, extension, al-
15 teration, and purchase of fixed equipment or facilities, as
16 authorized by 7 U.S.C. 2250, and acquisition of land as
17 authorized by 7 U.S.C. 2268a, \$3,175,000, to remain
18 available until expended.

19 AGRICULTURAL MARKETING SERVICE

20 MARKETING SERVICES

21 For necessary expenses of the Agricultural Marketing
22 Service, \$188,358,000, of which \$6,000,000 shall be avail-
23 able for the purposes of section 12306 of Public Law 113-
24 79: *Provided*, That this appropriation shall be available
25 pursuant to law (7 U.S.C. 2250) for the alteration and

1 repair of buildings and improvements, but the cost of al-
2 tering any one building during the fiscal year shall not
3 exceed 10 percent of the current replacement value of the
4 building.

5 Fees may be collected for the cost of standardization
6 activities, as established by regulation pursuant to law (31
7 U.S.C. 9701), except for the cost of activities relating to
8 the development or maintenance of grain standards under
9 the United States Grain Standards Act, 7 U.S.C. 71 et
10 seq.

11 LIMITATION ON ADMINISTRATIVE EXPENSES

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

19 FUNDS FOR STRENGTHENING MARKETS, INCOME, AND

20 SUPPLY (SECTION 32)

21 (INCLUDING TRANSFERS OF FUNDS)

22 Funds available under section 32 of the Act of Au-
23 gust 24, 1935 (7 U.S.C. 612c), shall be used only for com-
24 modity program expenses as authorized therein, and other
25 related operating expenses, except for: (1) transfers to the

1 Department of Commerce as authorized by the Fish and
2 Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) trans-
3 fers otherwise provided in this Act; and (3) not more than
4 \$20,705,000 for formulation and administration of mar-
5 keting agreements and orders pursuant to the Agricultural
6 Marketing Agreement Act of 1937 and the Agricultural
7 Act of 1961 (Public Law 87–128).

8 PAYMENTS TO STATES AND POSSESSIONS

9 For payments to departments of agriculture, bureaus
10 and departments of markets, and similar agencies for
11 marketing activities under section 204(b) of the Agricul-
12 tural Marketing Act of 1946 (7 U.S.C. 1623(b)),
13 \$1,235,000.

14 LIMITATION ON INSPECTION AND WEIGHING SERVICES

15 EXPENSES

16 Not to exceed \$55,000,000 (from fees collected) shall
17 be obligated during the current fiscal year for inspection
18 and weighing services: *Provided*, That if grain export ac-
19 tivities require additional supervision and oversight, or
20 other uncontrollable factors occur, this limitation may be
21 exceeded by up to 10 percent with notification to the Com-
22 mittees on Appropriations of both Houses of Congress.

23 OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

24 For necessary expenses of the Office of the Under
25 Secretary for Food Safety, \$809,000: *Provided*, That

1 funds made available by this Act to an agency in the Food
2 Safety mission area for salaries and expenses are available
3 to fund up to one administrative support staff for the Of-
4 fice.

5 FOOD SAFETY AND INSPECTION SERVICE

6 For necessary expenses to carry out services author-
7 ized by the Federal Meat Inspection Act, the Poultry
8 Products Inspection Act, and the Egg Products Inspection
9 Act, including not to exceed \$10,000 for representation
10 allowances and for expenses pursuant to section 8 of the
11 Act approved August 3, 1956 (7 U.S.C. 1766),
12 \$1,075,703,000; and in addition, \$1,000,000 may be cred-
13 ited to this account from fees collected for the cost of lab-
14 oratory accreditation as authorized by section 1327 of the
15 Food, Agriculture, Conservation and Trade Act of 1990
16 (7 U.S.C. 138f): *Provided*, That funds provided for the
17 Public Health Data Communication Infrastructure system
18 shall remain available until expended: *Provided further*,
19 That no fewer than 148 full-time equivalent positions shall
20 be employed during fiscal year 2021 for purposes dedi-
21 cated solely to inspections and enforcement related to the
22 Humane Methods of Slaughter Act (7 U.S.C. 1901 et
23 seq.): *Provided further*, That the Food Safety and Inspec-
24 tion Service shall continue implementation of section
25 11016 of Public Law 110–246 as further clarified by the

1 amendments made in section 12106 of Public Law 113–
2 79: *Provided further*, That this appropriation shall be
3 available pursuant to law (7 U.S.C. 2250) for the alter-
4 ation and repair of buildings and improvements, but the
5 cost of altering any one building during the fiscal year
6 shall not exceed 10 percent of the current replacement
7 value of the building.

1 TITLE II
2 FARM PRODUCTION AND CONSERVATION
3 PROGRAMS

4 OFFICE OF THE UNDER SECRETARY FOR FARM
5 PRODUCTION AND CONSERVATION

6 For necessary expenses of the Office of the Under
7 Secretary for Farm Production and Conservation,
8 \$916,000: *Provided*, That funds made available by this
9 Act to an agency in the Farm Production and Conserva-
10 tion mission area for salaries and expenses are available
11 to fund up to one administrative support staff for the Of-
12 fice.

13 FARM PRODUCTION AND CONSERVATION BUSINESS
14 CENTER

15 SALARIES AND EXPENSES

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses of the Farm Production and
18 Conservation Business Center, \$231,302,000: *Provided*,
19 That \$60,228,000 of amounts appropriated for the cur-
20 rent fiscal year pursuant to section 1241(a) of the Farm
21 Security and Rural Investment Act of 1985 (16 U.S.C.
22 3841(a)) shall be transferred to and merged with this ac-
23 count.

1 FARM SERVICE AGENCY

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses of the Farm Service Agency,
5 \$1,142,924,000, of which not less than \$15,000,000 shall
6 be for the hiring of new employees to fill vacancies and
7 anticipated vacancies at Farm Service Agency county of-
8 fices and farm loan officers and shall be available until
9 September 30, 2022: *Provided*, That not more than 50
10 percent of the funding made available under this heading
11 for information technology related to farm program deliv-
12 ery may be obligated until the Secretary submits to the
13 Committees on Appropriations of both Houses of Con-
14 gress, and receives written or electronic notification of re-
15 ceipt from such Committees of, a plan for expenditure that
16 (1) identifies for each project/investment over \$25,000 (a)
17 the functional and performance capabilities to be delivered
18 and the mission benefits to be realized, (b) the estimated
19 lifecycle cost for the entirety of the project/investment, in-
20 cluding estimates for development as well as maintenance
21 and operations, and (c) key milestones to be met; (2) dem-
22 onstrates that each project/investment is, (a) consistent
23 with the Farm Service Agency Information Technology
24 Roadmap, (b) being managed in accordance with applica-
25 ble lifecycle management policies and guidance, and (c)

1 subject to the applicable Department's capital planning
2 and investment control requirements; and (3) has been re-
3 viewed by the Government Accountability Office and ap-
4 proved by the Committees on Appropriations of both
5 Houses of Congress: *Provided further*, That the agency
6 shall submit a report by the end of the fourth quarter of
7 fiscal year 2021 to the Committees on Appropriations and
8 the Government Accountability Office, that identifies for
9 each project/investment that is operational (a) current
10 performance against key indicators of customer satisfac-
11 tion, (b) current performance of service level agreements
12 or other technical metrics, (c) current performance against
13 a pre-established cost baseline, (d) a detailed breakdown
14 of current and planned spending on operational enhance-
15 ments or upgrades, and (e) an assessment of whether the
16 investment continues to meet business needs as intended
17 as well as alternatives to the investment: *Provided further*,
18 That the Secretary is authorized to use the services, facili-
19 ties, and authorities (but not the funds) of the Commodity
20 Credit Corporation to make program payments for all pro-
21 grams administered by the Agency: *Provided further*, That
22 other funds made available to the Agency for authorized
23 activities may be advanced to and merged with this ac-
24 count: *Provided further*, That funds made available to
25 county committees shall remain available until expended:

1 *Provided further*, That none of the funds available to the
2 Farm Service Agency shall be used to close Farm Service
3 Agency county offices: *Provided further*, That none of the
4 funds available to the Farm Service Agency shall be used
5 to permanently relocate county based employees that
6 would result in an office with two or fewer employees with-
7 out prior notification and approval of the Committees on
8 Appropriations of both Houses of Congress.

9 STATE MEDIATION GRANTS

10 For grants pursuant to section 502(b) of the Agricul-
11 tural Credit Act of 1987, as amended (7 U.S.C. 5101–
12 5106), \$6,914,000.

13 GRASSROOTS SOURCE WATER PROTECTION PROGRAM

14 For necessary expenses to carry out wellhead or
15 groundwater protection activities under section 12400 of
16 the Food Security Act of 1985 (16 U.S.C. 3839bb–2),
17 \$6,500,000, to remain available until expended.

18 DAIRY INDEMNITY PROGRAM

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses involved in making indemnity
21 payments to dairy farmers and manufacturers of dairy
22 products under a dairy indemnity program, such sums as
23 may be necessary, to remain available until expended: *Pro-*
24 *vided*, That such program is carried out by the Secretary
25 in the same manner as the dairy indemnity program de-

1 scribed in the Agriculture, Rural Development, Food and
2 Drug Administration, and Related Agencies Appropria-
3 tions Act, 2001 (Public Law 106–387, 114 Stat. 1549A–
4 12).

5 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM

6 ACCOUNT

7 (INCLUDING TRANSFERS OF FUNDS)

8 For gross obligations for the principal amount of di-
9 rect and guaranteed farm ownership (7 U.S.C. 1922 et
10 seq.) and operating (7 U.S.C. 1941 et seq.) loans, emer-
11 gency loans (7 U.S.C. 1961 et seq.), Indian tribe land ac-
12 quisition loans (25 U.S.C. 5136), boll weevil loans (7
13 U.S.C. 1989), guaranteed conservation loans (7 U.S.C.
14 1924 et seq.), relending program (7 U.S.C. 1936c), and
15 Indian highly fractionated land loans (25 U.S.C. 5136)
16 to be available from funds in the Agricultural Credit In-
17 surance Fund, as follows: \$3,300,000,000 for guaranteed
18 farm ownership loans and \$2,500,000,000 for farm owner-
19 ship direct loans; \$2,118,482,000 for unsubsidized guar-
20 anteed operating loans and \$1,633,333,000 for direct op-
21 erating loans; emergency loans, \$37,668,000; Indian tribe
22 land acquisition loans, \$20,000,000; guaranteed conserva-
23 tion loans, \$150,000,000; relending program,
24 \$33,693,000; Indian highly fractionated land loans,
25 \$5,000,000; and for boll weevil eradication program loans,

1 \$60,000,000: *Provided*, That the Secretary shall deem the
2 pink bollworm to be a boll weevil for the purpose of boll
3 weevil eradication program loans.

4 For the cost of direct and guaranteed loans and
5 grants, including the cost of modifying loans as defined
6 in section 502 of the Congressional Budget Act of 1974,
7 as follows: \$38,710,000 for direct farm operating loans,
8 \$23,727,000 for unsubsidized guaranteed farm operating
9 loans, \$207,000 for emergency loans, \$5,000,000 for the
10 relending program, and \$742,000 for Indian highly
11 fractionated land loans, to remain available until ex-
12 pended.

13 In addition, for administrative expenses necessary to
14 carry out the direct and guaranteed loan programs,
15 \$307,344,000: *Provided*, That of this amount,
16 \$294,114,000 shall be transferred to and merged with the
17 appropriation for “Farm Service Agency, Salaries and Ex-
18 penses”.

19 Funds appropriated by this Act to the Agricultural
20 Credit Insurance Program Account for farm ownership,
21 operating and conservation direct loans and guaranteed
22 loans may be transferred among these programs: *Pro-*
23 *vided*, That the Committees on Appropriations of both
24 Houses of Congress are notified at least 15 days in ad-
25 vance of any transfer.

1 RISK MANAGEMENT AGENCY

2 SALARIES AND EXPENSES

3 For necessary expenses of the Risk Management
4 Agency, \$60,131,000: *Provided*, That \$1,000,000 of the
5 amount appropriated under this heading in this Act shall
6 be available for compliance and integrity activities re-
7 quired under section 516(b)(2)(C) of the Federal Crop In-
8 surance Act of 1938 (7 U.S.C. 1516(b)(2)(C)), and shall
9 be in addition to amounts otherwise provided for such pur-
10 pose: *Provided further*, That not to exceed \$1,000 shall
11 be available for official reception and representation ex-
12 penses, as authorized by 7 U.S.C. 1506(i).

13 NATURAL RESOURCES CONSERVATION SERVICE

14 CONSERVATION OPERATIONS

15 For necessary expenses for carrying out the provi-
16 sions of the Act of April 27, 1935 (16 U.S.C. 590a–f),
17 including preparation of conservation plans and establish-
18 ment of measures to conserve soil and water (including
19 farm irrigation and land drainage and such special meas-
20 ures for soil and water management as may be necessary
21 to prevent floods and the siltation of reservoirs and to con-
22 trol agricultural related pollutants); operation of conserva-
23 tion plant materials centers; classification and mapping of
24 soil; dissemination of information; acquisition of lands,
25 water, and interests therein for use in the plant materials

1 program by donation, exchange, or purchase at a nominal
2 cost not to exceed \$100 pursuant to the Act of August
3 3, 1956 (7 U.S.C. 2268a); purchase and erection or alter-
4 ation or improvement of permanent and temporary build-
5 ings; and operation and maintenance of aircraft,
6 \$832,727,000, to remain available until September 30,
7 2022: *Provided*, That appropriations hereunder shall be
8 available pursuant to 7 U.S.C. 2250 for construction and
9 improvement of buildings and public improvements at
10 plant materials centers, except that the cost of alterations
11 and improvements to other buildings and other public im-
12 provements shall not exceed \$250,000: *Provided further*,
13 That when buildings or other structures are erected on
14 non-Federal land, that the right to use such land is ob-
15 tained as provided in 7 U.S.C. 2250a: *Provided further*,
16 That of the amounts made available under this heading,
17 \$3,000,000 shall remain available until expended for plan-
18 ning and implementation assistance associated with land
19 treatment measures that address flood damage reduction,
20 bank stabilization and erosion control in the watersheds
21 identified under section 13 of the Flood Control Act of
22 December 22, 1944 (Public Law 78–534).

23 WATERSHED AND FLOOD PREVENTION OPERATIONS

24 For necessary expenses to carry out preventive meas-
25 ures, including but not limited to surveys and investiga-

1 tions, engineering operations, works of improvement, and
2 changes in use of land, in accordance with the Watershed
3 Protection and Flood Prevention Act (16 U.S.C. 1001–
4 1005 and 1007–1009) and in accordance with the provi-
5 sions of laws relating to the activities of the Department,
6 \$175,000,000, to remain available until expended: *Pro-*
7 *vided*, That for funds provided by this Act or any other
8 prior Act, the limitation regarding the size of the water-
9 shed or subwatershed exceeding two hundred and fifty
10 thousand acres in which such activities can be undertaken
11 shall only apply for activities undertaken for the primary
12 purpose of flood prevention (including structural and land
13 treatment measures): *Provided further*, That of the
14 amounts made available under this heading, \$65,000,000
15 shall be allocated to projects and activities that can com-
16 mence promptly following enactment; that address re-
17 gional priorities for flood prevention, agricultural water
18 management, inefficient irrigation systems, fish and wild-
19 life habitat, or watershed protection; or that address au-
20 thorized ongoing projects under the authorities of section
21 13 of the Flood Control Act of December 22, 1944 (Public
22 Law 78–534) with a primary purpose of watershed protec-
23 tion by preventing floodwater damage and stabilizing
24 stream channels, tributaries, and banks to reduce erosion
25 and sediment transport: *Provided further*, That of the

1 amounts made available under this heading, \$10,000,000
2 shall remain available until expended for the authorities
3 under 16 U.S.C. 1001–1005 and 1007–1009 for author-
4 ized ongoing watershed projects with a primary purpose
5 of providing water to rural communities.

6 WATERSHED REHABILITATION PROGRAM

7 Under the authorities of section 14 of the Watershed
8 Protection and Flood Prevention Act, \$10,000,000 is pro-
9 vided.

10 CORPORATIONS

11 The following corporations and agencies are hereby
12 authorized to make expenditures, within the limits of
13 funds and borrowing authority available to each such cor-
14 poration or agency and in accord with law, and to make
15 contracts and commitments without regard to fiscal year
16 limitations as provided by section 104 of the Government
17 Corporation Control Act as may be necessary in carrying
18 out the programs set forth in the budget for the current
19 fiscal year for such corporation or agency, except as here-
20 inafter provided.

21 FEDERAL CROP INSURANCE CORPORATION FUND

22 For payments as authorized by section 516 of the
23 Federal Crop Insurance Act (7 U.S.C. 1516), such sums
24 as may be necessary, to remain available until expended.

1 COMMODITY CREDIT CORPORATION FUND
2 REIMBURSEMENT FOR NET REALIZED LOSSES
3 (INCLUDING TRANSFERS OF FUNDS)

4 For the current fiscal year, such sums as may be nec-
5 essary to reimburse the Commodity Credit Corporation for
6 net realized losses sustained, but not previously reim-
7 bursed, pursuant to section 2 of the Act of August 17,
8 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds
9 available to the Commodity Credit Corporation under sec-
10 tion 11 of the Commodity Credit Corporation Charter Act
11 (15 U.S.C. 714i) for the conduct of its business with the
12 Foreign Agricultural Service, up to \$5,000,000 may be
13 transferred to and used by the Foreign Agricultural Serv-
14 ice for information resource management activities of the
15 Foreign Agricultural Service that are not related to Com-
16 modity Credit Corporation business.

17 HAZARDOUS WASTE MANAGEMENT
18 (LIMITATION ON EXPENSES)

19 For the current fiscal year, the Commodity Credit
20 Corporation shall not expend more than \$15,000,000 for
21 site investigation and cleanup expenses, and operations
22 and maintenance expenses to comply with the requirement
23 of section 107(g) of the Comprehensive Environmental
24 Response, Compensation, and Liability Act (42 U.S.C.

1 9607(g)), and section 6001 of the Solid Waste Disposal
2 Act (42 U.S.C. 6961).

1 TITLE III
2 RURAL DEVELOPMENT PROGRAMS
3 OFFICE OF THE UNDER SECRETARY FOR RURAL
4 DEVELOPMENT

5 For necessary expenses of the Office of the Under
6 Secretary for Rural Development, \$812,000: *Provided*,
7 That funds made available by this Act to an agency in
8 the Rural Development mission area for salaries and ex-
9 penses are available to fund up to one administrative sup-
10 port staff for the Office.

11 RURAL DEVELOPMENT
12 SALARIES AND EXPENSES
13 (INCLUDING TRANSFERS OF FUNDS)

14 For necessary expenses for carrying out the adminis-
15 tration and implementation of Rural Development pro-
16 grams, including activities with institutions concerning the
17 development and operation of agricultural cooperatives;
18 and for cooperative agreements; \$264,024,000: *Provided*,
19 That notwithstanding any other provision of law, funds
20 appropriated under this heading may be used for adver-
21 tising and promotional activities that support Rural Devel-
22 opment programs: *Provided further*, That in addition to
23 any other funds appropriated for purposes authorized by
24 section 502(i) of the Housing Act of 1949 (42 U.S.C.
25 1472(i)), any amounts collected under such section, as

1 amended by this Act, will immediately be credited to this
2 account and will remain available until expended for such
3 purposes.

4 RURAL HOUSING SERVICE

5 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

6 (INCLUDING TRANSFERS OF FUNDS)

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

19 For the cost of direct and guaranteed loans, including
20 the cost of modifying loans, as defined in section 502 of
21 the Congressional Budget Act of 1974, as follows: section
22 502 loans, \$55,400,000 shall be for direct loans; section
23 504 housing repair loans, \$2,215,000; section 523 self-
24 help housing land development loans, \$269,000; section
25 524 site development loans, \$355,000; and repair, reha-

1 bilitation, and new construction of section 515 rental
2 housing, \$6,688,000: *Provided*, That to support the loan
3 program level for section 538 guaranteed loans made
4 available under this heading the Secretary may charge or
5 adjust any fees to cover the projected cost of such loan
6 guarantees pursuant to the provisions of the Credit Re-
7 form Act of 1990 (2 U.S.C. 661 et seq.), and the interest
8 on such loans may not be subsidized: *Provided further*,
9 That applicants in communities that have a current rural
10 area waiver under section 541 of the Housing Act of 1949
11 (42 U.S.C. 1490q) shall be treated as living in a rural
12 area for purposes of section 502 guaranteed loans pro-
13 vided under this heading: *Provided further*, That of the
14 amounts available under this paragraph for section 502
15 direct loans, no less than \$5,000,000 shall be available for
16 direct loans for individuals whose homes will be built pur-
17 suant to a program funded with a mutual and self-help
18 housing grant authorized by section 523 of the Housing
19 Act of 1949 until June 1, 2021: *Provided further*, That
20 the Secretary shall implement provisions to provide incen-
21 tives to nonprofit organizations and public housing au-
22 thorities to facilitate the acquisition of Rural Housing
23 Service (RHS) multifamily housing properties by such
24 nonprofit organizations and public housing authorities
25 that commit to keep such properties in the RHS multi-

1 family housing program for a period of time as determined
2 by the Secretary, with such incentives to include, but not
3 be limited to, the following: allow such nonprofit entities
4 and public housing authorities to earn a Return on Invest-
5 ment on their own resources to include proceeds from low
6 income housing tax credit syndication, own contributions,
7 grants, and developer loans at favorable rates and terms,
8 invested in a deal; and allow reimbursement of organiza-
9 tional costs associated with owner's oversight of asset re-
10 ferred to as "Asset Management Fee" of up to \$7,500
11 per property.

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

20 In addition, for administrative expenses necessary to
21 carry out the direct and guaranteed loan programs,
22 \$412,254,000 shall be transferred to and merged with the
23 appropriation for "Rural Development, Salaries and Ex-
24 penses".

1 RENTAL ASSISTANCE PROGRAM

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

1 sistance provided under agreements entered into prior to
2 fiscal year 2021 for a farm labor multi-family housing
3 project financed under section 514 or 516 of the Act may
4 not be recaptured for use in another project until such
5 assistance has remained unused for a period of 12 con-
6 secutive months, if such project has a waiting list of ten-
7 ants seeking such assistance or the project has rental as-
8 sistance eligible tenants who are not receiving such assist-
9 ance: *Provided further*, That such recaptured rental assist-
10 ance shall, to the extent practicable, be applied to another
11 farm labor multi-family housing project financed under
12 section 514 or 516 of the Act: *Provided further*, That ex-
13 cept as provided in the fourth proviso under this heading
14 and notwithstanding any other provision of the Act, the
15 Secretary may recapture rental assistance provided under
16 agreements entered into prior to fiscal year 2021 for a
17 project that the Secretary determines no longer needs
18 rental assistance and use such recaptured funds for cur-
19 rent needs.

20 MULTI-FAMILY HOUSING REVITALIZATION PROGRAM

21 ACCOUNT

22 For the rural housing voucher program as authorized
23 under section 542 of the Housing Act of 1949, but not-
24 withstanding subsection (b) of such section, and for addi-
25 tional costs to conduct a demonstration program for the

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

1 heading, \$28,000,000 shall be available for a demonstra-
2 tion program for the preservation and revitalization of the
3 sections 514, 515, and 516 multi-family rental housing
4 properties to restructure existing USDA multi-family
5 housing loans, as the Secretary deems appropriate, ex-
6 pressly for the purposes of ensuring the project has suffi-
7 cient resources to preserve the project for the purpose of
8 providing safe and affordable housing for low-income resi-
9 dents and farm laborers including reducing or eliminating
10 interest; deferring loan payments, subordinating, reducing
11 or reamortizing loan debt; and other financial assistance
12 including advances, payments and incentives (including
13 the ability of owners to obtain reasonable returns on in-
14 vestment) required by the Secretary: *Provided further,*
15 That the Secretary shall as part of the preservation and
16 revitalization agreement obtain a restrictive use agreement
17 consistent with the terms of the restructuring: *Provided*
18 *further,* That if the Secretary determines that additional
19 funds for vouchers described in this paragraph are needed,
20 funds for the preservation and revitalization demonstra-
21 tion program may be used for such vouchers: *Provided fur-*
22 *ther,* That if Congress enacts legislation to permanently
23 authorize a multi-family rental housing loan restructuring
24 program similar to the demonstration program described
25 herein, the Secretary may use funds made available for

1 the demonstration program under this heading to carry
2 out such legislation with the prior approval of the Commit-
3 tees on Appropriations of both Houses of Congress: *Pro-*
4 *vided further*, That in addition to any other available
5 funds, the Secretary may expend not more than
6 \$1,000,000 total, from the program funds made available
7 under this heading, for administrative expenses for activi-
8 ties funded under this heading.

9 MUTUAL AND SELF-HELP HOUSING GRANTS

10 For grants and contracts pursuant to section
11 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C.
12 1490c), \$31,000,000, to remain available until expended.

13 RURAL HOUSING ASSISTANCE GRANTS

14 For grants for very low-income housing repair and
15 rural housing preservation made by the Rural Housing
16 Service, as authorized by 42 U.S.C. 1474, and 1490m,
17 \$45,000,000, to remain available until expended.

18 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

19 (INCLUDING TRANSFERS OF FUNDS)

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

1 For the cost of direct loans, loan guarantees and
2 grants, including the cost of modifying loans, as defined
3 in section 502 of the Congressional Budget Act of 1974,
4 for rural community facilities programs as authorized by
5 section 306 and described in section 381E(d)(1) of the
6 Consolidated Farm and Rural Development Act,
7 \$74,000,000, to remain available until expended: *Pro-*
8 *vided*, That \$6,000,000 of the amount appropriated under
9 this heading shall be available for a Rural Community De-
10 velopment Initiative: *Provided further*, That such funds
11 shall be used solely to develop the capacity and ability of
12 private, nonprofit community-based housing and commu-
13 nity development organizations, low-income rural commu-
14 nities, and Federally Recognized Native American Tribes
15 to undertake projects to improve housing, community fa-
16 cilities, community and economic development projects in
17 rural areas: *Provided further*, That such funds shall be
18 made available to qualified private, nonprofit and public
19 intermediary organizations proposing to carry out a pro-
20 gram of financial and technical assistance: *Provided fur-*
21 *ther*, That such intermediary organizations shall provide
22 matching funds from other sources, including Federal
23 funds for related activities, in an amount not less than
24 funds provided: *Provided further*, That \$6,000,000 of the
25 amount appropriated under this heading shall be to pro-

1 vide grants for facilities in rural communities with extreme
2 unemployment and severe economic depression (Public
3 Law 106–387), with up to 5 percent for administration
4 and capacity building in the State rural development of-
5 fices: *Provided further*, That of the amount appropriated
6 under this heading, \$25,000,000 shall be available to cover
7 the subsidy costs for loans or loan guarantees under this
8 heading: *Provided further*, That if any such funds remain
9 unobligated for the subsidy costs after June 30, 2021, the
10 unobligated balance may be transferred to the grant pro-
11 grams funded under this heading: *Provided further*, That
12 any unobligated balances from prior year appropriations
13 under this heading for the cost of direct loans, loan guar-
14 antees and grants, including amounts deobligated or can-
15 celled, may be made available to cover the subsidy costs
16 for direct loans and or loan guarantees under this heading
17 in this fiscal year: *Provided further*, That no amounts may
18 be made available pursuant to the preceding proviso from
19 amounts that were designated by the Congress as an
20 emergency requirement pursuant to a Concurrent Resolu-
21 tion on the Budget or the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985: *Provided further*, That
23 \$5,000,000 of the amount appropriated under this head-
24 ing shall be available for community facilities grants to
25 tribal colleges, as authorized by section 306(a)(19) of such

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

5 RURAL BUSINESS—COOPERATIVE SERVICE

6 RURAL BUSINESS PROGRAM ACCOUNT

7 (INCLUDING TRANSFERS OF FUNDS)

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

1 *further*, That \$4,000,000 of the amount appropriated
2 under this heading shall be for business grants to benefit
3 Federally Recognized Native American Tribes, including
4 \$250,000 for a grant to a qualified national organization
5 to provide technical assistance for rural transportation in
6 order to promote economic development: *Provided further*,
7 That of the amount appropriated under this heading, not
8 to exceed \$2,000,000 shall be for Rural Business Develop-
9 ment Grants in rural coastal communities, with priority
10 given to National Scenic Areas that were devastated by
11 wildfires that are in need of economic development assist-
12 ance, to support innovation and job growth: *Provided fur-*
13 *ther*, That sections 381E–H and 381N of the Consolidated
14 Farm and Rural Development Act are not applicable to
15 funds made available under this heading.

16 INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT
17 (INCLUDING TRANSFER OF FUNDS)

18 For the principal amount of direct loans, as author-
19 ized by the Intermediary Relending Program Fund Ac-
20 count (7 U.S.C. 1936b), \$18,889,000.

21 For the cost of direct loans, \$2,939,000, as author-
22 ized by the Intermediary Relending Program Fund Ac-
23 count (7 U.S.C. 1936b), of which \$557,000 shall be avail-
24 able through June 30, 2021, for Federally Recognized Na-
25 tive American Tribes; and of which \$1,072,000 shall be

1 available through June 30, 2021, for Mississippi Delta Re-
2 gion counties (as determined in accordance with Public
3 Law 100–460): *Provided*, That such costs, including the
4 cost of modifying such loans, shall be as defined in section
5 502 of the Congressional Budget Act of 1974.

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

10 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM

11 ACCOUNT

12 For the principal amount of direct loans, as author-
13 ized under section 313B(a) of the Rural Electrification
14 Act, for the purpose of promoting rural economic develop-
15 ment and job creation projects, \$50,000,000.

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

20 RURAL COOPERATIVE DEVELOPMENT GRANTS

21 For rural cooperative development grants authorized
22 under section 310B(e) of the Consolidated Farm and
23 Rural Development Act (7 U.S.C. 1932), \$26,600,000, of
24 which \$2,800,000 shall be for cooperative agreements for
25 the appropriate technology transfer for rural areas pro-

1 gram: *Provided*, That not to exceed \$3,000,000 shall be
2 for grants for cooperative development centers, individual
3 cooperatives, or groups of cooperatives that serve socially
4 disadvantaged groups and a majority of the boards of di-
5 rectors or governing boards of which are comprised of in-
6 dividuals who are members of socially disadvantaged
7 groups; and of which \$15,000,000, to remain available
8 until expended, shall be for value-added agricultural prod-
9 uct market development grants, as authorized by section
10 210A of the Agricultural Marketing Act of 1946, of which
11 \$3,000,000, to remain available until expended, shall be
12 for Agriculture Innovation Centers authorized pursuant to
13 section 6402 of Public Law 107–171.

14 RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM

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

21 RURAL ENERGY FOR AMERICA PROGRAM

22 For the cost of a program of loan guarantees, under
23 the same terms and conditions as authorized by section
24 9007 of the Farm Security and Rural Investment Act of
25 2002 (7 U.S.C. 8107), \$392,000: *Provided*, That the cost

1 of loan guarantees, including the cost of modifying such
2 loans, shall be as defined in section 502 of the Congres-
3 sional Budget Act of 1974.

4 RURAL UTILITIES SERVICE
5 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT
6 (INCLUDING TRANSFERS OF FUNDS)

7 For gross obligations for the principal amount of di-
8 rect and guaranteed loans as authorized by section 306
9 and described in section 381E(d)(2) of the Consolidated
10 Farm and Rural Development Act, as follows:
11 \$1,400,000,000 for direct loans; and \$50,000,000 for
12 guaranteed loans.

13 For the cost of loan guarantees and grants, including
14 the cost of modifying loans, as defined in section 502 of
15 the Congressional Budget Act of 1974, for rural water,
16 waste water, waste disposal, and solid waste management
17 programs authorized by sections 306, 306A, 306C, 306D,
18 306E, and 310B and described in sections 306C(a)(2),
19 306D, 306E, and 381E(d)(2) of the Consolidated Farm
20 and Rural Development Act, \$621,567,000, to remain
21 available until expended, of which not to exceed
22 \$1,000,000 shall be available for the rural utilities pro-
23 gram described in section 306(a)(2)(B) of such Act, and
24 of which not to exceed \$5,000,000 shall be available for
25 the rural utilities program described in section 306E of

1 such Act: *Provided*, That not to exceed \$15,000,000 of
2 the amount appropriated under this heading shall be for
3 grants authorized by section 306A(i)(2) of the Consoli-
4 dated Farm and Rural Development Act in addition to
5 funding authorized by section 306A(i)(1) of such Act: *Pro-*
6 *vided further*, That \$68,000,000 of the amount appro-
7 priated under this heading shall be for loans and grants
8 including water and waste disposal systems grants author-
9 ized by section 306C(a)(2)(B) and section 306D of the
10 Consolidated Farm and Rural Development Act, and Fed-
11 erally Recognized Native American Tribes authorized by
12 306C(a)(1) of such Act: *Provided further*, That funding
13 provided for section 306D of the Consolidated Farm and
14 Rural Development Act may be provided to a consortium
15 formed pursuant to section 325 of Public Law 105–83:
16 *Provided further*, That not more than 2 percent of the
17 funding provided for section 306D of the Consolidated
18 Farm and Rural Development Act may be used by the
19 State of Alaska for training and technical assistance pro-
20 grams and not more than 2 percent of the funding pro-
21 vided for section 306D of the Consolidated Farm and
22 Rural Development Act may be used by a consortium
23 formed pursuant to section 325 of Public Law 105–83 for
24 training and technical assistance programs: *Provided fur-*
25 *ther*, That not to exceed \$35,000,000 of the amount ap-

1 appropriated under this heading shall be for technical assist-
2 ance grants for rural water and waste systems pursuant
3 to section 306(a)(14) of such Act, unless the Secretary
4 makes a determination of extreme need, of which
5 \$8,000,000 shall be made available for a grant to a quali-
6 fied nonprofit multi-State regional technical assistance or-
7 ganization, with experience in working with small commu-
8 nities on water and waste water problems, the principal
9 purpose of such grant shall be to assist rural communities
10 with populations of 3,300 or less, in improving the plan-
11 ning, financing, development, operation, and management
12 of water and waste water systems, and of which not less
13 than \$800,000 shall be for a qualified national Native
14 American organization to provide technical assistance for
15 rural water systems for tribal communities: *Provided fur-*
16 *ther*, That not to exceed \$20,157,000 of the amount ap-
17 propriated under this heading shall be for contracting with
18 qualified national organizations for a circuit rider program
19 to provide technical assistance for rural water systems:
20 *Provided further*, That not to exceed \$4,000,000 of the
21 amounts made available under this heading shall be for
22 solid waste management grants: *Provided further*, That
23 \$10,000,000 of the amount appropriated under this head-
24 ing shall be transferred to, and merged with, the Rural
25 Utilities Service, High Energy Cost Grants Account to

1 provide grants authorized under section 19 of the Rural
2 Electrification Act of 1936 (7 U.S.C. 918a): *Provided fur-*
3 *ther*, That any prior year balances for high-energy cost
4 grants authorized by section 19 of the Rural Electrifica-
5 tion Act of 1936 (7 U.S.C. 918a) shall be transferred to
6 and merged with the Rural Utilities Service, High Energy
7 Cost Grants Account: *Provided further*, That sections
8 381E–H and 381N of the Consolidated Farm and Rural
9 Development Act are not applicable to the funds made
10 available under this heading.

11 RURAL ELECTRIFICATION AND TELECOMMUNICATIONS

12 LOANS PROGRAM ACCOUNT

13 (INCLUDING TRANSFER OF FUNDS)

14 The principal amount of direct and guaranteed loans
15 as authorized by sections 305, 306, and 317 of the Rural
16 Electrification Act of 1936 (7 U.S.C. 935, 936, and 940g)
17 shall be made as follows: loans made pursuant to sections
18 305, 306, and 317, notwithstanding 317(c), of that Act,
19 rural electric, \$5,500,000,000; guaranteed underwriting
20 loans pursuant to section 313A of that Act, \$750,000,000;
21 5 percent rural telecommunications loans, cost of money
22 rural telecommunications loans, and for loans made pursu-
23 ant to section 306 of that Act, rural telecommunications
24 loans, \$690,000,000: *Provided*, That up to
25 \$2,000,000,000 shall be used for the construction, acquisi-

1 tion, design and engineering or improvement of fossil-
2 fueled electric generating plants (whether new or existing)
3 that utilize carbon subsurface utilization and storage sys-
4 tems.

5 For the cost of direct loans as authorized by section
6 305 of the Rural Electrification Act of 1936 (7 U.S.C.
7 935), including the cost of modifying loans, as defined in
8 section 502 of the Congressional Budget Act of 1974, cost
9 of money rural telecommunications loans, \$2,277,000.

10 In addition, for administrative expenses necessary to
11 carry out the direct and guaranteed loan programs,
12 \$33,270,000, which shall be transferred to and merged
13 with the appropriation for “Rural Development, Salaries
14 and Expenses”.

15 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
16 PROGRAM

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

19 For grants for telemedicine and distance learning
20 services in rural areas, as authorized by 7 U.S.C. 950aaa
21 et seq., \$60,000,000, to remain available until expended:
22 *Provided*, That \$3,000,000 shall be made available for
23 grants authorized by section 379G of the Consolidated
24 Farm and Rural Development Act: *Provided further*, That
25 funding provided under this heading for grants under sec-

1 tion 379G of the Consolidated Farm and Rural Develop-
2 ment Act may only be provided to entities that meet all
3 of the eligibility criteria for a consortium as established
4 by this section.

5 For the cost of broadband loans, as authorized by
6 section 601 of the Rural Electrification Act, \$2,000,000,
7 to remain available until expended: *Provided*, That the
8 cost of direct loans shall be as defined in section 502 of
9 the Congressional Budget Act of 1974.

10 In addition, \$35,000,000, to remain available until
11 expended, for the Community Connect Grant Program au-
12 thorized by 7 U.S.C. 950bb-3.

1 TITLE IV
2 DOMESTIC FOOD PROGRAMS
3 OFFICE OF THE UNDER SECRETARY FOR FOOD,
4 NUTRITION, AND CONSUMER SERVICES

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

12 FOOD AND NUTRITION SERVICE
13 CHILD NUTRITION PROGRAMS
14 (INCLUDING TRANSFERS OF FUNDS)

15 For necessary expenses to carry out the Richard B.
16 Russell National School Lunch Act (42 U.S.C. 1751 et
17 seq.), except section 21, and the Child Nutrition Act of
18 1966 (42 U.S.C. 1771 et seq.), except sections 17 and
19 21; \$25,118,440,000 to remain available through Sep-
20 tember 30, 2022, of which such sums as are made avail-
21 able under section 14222(b)(1) of the Food, Conservation,
22 and Energy Act of 2008 (Public Law 110–246), as
23 amended by this Act, shall be merged with and available
24 for the same time period and purposes as provided herein:
25 *Provided*, That of the total amount available, \$18,004,000

1 shall be available to carry out section 19 of the Child Nu-
2 trition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided*
3 *further*, That of the total amount available, \$15,299,000
4 shall be available to carry out studies and evaluations and
5 shall remain available until expended: *Provided further*,
6 That of the total amount available, \$30,000,000 shall be
7 available to provide competitive grants to State agencies
8 for subgrants to local educational agencies and schools to
9 purchase the equipment, with a value of greater than
10 \$1,000, needed to serve healthier meals, improve food
11 safety, and to help support the establishment, mainte-
12 nance, or expansion of the school breakfast program: *Pro-*
13 *vided further*, That of the total amount available,
14 \$42,000,000 shall remain available until expended to carry
15 out section 749(g) of the Agriculture Appropriations Act
16 of 2010 (Public Law 111–80): *Provided further*, That sec-
17 tion 26(d) of the Richard B. Russell National School
18 Lunch Act (42 U.S.C. 1769g(d)) is amended in the first
19 sentence by striking “2010 through 2021” and inserting
20 “2010 through 2022”: *Provided further*, That section
21 9(h)(3) of the Richard B. Russell National School Lunch
22 Act (42 U.S.C. 1758(h)(3)) is amended in the first sen-
23 tence by striking “For fiscal year 2020” and inserting
24 “For fiscal year 2021”: *Provided further*, That section
25 9(h)(4) of the Richard B. Russell National School Lunch

1 Act (42 U.S.C. 1758(h)(4)) is amended in the first sen-
2 tence by striking “For fiscal year 2020” and inserting
3 “For fiscal year 2021”.

4 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
5 WOMEN, INFANTS, AND CHILDREN (WIC)

6 For necessary expenses to carry out the special sup-
7 plemental nutrition program as authorized by section 17
8 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),
9 \$6,000,000,000, to remain available through September
10 30, 2022: *Provided*, That notwithstanding section
11 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C.
12 1786(h)(10)), not less than \$90,000,000 shall be used for
13 breastfeeding peer counselors and other related activities,
14 and \$14,000,000 shall be used for infrastructure: *Pro-*
15 *vided further*, That none of the funds provided in this ac-
16 count shall be available for the purchase of infant formula
17 except in accordance with the cost containment and com-
18 petitive bidding requirements specified in section 17 of
19 such Act: *Provided further*, That none of the funds pro-
20 vided shall be available for activities that are not fully re-
21 imbursed by other Federal Government departments or
22 agencies unless authorized by section 17 of such Act: *Pro-*
23 *vided further*, That upon termination of a federally man-
24 dated vendor moratorium and subject to terms and condi-
25 tions established by the Secretary, the Secretary may

1 waive the requirement at 7 CFR 246.12(g)(6) at the re-
2 quest of a State agency.

3 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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

1 respect to funds made available under this heading for sec-
2 tion 28(d)(1), the Secretary shall use 2 percent for admin-
3 istration, training and technical assistance, and pilot
4 projects under section 28: *Provided further*, That none of
5 the funds made available under this heading may be obli-
6 gated or expended in contravention of section 213A of the
7 Immigration and Nationality Act (8 U.S.C. 1183A): *Pro-*
8 *vided further*, That funds made available under this head-
9 ing may be used to enter into contracts and employ staff
10 to conduct studies, evaluations, or to conduct activities re-
11 lated to program integrity provided that such activities are
12 authorized by the Food and Nutrition Act of 2008.

13 COMMODITY ASSISTANCE PROGRAM

14 For necessary expenses to carry out disaster assist-
15 ance and the Commodity Supplemental Food Program as
16 authorized by section 4(a) of the Agriculture and Con-
17 sumer Protection Act of 1973 (7 U.S.C. 612c note); the
18 Emergency Food Assistance Act of 1983; special assist-
19 ance for the nuclear affected islands, as authorized by sec-
20 tion 103(f)(2) of the Compact of Free Association Amend-
21 ments Act of 2003 (Public Law 108–188); and the Farm-
22 ers’ Market Nutrition Program, as authorized by section
23 17(m) of the Child Nutrition Act of 1966, \$426,700,000,
24 to remain available through September 30, 2022: *Pro-*
25 *vided*, That none of these funds shall be available to reim-

1 burse the Commodity Credit Corporation for commodities
2 donated to the program: *Provided further*, That notwith-
3 standing any other provision of law, effective with funds
4 made available in fiscal year 2021 to support the Seniors
5 Farmers' Market Nutrition Program, as authorized by
6 section 4402 of the Farm Security and Rural Investment
7 Act of 2002, such funds shall remain available through
8 September 30, 2022: *Provided further*, That of the funds
9 made available under section 27(a) of the Food and Nutri-
10 tion Act of 2008 (7 U.S.C. 2036(a)), the Secretary may
11 use up to 20 percent for costs associated with the distribu-
12 tion of commodities.

13 NUTRITION PROGRAMS ADMINISTRATION

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

61

1 TITLE V
2 FOREIGN ASSISTANCE AND RELATED
3 PROGRAMS

4 OFFICE OF THE UNDER SECRETARY FOR TRADE AND
5 FOREIGN AGRICULTURAL AFFAIRS

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

13 OFFICE OF CODEX ALIMENTARIUS

14 For necessary expenses of the Office of Codex
15 Alimentarius, \$4,805,000, including not to exceed
16 \$40,000 for official reception and representation expenses.

17 FOREIGN AGRICULTURAL SERVICE

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses of the Foreign Agricultural
21 Service, including not to exceed \$250,000 for representa-
22 tion allowances and for expenses pursuant to section 8 of
23 the Act approved August 3, 1956 (7 U.S.C. 1766),
24 \$221,835,000, of which no more than 6 percent shall re-
25 main available until September 30, 2022, for overseas op-

1 erations to include the payment of locally employed staff:
2 *Provided*, That the Service may utilize advances of funds,
3 or reimburse this appropriation for expenditures made on
4 behalf of Federal agencies, public and private organiza-
5 tions and institutions under agreements executed pursu-
6 ant to the agricultural food production assistance pro-
7 grams (7 U.S.C. 1737) and the foreign assistance pro-
8 grams of the United States Agency for International De-
9 velopment: *Provided further*, That funds made available
10 for middle-income country training programs, funds made
11 available for the Borlaug International Agricultural
12 Science and Technology Fellowship program, and up to
13 \$2,000,000 of the Foreign Agricultural Service appropria-
14 tion solely for the purpose of offsetting fluctuations in
15 international currency exchange rates, subject to docu-
16 mentation by the Foreign Agricultural Service, shall re-
17 main available until expended.

18 FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD
19 FOR PROGRESS PROGRAM ACCOUNT
20 (INCLUDING TRANSFER OF FUNDS)

21 For administrative expenses to carry out the credit
22 program of title I, Food for Peace Act (Public Law 83-
23 480) and the Food for Progress Act of 1985, \$112,000,
24 shall be transferred to and merged with the appropriation

1 for “Farm Production and Conservation Business Center,
2 Salaries and Expenses”.

3 FOOD FOR PEACE TITLE II GRANTS

4 For expenses during the current fiscal year, not oth-
5 erwise recoverable, and unrecovered prior years’ costs, in-
6 cluding interest thereon, under the Food for Peace Act
7 (Public Law 83–480), for commodities supplied in connec-
8 tion with dispositions abroad under title II of said Act,
9 \$1,740,000,000, to remain available until expended.

10 MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION

11 AND CHILD NUTRITION PROGRAM GRANTS

12 For necessary expenses to carry out the provisions
13 of section 3107 of the Farm Security and Rural Invest-
14 ment Act of 2002 (7 U.S.C. 1736o–1), \$230,000,000, to
15 remain available until expended: *Provided*, That the Com-
16 modity Credit Corporation is authorized to provide the
17 services, facilities, and authorities for the purpose of im-
18 plementing such section, subject to reimbursement from
19 amounts provided herein: *Provided further*, That of the
20 amount made available under this heading, not more than
21 10 percent, but not less than \$23,000,000, shall remain
22 available until expended to purchase agricultural commod-
23 ities as described in subsection 3107(a)(2) of the Farm
24 Security and Rural Investment Act of 2002 (7 U.S.C.
25 1736o–1(a)(2)).

1 COMMODITY CREDIT CORPORATION EXPORT (LOANS)
2 CREDIT GUARANTEE PROGRAM ACCOUNT
3 (INCLUDING TRANSFERS OF FUNDS)

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

1 TITLE VI
2 RELATED AGENCY AND FOOD AND DRUG
3 ADMINISTRATION
4 DEPARTMENT OF HEALTH AND HUMAN SERVICES
5 FOOD AND DRUG ADMINISTRATION
6 SALARIES AND EXPENSES
7 (INCLUDING TRANSFERS OF FUNDS)

8 For necessary expenses of the Food and Drug Ad-
9 ministration, including hire and purchase of passenger
10 motor vehicles; for payment of space rental and related
11 costs pursuant to Public Law 92–313 for programs and
12 activities of the Food and Drug Administration which are
13 included in this Act; for rental of special purpose space
14 in the District of Columbia or elsewhere; in addition to
15 amounts appropriated to the FDA Innovation Account, for
16 carrying out the activities described in section 1002(b)(4)
17 of the 21st Century Cures Act (Public Law 114–255); for
18 miscellaneous and emergency expenses of enforcement ac-
19 tivities, authorized and approved by the Secretary and to
20 be accounted for solely on the Secretary’s certificate, not
21 to exceed \$25,000; and notwithstanding section 521 of
22 Public Law 107–188; \$5,876,025,000: *Provided*, That of
23 the amount provided under this heading, \$1,107,199,000
24 shall be derived from prescription drug user fees author-
25 ized by 21 U.S.C. 379h, and shall be credited to this ac-

1 count and remain available until expended; \$236,059,000
2 shall be derived from medical device user fees authorized
3 by 21 U.S.C. 379j, and shall be credited to this account
4 and remain available until expended; \$520,208,000 shall
5 be derived from human generic drug user fees authorized
6 by 21 U.S.C. 379j–42, and shall be credited to this ac-
7 count and remain available until expended; \$42,494,000
8 shall be derived from biosimilar biological product user
9 fees authorized by 21 U.S.C. 379j–52, and shall be cred-
10 ited to this account and remain available until expended;
11 \$33,340,000 shall be derived from animal drug user fees
12 authorized by 21 U.S.C. 379j–12, and shall be credited
13 to this account and remain available until expended;
14 \$22,797,000 shall be derived from generic new animal
15 drug user fees authorized by 21 U.S.C. 379j–21, and shall
16 be credited to this account and remain available until ex-
17 pended; \$712,000,000 shall be derived from tobacco prod-
18 uct user fees authorized by 21 U.S.C. 387s, and shall be
19 credited to this account and remain available until ex-
20 pended: *Provided further*, That in addition to and notwith-
21 standing any other provision under this heading, amounts
22 collected for prescription drug user fees, medical device
23 user fees, human generic drug user fees, biosimilar biologi-
24 cal product user fees, animal drug user fees, and generic
25 new animal drug user fees that exceed the respective fiscal

1 year 2021 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2021, including any such fees collected prior to fiscal year 2021 but credited for fiscal year 2021, shall be subject to the fiscal year 2021 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2021 of user fees specified under this heading and authorized for fiscal year 2022, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2022 for which the Secretary accepts payment in fiscal year 2021 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$1,099,160,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which no less than \$15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood; (2) \$1,996,126,000 shall be for the Center for Drug Evaluation and Research and related

1 field activities in the Office of Regulatory Affairs; (3)
2 \$437,071,000 shall be for the Center for Biologics Evalua-
3 tion and Research and for related field activities in the
4 Office of Regulatory Affairs; (4) \$244,350,000 shall be
5 for the Center for Veterinary Medicine and for related
6 field activities in the Office of Regulatory Affairs; (5)
7 \$609,121,000 shall be for the Center for Devices and Ra-
8 diological Health and for related field activities in the Of-
9 fice of Regulatory Affairs; (6) \$66,712,000 shall be for
10 the National Center for Toxicological Research; (7)
11 \$681,513,000 shall be for the Center for Tobacco Prod-
12 ucts and for related field activities in the Office of Regu-
13 latory Affairs; (8) \$188,707,000 shall be for Rent and Re-
14 lated activities, of which \$52,944,000 is for White Oak
15 Consolidation, other than the amounts paid to the General
16 Services Administration for rent; (9) \$235,112,000 shall
17 be for payments to the General Services Administration
18 for rent; and (10) \$318,153,000 shall be for other activi-
19 ties, including the Office of the Commissioner of Food and
20 Drugs, the Office of Food Policy and Response, the Office
21 of Operations, the Office of the Chief Scientist, and cen-
22 tral services for these offices: *Provided further*, That not
23 to exceed \$25,000 of this amount shall be for official re-
24 ception and representation expenses, not otherwise pro-
25 vided for, as determined by the Commissioner: *Provided*

1 *further*, That any transfer of funds pursuant to section
2 770(n) of the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 379dd(n)) shall only be from amounts made avail-
4 able under this heading for other activities: *Provided fur-*
5 *ther*, That of the amounts that are made available under
6 this heading for “other activities”, and that are not de-
7 rived from user fees, \$1,500,000 shall be transferred to
8 and merged with the appropriation for “Department of
9 Health and Human Services—Office of Inspector Gen-
10 eral” for oversight of the programs and operations of the
11 Food and Drug Administration and shall be in addition
12 to funds otherwise made available for oversight of the
13 Food and Drug Administration: *Provided further*, That
14 funds may be transferred from one specified activity to
15 another with the prior approval of the Committees on Ap-
16 propriations of both Houses of Congress.

17 In addition, mammography user fees authorized by
18 42 U.S.C. 263b, export certification user fees authorized
19 by 21 U.S.C. 381, priority review user fees authorized by
20 21 U.S.C. 360n and 360ff, food and feed recall fees, food
21 reinspection fees, and voluntary qualified importer pro-
22 gram fees authorized by 21 U.S.C. 379j–31, outsourcing
23 facility fees authorized by 21 U.S.C. 379j–62, prescription
24 drug wholesale distributor licensing and inspection fees
25 authorized by 21 U.S.C. 353(e)(3), third-party logistics

1 provider licensing and inspection fees authorized by 21
2 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized
3 by 21 U.S.C. 384d(c)(8), medical countermeasure priority
4 review voucher user fees authorized by 21 U.S.C. 360bbb–
5 4a, and fees relating to over-the-counter monograph drugs
6 authorized by 21 U.S.C. 379j–72 shall be credited to this
7 account, to remain available until expended.

8 BUILDINGS AND FACILITIES

9 For plans, construction, repair, improvement, exten-
10 sion, alteration, demolition, and purchase of fixed equip-
11 ment or facilities of or used by the Food and Drug Admin-
12 istration, where not otherwise provided, \$12,788,000, to
13 remain available until expended.

14 FDA INNOVATION ACCOUNT, CURES ACT

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses to carry out the purposes de-
17 scribed under section 1002(b)(4) of the 21st Century
18 Cures Act, in addition to amounts available for such pur-
19 poses under the heading “Salaries and Expenses”,
20 \$70,000,000, to remain available until expended: *Pro-*
21 *vided*, That amounts appropriated in this paragraph are
22 appropriated pursuant to section 1002(b)(3) of the 21st
23 Century Cures Act, are to be derived from amounts trans-
24 ferred under section 1002(b)(2)(A) of such Act, and may
25 be transferred by the Commissioner of Food and Drugs

1 to the appropriation for “Department of Health and
2 Human Services Food and Drug Administration Salaries
3 and Expenses” solely for the purposes provided in such
4 Act: *Provided further*, That upon a determination by the
5 Commissioner that funds transferred pursuant to the pre-
6 vious proviso are not necessary for the purposes provided,
7 such amounts may be transferred back to the account:
8 *Provided further*, That such transfer authority is in addi-
9 tion to any other transfer authority provided by law.

10 INDEPENDENT AGENCY

11 FARM CREDIT ADMINISTRATION

12 LIMITATION ON ADMINISTRATIVE EXPENSES

13 Not to exceed \$80,400,000 (from assessments col-
14 lected from farm credit institutions, including the Federal
15 Agricultural Mortgage Corporation) shall be obligated
16 during the current fiscal year for administrative expenses
17 as authorized under 12 U.S.C. 2249: *Provided*, That this
18 limitation shall not apply to expenses associated with re-
19 ceiverships: *Provided further*, That the agency may exceed
20 this limitation by up to 10 percent with notification to the
21 Committees on Appropriations of both Houses of Con-
22 gress: *Provided further*, That the purposes of section
23 3.7(b)(2)(A)(i) of the Farm Credit Act of 1971 (12 U.S.C.
24 2128(b)(2)(A)(i)), the Farm Credit Administration may
25 exempt, an amount in its sole discretion, from the applica-

1 tion of the limitation provided in that clause of export
2 loans described in the clause guaranteed or insured in a
3 manner other than described in subclause (II) of the
4 clause.

1 TITLE VII

2 GENERAL PROVISIONS

3 (INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

4 SEC. 701. The Secretary may use any appropriations
5 made available to the Department of Agriculture in this
6 Act to purchase new passenger motor vehicles, in addition
7 to specific appropriations for this purpose, so long as the
8 total number of vehicles purchased in fiscal year 2021
9 does not exceed the number of vehicles owned or leased
10 in fiscal year 2018: *Provided*, That, prior to purchasing
11 additional motor vehicles, the Secretary must determine
12 that such vehicles are necessary for transportation safety,
13 to reduce operational costs, and for the protection of life,
14 property, and public safety: *Provided further*, That the
15 Secretary may not increase the Department of Agri-
16 culture's fleet above the 2018 level unless the Secretary
17 notifies in writing, and receives approval from, the Com-
18 mittees on Appropriations of both Houses of Congress
19 within 30 days of the notification.

20 SEC. 702. Notwithstanding any other provision of
21 this Act, the Secretary of Agriculture may transfer unobli-
22 gated balances of discretionary funds appropriated by this
23 Act or any other available unobligated discretionary bal-
24 ances that are remaining available of the Department of
25 Agriculture to the Working Capital Fund for the acquisi-

1 tion of plant and capital equipment necessary for the deliv-
2 ery of financial, administrative, and information tech-
3 nology services of primary benefit to the agencies of the
4 Department of Agriculture, such transferred funds to re-
5 main available until expended: *Provided*, That none of the
6 funds made available by this Act or any other Act shall
7 be transferred to the Working Capital Fund without the
8 prior approval of the agency administrator: *Provided fur-*
9 *ther*, That none of the funds transferred to the Working
10 Capital Fund pursuant to this section shall be available
11 for obligation without written notification to and the prior
12 approval of the Committees on Appropriations of both
13 Houses of Congress: *Provided further*, That none of the
14 funds appropriated by this Act or made available to the
15 Department's Working Capital Fund shall be available for
16 obligation or expenditure to make any changes to the De-
17 partment's National Finance Center without written noti-
18 fication to and prior approval of the Committees on Ap-
19 propriations of both Houses of Congress as required by
20 section 716 of this Act: *Provided further*, That none of
21 the funds appropriated by this Act or made available to
22 the Department's Working Capital Fund shall be available
23 for obligation or expenditure to initiate, plan, develop, im-
24 plement, or make any changes to remove or relocate any
25 systems, missions, personnel, or functions of the offices

1 of the Chief Financial Officer and the Chief Information
2 Officer, co-located with or from the National Finance Cen-
3 ter prior to written notification to and prior approval of
4 the Committee on Appropriations of both Houses of Con-
5 gress and in accordance with the requirements of section
6 716 of this Act: *Provided further*, That the National Fi-
7 nance Center Information Technology Services Division
8 personnel and data center management responsibilities,
9 and control of any functions, missions, and systems for
10 current and future human resources management and in-
11 tegrated personnel and payroll systems (PPS) and func-
12 tions provided by the Chief Financial Officer and the Chief
13 Information Officer shall remain in the National Finance
14 Center and under the management responsibility and ad-
15 ministrative control of the National Finance Center: *Pro-*
16 *vided further*, That the Secretary of Agriculture and the
17 offices of the Chief Financial Officer shall actively market
18 to existing and new Departments and other government
19 agencies National Finance Center shared services includ-
20 ing, but not limited to, payroll, financial management, and
21 human capital shared services and allow the National Fi-
22 nance Center to perform technology upgrades: *Provided*
23 *further*, That of annual income amounts in the Working
24 Capital Fund of the Department of Agriculture attrib-
25 utable to the amounts in excess of the true costs of the

1 shared services provided by the National Finance Center
2 and budgeted for the National Finance Center, the Sec-
3 retary shall reserve not more than 4 percent for the re-
4 placement or acquisition of capital equipment, including
5 equipment for the improvement, delivery, and implementa-
6 tion of financial, administrative, and information tech-
7 nology services, and other systems of the National Finance
8 Center or to pay any unforeseen, extraordinary cost of the
9 National Finance Center: *Provided further*, That none of
10 the amounts reserved shall be available for obligation un-
11 less the Secretary submits written notification of the obli-
12 gation to the Committees on Appropriations of both
13 Houses of Congress: *Provided further*, That the limitations
14 on the obligation of funds pending notification to Congres-
15 sional Committees shall not apply to any obligation that,
16 as determined by the Secretary, is necessary to respond
17 to a declared state of emergency that significantly impacts
18 the operations of the National Finance Center; or to evac-
19 uate employees of the National Finance Center to a safe
20 haven to continue operations of the National Finance Cen-
21 ter.

22 SEC. 703. No part of any appropriation contained in
23 this Act shall remain available for obligation beyond the
24 current fiscal year unless expressly so provided herein.

1 SEC. 704. No funds appropriated by this Act may be
2 used to pay negotiated indirect cost rates on cooperative
3 agreements or similar arrangements between the United
4 States Department of Agriculture and nonprofit institu-
5 tions in excess of 10 percent of the total direct cost of
6 the agreement when the purpose of such cooperative ar-
7 rangements is to carry out programs of mutual interest
8 between the two parties. This does not preclude appro-
9 priate payment of indirect costs on grants and contracts
10 with such institutions when such indirect costs are com-
11 puted on a similar basis for all agencies for which appro-
12 priations are provided in this Act.

13 SEC. 705. Appropriations to the Department of Agri-
14 culture for the cost of direct and guaranteed loans made
15 available in the current fiscal year shall remain available
16 until expended to disburse obligations made in the current
17 fiscal year for the following accounts: the Rural Develop-
18 ment Loan Fund program account, the Rural Electrifica-
19 tion and Telecommunication Loans program account, and
20 the Rural Housing Insurance Fund program account.

21 SEC. 706. None of the funds made available to the
22 Department of Agriculture by this Act may be used to ac-
23 quire new information technology systems or significant
24 upgrades, as determined by the Office of the Chief Infor-
25 mation Officer, without the approval of the Chief Informa-

1 tion Officer and the concurrence of the Executive Informa-
2 tion Technology Investment Review Board: *Provided*, That
3 notwithstanding any other provision of law, none of the
4 funds appropriated or otherwise made available by this
5 Act may be transferred to the Office of the Chief Informa-
6 tion Officer without written notification to and the prior
7 approval of the Committees on Appropriations of both
8 Houses of Congress: *Provided further*, That, notwith-
9 standing section 11319 of title 40, United States Code,
10 none of the funds available to the Department of Agri-
11 culture for information technology shall be obligated for
12 projects, contracts, or other agreements over \$25,000
13 prior to receipt of written approval by the Chief Informa-
14 tion Officer: *Provided further*, That the Chief Information
15 Officer may authorize an agency to obligate funds without
16 written approval from the Chief Information Officer for
17 projects, contracts, or other agreements up to \$250,000
18 based upon the performance of an agency measured
19 against the performance plan requirements described in
20 the explanatory statement accompanying Public Law 113–
21 235.

22 SEC. 707. Funds made available under section 524(b)
23 of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in
24 the current fiscal year shall remain available until ex-

1 pended to disburse obligations made in the current fiscal
2 year.

3 SEC. 708. Notwithstanding any other provision of
4 law, any former Rural Utilities Service borrower that has
5 repaid or prepaid an insured, direct or guaranteed loan
6 under the Rural Electrification Act of 1936, or any not-
7 for-profit utility that is eligible to receive an insured or
8 direct loan under such Act, shall be eligible for assistance
9 under section 313B(a) of such Act in the same manner
10 as a borrower under such Act.

11 SEC. 709. (a) Except as otherwise specifically pro-
12 vided by law, not more than \$20,000,000 in unobligated
13 balances from appropriations made available for salaries
14 and expenses in this Act for the Farm Service Agency
15 shall remain available through September 30, 2022, for
16 information technology expenses.

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

23 SEC. 710. None of the funds appropriated or other-
24 wise made available by this Act may be used for first-class
25 travel by the employees of agencies funded by this Act in

1 contravention of sections 301–10.122 through 301–10.124
2 of title 41, Code of Federal Regulations.

3 SEC. 711. In the case of each program established
4 or amended by the Agricultural Act of 2014 (Public Law
5 113–79) or by a successor to that Act, other than by title
6 I or subtitle A of title III of such Act, or programs for
7 which indefinite amounts were provided in that Act, that
8 is authorized or required to be carried out using funds
9 of the Commodity Credit Corporation—

10 (1) such funds shall be available for salaries
11 and related administrative expenses, including tech-
12 nical assistance, associated with the implementation
13 of the program, without regard to the limitation on
14 the total amount of allotments and fund transfers
15 contained in section 11 of the Commodity Credit
16 Corporation Charter Act (15 U.S.C. 714i); and

17 (2) the use of such funds for such purpose shall
18 not be considered to be a fund transfer or allotment
19 for purposes of applying the limitation on the total
20 amount of allotments and fund transfers contained
21 in such section.

22 SEC. 712. Of the funds made available by this Act,
23 not more than \$2,900,000 shall be used to cover necessary
24 expenses of activities related to all advisory committees,
25 panels, commissions, and task forces of the Department

1 of Agriculture, except for panels used to comply with nego-
2 tiated rule makings and panels used to evaluate competi-
3 tively awarded grants.

4 SEC. 713. (a) None of the funds made available in
5 this Act may be used to maintain or establish a computer
6 network unless such network blocks the viewing,
7 downloading, and exchanging of pornography.

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

12 SEC. 714. Notwithstanding subsection (b) of section
13 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this
14 section referred to as “section 14222”), none of the funds
15 appropriated or otherwise made available by this or any
16 other Act shall be used to pay the salaries and expenses
17 of personnel to carry out a program under section 32 of
18 the Act of August 24, 1935 (7 U.S.C. 612c; in this section
19 referred to as “section 32”) in excess of \$1,359,864,000
20 (exclusive of carryover appropriations from prior fiscal
21 years), as follows: Child Nutrition Programs Entitlement
22 Commodities— \$485,000,000; State Option Contracts—
23 \$5,000,000; Removal of Defective Commodities—
24 \$2,500,000; Administration of Section 32 Commodity
25 Purchases— \$36,746,000: *Provided*, That of the total

1 funds made available in the matter preceding this proviso
2 that remain unobligated on October 1, 2021, such unobli-
3 gated balances shall carryover into fiscal year 2022 and
4 shall remain available until expended for any of the pur-
5 poses of section 32, except that any such carryover funds
6 used in accordance with clause (3) of section 32 may not
7 exceed \$350,000,000 and may not be obligated until the
8 Secretary of Agriculture provides written notification of
9 the expenditures to the Committees on Appropriations of
10 both Houses of Congress at least two weeks in advance:
11 *Provided further*, That, with the exception of any available
12 carryover funds authorized in any prior appropriations Act
13 to be used for the purposes of clause (3) of section 32,
14 none of the funds appropriated or otherwise made avail-
15 able by this or any other Act shall be used to pay the
16 salaries or expenses of any employee of the Department
17 of Agriculture to carry out clause (3) of section 32.

18 SEC. 715. None of the funds appropriated by this or
19 any other Act shall be used to pay the salaries and ex-
20 penses of personnel who prepare or submit appropriations
21 language as part of the President's budget submission to
22 the Congress for programs under the jurisdiction of the
23 Appropriations Subcommittees on Agriculture, Rural De-
24 velopment, Food and Drug Administration, and Related
25 Agencies that assumes revenues or reflects a reduction

1 from the previous year due to user fees proposals that
2 have not been enacted into law prior to the submission
3 of the budget unless such budget submission identifies
4 which additional spending reductions should occur in the
5 event the user fees proposals are not enacted prior to the
6 date of the convening of a committee of conference for
7 the fiscal year 2022 appropriations Act.

8 SEC. 716. (a) None of the funds provided by this Act,
9 or provided by previous appropriations Acts to the agen-
10 cies funded by this Act that remain available for obligation
11 or expenditure in the current fiscal year, or provided from
12 any accounts in the Treasury derived by the collection of
13 fees available to the agencies funded by this Act, shall be
14 available for obligation or expenditure through a re-
15 programming, transfer of funds, or reimbursements as au-
16 thorized by the Economy Act, or in the case of the Depart-
17 ment of Agriculture, through use of the authority provided
18 by section 702(b) of the Department of Agriculture Or-
19 ganic Act of 1944 (7 U.S.C. 2257) or section 8 of Public
20 Law 89–106 (7 U.S.C. 2263), that—

- 21 (1) creates new programs;
- 22 (2) eliminates a program, project, or activity;
- 23 (3) increases funds or personnel by any means
24 for any project or activity for which funds have been
25 denied or restricted;

1 (4) relocates an office or employees;

2 (5) reorganizes offices, programs, or activities;

3 or

4 (6) contracts out or privatizes any functions or
5 activities presently performed by Federal employees;

6 unless the Secretary of Agriculture or the Sec-
7 retary of Health and Human Services (as the case
8 may be) notifies in writing and receives approval
9 from the Committees on Appropriations of both
10 Houses of Congress at least 30 days in advance of
11 the reprogramming of such funds or the use of such
12 authority.

13 (b) None of the funds provided by this Act, or pro-
14 vided by previous Appropriations Acts to the agencies
15 funded by this Act that remain available for obligation or
16 expenditure in the current fiscal year, or provided from
17 any accounts in the Treasury derived by the collection of
18 fees available to the agencies funded by this Act, shall be
19 available for obligation or expenditure for activities, pro-
20 grams, or projects through a reprogramming or use of the
21 authorities referred to in subsection (a) involving funds
22 in excess of \$500,000 or 10 percent, whichever is less,
23 that—

24 (1) augments existing programs, projects, or ac-
25 tivities;

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

4 (3) results from any general savings from a re-
5 duction in personnel which would result in a change
6 in existing programs, activities, or projects as ap-
7 proved by Congress;

8 unless the Secretary of Agriculture or the Sec-
9 retary of Health and Human Services (as the case
10 may be) notifies in writing and receives approval
11 from the Committees on Appropriations of both
12 Houses of Congress at least 30 days in advance of
13 the reprogramming or transfer of such funds or the
14 use of such authority.

15 (c) The Secretary of Agriculture or the Secretary of
16 Health and Human Services shall notify in writing and
17 receive approval from the Committees on Appropriations
18 of both Houses of Congress before implementing any pro-
19 gram or activity not carried out during the previous fiscal
20 year unless the program or activity is funded by this Act
21 or specifically funded by any other Act.

22 (d) None of the funds provided by this Act, or pro-
23 vided by previous Appropriations Acts to the agencies
24 funded by this Act that remain available for obligation or
25 expenditure in the current fiscal year, or provided from

1 any accounts in the Treasury derived by the collection of
2 fees available to the agencies funded by this Act, shall be
3 available for—

4 (1) modifying major capital investments fund-
5 ing levels, including information technology systems,
6 that involves increasing or decreasing funds in the
7 current fiscal year for the individual investment in
8 excess of \$500,000 or 10 percent of the total cost,
9 whichever is less;

10 (2) realigning or reorganizing new, current, or
11 vacant positions or agency activities or functions to
12 establish a center, office, branch, or similar entity
13 with five or more personnel; or

14 (3) carrying out activities or functions that
15 were not described in the budget request;

16 unless the agencies funded by this Act notify, in
17 writing, the Committees on Appropriations of both
18 Houses of Congress at least 30 days in advance of
19 using the funds for these purposes.

20 (e) As described in this section, no funds may be used
21 for any activities unless the Secretary of Agriculture or
22 the Secretary of Health and Human Services receives from
23 the Committee on Appropriations of both Houses of Con-
24 gress written or electronic mail confirmation of receipt of
25 the notification as required in this section.

1 SEC. 717. Notwithstanding section 310B(g)(5) of the
2 Consolidated Farm and Rural Development Act (7 U.S.C.
3 1932(g)(5)), the Secretary may assess a one-time fee for
4 any guaranteed business and industry loan in an amount
5 that does not exceed 3 percent of the guaranteed principal
6 portion of the loan.

7 SEC. 718. None of the funds appropriated or other-
8 wise made available to the Department of Agriculture, the
9 Food and Drug Administration, or the Farm Credit Ad-
10 ministration shall be used to transmit or otherwise make
11 available reports, questions, or responses to questions that
12 are a result of information requested for the appropria-
13 tions hearing process to any non-Department of Agri-
14 culture, non-Department of Health and Human Services,
15 or non-Farm Credit Administration employee.

16 SEC. 719. Unless otherwise authorized by existing
17 law, none of the funds provided in this Act, may be used
18 by an executive branch agency to produce any pre-
19 packaged news story intended for broadcast or distribution
20 in the United States unless the story includes a clear noti-
21 fication within the text or audio of the prepackaged news
22 story that the prepackaged news story was prepared or
23 funded by that executive branch agency.

24 SEC. 720. No employee of the Department of Agri-
25 culture may be detailed or assigned from an agency or

1 office funded by this Act or any other Act to any other
2 agency or office of the Department for more than 60 days
3 in a fiscal year unless the individual's employing agency
4 or office is fully reimbursed by the receiving agency or
5 office for the salary and expenses of the employee for the
6 period of assignment.

7 SEC. 721. Not later than 30 days after the date of
8 enactment of this Act, the Secretary of Agriculture, the
9 Commissioner of the Food and Drug Administration, and
10 the Chairman of the Farm Credit Administration shall
11 submit to the Committees on Appropriations of both
12 Houses of Congress a detailed spending plan by program,
13 project, and activity for all the funds made available under
14 this Act including appropriated user fees, as defined in
15 the explanatory statement described in section 4 (in the
16 matter preceding division A of this consolidated Act).

17 SEC. 722. Of the unobligated balances from amounts
18 made available for the supplemental nutrition program as
19 authorized by section 17 of the Child Nutrition Act of
20 1966 (42 U.S.C. 1786), \$1,250,000,000 are hereby re-
21 scinded: *Provided*, That no amounts may be rescinded
22 from amounts that were designated by the Congress as
23 an emergency requirement pursuant to a Concurrent Res-
24 olution on the Budget or the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 SEC. 723. For the purposes of determining eligibility
2 or level of program assistance for Rural Development pro-
3 grams the Secretary shall not include incarcerated prison
4 populations.

5 SEC. 724. For loans and loan guarantees that do not
6 require budget authority and the program level has been
7 established in this Act, the Secretary of Agriculture may
8 increase the program level for such loans and loan guaran-
9 tees by not more than 25 percent: *Provided*, That prior
10 to the Secretary implementing such an increase, the Sec-
11 retary notifies, in writing, the Committees on Appropria-
12 tions of both Houses of Congress at least 15 days in ad-
13 vance.

14 SEC. 725. None of the credit card refunds or rebates
15 transferred to the Working Capital Fund pursuant to sec-
16 tion 729 of the Agriculture, Rural Development, Food and
17 Drug Administration, and Related Agencies Appropria-
18 tions Act, 2002 (7 U.S.C. 2235a; Public Law 107-76)
19 shall be available for obligation without written notifica-
20 tion to, and the prior approval of, the Committees on Ap-
21 propriations of both Houses of Congress: *Provided*, That
22 the refunds or rebates so transferred shall be available for
23 obligation only for the acquisition of plant and capital
24 equipment necessary for the delivery of financial, adminis-
25 trative, and information technology services, including

1 cloud adoption and migration, of primary benefit to the
2 agencies of the Department of Agriculture.

3 SEC. 726. None of the funds made available by this
4 Act may be used to implement, administer, or enforce the
5 “variety” requirements of the final rule entitled “Enhanc-
6 ing Retailer Standards in the Supplemental Nutrition As-
7 sistance Program (SNAP)” published by the Department
8 of Agriculture in the Federal Register on December 15,
9 2016 (81 Fed. Reg. 90675) until the Secretary of Agri-
10 culture amends the definition of the term “variety” as de-
11 fined in section 278.1(b)(1)(ii)(C) of title 7, Code of Fed-
12 eral Regulations, and “variety” as applied in the definition
13 of the term “staple food” as defined in section 271.2 of
14 title 7, Code of Federal Regulations, to increase the num-
15 ber of items that qualify as acceptable varieties in each
16 staple food category so that the total number of such items
17 in each staple food category exceeds the number of such
18 items in each staple food category included in the final
19 rule as published on December 15, 2016: *Provided*, That
20 until the Secretary promulgates such regulatory amend-
21 ments, the Secretary shall apply the requirements regard-
22 ing acceptable varieties and breadth of stock to Supple-
23 mental Nutrition Assistance Program retailers that were
24 in effect on the day before the date of the enactment of
25 the Agricultural Act of 2014 (Public Law 113–79).

1 SEC. 727. In carrying out subsection (h) of section
2 502 of the Housing Act of 1949 (42 U.S.C. 1472), the
3 Secretary of Agriculture shall have the same authority
4 with respect to loans guaranteed under such section and
5 eligible lenders for such loans as the Secretary has under
6 subsections (h) and (j) of section 538 of such Act (42
7 U.S.C. 1490p-2) with respect to loans guaranteed under
8 such section 538 and eligible lenders for such loans.

9 SEC. 728. None of the funds made available by this
10 Act may be used to propose, promulgate, or implement
11 any rule, or take any other action with respect to, allowing
12 or requiring information intended for a prescribing health
13 care professional, in the case of a drug or biological prod-
14 uct subject to section 503(b)(1) of the Federal Food,
15 Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be dis-
16 tributed to such professional electronically (in lieu of in
17 paper form) unless and until a Federal law is enacted to
18 allow or require such distribution.

19 SEC. 729. None of the funds made available by this
20 or any other Act may be used to carry out the final rule
21 promulgated by the Food and Drug Administration and
22 put into effect November 16, 2015, in regards to the haz-
23 ard analysis and risk-based preventive control require-
24 ments of the current good manufacturing practice, hazard
25 analysis, and risk-based preventive controls for food for

1 animals rule with respect to the regulation of the produc-
2 tion, distribution, sale, or receipt of dried spent grain by-
3 products of the alcoholic beverage production process.

4 SEC. 730. There is hereby appropriated \$11,000,000,
5 to remain available until expended, to carry out section
6 6407 of the Farm Security and Rural Investment Act of
7 2002 (7 U.S.C. 8107a): *Provided*, That the Secretary may
8 allow eligible entities, or comparable entities that provide
9 energy efficiency services using their own billing mecha-
10 nism to offer loans to customers in any part of their serv-
11 ice territory and to offer loans to replace a manufactured
12 housing unit with another manufactured housing unit, if
13 replacement would be more cost effective in saving energy.

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

15 (1) conduct audits in a manner that evaluates
16 the following factors in the country or region being
17 audited, as applicable—

18 (A) veterinary control and oversight;

19 (B) disease history and vaccination prac-
20 tices;

21 (C) livestock demographics and
22 traceability;

23 (D) epidemiological separation from poten-
24 tial sources of infection;

25 (E) surveillance practices;

1 (F) diagnostic laboratory capabilities; and

2 (G) emergency preparedness and response;

3 and

4 (2) promptly make publicly available the final
5 reports of any audits or reviews conducted pursuant
6 to subsection (1).

7 (b) This section shall be applied in a manner con-
8 sistent with United States obligations under its inter-
9 national trade agreements.

10 SEC. 732. None of the funds made available by this
11 Act may be used to implement section 3.7(f) of the Farm
12 Credit Act of 1971 in a manner inconsistent with section
13 343(a)(13) of the Consolidated Farm and Rural Develop-
14 ment Act.

15 SEC. 733. None of the funds made available by this
16 Act may be used to carry out any activities or incur any
17 expense related to the issuance of licenses under section
18 3 of the Animal Welfare Act (7 U.S.C. 2133), or the re-
19 newal of such licenses, to class B dealers who sell dogs
20 and cats for use in research, experiments, teaching, or
21 testing.

22 SEC. 734. (a)(1) No Federal funds made available for
23 this fiscal year for the rural water, waste water, waste dis-
24 posal, and solid waste management programs authorized
25 by sections 306, 306A, 306C, 306D, 306E, and 310B of

1 the Consolidated Farm and Rural Development Act (7
2 U.S.C. 1926 et seq.) shall be used for a project for the
3 construction, alteration, maintenance, or repair of a public
4 water or wastewater system unless all of the iron and steel
5 products used in the project are produced in the United
6 States.

7 (2) In this section, the term “iron and steel
8 products” means the following products made pri-
9 marily of iron or steel: lined or unlined pipes and fit-
10 tings, manhole covers and other municipal castings,
11 hydrants, tanks, flanges, pipe clamps and restraints,
12 valves, structural steel, reinforced precast concrete,
13 and construction materials.

14 (b) Subsection (a) shall not apply in any case or cat-
15 egory of cases in which the Secretary of Agriculture (in
16 this section referred to as the “Secretary”) or the designee
17 of the Secretary finds that—

18 (1) applying subsection (a) would be incon-
19 sistent with the public interest;

20 (2) iron and steel products are not produced in
21 the United States in sufficient and reasonably avail-
22 able quantities or of a satisfactory quality; or

23 (3) inclusion of iron and steel products pro-
24 duced in the United States will increase the cost of
25 the overall project by more than 25 percent.

1 (c) If the Secretary or the designee receives a request
2 for a waiver under this section, the Secretary or the des-
3 ignee shall make available to the public on an informal
4 basis a copy of the request and information available to
5 the Secretary or the designee concerning the request, and
6 shall allow for informal public input on the request for
7 at least 15 days prior to making a finding based on the
8 request. The Secretary or the designee shall make the re-
9 quest and accompanying information available by elec-
10 tronic means, including on the official public Internet Web
11 site of the Department.

12 (d) This section shall be applied in a manner con-
13 sistent with United States obligations under international
14 agreements.

15 (e) The Secretary may retain up to 0.25 percent of
16 the funds appropriated in this Act for “Rural Utilities
17 Service—Rural Water and Waste Disposal Program Ac-
18 count” for carrying out the provisions described in sub-
19 section (a)(1) for management and oversight of the re-
20 quirements of this section.

21 (f) Subsection (a) shall not apply with respect to a
22 project for which the engineering plans and specifications
23 include use of iron and steel products otherwise prohibited
24 by such subsection if the plans and specifications have re-

1 ceived required approvals from State agencies prior to the
2 date of enactment of this Act.

3 (g) For purposes of this section, the terms “United
4 States” and “State” shall include each of the several
5 States, the District of Columbia, and each Federally rec-
6 ognized Indian tribe.

7 SEC. 735. None of the funds appropriated by this Act
8 may be used in any way, directly or indirectly, to influence
9 congressional action on any legislation or appropriation
10 matters pending before Congress, other than to commu-
11 nicate to Members of Congress as described in 18 U.S.C.
12 1913.

13 SEC. 736. Of the total amounts made available by
14 this Act for direct loans and grants in section 730 and
15 in the following headings: “Rural Housing Service—Rural
16 Housing Insurance Fund Program Account”; “Rural
17 Housing Service—Mutual and Self-Help Housing
18 Grants”; “Rural Housing Service—Rural Housing Assist-
19 ance Grants”; “Rural Housing Service—Rural Commu-
20 nity Facilities Program Account”; “Rural Business-Coop-
21 erative Service—Rural Business Program Account”;
22 “Rural Business-Cooperative Service—Rural Economic
23 Development Loans Program Account”; “Rural Business-
24 Cooperative Service—Rural Cooperative Development
25 Grants”; “Rural Utilities Service—Rural Water and

1 Waste Disposal Program Account”; “Rural Utilities Serv-
2 ice—Rural Electrification and Telecommunications Loans
3 Program Account”; and “Rural Utilities Service—Dis-
4 tance Learning, Telemedicine, and Broadband Program”,
5 to the maximum extent feasible, at least 10 percent of the
6 funds shall be allocated for assistance in persistent poverty
7 counties under this section, including, notwithstanding
8 any other provision regarding population limits, any coun-
9 ty seat of such a persistent poverty county that has a pop-
10 ulation that does not exceed the authorized population
11 limit by more than 10 percent: *Provided*, That for pur-
12 poses of this section, the term “persistent poverty coun-
13 ties” means any county that has had 20 percent or more
14 of its population living in poverty over the past 30 years,
15 as measured by the 1990 and 2000 decennial censuses,
16 and 2007–2011 American Community Survey 5-year aver-
17 age, or any territory or possession of the United States:
18 *Provided further*, That with respect to specific activities
19 for which program levels have been made available by this
20 Act that are not supported by budget authority, the re-
21 quirements of this section shall be applied to such program
22 level.

23 SEC. 737. In addition to any other funds made avail-
24 able in this Act or any other Act, there is appropriated
25 \$12,000,000 to carry out section 18(g)(8) of the Richard

1 B. Russell National School Lunch Act (42 U.S.C.
2 1769(g)), to remain available until expended: *Provided*,
3 That notwithstanding section 18(g)(3)(C) of the Richard
4 B. Russell National School Lunch Act (42 U.S.C. 1769
5 (g)(3)(e)), the total grant amount provided to a farm to
6 school grant recipient in fiscal year 2021 shall not exceed
7 \$500,000.

8 SEC. 738. There is hereby appropriated \$5,000,000,
9 to remain available until September 30, 2022, for the cost
10 of loans and grants that is consistent with section 4206
11 of the Agricultural Act of 2014, for necessary expenses
12 of the Secretary to support projects that provide access
13 to healthy food in underserved areas, to create and pre-
14 serve quality jobs, and to revitalize low-income commu-
15 nities.

16 SEC. 739. For an additional amount for “Animal and
17 Plant Health Inspection Service—Salaries and Expenses”,
18 \$8,500,000, to remain available until September 30, 2022,
19 for one-time control and management and associated ac-
20 tivities directly related to the multiple-agency response to
21 citrus greening.

22 SEC. 740. None of the funds made available by this
23 Act may be used to notify a sponsor or otherwise acknowl-
24 edge receipt of a submission for an exemption for inves-
25 tigational use of a drug or biological product under section

1 505(i) of the Federal Food, Drug, and Cosmetic Act (21
2 U.S.C. 355(i)) or section 351(a)(3) of the Public Health
3 Service Act (42 U.S.C. 262(a)(3)) in research in which
4 a human embryo is intentionally created or modified to
5 include a heritable genetic modification. Any such submis-
6 sion shall be deemed to have not been received by the Sec-
7 retary, and the exemption may not go into effect.

8 SEC. 741. None of the funds made available by this
9 or any other Act may be used to enforce the final rule
10 promulgated by the Food and Drug Administration enti-
11 tled “Standards for the Growing, Harvesting, Packing,
12 and Holding of Produce for Human Consumption,” and
13 published on November 27, 2015, with respect to the regu-
14 lation of entities that grow, harvest, pack, or hold wine
15 grapes, hops, pulse crops, or almonds.

16 SEC. 742. There is hereby appropriated \$5,000,000,
17 to remain available until September 30, 2022, for a pilot
18 program for the National Institute of Food and Agri-
19 culture to provide grants to nonprofit organizations for
20 programs and services to establish and enhance farming
21 and ranching opportunities for military veterans.

22 SEC. 743. For school years 2020–2021 and 2021–
23 2022, none of the funds made available by this Act may
24 be used to implement or enforce the matter following the
25 first comma in the second sentence of footnote (c) of sec-

1 tion 220.8(c) of title 7, Code of Federal Regulations, with
2 respect to the substitution of vegetables for fruits under
3 the school breakfast program established under section 4
4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

5 SEC. 744. None of the funds made available by this
6 Act or any other Act may be used—

7 (1) in contravention of section 7606 of the Ag-
8 ricultural Act of 2014 (7 U.S.C. 5940), subtitle G
9 of the Agricultural Marketing Act of 1946, or sec-
10 tion 10114 of the Agriculture Improvement Act of
11 2018; or

12 (2) to prohibit the transportation, processing,
13 sale, or use of hemp, or seeds of such plant, that is
14 grown or cultivated in accordance with subsection
15 section 7606 of the Agricultural Act of 2014 or Sub-
16 title G of the Agricultural Marketing Act of 1946,
17 within or outside the State in which the hemp is
18 grown or cultivated.

19 SEC. 745. Out of amounts appropriated to the Food
20 and Drug Administration under title VI, the Secretary of
21 Health and Human Services, acting through the Commis-
22 sioner of Food and Drugs, shall, not later than September
23 30, 2021, and following the review required under Execu-
24 tive Order No. 12866 (5 U.S.C. 601 note; relating to regu-
25 latory planning and review), issue advice revising the ad-

1 vice provided in the notice of availability entitled “Advice
2 About Eating Fish, From the Environmental Protection
3 Agency and Food and Drug Administration; Revised Fish
4 Advice; Availability” (82 Fed. Reg. 6571 (January 19,
5 2017)), in a manner that is consistent with nutrition
6 science recognized by the Food and Drug Administration
7 on the net effects of seafood consumption.

8 SEC. 746. There is hereby appropriated \$2,500,000,
9 to remain available until expended, for grants under sec-
10 tion 12502 of Public Law 115–334.

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

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

17 SEC. 749. In addition to amounts otherwise made
18 available by this Act and notwithstanding the last sentence
19 of 16 U.S.C. 1310, there is appropriated \$4,000,000, to
20 remain available until expended, to implement non-renew-
21 able agreements on eligible lands, including flooded agri-
22 cultural lands, as determined by the Secretary, under the
23 Water Bank Act (16 U.S.C. 1301–1311).

24 SEC. 750. The Secretary shall set aside for Rural
25 Economic Area Partnership (REAP) Zones, until August

1 15, 2021, an amount of funds made available in title III
2 under the headings of Rural Housing Insurance Fund
3 Program Account, Mutual and Self-Help Housing Grants,
4 Rural Housing Assistance Grants, Rural Community Fa-
5 cilities Program Account, Rural Business Program Ac-
6 count, Rural Development Loan Fund Program Account,
7 and Rural Water and Waste Disposal Program Account,
8 equal to the amount obligated in REAP Zones with re-
9 spect to funds provided under such headings in the most
10 recent fiscal year any such funds were obligated under
11 such headings for REAP Zones.

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

14 SEC. 752. The Secretary of Agriculture may waive
15 the matching funds requirement under Section 412(g) of
16 the Agricultural Research, Extension, and Education Re-
17 form Act of 1998 (7 U.S.C. 7632(g)).

18 SEC. 753. There is hereby appropriated \$2,000,000,
19 to remain available until expended, for a pilot program
20 for the Secretary to provide grants to qualified non-profit
21 organizations and public housing authorities to provide
22 technical assistance, including financial and legal services,
23 to RHS multi-family housing borrowers to facilitate the
24 acquisition of RHS multi-family housing properties in
25 areas where the Secretary determines a risk of loss of af-

1 fordable housing, by non-profit housing organizations and
2 public housing authorities as authorized by law that com-
3 mit to keep such properties in the RHS multi-family hous-
4 ing program for a period of time as determined by the
5 Secretary.

6 SEC. 754. There is hereby appropriated \$7,000,000
7 to carry out section 222 of Subtitle A of the Department
8 of Agriculture Reorganization Act of 1994 (7 U.S.C.
9 6923) as amended by section 12302 of Public Law 115–
10 334.

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

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

16 SEC. 757. There is hereby appropriated \$5,000,000
17 to carry out section 1450 of the National Agricultural Re-
18 search, Extension, and Teaching Policy Act of 1977 (7
19 U.S.C. 3222e) as amended by section 7120 of Public Law
20 115–334.

21 SEC. 758. There is hereby appropriated \$1,000,000
22 to carry out section 1671 of the Food, Agriculture, Con-
23 servation, and Trade Act of 1990 (7 U.S.C. 5924) as
24 amended by section 7208 of Public Law 115–334.

1 SEC. 759. In response to an eligible community where
2 the drinking water supplies are inadequate due to a nat-
3 ural disaster, as determined by the Secretary, including
4 drought or severe weather, the Secretary may provide po-
5 table water through the Emergency Community Water As-
6 sistance Grant Program for an additional period of time
7 not to exceed 120 days beyond the established period pro-
8 vided under the Program in order to protect public health.

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

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

20 SEC. 762. Notwithstanding any other provision of
21 law, ARS facilities as described in the “Memorandum of
22 Understanding Between the U.S. Department of Agri-
23 culture Animal and Plant Health Inspection Service
24 (APHIS) and the U.S. Department of Agriculture Agri-
25 cultural Research Service (ARS) Concerning Laboratory

1 Animal Welfare” (16–6100–0103–MU Revision 16–1)
2 shall be inspected by APHIS for compliance with the Ani-
3 mal Welfare Act and its regulations and standards.

4 SEC. 763. There is hereby appropriated \$5,000,000,
5 to remain available until expended, to carry out section
6 2103 of Public Law 115–334: *Provided*, That the Sec-
7 retary shall prioritize the wetland compliance needs of
8 areas with significant numbers of individual wetlands, wet-
9 land acres, and conservation compliance requests.

10 SEC. 764. None of the funds made available by this
11 Act may be used to procure raw or processed poultry prod-
12 ucts imported into the United States from the People’s
13 Republic of China for use in the school lunch program
14 under the Richard B. Russell National School Lunch Act
15 (42 U.S.C. 1751 et seq.), the Child and Adult Care Food
16 Program under section 17 of such Act (42 U.S.C. 1766),
17 the Summer Food Service Program for Children under
18 section 13 of such Act (42 U.S.C. 1761), or the school
19 breakfast program under the Child Nutrition Act of 1966
20 (42 U.S.C. 1771 et seq.).

21 SEC. 765. There is hereby appropriated \$1,000,000,
22 for an additional amount for “Department of Health and
23 Human Services—Food and Drug Administration—Sala-
24 ries and Expenses” to remain available until expended and
25 in addition to amounts otherwise made available for such

1 purposes, for the development of research, education, and
2 outreach partnerships with academic institutions to study
3 and promote seafood safety.

4 SEC. 766. There is hereby appropriated \$2,000,000,
5 to remain available until September 30, 2022, for the Na-
6 tional Institute of Food and Agriculture to issue a com-
7 petitive grant to support the establishment of an Agri-
8 culture Business Innovation Center at a historically black
9 college or university to serve as a technical assistance hub
10 to enhance agriculture-based business development oppor-
11 tunities.

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

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

21 SEC. 769. In addition to any funds made available
22 in this Act or any other Act, there is hereby appropriated
23 \$10,000,000, to remain available until September 30,
24 2022, for grants from the National Institute of Food and

1 Agriculture to the 1890 Institutions to support the Cen-
2 ters of Excellence.

3 SEC. 770. There is hereby appropriated \$2,000,000,
4 to remain available until expended, for the Secretary of
5 Agriculture to carry out a pilot program that assists rural
6 hospitals to improve long-term operations and financial
7 health by providing technical assistance through analysis
8 of current hospital management practices.

9 SEC. 771. In addition to amounts otherwise made
10 available by this or any other Act, there is hereby appro-
11 priated \$5,000,000, to remain available until expended, to
12 the Secretary for a pilot program to provide grants to a
13 regional consortium to fund technical assistance and con-
14 struction of regional wastewater systems for historically
15 impoverished communities that have had difficulty in in-
16 stalling traditional wastewater treatment systems due to
17 soil conditions.

18 SEC. 772. The Secretary of Agriculture shall—

19 (1) within 180 days of enactment of this Act
20 publish a notice of proposed rulemaking in the Fed-
21 eral Register seeking public comments on the effects
22 of lifting the stay issued on July 31, 2013 (78 Fed.
23 Reg. 46255) with consideration given to changes in
24 industry and the implementation of certain
25 rulemakings since the publication of the stay;

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

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

7 SEC. 773. There is hereby appropriated \$6,000,000,
8 to remain available until September 30, 2022, to carry out
9 section 23 of the Child Nutrition Act of 1966 (42 U.S.C.
10 1793), of which \$2,000,000 shall be for grants under such
11 section to the Commonwealth of Puerto Rico, the Com-
12 monwealth of the Northern Mariana Islands, the United
13 States Virgin Islands, Guam, and American Samoa.

14 SEC. 774. Any funds made available by this or any
15 other Act that the Secretary withholds pursuant to section
16 1668(g)(2) of the Food, Agriculture, Conservation, and
17 Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended,
18 shall be available for grants for biotechnology risk assess-
19 ment research: *Provided*, That the Secretary may transfer
20 such funds among appropriations of the Department of
21 Agriculture for purposes of making such grants.

22 SEC. 775. (a) There is hereby appropriated
23 \$531,000,000, to remain available until expended, for an
24 additional amount for section 779 of Public Law 115–141.

1 (b) Section 313(b) of the Rural Electrification Act
2 of 1936, as amended (7 U.S.C. 940c(b)), shall be applied
3 for fiscal year 2021 and each fiscal year thereafter until
4 the specified funding has been expended as if the following
5 were inserted after the final period in subsection (b)(2):
6 “In addition, the Secretary shall use \$425,000,000 of
7 funds available in this subaccount in fiscal year 2019 for
8 an additional amount for the same purpose and under the
9 same terms and conditions as funds appropriated by sec-
10 tion 779 of Public Law 115–141, shall use \$255,000,000
11 of funds available in this subaccount in fiscal year 2020
12 for an additional amount for the same purpose and under
13 the same terms and conditions as funds appropriated by
14 section 779 of Public Law 115–141, and shall use
15 \$104,000,000 of funds available in this subaccount in fis-
16 cal year 2021 for an additional amount for the same pur-
17 pose and under the same terms and conditions as funds
18 appropriated by section 779 of Public Law 115–141.”:
19 *Provided*, That any use of such funds shall be treated as
20 a reprogramming of funds under section 716 of this Act.

21 (c) Section 787(b) of division B of Public Law 116–
22 94 shall no longer apply.

23 SEC. 776. There is hereby appropriated \$500,000 to
24 carry out section 224 of Subtitle A of the Department of

1 Agriculture Reorganization Act of 1994 (7 U.S.C. 6924)
2 as amended by section 12504 of Public Law 115–334.

3 SEC. 777. There is hereby appropriated \$400,000 to
4 carry out section 1672(g)(4)(B) of the Food, Agriculture,
5 Conservation, and Trade Act of 1990 (7 U.S.C.
6 5925(g)(4(B)) as amended by section 7209 of Public Law
7 115–334.

8 SEC. 778. Notwithstanding any other provision of
9 law, the acceptable market name of any engineered animal
10 approved prior to the effective date of the National Bio-
11 engineered Food Disclosure Standard (February 19,
12 2019) shall include the words “genetically engineered”
13 prior to the existing acceptable market name.

14 SEC. 779. For an additional amount for “National
15 Institute of Food and Agriculture—Research and Edu-
16 cation Activities”, \$500,000, to develop a public-private
17 cooperative framework based on open data standards for
18 neutral data repository solutions to preserve and share the
19 big data generated by technological advancements in the
20 agriculture industry and for the preservation and curation
21 of data in collaboration with land-grant universities.

22 SEC. 780. Notwithstanding any other provision of
23 law, no funds available to the Department of Agriculture
24 may be used to move any staff office or any agency from
25 the mission area in which it was located on August 1,

1 2018, to any other mission area or office within the De-
2 partment in the absence of the enactment of specific legis-
3 lation affirming such move.

4 SEC. 781. There is hereby appropriated \$10,000,000,
5 to remain available until expended, for the Secretary of
6 Agriculture to carry out a pilot program to provide finan-
7 cial assistance for rural communities to further develop
8 renewable energy.

9 SEC. 782. Section 7605(b) of the Agriculture Im-
10 provement Act of 2018 (7 U.S.C. 5940 note; Public Law
11 115–334) is amended by striking “September 30, 2021”
12 and inserting “January 1, 2022”.

13 SEC. 783. Section 9(i)(2) of the Food and Nutrition
14 Act of 2008 (7 U.S.C. 2018(i)(2)) is amended by striking
15 “December 31, 2020” and inserting “December 31,
16 2021”.

17 SEC. 784. Section 779 of Public Law 115–141 is
18 amended by striking “expansion efforts made” and insert-
19 ing “service in a service area” in the fourth proviso, and
20 by inserting “, unless such service area is not provided
21 sufficient access to broadband at the minimum service
22 threshold” after “Rural Utilities Service” in the fourth
23 proviso.

24 SEC. 785. In addition to amounts otherwise provided,
25 there is hereby appropriated \$1,000,000, to remain avail-

1 able until expended, to carry out activities authorized
2 under subsections (a)(2) and (e)(2) of Section 21 of the
3 Richard B. Russell National School Lunch Act (42 U.S.C.
4 1769b–1(a)(2) and (e)(2)).

5 SEC. 786. The Secretary, acting through the Chief
6 of the Natural Resources Conservation Service, may use
7 funds appropriated under this Act for the Watershed and
8 Flood Prevention Operations Program and the Watershed
9 Rehabilitation Program carried out pursuant to the Wa-
10 tershed Protection and Flood Prevention Act (16 U.S.C.
11 1001 et seq.), and for the Emergency Watershed Protec-
12 tion Program carried out pursuant to section 403 of the
13 Agricultural Credit Act of 1978 (16 U.S.C. 2203) to pro-
14 vide technical services for such programs pursuant to sec-
15 tion 1252(a)(1) of the Food Security Act of 1985 (16
16 U.S.C. 3851(a)(1)), notwithstanding subsection (c) of
17 such section.

18 SEC. 787. (a) The Secretary of Health and Human
19 Services, acting through the Commissioner of Food and
20 Drugs (Commissioner), shall develop and, if it determines
21 feasible, implement a number of options for regulating the
22 export of shrimp to the United States from other coun-
23 tries, including the three largest exporting countries by
24 volume to the United States over the last three calendar
25 years, such as sampling of products prior to export to the

1 United States, increasing foreign inspections of export fa-
2 cilities, increased seafood importer inspections, foreign
3 surveillance inspections at overseas manufacturing sites,
4 enhanced import screening, higher rates of examination
5 and sampling, use of third-party audits, and formal sea-
6 food arrangements with foreign competent authorities.

7 (b) The Commissioner shall especially give priority
8 consideration to the following with the funds appro-
9 priated—

10 (1) that appropriate controls are applied to
11 shrimp feed and production ponds, processing
12 plants, and facilities throughout the chain of dis-
13 tribution to determine compliance with seafood safe-
14 ty requirements;

15 (2) dedicate its inspectional effort to determine
16 compliance with seafood arrangements, once estab-
17 lished, from any dedicated funds;

18 (3) provide an annual report to the Committee
19 before the end of fiscal years 2021, 2022, and 2023
20 with the reporting requirement goal being to provide
21 the Committee information related to FDA's over-
22 sight of the safety of shrimp products imported into
23 the United States.

24 SEC. 788. There is hereby appropriated \$1,000,000
25 to carry out the duties of the working group established

1 under section 770 of the Agriculture, Rural Development,
2 Food and Drug Administration, and Related Agencies Ap-
3 propriations Act, 2019 (Public Law 116–6; 133 Stat. 89).

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

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

24 SEC. 791. In administering the pilot program estab-
25 lished by section 779 of division A of the Consolidated Ap-

1 appropriations Act, 2018 (Public Law 115–141), the Sec-
2 retary of Agriculture may, for purposes of determining en-
3 titities eligible to receive assistance, consider those commu-
4 nities which are “Areas Rural in Character”: *Provided*,
5 That not more than 10 percent of the funds made avail-
6 able by section 775 may be used for this purpose.

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

16 SEC. 793. Of the unobligated balances from prior
17 year appropriations made available under the heading
18 “Distance Learning, Telemedicine, and Broadband Pro-
19 gram” for the cost of broadband loans, as authorized by
20 section 601 of the Rural Electrification Act, \$12,000,000
21 are hereby rescinded.

22 SEC. 794. Funds made available in the Consolidated
23 Appropriations Act, 2016 (Public Law 114–113) for the
24 “Rural Community Facilities Program Account” under
25 section 306 of the Consolidated Farm and Rural Develop-

1 ment Act, 7 U.S.C. 1926, for the principal amount of di-
2 rect loans to eligible approved re-lenders are to remain
3 available through fiscal year 2026 for the liquidation of
4 valid obligations incurred in fiscal year 2016.

5 SEC. 795. None of the funds made available by this
6 Act may be used to pay the salaries or expenses of per-
7 sonnel—

8 (1) to inspect horses under section 3 of the
9 Federal Meat Inspection Act (21 U.S.C. 603);

10 (2) to inspect horses under section 903 of the
11 Federal Agriculture Improvement and Reform Act of
12 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

13 (3) to implement or enforce section 352.19 of
14 title 9, Code of Federal Regulations (or a successor
15 regulation).

16 SEC. 796. Not later than 1 year after the date of
17 enactment of this Act, the National Academy of Sciences,
18 Engineering, and Medicine shall complete a review and
19 provide a report to the Secretary of Agriculture, the Sec-
20 retary of Health and Human Services, and the Congress,
21 on the most recent edition of the dietary guidelines for
22 Americans that includes the following:

23 (1) A comparative analysis of the scientific
24 methodologies, review protocols, and evaluation proc-
25 esses used to develop the most recently issued guide-

1 lines as compared to recommendations included in
2 the National Academy of Sciences, Engineering, and
3 Medicine September 2017 report entitled “Rede-
4 signing the Process for Establishing the Dietary
5 Guidelines for Americans”.

6 (2) A comparative analysis of the scientific
7 studies used to develop such guidelines to determine
8 the dietary needs of Americans with diet-related
9 metabolic diseases as compared to the most current
10 and rigorous scientific studies on diet and diet-re-
11 lated metabolic diseases available.

12 (3) An analysis of how full implementation of
13 the recommendations described in paragraph (1)
14 would have affected the most recently issued guide-
15 lines.

16 SEC. 797. (a) There is hereby appropriated
17 \$3,000,000, to remain available until expended, for a pilot
18 program for the Animal and Plant Health Inspection
19 Service to provide grants to State departments of agri-
20 culture and forestry commissions in states identified in the
21 final environmental assessment published in the Federal
22 Register on September 23, 2020 (85 Fed. Reg. 59735),
23 to combat and treat cogongrass through established
24 cogongrass control programs.

1 (b) Any remaining unobligated balances of funds
2 made available for field crop and rangeland ecosystem
3 pests under the heading “Animal and Plant Health In-
4 spection Service—Salaries and Expenses”, in the Consoli-
5 dated Appropriations Act, 2019 (Public Law 116–6) and
6 the Further Consolidated Appropriations Act, 2020 (Pub-
7 lic Law 116–94), and specifically provided as funds for
8 APHIS to partner with states in the control and eradi-
9 cation of the cogongrass weed in the conference report ac-
10 companying Public Law 116–6 and in the explanatory
11 statement described in section 4 in the matter preceding
12 division A of Public Law 116–94, are hereby permanently
13 rescinded, and an amount of additional new budget au-
14 thority equivalent to the amount rescinded is hereby ap-
15 propriated, to remain available until expended in addition
16 to other funds as may be available for such purposes, for
17 the same purposes and under the same conditions as the
18 funds made available under subsection (a) of this section.

19 (c) Not to exceed 2 percent of the funds provided
20 under this section shall be available for necessary costs
21 of grant administration.

22 SEC. 798. For an additional amount for “National
23 Institute of Food and Agriculture—Research and Edu-
24 cation Activities”, \$300,000, for the Under Secretary for
25 Research, Education, and Economics to convene a blue-

1 ribbon panel for the purpose of evaluating the overall
2 structure of research and education through the public
3 and land-grant universities, including 1890 Institutions,
4 to define a new architecture that can better integrate, co-
5 ordinate, and assess economic impact of the collective
6 work of these institutions.

7 SEC. 799. For an additional amount for “National
8 Institute of Food and Agriculture—Research and Edu-
9 cation Activities”, \$4,000,000, to remain available until
10 September 30, 2022, for a competitive grant to an institu-
11 tion in the land-grant university system to establish a
12 Farm of the Future testbed and demonstration site.

13 SEC. 799A. There is hereby appropriated
14 \$22,000,000, to remain available until expended, to carry
15 out section 12513 of Public Law 115–334: *Provided*, That
16 of the amounts made available, \$20,000,000 shall be for
17 established dairy business innovation initiatives and the
18 Secretary shall take measures to ensure an equal distribu-
19 tion of funds between the three regional innovation initia-
20 tives.

21 SEC. 799B. None of the funds appropriated or other-
22 wise made available by this Act shall be available for the
23 United States Department of Agriculture to propose, fi-
24 nalize or implement any regulation that would promulgate

1 new user fees pursuant to 31 U.S.C. 9701 after the date
2 of the enactment of this Act.

3 SEC. 799C. (a) Any remaining unobligated balances
4 of funds made available under the heading “Department
5 of Agriculture—Agricultural Programs—Processing, Re-
6 search and Marketing—Office of the Secretary” in sub-
7 sections (b) and (d) of section 791 of division B of the
8 Further Consolidated Appropriations Act, 2020 Public
9 Law 116–94 for block grants to eligible states and terri-
10 tories pursuant to the first proviso under the heading “De-
11 partment of Agriculture—Agricultural Programs—Proc-
12 essing, Research and Marketing—Office of the Secretary”
13 in the Additional Supplemental Appropriations for Dis-
14 aster Relief Act of 2019 Public Law 116–20, as amended
15 by subsection (c) of section 791 of division B Public Law
16 116–94, may be made available for any of the other pur-
17 poses and under the same authorities and conditions for
18 those purposes as the funds made available under such
19 heading in such Act, and for the purposes specified and
20 under the same authorities and conditions as in the first,
21 second, third, and fourth provisos of subsection (b) of sec-
22 tion 791 of division B of Public Law 116–94: *Provided*,
23 That this section shall not be effective before the award
24 of the block grants that were announced prior to the date
25 of enactment of this Act: *Provided further*, That any block

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

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

21 (c) The amounts repurposed pursuant to this section
22 that were previously designated by the Congress as an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985 are designated by the Con-

1 gress as an emergency requirement pursuant to that sec-
2 tion of that Act.

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

1 This division may be cited as the “Agriculture, Rural
2 Development, Food and Drug Administration, and Re-
3 lated Agencies Appropriations Act, 2021”.

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

4 TITLE I

5 DEPARTMENT OF COMMERCE

6 INTERNATIONAL TRADE ADMINISTRATION

7 OPERATIONS AND ADMINISTRATION

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

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

1 BUREAU OF INDUSTRY AND SECURITY
2 OPERATIONS AND ADMINISTRATION

3 For necessary expenses for export administration and
4 national security activities of the Department of Com-
5 merce, including costs associated with the performance of
6 export administration field activities both domestically and
7 abroad; full medical coverage for dependent members of
8 immediate families of employees stationed overseas; em-
9 ployment of citizens of the United States and aliens by
10 contract for services abroad; payment of tort claims, in
11 the manner authorized in the first paragraph of section
12 2672 of title 28, United States Code, when such claims
13 arise in foreign countries; not to exceed \$13,500 for offi-
14 cial representation expenses abroad; awards of compensa-
15 tion to informers under the Export Control Reform Act
16 of 2018 (subtitle B of title XVII of the John S. McCain
17 National Defense Authorization Act for Fiscal Year 2019;
18 Public Law 115–232; 132 Stat. 2208; 50 U.S.C. 4801 et
19 seq.), and as authorized by section 1(b) of the Act of June
20 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase
21 of passenger motor vehicles for official use and motor vehi-
22 cles for law enforcement use with special requirement vehi-
23 cles eligible for purchase without regard to any price limi-
24 tation otherwise established by law, \$133,000,000, to re-
25 main available until expended: *Provided*, That the provi-

1 sions of the first sentence of section 105(f) and all of sec-
2 tion 108(c) of the Mutual Educational and Cultural Ex-
3 change Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall
4 apply in carrying out these activities: *Provided further,*
5 That payments and contributions collected and accepted
6 for materials or services provided as part of such activities
7 may be retained for use in covering the cost of such activi-
8 ties, and for providing information to the public with re-
9 spect to the export administration and national security
10 activities of the Department of Commerce and other ex-
11 port control programs of the United States and other gov-
12 ernments.

13 ECONOMIC DEVELOPMENT ADMINISTRATION

14 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

15 For grants for economic development assistance as
16 provided by the Public Works and Economic Development
17 Act of 1965, for trade adjustment assistance, and for
18 grants authorized by sections 27 and 28 of the Stevenson-
19 Wydler Technology Innovation Act of 1980 (15 U.S.C.
20 3722 and 3723), as amended, \$305,500,000 to remain
21 available until expended, of which \$38,000,000 shall be
22 for grants under such section 27 and \$2,000,000 shall be
23 for grants under such section 28: *Provided,* That any devi-
24 ation from the amounts designated for specific activities
25 in the explanatory statement described in section 4 (in the

1 matter preceding division A of this consolidated Act), or
2 any use of deobligated balances of funds provided under
3 this heading in previous years, shall be subject to the pro-
4 cedures set forth in section 505 of this Act.

5 SALARIES AND EXPENSES

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

15 MINORITY BUSINESS DEVELOPMENT AGENCY

16 MINORITY BUSINESS DEVELOPMENT

17 For necessary expenses of the Department of Com-
18 merce in fostering, promoting, and developing minority
19 business enterprises, including expenses of grants, con-
20 tracts, and other agreements with public or private organi-
21 zations, \$48,000,000, of which not more than
22 \$16,000,000 shall be available for overhead expenses, in-
23 cluding salaries and expenses, rent, utilities, and informa-
24 tion technology services.

1 ECONOMIC AND STATISTICAL ANALYSIS

2 SALARIES AND EXPENSES

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

7 BUREAU OF THE CENSUS

8 CURRENT SURVEYS AND PROGRAMS

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

14 PERIODIC CENSUSES AND PROGRAMS

15 (INCLUDING TRANSFER OF FUNDS)

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

1 out investigations and audits related to the Bureau of the
2 Census.

3 NATIONAL TELECOMMUNICATIONS AND INFORMATION
4 ADMINISTRATION
5 SALARIES AND EXPENSES

6 For necessary expenses, as provided for by law, of
7 the National Telecommunications and Information Ad-
8 ministration (NTIA), \$45,500,000, to remain available
9 until September 30, 2022: *Provided*, That, notwith-
10 standing 31 U.S.C. 1535(d), the Secretary of Commerce
11 shall charge Federal agencies for costs incurred in spec-
12 trum management, analysis, operations, and related serv-
13 ices, and such fees shall be retained and used as offsetting
14 collections for costs of such spectrum services, to remain
15 available until expended: *Provided further*, That the Sec-
16 retary of Commerce is authorized to retain and use as off-
17 setting collections all funds transferred, or previously
18 transferred, from other Government agencies for all costs
19 incurred in telecommunications research, engineering, and
20 related activities by the Institute for Telecommunication
21 Sciences of NTIA, in furtherance of its assigned functions
22 under this paragraph, and such funds received from other
23 Government agencies shall remain available until ex-
24 pended.

1 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
2 AND CONSTRUCTION

3 For the administration of prior-year grants, recov-
4 eries and unobligated balances of funds previously appro-
5 priated are available for the administration of all open
6 grants until their expiration.

7 UNITED STATES PATENT AND TRADEMARK OFFICE
8 SALARIES AND EXPENSES
9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses of the United States Patent
11 and Trademark Office (USPTO) provided for by law, in-
12 cluding defense of suits instituted against the Under Sec-
13 retary of Commerce for Intellectual Property and Director
14 of the USPTO, \$3,695,295,000, to remain available until
15 expended: *Provided*, That the sum herein appropriated
16 from the general fund shall be reduced as offsetting collec-
17 tions of fees and surcharges assessed and collected by the
18 USPTO under any law are received during fiscal year
19 2021, so as to result in a fiscal year 2021 appropriation
20 from the general fund estimated at \$0: *Provided further*,
21 That during fiscal year 2021, should the total amount of
22 such offsetting collections be less than \$3,695,295,000,
23 this amount shall be reduced accordingly: *Provided fur-*
24 *ther*, That any amount received in excess of
25 \$3,695,295,000 in fiscal year 2021 and deposited in the

1 Patent and Trademark Fee Reserve Fund shall remain
2 available until expended: *Provided further*, That the Direc-
3 tor of USPTO shall submit a spending plan to the Com-
4 mittees on Appropriations of the House of Representatives
5 and the Senate for any amounts made available by the
6 preceding proviso and such spending plan shall be treated
7 as a reprogramming under section 505 of this Act and
8 shall not be available for obligation or expenditure except
9 in compliance with the procedures set forth in that section:
10 *Provided further*, That any amounts reprogrammed in ac-
11 cordance with the preceding proviso shall be transferred
12 to the United States Patent and Trademark Office “Sala-
13 ries and Expenses” account: *Provided further*, That the
14 budget of the President submitted for fiscal year 2022
15 under section 1105 of title 31, United States Code, shall
16 include within amounts provided under this heading for
17 necessary expenses of the USPTO any increases that are
18 expected to result from an increase promulgated through
19 rule or regulation in offsetting collections of fees and sur-
20 charges assessed and collected by the USPTO under any
21 law in either fiscal year 2021 or fiscal year 2022: *Provided*
22 *further*, That from amounts provided herein, not to exceed
23 \$13,500 shall be made available in fiscal year 2021 for
24 official reception and representation expenses: *Provided*
25 *further*, That in fiscal year 2021 from the amounts made

1 available for “Salaries and Expenses” for the USPTO, the
2 amounts necessary to pay (1) the difference between the
3 percentage of basic pay contributed by the USPTO and
4 employees under section 8334(a) of title 5, United States
5 Code, and the normal cost percentage (as defined by sec-
6 tion 8331(17) of that title) as provided by the Office of
7 Personnel Management (OPM) for USPTO’s specific use,
8 of basic pay, of employees subject to subchapter III of
9 chapter 83 of that title, and (2) the present value of the
10 otherwise unfunded accruing costs, as determined by OPM
11 for USPTO’s specific use of post-retirement life insurance
12 and post-retirement health benefits coverage for all
13 USPTO employees who are enrolled in Federal Employees
14 Health Benefits (FEHB) and Federal Employees Group
15 Life Insurance (FEGLI), shall be transferred to the Civil
16 Service Retirement and Disability Fund, the FEGLI
17 Fund, and the Employees FEHB Fund, as appropriate,
18 and shall be available for the authorized purposes of those
19 accounts: *Provided further*, That any differences between
20 the present value factors published in OPM’s yearly 300
21 series benefit letters and the factors that OPM provides
22 for USPTO’s specific use shall be recognized as an im-
23 puted cost on USPTO’s financial statements, where appli-
24 cable: *Provided further*, That, notwithstanding any other
25 provision of law, all fees and surcharges assessed and col-

1 lected by USPTO are available for USPTO only pursuant
2 to section 42(c) of title 35, United States Code, as amend-
3 ed by section 22 of the Leahy-Smith America Invents Act
4 (Public Law 112–29): *Provided further*, That within the
5 amounts appropriated, \$2,000,000 shall be transferred to
6 the “Office of Inspector General” account for activities as-
7 sociated with carrying out investigations and audits re-
8 lated to the USPTO.

9 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
10 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the National Institute of
13 Standards and Technology (NIST), \$788,000,000, to re-
14 main available until expended, of which not to exceed
15 \$9,000,000 may be transferred to the “Working Capital
16 Fund”: *Provided*, That not to exceed \$5,000 shall be for
17 official reception and representation expenses: *Provided*
18 *further*, That NIST may provide local transportation for
19 summer undergraduate research fellowship program par-
20 ticipants.

21 INDUSTRIAL TECHNOLOGY SERVICES

22 For necessary expenses for industrial technology
23 services, \$166,500,000, to remain available until ex-
24 pended, of which \$150,000,000 shall be for the Hollings
25 Manufacturing Extension Partnership, and of which

1 \$16,500,000 shall be for the Manufacturing USA Pro-
2 gram (formerly known as the National Network for Manu-
3 facturing Innovation).

4 CONSTRUCTION OF RESEARCH FACILITIES

5 For construction of new research facilities, including
6 architectural and engineering design, and for renovation
7 and maintenance of existing facilities, not otherwise pro-
8 vided for the National Institute of Standards and Tech-
9 nology, as authorized by sections 13 through 15 of the
10 National Institute of Standards and Technology Act (15
11 U.S.C. 278c–278e), \$80,000,000, to remain available until
12 expended: *Provided*, That the Secretary of Commerce shall
13 include in the budget justification materials for fiscal year
14 2022 that the Secretary submits to Congress in support
15 of the Department of Commerce budget (as submitted
16 with the budget of the President under section 1105(a)
17 of title 31, United States Code) an estimate for each Na-
18 tional Institute of Standards and Technology construction
19 project having a total multi-year program cost of more
20 than \$5,000,000, and simultaneously the budget justifica-
21 tion materials shall include an estimate of the budgetary
22 requirements for each such project for each of the 5 subse-
23 quent fiscal years.

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1 NATIONAL OCEANIC AND ATMOSPHERIC
2 ADMINISTRATION
3 OPERATIONS, RESEARCH, AND FACILITIES
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses of activities authorized by law
6 for the National Oceanic and Atmospheric Administration,
7 including maintenance, operation, and hire of aircraft and
8 vessels; pilot programs for State-led fisheries manage-
9 ment, notwithstanding any other provision of law; grants,
10 contracts, or other payments to nonprofit organizations
11 for the purposes of conducting activities pursuant to coop-
12 erative agreements; and relocation of facilities,
13 \$3,840,300,000, to remain available until September 30,
14 2022: *Provided*, That fees and donations received by the
15 National Ocean Service for the management of national
16 marine sanctuaries may be retained and used for the sala-
17 ries and expenses associated with those activities, notwith-
18 standing section 3302 of title 31, United States Code: *Pro-*
19 *vided further*, That in addition, \$246,171,000 shall be de-
20 rived by transfer from the fund entitled “Promote and De-
21 velop Fishery Products and Research Pertaining to Amer-
22 ican Fisheries”, which shall only be used for fishery activi-
23 ties related to the Saltonstall-Kennedy Grant Program;
24 Fisheries Data Collections, Surveys, and Assessments;
25 Fisheries Management Programs and Services; and Inter-

1 jurisdictional Fisheries Grants: *Provided further*, That not
2 to exceed \$66,389,000 shall be for payment to the “De-
3 partment of Commerce Working Capital Fund”: *Provided*
4 *further*, That of the \$4,103,971,000 provided for in direct
5 obligations under this heading, \$3,840,300,000 is appro-
6 priated from the general fund, \$246,171,000 is provided
7 by transfer, and \$17,500,000 is derived from recoveries
8 of prior year obligations: *Provided further*, That any devi-
9 ation from the amounts designated for specific activities
10 in the explanatory statement described in section 4 (in the
11 matter preceding division A of this consolidated Act), or
12 any use of deobligated balances of funds provided under
13 this heading in previous years, shall be subject to the pro-
14 cedures set forth in section 505 of this Act: *Provided fur-*
15 *ther*, That in addition, for necessary retired pay expenses
16 under the Retired Serviceman’s Family Protection and
17 Survivor Benefits Plan, and for payments for the medical
18 care of retired personnel and their dependents under the
19 Dependents’ Medical Care Act (10 U.S.C. ch. 55), such
20 sums as may be necessary.

21 PROCUREMENT, ACQUISITION AND CONSTRUCTION

22 (INCLUDING TRANSFER OF FUNDS)

23 For procurement, acquisition and construction of
24 capital assets, including alteration and modification costs,
25 of the National Oceanic and Atmospheric Administration,

1 \$1,532,558,000, to remain available until September 30,
2 2023, except that funds provided for acquisition and con-
3 struction of vessels and aircraft, and construction of facili-
4 ties shall remain available until expended: *Provided*, That
5 of the \$1,545,558,000 provided for in direct obligations
6 under this heading, \$1,532,558,000 is appropriated from
7 the general fund and \$13,000,000 is provided from recov-
8 eries of prior year obligations: *Provided further*, That any
9 deviation from the amounts designated for specific activi-
10 ties in the explanatory statement described in section 4
11 (in the matter preceding division A of this consolidated
12 Act), or any use of deobligated balances of funds provided
13 under this heading in previous years, shall be subject to
14 the procedures set forth in section 505 of this Act: *Pro-*
15 *vided further*, That the Secretary of Commerce shall in-
16 clude in budget justification materials for fiscal year 2022
17 that the Secretary submits to Congress in support of the
18 Department of Commerce budget (as submitted with the
19 budget of the President under section 1105(a) of title 31,
20 United States Code) an estimate for each National Oce-
21 anic and Atmospheric Administration procurement, acqui-
22 sition or construction project having a total of more than
23 \$5,000,000 and simultaneously the budget justification
24 shall include an estimate of the budgetary requirements
25 for each such project for each of the 5 subsequent fiscal

1 years: *Provided further*, That, within the amounts appro-
2 priated, \$2,000,000 shall be transferred to the “Office of
3 Inspector General” account for activities associated with
4 carrying out investigations and audits related to satellite
5 procurement, acquisition and construction.

6 PACIFIC COASTAL SALMON RECOVERY

7 For necessary expenses associated with the restora-
8 tion of Pacific salmon populations, \$65,000,000, to re-
9 main available until September 30, 2022: *Provided*, That,
10 of the funds provided herein, the Secretary of Commerce
11 may issue grants to the States of Washington, Oregon,
12 Idaho, Nevada, California, and Alaska, and to the feder-
13 ally recognized Tribes of the Columbia River and Pacific
14 Coast (including Alaska), for projects necessary for con-
15 servation of salmon and steelhead populations that are
16 listed as threatened or endangered, or that are identified
17 by a State as at-risk to be so listed, for maintaining popu-
18 lations necessary for exercise of Tribal treaty fishing
19 rights or native subsistence fishing, or for conservation of
20 Pacific coastal salmon and steelhead habitat, based on
21 guidelines to be developed by the Secretary of Commerce:
22 *Provided further*, That all funds shall be allocated based
23 on scientific and other merit principles and shall not be
24 available for marketing activities: *Provided further*, That
25 funds disbursed to States shall be subject to a matching

1 requirement of funds or documented in-kind contributions
2 of at least 33 percent of the Federal funds.

3 FISHermen's CONTINGENCY FUND

4 For carrying out the provisions of title IV of Public
5 Law 95-372, not to exceed \$349,000, to be derived from
6 receipts collected pursuant to that Act, to remain available
7 until expended.

8 FISHERIES FINANCE PROGRAM ACCOUNT

9 Subject to section 502 of the Congressional Budget
10 Act of 1974, during fiscal year 2021, obligations of direct
11 loans may not exceed \$24,000,000 for Individual Fishing
12 Quota loans and not to exceed \$100,000,000 for tradi-
13 tional direct loans as authorized by the Merchant Marine
14 Act of 1936.

15 DEPARTMENTAL MANAGEMENT

16 SALARIES AND EXPENSES

17 For necessary expenses for the management of the
18 Department of Commerce provided for by law, including
19 not to exceed \$4,500 for official reception and representa-
20 tion, \$73,000,000: *Provided*, That no employee of the De-
21 partment of Commerce may be detailed or assigned from
22 a bureau or office funded by this Act or any other Act
23 to offices within the Office of the Secretary of the Depart-
24 ment of Commerce for more than 90 days in a fiscal year
25 unless the individual's employing bureau or office is fully

1 General Act of 1978 (5 U.S.C. App.), \$34,000,000: *Pro-*
2 *vided*, That notwithstanding section 6413 of the Middle
3 Class Tax Relief and Job Creation Act of 2012 (Public
4 Law 112–96), an additional \$2,000,000, to remain avail-
5 able until expended, shall be derived from the Public Safe-
6 ty Trust Fund for activities associated with carrying out
7 investigations and audits related to the First Responder
8 Network Authority (FirstNet).

9 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE
10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 101. During the current fiscal year, applicable
12 appropriations and funds made available to the Depart-
13 ment of Commerce by this Act shall be available for the
14 activities specified in the Act of October 26, 1949 (15
15 U.S.C. 1514), to the extent and in the manner prescribed
16 by the Act, and, notwithstanding 31 U.S.C. 3324, may
17 be used for advanced payments not otherwise authorized
18 only upon the certification of officials designated by the
19 Secretary of Commerce that such payments are in the
20 public interest.

21 SEC. 102. During the current fiscal year, appropria-
22 tions made available to the Department of Commerce by
23 this Act for salaries and expenses shall be available for
24 hire of passenger motor vehicles as authorized by 31
25 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.

1 3109; and uniforms or allowances therefor, as authorized
2 by law (5 U.S.C. 5901–5902).

3 SEC. 103. Not to exceed 5 percent of any appropria-
4 tion made available for the current fiscal year for the De-
5 partment of Commerce in this Act may be transferred be-
6 tween such appropriations, but no such appropriation shall
7 be increased by more than 10 percent by any such trans-
8 fers: *Provided*, That any transfer pursuant to this section
9 shall be treated as a reprogramming of funds under sec-
10 tion 505 of this Act and shall not be available for obliga-
11 tion or expenditure except in compliance with the proce-
12 dures set forth in that section: *Provided further*, That the
13 Secretary of Commerce shall notify the Committees on Ap-
14 propriations at least 15 days in advance of the acquisition
15 or disposal of any capital asset (including land, structures,
16 and equipment) not specifically provided for in this Act
17 or any other law appropriating funds for the Department
18 of Commerce.

19 SEC. 104. The requirements set forth by section 105
20 of the Commerce, Justice, Science, and Related Agencies
21 Appropriations Act, 2012 (Public Law 112–55), as
22 amended by section 105 of title I of division B of Public
23 Law 113–6, are hereby adopted by reference and made
24 applicable with respect to fiscal year 2021: *Provided*, That
25 the life cycle cost for the Joint Polar Satellite System is

1 \$11,322,125,000, the life cycle cost of the Polar Follow
2 On Program is \$6,837,900,000, the life cycle cost for the
3 Geostationary Operational Environmental Satellite R-Se-
4 ries Program is \$11,700,100,000, and the life cycle cost
5 for the Space Weather Follow On Program is
6 \$692,800,000.

7 SEC. 105. Notwithstanding any other provision of
8 law, the Secretary of Commerce may furnish services (in-
9 cluding but not limited to utilities, telecommunications,
10 and security services) necessary to support the operation,
11 maintenance, and improvement of space that persons,
12 firms, or organizations are authorized, pursuant to the
13 Public Buildings Cooperative Use Act of 1976 or other
14 authority, to use or occupy in the Herbert C. Hoover
15 Building, Washington, DC, or other buildings, the mainte-
16 nance, operation, and protection of which has been dele-
17 gated to the Secretary from the Administrator of General
18 Services pursuant to the Federal Property and Adminis-
19 trative Services Act of 1949 on a reimbursable or non-
20 reimbursable basis. Amounts received as reimbursement
21 for services provided under this section or the authority
22 under which the use or occupancy of the space is author-
23 ized, up to \$200,000, shall be credited to the appropria-
24 tion or fund which initially bears the costs of such services.

1 SEC. 106. Nothing in this title shall be construed to
2 prevent a grant recipient from deterring child pornog-
3 raphy, copyright infringement, or any other unlawful ac-
4 tivity over its networks.

5 SEC. 107. The Administrator of the National Oceanic
6 and Atmospheric Administration is authorized to use, with
7 their consent, with reimbursement and subject to the lim-
8 its of available appropriations, the land, services, equip-
9 ment, personnel, and facilities of any department, agency,
10 or instrumentality of the United States, or of any State,
11 local government, Indian Tribal government, Territory, or
12 possession, or of any political subdivision thereof, or of
13 any foreign government or international organization, for
14 purposes related to carrying out the responsibilities of any
15 statute administered by the National Oceanic and Atmos-
16 pheric Administration.

17 SEC. 108. The National Technical Information Serv-
18 ice shall not charge any customer for a copy of any report
19 or document generated by the Legislative Branch unless
20 the Service has provided information to the customer on
21 how an electronic copy of such report or document may
22 be accessed and downloaded for free online. Should a cus-
23 tomer still require the Service to provide a printed or dig-
24 ital copy of the report or document, the charge shall be

1 limited to recovering the Service’s cost of processing, re-
2 producing, and delivering such report or document.

3 SEC. 109. To carry out the responsibilities of the Na-
4 tional Oceanic and Atmospheric Administration (NOAA),
5 the Administrator of NOAA is authorized to: (1) enter
6 into grants and cooperative agreements with; (2) use on
7 a non-reimbursable basis land, services, equipment, per-
8 sonnel, and facilities provided by; and (3) receive and ex-
9 pend funds made available on a consensual basis from: a
10 Federal agency, State or subdivision thereof, local govern-
11 ment, Tribal government, Territory, or possession or any
12 subdivisions thereof: *Provided*, That funds received for
13 permitting and related regulatory activities pursuant to
14 this section shall be deposited under the heading “Na-
15 tional Oceanic and Atmospheric Administration—Oper-
16 ations, Research, and Facilities” and shall remain avail-
17 able until September 30, 2022, for such purposes: *Pro-*
18 *vided further*, That all funds within this section and their
19 corresponding uses are subject to section 505 of this Act.

20 SEC. 110. Amounts provided by this Act or by any
21 prior appropriations Act that remain available for obliga-
22 tion, for necessary expenses of the programs of the Eco-
23 nomics and Statistics Administration of the Department
24 of Commerce, including amounts provided for programs
25 of the Bureau of Economic Analysis and the Bureau of

1 the Census, shall be available for expenses of cooperative
2 agreements with appropriate entities, including any Fed-
3 eral, State, or local governmental unit, or institution of
4 higher education, to aid and promote statistical, research,
5 and methodology activities which further the purposes for
6 which such amounts have been made available.

7 SEC. 111. Amounts provided by this Act for the Hol-
8 lings Manufacturing Extension Partnership under the
9 heading “National Institute of Standards and Tech-
10 nology—Industrial Technology Services” shall not be sub-
11 ject to cost share requirements under 15 U.S.C.
12 278k(e)(2): *Provided*, That the authority made available
13 pursuant to this section shall be elective for any Manufac-
14 turing Extension Partnership Center that also receives
15 funding from a State that is conditioned upon the applica-
16 tion of a Federal cost sharing requirement.

17 SEC. 112. The Secretary of Commerce, or the des-
18 ignee of the Secretary, may waive the matching require-
19 ments under sections 306 and 306A, and the cost sharing
20 requirements under section 315, of the Coastal Zone Man-
21 agement Act of 1972 (16 U.S.C. 1455, 1455a, and 1461)
22 as necessary for amounts made available under this Act
23 under the heading “Operations, Research, and Facilities”
24 under the heading “National Oceanic and Atmospheric
25 Administration”.

1 SEC. 113. Of unobligated balances of amounts pro-
2 vided to the Bureau of the Census under this or any prior
3 appropriations Act, up to \$208,000,000 may be trans-
4 ferred to the Bureau of the Census Working Capital Fund
5 for information and business technology system mod-
6 ernization and facilities infrastructure improvements nec-
7 essary for the operations of the Bureau: *Provided*, That
8 the amounts previously provided by the Congress for the
9 2020 Census remain available only for the period of time
10 as provided when initially enacted: *Provided further*, That
11 this transfer authority is in addition to any other transfer
12 authority in this Act: *Provided further*, That no amounts
13 may be transferred that were previously designated by the
14 Congress for the 2020 Census pursuant to section
15 251(b)(2)(G) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985, as amended: *Provided further*,
17 That such amounts may be obligated only after the Com-
18 mittees on Appropriations of the House of Representatives
19 and the Senate are notified at least 15 days in advance
20 of the planned use of funds.

21 This title may be cited as the “Department of Com-
22 merce Appropriations Act, 2021”.

1 TITLE II
2 DEPARTMENT OF JUSTICE
3 GENERAL ADMINISTRATION
4 SALARIES AND EXPENSES

5 For expenses necessary for the administration of the
6 Department of Justice, \$119,000,000, of which not to ex-
7 ceed \$4,000,000 for security and construction of Depart-
8 ment of Justice facilities shall remain available until ex-
9 pended.

10 JUSTICE INFORMATION SHARING TECHNOLOGY
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses for information sharing tech-
13 nology, including planning, development, deployment and
14 departmental direction, \$34,000,000, to remain available
15 until expended: *Provided*, That the Attorney General may
16 transfer up to \$40,000,000 to this account, from funds
17 available to the Department of Justice for information
18 technology, to remain available until expended, for enter-
19 prise-wide information technology initiatives: *Provided fur-*
20 *ther*, That the transfer authority in the preceding proviso
21 is in addition to any other transfer authority contained
22 in this Act: *Provided further*, That any transfer pursuant
23 to the first proviso shall be treated as a reprogramming
24 under section 505 of this Act and shall not be available

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

3 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

4 (INCLUDING TRANSFER OF FUNDS)

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

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General, \$110,565,000, including not to exceed \$10,000
19 to meet unforeseen emergencies of a confidential char-
20 acter: *Provided*, That not to exceed \$4,000,000 shall re-
21 main available until September 30, 2022.

22 UNITED STATES PAROLE COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses of the United States Parole
25 Commission as authorized, \$13,539,000: *Provided*, That,

1 resentation expenses: *Provided further*, That notwith-
2 standing section 205 of this Act, upon a determination
3 by the Attorney General that emergent circumstances re-
4 quire additional funding for litigation activities of the Civil
5 Division, the Attorney General may transfer such amounts
6 to “Salaries and Expenses, General Legal Activities” from
7 available appropriations for the current fiscal year for the
8 Department of Justice, as may be necessary to respond
9 to such circumstances: *Provided further*, That any transfer
10 pursuant to the preceding proviso shall be treated as a
11 reprogramming under section 505 of this Act and shall
12 not be available for obligation or expenditure except in
13 compliance with the procedures set forth in that section:
14 *Provided further*, That of the amount appropriated, such
15 sums as may be necessary shall be available to the Civil
16 Rights Division for salaries and expenses associated with
17 the election monitoring program under section 8 of the
18 Voting Rights Act of 1965 (52 U.S.C. 10305) and to reim-
19 burse the Office of Personnel Management for such sala-
20 ries and expenses: *Provided further*, That of the amounts
21 provided under this heading for the election monitoring
22 program, \$3,390,000 shall remain available until ex-
23 pended: *Provided further*, That of the amount appro-
24 priated, not less than \$195,754,000 shall be available for

1 the Criminal Division, including related expenses for the
2 Mutual Legal Assistance Treaty Program.

3 In addition, for expenses of the Department of Jus-
4 tice associated with processing cases under the National
5 Childhood Vaccine Injury Act of 1986, not to exceed
6 \$17,000,000, to be appropriated from the Vaccine Injury
7 Compensation Trust Fund and to remain available until
8 expended.

9 SALARIES AND EXPENSES, ANTITRUST DIVISION

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

1 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

2 For necessary expenses of the Offices of the United
3 States Attorneys, including inter-governmental and coop-
4 erative agreements, \$2,342,177,000: *Provided*, That of the
5 total amount appropriated, not to exceed \$7,200 shall be
6 available for official reception and representation ex-
7 penses: *Provided further*, That not to exceed \$25,000,000
8 shall remain available until expended: *Provided further*,
9 That each United States Attorney shall establish or par-
10 ticipate in a task force on human trafficking.

11 UNITED STATES TRUSTEE SYSTEM FUND

12 For necessary expenses of the United States Trustee
13 Program, as authorized, \$232,361,000, to remain avail-
14 able until expended: *Provided*, That, notwithstanding any
15 other provision of law, deposits to the United States
16 Trustee System Fund and amounts herein appropriated
17 shall be available in such amounts as may be necessary
18 to pay refunds due depositors: *Provided further*, That, not-
19 withstanding any other provision of law, fees deposited
20 into the Fund pursuant to section 589a(b) of title 28,
21 United States Code (as limited by section 1004(b) of the
22 Bankruptcy Judgeship Act of 2017 (division B of Public
23 Law 115-72)), shall be retained and used for necessary
24 expenses in this appropriation and shall remain available
25 until expended: *Provided further*, That to the extent that

1 fees deposited into the Fund in fiscal year 2021, net of
2 amounts necessary to pay refunds due depositors, exceed
3 \$232,361,000, those excess amounts shall be available in
4 future fiscal years only to the extent provided in advance
5 in appropriations Acts: *Provided further*, That the sum
6 herein appropriated from the general fund shall be re-
7 duced (1) as such fees are received during fiscal year
8 2021, net of amounts necessary to pay refunds due deposi-
9 tors, (estimated at \$318,000,000) and (2) to the extent
10 that any remaining general fund appropriations can be de-
11 rived from amounts deposited in the Fund in previous fis-
12 cal years that are not otherwise appropriated, so as to re-
13 sult in a final fiscal year 2021 appropriation from the gen-
14 eral fund estimated at \$0.

15 SALARIES AND EXPENSES, FOREIGN CLAIMS

16 SETTLEMENT COMMISSION

17 For expenses necessary to carry out the activities of
18 the Foreign Claims Settlement Commission, including
19 services as authorized by section 3109 of title 5, United
20 States Code, \$2,366,000.

21 FEES AND EXPENSES OF WITNESSES

22 For fees and expenses of witnesses, for expenses of
23 contracts for the procurement and supervision of expert
24 witnesses, for private counsel expenses, including ad-
25 vances, and for expenses of foreign counsel, \$270,000,000,

1 to remain available until expended, of which not to exceed
2 \$16,000,000 is for construction of buildings for protected
3 witness safesites; not to exceed \$3,000,000 is for the pur-
4 chase and maintenance of armored and other vehicles for
5 witness security caravans; and not to exceed \$25,000,000
6 is for the purchase, installation, maintenance, and up-
7 grade of secure telecommunications equipment and a se-
8 cure automated information network to store and retrieve
9 the identities and locations of protected witnesses: *Pro-*
10 *vided*, That amounts made available under this heading
11 may not be transferred pursuant to section 205 of this
12 Act.

13 SALARIES AND EXPENSES, COMMUNITY RELATIONS

14 SERVICE

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses of the Community Relations
17 Service, \$18,000,000: *Provided*, That notwithstanding sec-
18 tion 205 of this Act, upon a determination by the Attorney
19 General that emergent circumstances require additional
20 funding for conflict resolution and violence prevention ac-
21 tivities of the Community Relations Service, the Attorney
22 General may transfer such amounts to the Community Re-
23 lations Service, from available appropriations for the cur-
24 rent fiscal year for the Department of Justice, as may be
25 necessary to respond to such circumstances: *Provided fur-*

1 *ther*, That any transfer pursuant to the preceding proviso
2 shall be treated as a reprogramming under section 505
3 of this Act and shall not be available for obligation or ex-
4 penditure except in compliance with the procedures set
5 forth in that section.

6 ASSETS FORFEITURE FUND

7 For expenses authorized by subparagraphs (B), (F),
8 and (G) of section 524(e)(1) of title 28, United States
9 Code, \$20,514,000, to be derived from the Department
10 of Justice Assets Forfeiture Fund.

11 UNITED STATES MARSHALS SERVICE

12 SALARIES AND EXPENSES

13 For necessary expenses of the United States Mar-
14 shals Service, \$1,496,000,000, of which not to exceed
15 \$6,000 shall be available for official reception and rep-
16 resentation expenses, and not to exceed \$25,000,000 shall
17 remain available until expended.

18 CONSTRUCTION

19 For construction in space that is controlled, occupied,
20 or utilized by the United States Marshals Service for pris-
21 oner holding and related support, \$15,000,000, to remain
22 available until expended.

23 FEDERAL PRISONER DETENTION

24 For necessary expenses related to United States pris-
25 oners in the custody of the United States Marshals Service

1 as authorized by section 4013 of title 18, United States
2 Code, \$2,046,609,000, to remain available until expended:
3 *Provided*, That not to exceed \$20,000,000 shall be consid-
4 ered “funds appropriated for State and local law enforce-
5 ment assistance” pursuant to section 4013(b) of title 18,
6 United States Code: *Provided further*, That the United
7 States Marshals Service shall be responsible for managing
8 the Justice Prisoner and Alien Transportation System.

9 NATIONAL SECURITY DIVISION

10 SALARIES AND EXPENSES

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses necessary to carry out the activities of
13 the National Security Division, \$117,451,000, of which
14 not to exceed \$5,000,000 for information technology sys-
15 tems shall remain available until expended: *Provided*, That
16 notwithstanding section 205 of this Act, upon a deter-
17 mination by the Attorney General that emergent cir-
18 cumstances require additional funding for the activities of
19 the National Security Division, the Attorney General may
20 transfer such amounts to this heading from available ap-
21 propriations for the current fiscal year for the Department
22 of Justice, as may be necessary to respond to such cir-
23 cumstances: *Provided further*, That any transfer pursuant
24 to the preceding proviso shall be treated as a reprogram-
25 ming under section 505 of this Act and shall not be avail-

1 able for obligation or expenditure except in compliance
2 with the procedures set forth in that section.

3 INTERAGENCY LAW ENFORCEMENT

4 INTERAGENCY CRIME AND DRUG ENFORCEMENT

5 For necessary expenses for the identification, inves-
6 tigation, and prosecution of individuals associated with the
7 most significant drug trafficking organizations,
8 transnational organized crime, and money laundering or-
9 ganizations not otherwise provided for, to include inter-
10 governmental agreements with State and local law en-
11 forcement agencies engaged in the investigation and pros-
12 ecution of individuals involved in transnational organized
13 crime and drug trafficking, \$550,458,000, of which
14 \$50,000,000 shall remain available until expended: *Pro-*
15 *vided*, That any amounts obligated from appropriations
16 under this heading may be used under authorities avail-
17 able to the organizations reimbursed from this appropria-
18 tion.

19 FEDERAL BUREAU OF INVESTIGATION

20 SALARIES AND EXPENSES

21 For necessary expenses of the Federal Bureau of In-
22 vestigation for detection, investigation, and prosecution of
23 crimes against the United States, \$9,748,686,000, of
24 which not to exceed \$216,900,000 shall remain available
25 until expended: *Provided*, That not to exceed \$284,000

1 shall be available for official reception and representation
2 expenses.

3 CONSTRUCTION

4 For necessary expenses, to include the cost of equip-
5 ment, furniture, and information technology requirements,
6 related to construction or acquisition of buildings, facili-
7 ties, and sites by purchase, or as otherwise authorized by
8 law; conversion, modification, and extension of federally
9 owned buildings; preliminary planning and design of
10 projects; and operation and maintenance of secure work
11 environment facilities and secure networking capabilities;
12 \$566,100,000, to remain available until expended.

13 DRUG ENFORCEMENT ADMINISTRATION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Drug Enforcement Ad-
16 ministration, including not to exceed \$70,000 to meet un-
17 foreseen emergencies of a confidential character pursuant
18 to section 530C of title 28, United States Code; and ex-
19 penses for conducting drug education and training pro-
20 grams, including travel and related expenses for partici-
21 pants in such programs and the distribution of items of
22 token value that promote the goals of such programs,
23 \$2,336,263,000, of which not to exceed \$75,000,000 shall
24 remain available until expended and not to exceed \$90,000
25 shall be available for official reception and representation

1 expenses: *Provided*, That, notwithstanding section 3672 of
2 Public Law 106–310, up to \$10,000,000 may be used to
3 reimburse States, units of local government, Indian Tribal
4 Governments, other public entities, and multi-jurisdic-
5 tional or regional consortia thereof for expenses incurred
6 to clean up and safely dispose of substances associated
7 with clandestine methamphetamine laboratories, conver-
8 sion and extraction operations, tableting operations, or
9 laboratories and processing operations for fentanyl and
10 fentanyl-related substances which may present a danger
11 to public health or the environment.

12 CONSTRUCTION

13 For necessary expenses, to include the cost of prelimi-
14 nary planning and design, equipment, furniture, and infor-
15 mation technology requirements, related to the construc-
16 tion or acquisition of buildings, facilities, and sites by pur-
17 chase, or as otherwise authorized by law, for the addition
18 of a laboratory and warehouse to meet the demand of test-
19 ing drugs, including fentanyl, \$50,000,000, to remain
20 available until expended.

21 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

22 EXPLOSIVES

23 SALARIES AND EXPENSES

24 For necessary expenses of the Bureau of Alcohol, To-
25 bacco, Firearms and Explosives, for training of State and

1 local law enforcement agencies with or without reimburse-
2 ment, including training in connection with the training
3 and acquisition of canines for explosives and fire
4 accelerants detection; and for provision of laboratory as-
5 sistance to State and local law enforcement agencies, with
6 or without reimbursement, \$1,483,887,000, of which not
7 to exceed \$36,000 shall be for official reception and rep-
8 resentation expenses, not to exceed \$1,000,000 shall be
9 available for the payment of attorneys' fees as provided
10 by section 924(d)(2) of title 18, United States Code, and
11 not to exceed \$25,000,000 shall remain available until ex-
12 pended: *Provided*, That none of the funds appropriated
13 herein shall be available to investigate or act upon applica-
14 tions for relief from Federal firearms disabilities under
15 section 925(c) of title 18, United States Code: *Provided*
16 *further*, That such funds shall be available to investigate
17 and act upon applications filed by corporations for relief
18 from Federal firearms disabilities under section 925(c) of
19 title 18, United States Code: *Provided further*, That no
20 funds made available by this or any other Act may be used
21 to transfer the functions, missions, or activities of the Bu-
22 reau of Alcohol, Tobacco, Firearms and Explosives to
23 other agencies or Departments.

1 FEDERAL PRISON SYSTEM

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Federal Prison System
5 for the administration, operation, and maintenance of
6 Federal penal and correctional institutions, and for the
7 provision of technical assistance and advice on corrections
8 related issues to foreign governments, \$7,708,375,000, of
9 which not less than \$409,483,000 shall be for the pro-
10 grams and activities authorized by the First Step Act of
11 2018 (Public Law 115–391): *Provided*, That the Attorney
12 General may transfer to the Department of Health and
13 Human Services such amounts as may be necessary for
14 direct expenditures by that Department for medical relief
15 for inmates of Federal penal and correctional institutions:
16 *Provided further*, That the Director of the Federal Prison
17 System, where necessary, may enter into contracts with
18 a fiscal agent or fiscal intermediary claims processor to
19 determine the amounts payable to persons who, on behalf
20 of the Federal Prison System, furnish health services to
21 individuals committed to the custody of the Federal Prison
22 System: *Provided further*, That not to exceed \$5,400 shall
23 be available for official reception and representation ex-
24 penses: *Provided further*, That not to exceed \$50,000,000
25 shall remain available until expended for necessary oper-

1 ations: *Provided further*, That, of the amounts provided
2 for contract confinement, not to exceed \$20,000,000 shall
3 remain available until expended to make payments in ad-
4 vance for grants, contracts and reimbursable agreements,
5 and other expenses: *Provided further*, That the Director
6 of the Federal Prison System may accept donated prop-
7 erty and services relating to the operation of the prison
8 card program from a not-for-profit entity which has oper-
9 ated such program in the past, notwithstanding the fact
10 that such not-for-profit entity furnishes services under
11 contracts to the Federal Prison System relating to the op-
12 eration of pre-release services, halfway houses, or other
13 custodial facilities.

14

BUILDINGS AND FACILITIES

15 For planning, acquisition of sites, and construction
16 of new facilities; purchase and acquisition of facilities and
17 remodeling, and equipping of such facilities for penal and
18 correctional use, including all necessary expenses incident
19 thereto, by contract or force account; and constructing,
20 remodeling, and equipping necessary buildings and facili-
21 ties at existing penal and correctional institutions, includ-
22 ing all necessary expenses incident thereto, by contract or
23 force account, \$127,000,000, to remain available until ex-
24 pended: *Provided*, That labor of United States prisoners
25 may be used for work performed under this appropriation.

1 FEDERAL PRISON INDUSTRIES, INCORPORATED

2 The Federal Prison Industries, Incorporated, is here-
3 by authorized to make such expenditures within the limits
4 of funds and borrowing authority available, and in accord
5 with the law, and to make such contracts and commit-
6 ments without regard to fiscal year limitations as provided
7 by section 9104 of title 31, United States Code, as may
8 be necessary in carrying out the program set forth in the
9 budget for the current fiscal year for such corporation.

10 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
11 PRISON INDUSTRIES, INCORPORATED

12 Not to exceed \$2,700,000 of the funds of the Federal
13 Prison Industries, Incorporated, shall be available for its
14 administrative expenses, and for services as authorized by
15 section 3109 of title 5, United States Code, to be com-
16 puted on an accrual basis to be determined in accordance
17 with the corporation's current prescribed accounting sys-
18 tem, and such amounts shall be exclusive of depreciation,
19 payment of claims, and expenditures which such account-
20 ing system requires to be capitalized or charged to cost
21 of commodities acquired or produced, including selling and
22 shipping expenses, and expenses in connection with acqui-
23 sition, construction, operation, maintenance, improvement,
24 protection, or disposition of facilities and other property
25 belonging to the corporation or in which it has an interest.

1 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES
2 OFFICE ON VIOLENCE AGAINST WOMEN
3 VIOLENCE AGAINST WOMEN PREVENTION AND
4 PROSECUTION PROGRAMS
5 (INCLUDING TRANSFER OF FUNDS)

6 For grants, contracts, cooperative agreements, and
7 other assistance for the prevention and prosecution of vio-
8 lence against women, as authorized by the Omnibus Crime
9 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
10 et seq.) (“the 1968 Act”); the Violent Crime Control and
11 Law Enforcement Act of 1994 (Public Law 103–322)
12 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
13 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
14 torial Remedies and Other Tools to end the Exploitation
15 of Children Today Act of 2003 (Public Law 108–21); the
16 Juvenile Justice and Delinquency Prevention Act of 1974
17 (34 U.S.C. 11101 et seq.) (“the 1974 Act”); the Victims
18 of Trafficking and Violence Protection Act of 2000 (Public
19 Law 106–386) (“the 2000 Act”); the Violence Against
20 Women and Department of Justice Reauthorization Act
21 of 2005 (Public Law 109–162) (“the 2005 Act”); the Vio-
22 lence Against Women Reauthorization Act of 2013 (Public
23 Law 113–4) (“the 2013 Act”); the Rape Survivor Child
24 Custody Act of 2015 (Public Law 114–22) (“the 2015
25 Act”); and the Abolish Human Trafficking Act (Public

1 Law 115–392); and for related victims services,
2 \$513,500,000, to remain available until expended, of
3 which \$435,000,000 shall be derived by transfer from
4 amounts available for obligation in this Act from the Fund
5 established by section 1402 of chapter XIV of title II of
6 Public Law 98–473 (34 U.S.C. 20101), notwithstanding
7 section 1402(d) of such Act of 1984, and merged with the
8 amounts otherwise made available under this heading:
9 *Provided*, That except as otherwise provided by law, not
10 to exceed 5 percent of funds made available under this
11 heading may be used for expenses related to evaluation,
12 training, and technical assistance: *Provided further*, That
13 any balances remaining available from prior year appro-
14 priations under this heading for tracking violence against
15 Indian women, as authorized by section 905 of the 2005
16 Act, shall also be available to enhance the ability of Tribal
17 Government entities to access, enter information into, and
18 obtain information from, Federal criminal information
19 databases, as authorized by section 534 of title 28, United
20 States Code: *Provided further*, That some or all of such
21 balances may be transferred, at the discretion of the At-
22 torney General, to “General Administration, Justice Infor-
23 mation Sharing Technology” for the Tribal Access Pro-
24 gram for national crime information in furtherance of this
25 purpose: *Provided further*, That the authority to transfer

1 funds under the previous proviso shall be in addition to
2 any other transfer authority contained in this Act: *Pro-*
3 *vided further*, That of the amount provided—

4 (1) \$215,000,000 is for grants to combat vio-
5 lence against women, as authorized by part T of the
6 1968 Act;

7 (2) \$40,000,000 is for transitional housing as-
8 sistance grants for victims of domestic violence, dat-
9 ing violence, stalking, or sexual assault as authorized
10 by section 40299 of the 1994 Act;

11 (3) \$2,500,000 is for the National Institute of
12 Justice and the Bureau of Justice Statistics for re-
13 search, evaluation, and statistics of violence against
14 women and related issues addressed by grant pro-
15 grams of the Office on Violence Against Women,
16 which shall be transferred to “Research, Evaluation
17 and Statistics” for administration by the Office of
18 Justice Programs;

19 (4) \$12,000,000 is for a grant program to pro-
20 vide services to advocate for and respond to youth
21 victims of domestic violence, dating violence, sexual
22 assault, and stalking; assistance to children and
23 youth exposed to such violence; programs to engage
24 men and youth in preventing such violence; and as-
25 sistance to middle and high school students through

1 education and other services related to such violence:
2 *Provided*, That unobligated balances available for
3 the programs authorized by sections 41201, 41204,
4 41303, and 41305 of the 1994 Act, prior to its
5 amendment by the 2013 Act, shall be available for
6 this program: *Provided further*, That 10 percent of
7 the total amount available for this grant program
8 shall be available for grants under the program au-
9 thorized by section 2015 of the 1968 Act: *Provided*
10 *further*, That the definitions and grant conditions in
11 section 40002 of the 1994 Act shall apply to this
12 program;

13 (5) \$53,000,000 is for grants to encourage ar-
14 rest policies as authorized by part U of the 1968
15 Act, of which \$4,000,000 is for a homicide reduction
16 initiative;

17 (6) \$41,000,000 is for sexual assault victims
18 assistance, as authorized by section 41601 of the
19 1994 Act;

20 (7) \$45,000,000 is for rural domestic violence
21 and child abuse enforcement assistance grants, as
22 authorized by section 40295 of the 1994 Act;

23 (8) \$20,000,000 is for grants to reduce violent
24 crimes against women on campus, as authorized by
25 section 304 of the 2005 Act;

1 (9) \$47,000,000 is for legal assistance for vic-
2 tims, as authorized by section 1201 of the 2000 Act;

3 (10) \$5,500,000 is for enhanced training and
4 services to end violence against and abuse of women
5 in later life, as authorized by section 40801 of the
6 1994 Act;

7 (11) \$18,000,000 is for grants to support fami-
8 lies in the justice system, as authorized by section
9 1301 of the 2000 Act: *Provided*, That unobligated
10 balances available for the programs authorized by
11 section 1301 of the 2000 Act and section 41002 of
12 the 1994 Act, prior to their amendment by the 2013
13 Act, shall be available for this program;

14 (12) \$6,500,000 is for education and training
15 to end violence against and abuse of women with
16 disabilities, as authorized by section 1402 of the
17 2000 Act;

18 (13) \$1,000,000 is for the National Resource
19 Center on Workplace Responses to assist victims of
20 domestic violence, as authorized by section 41501 of
21 the 1994 Act;

22 (14) \$1,000,000 is for analysis and research on
23 violence against Indian women, including as author-
24 ized by section 904 of the 2005 Act: *Provided*, That
25 such funds may be transferred to “Research, Eval-

1 uation and Statistics” for administration by the Of-
2 fice of Justice Programs;

3 (15) \$500,000 is for a national clearinghouse
4 that provides training and technical assistance on
5 issues relating to sexual assault of American Indian
6 and Alaska Native women;

7 (16) \$4,000,000 is for grants to assist Tribal
8 Governments in exercising special domestic violence
9 criminal jurisdiction, as authorized by section 904 of
10 the 2013 Act: *Provided*, That the grant conditions in
11 section 40002(b) of the 1994 Act shall apply to this
12 program; and

13 (17) \$1,500,000 is for the purposes authorized
14 under the 2015 Act.

15 OFFICE OF JUSTICE PROGRAMS

16 RESEARCH, EVALUATION AND STATISTICS

17 For grants, contracts, cooperative agreements, and
18 other assistance authorized by title I of the Omnibus
19 Crime Control and Safe Streets Act of 1968 (“the 1968
20 Act”); the Violent Crime Control and Law Enforcement
21 Act of 1994 (Public Law 103–322) (“the 1994 Act”); the
22 Juvenile Justice and Delinquency Prevention Act of 1974
23 (“the 1974 Act”); the Missing Children’s Assistance Act
24 (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and
25 Other Tools to end the Exploitation of Children Today Act

1 of 2003 (Public Law 108–21) (“the PROTECT Act”); the
2 Justice for All Act of 2004 (Public Law 108–405); the
3 Violence Against Women and Department of Justice Re-
4 authorization Act of 2005 (Public Law 109–162) (“the
5 2005 Act”); the Victims of Child Abuse Act of 1990 (Pub-
6 lic Law 101–647); the Second Chance Act of 2007 (Public
7 Law 110–199); the Victims of Crime Act of 1984 (Public
8 Law 98–473); the Adam Walsh Child Protection and Safe-
9 ty Act of 2006 (Public Law 109–248) (“the Adam Walsh
10 Act”); the PROTECT Our Children Act of 2008 (Public
11 Law 110–401); subtitle C of title II of the Homeland Se-
12 curity Act of 2002 (Public Law 107–296) (“the 2002
13 Act”); the Prison Rape Elimination Act of 2003 (Public
14 Law 108–79) (“PREA”); the NICS Improvement Amend-
15 ments Act of 2007 (Public Law 110–180); the Violence
16 Against Women Reauthorization Act of 2013 (Public Law
17 113–4) (“the 2013 Act”); the Comprehensive Addiction
18 and Recovery Act of 2016 (Public Law 114–198); the
19 First Step Act of 2018 (Public Law 115–391); and other
20 programs, \$82,000,000, to remain available until ex-
21 pended, of which—

22 (1) \$45,000,000 is for criminal justice statistics
23 programs, and other activities, as authorized by part
24 C of title I of the 1968 Act, of which \$3,000,000 is
25 for a data collection on law enforcement suicide; and

1 (2) \$37,000,000 is for research, development,
2 and evaluation programs, and other activities as au-
3 thorized by part B of title I of the 1968 Act and
4 subtitle C of title II of the 2002 Act, and for activi-
5 ties authorized by or consistent with the First Step
6 Act of 2018, of which \$6,000,000 is for research
7 targeted toward developing a better understanding
8 of the domestic radicalization phenomenon, and ad-
9 vancing evidence-based strategies for effective inter-
10 vention and prevention; \$1,000,000 is for research
11 to study the root causes of school violence to include
12 the impact and effectiveness of grants made under
13 the STOP School Violence Act; \$1,500,000 is for a
14 national study to identify improvements for law en-
15 forcement officials who respond to and investigate
16 child pornography crimes; \$4,000,000 is for the re-
17 search, design, and testing of a scalable national
18 model to reduce incarceration rates for minor proba-
19 tion and parole violations; and not less than
20 \$2,000,000 is for research, testing, and evaluation
21 of the use of counter-unmanned aircraft systems in
22 support of law enforcement operations.

1 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE
2 (INCLUDING TRANSFER OF FUNDS)

3 For grants, contracts, cooperative agreements, and
4 other assistance authorized by the Violent Crime Control
5 and Law Enforcement Act of 1994 (Public Law 103–322)
6 (“the 1994 Act”); the Omnibus Crime Control and Safe
7 Streets Act of 1968 (Public Law 90–351) (“the 1968
8 Act”); the Justice for All Act of 2004 (Public Law 108–
9 405); the Victims of Child Abuse Act of 1990 (Public Law
10 101–647) (“the 1990 Act”); the Trafficking Victims Pro-
11 tection Reauthorization Act of 2005 (Public Law 109–
12 164); the Violence Against Women and Department of
13 Justice Reauthorization Act of 2005 (Public Law 109–
14 162) (“the 2005 Act”); the Adam Walsh Child Protection
15 and Safety Act of 2006 (Public Law 109–248) (“the
16 Adam Walsh Act”); the Victims of Trafficking and Vio-
17 lence Protection Act of 2000 (Public Law 106–386); the
18 NICS Improvement Amendments Act of 2007 (Public
19 Law 110–180); subtitle C of title II of the Homeland Se-
20 curity Act of 2002 (Public Law 107–296) (“the 2002
21 Act”); the Prison Rape Elimination Act of 2003 (Public
22 Law 108–79); the Second Chance Act of 2007 (Public
23 Law 110–199); the Prioritizing Resources and Organiza-
24 tion for Intellectual Property Act of 2008 (Public Law
25 110–403); the Victims of Crime Act of 1984 (Public Law

1 98–473); the Mentally Ill Offender Treatment and Crime
2 Reduction Reauthorization and Improvement Act of 2008
3 (Public Law 110–416); the Violence Against Women Re-
4 authorization Act of 2013 (Public Law 113–4) (“the 2013
5 Act”); the Comprehensive Addiction and Recovery Act of
6 2016 (Public Law 114–198) (“CARA”); the Justice for
7 All Reauthorization Act of 2016 (Public Law 114–324);
8 Kevin and Avonte’s Law (division Q of Public Law 115–
9 141) (“Kevin and Avonte’s Law”); the Keep Young Ath-
10 letes Safe Act of 2018 (title III of division S of Public
11 Law 115–141) (“the Keep Young Athletes Safe Act”); the
12 STOP School Violence Act of 2018 (title V of division S
13 of Public Law 115–141) (“the STOP School Violence
14 Act”); the Fix NICS Act of 2018 (title VI of division S
15 of Public Law 115–141); the Project Safe Neighborhoods
16 Grant Program Authorization Act of 2018 (Public Law
17 115–185); the SUPPORT for Patients and Communities
18 Act (Public Law 115–271); the Second Chance Reauthor-
19 ization Act of 2018 (Public Law 115–391); the Matthew
20 Shepard and James Byrd, Jr. Hate Crimes Prevention
21 Act (Public Law 111–84); the Ashanti Alert Act of 2018
22 (Public Law 115–401); and other programs,
23 \$1,914,000,000, to remain available until expended as fol-
24 lows—

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

8 (A) \$13,000,000 is for an Officer Robert
9 Wilson III memorial initiative on Preventing Vi-
10 olence Against Law Enforcement and Ensuring
11 Officer Resilience and Survivability (VALOR);

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

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

16 (D) \$2,400,000 is for the operation, main-
17 tenance, and expansion of the National Missing
18 and Unidentified Persons System;

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

23 (F) \$2,000,000 is for a student loan re-
24 payment assistance program pursuant to sec-
25 tion 952 of Public Law 110–315;

1 (G) \$15,500,000 is for prison rape preven-
2 tion and prosecution grants to States and units
3 of local government, and other programs, as au-
4 thorized by the Prison Rape Elimination Act of
5 2003 (Public Law 108–79);

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

8 (I) \$4,000,000 is for the establishment of
9 a national center on forensics at an accredited
10 university of higher education with affiliate
11 medical and law schools, in partnership with a
12 co-located full-service State department of fo-
13 rensic science with a medical examiner function;

14 (J) \$20,000,000 is for grants authorized
15 under the Project Safe Neighborhoods Grant
16 Authorization Act of 2018 (Public Law 115–
17 185);

18 (K) \$7,000,000 is for the Capital Litiga-
19 tion Improvement Grant Program, as author-
20 ized by section 426 of Public Law 108–405,
21 and for grants for wrongful conviction review;

22 (L) \$14,000,000 is for community-based
23 violence prevention initiatives;

24 (M) \$3,000,000 is for a national center for
25 restorative justice;

1 (N) \$1,000,000 is for the purposes of the
2 Ashanti Alert Network as authorized under the
3 Ashanti Alert Act of 2018 (Public Law 115–
4 401);

5 (O) \$3,500,000 is for a grant program to
6 replicate family-based alternative sentencing
7 pilot programs;

8 (P) \$1,000,000 is for a grant program to
9 support child advocacy training in post-sec-
10 ondary education;

11 (Q) \$7,000,000 is for a rural violent crime
12 initiative, including assistance for law enforce-
13 ment;

14 (R) \$2,000,000 is for grants to States and
15 units of local government to deploy managed
16 access systems to combat contraband cell phone
17 use in prison; and

18 (S) \$2,000,000 is for grants for develop-
19 ment of child-friendly family visitation spaces in
20 correctional facilities;

21 (2) \$244,000,000 for the State Criminal Alien
22 Assistance Program, as authorized by section
23 241(i)(5) of the Immigration and Nationality Act (8
24 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction
25 shall request compensation for any cost greater than

1 the actual cost for Federal immigration and other
2 detainees housed in State and local detention facili-
3 ties;

4 (3) \$85,000,000 for victim services programs
5 for victims of trafficking, as authorized by section
6 107(b)(2) of Public Law 106–386, for programs au-
7 thorized under Public Law 109–164, or programs
8 authorized under Public Law 113–4;

9 (4) \$12,000,000 for economic, high technology,
10 white collar, and Internet crime prevention grants,
11 including as authorized by section 401 of Public
12 Law 110–403, of which \$2,500,000 is for competi-
13 tive grants that help State and local law enforce-
14 ment tackle intellectual property thefts, and
15 \$2,000,000 is for grants to develop databases on
16 Internet of Things device capabilities and to build
17 and execute training modules for law enforcement;

18 (5) \$20,000,000 for sex offender management
19 assistance, as authorized by the Adam Walsh Act,
20 and related activities;

21 (6) \$30,000,000 for the Patrick Leahy Bullet-
22 proof Vest Partnership Grant Program, as author-
23 ized by section 2501 of title I of the 1968 Act: *Pro-*
24 *vided*, That \$1,500,000 is transferred directly to the
25 National Institute of Standards and Technology's

1 Office of Law Enforcement Standards for research,
2 testing, and evaluation programs;

3 (7) \$1,000,000 for the National Sex Offender
4 Public Website;

5 (8) \$85,000,000 for grants to States to up-
6 grade criminal and mental health records for the
7 National Instant Criminal Background Check Sys-
8 tem, of which no less than \$25,000,000 shall be for
9 grants made under the authorities of the NICS Im-
10 provement Amendments Act of 2007 (Public Law
11 110–180) and Fix NICS Act of 2018;

12 (9) \$33,000,000 for Paul Coverdell Forensic
13 Sciences Improvement Grants under part BB of title
14 I of the 1968 Act;

15 (10) \$141,000,000 for DNA-related and foren-
16 sic programs and activities, of which—

17 (A) \$110,000,000 is for the purposes au-
18 thorized under section 2 of the DNA Analysis
19 Backlog Elimination Act of 2000 (Public Law
20 106–546) (the Debbie Smith DNA Backlog
21 Grant Program): *Provided*, That up to 4 per-
22 cent of funds made available under this para-
23 graph may be used for the purposes described
24 in the DNA Training and Education for Law
25 Enforcement, Correctional Personnel, and

1 Court Officers program (Public Law 108–405,
2 section 303);

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

5 (C) \$8,000,000 is for the purposes de-
6 scribed in the Kirk Bloodsworth Post-Convic-
7 tion DNA Testing Grant Program (Public Law
8 108–405, section 412); and

9 (D) \$4,000,000 is for Sexual Assault Fo-
10 rensic Exam Program grants, including as au-
11 thorized by section 304 of Public Law 108–405;

12 (11) \$48,000,000 for a grant program for com-
13 munity-based sexual assault response reform;

14 (12) \$12,500,000 for the court-appointed spe-
15 cial advocate program, as authorized by section 217
16 of the 1990 Act;

17 (13) \$46,000,000 for assistance to Indian
18 Tribes;

19 (14) \$100,000,000 for offender reentry pro-
20 grams and research, as authorized by the Second
21 Chance Act of 2007 (Public Law 110–199) and by
22 the Second Chance Reauthorization Act of 2018
23 (Public Law 115–391), without regard to the time
24 limitations specified at section 6(1) of such Act, of
25 which not to exceed \$6,000,000 is for a program to

1 improve State, local, and Tribal probation or parole
2 supervision efforts and strategies; \$5,000,000 is for
3 Children of Incarcerated Parents Demonstrations to
4 enhance and maintain parental and family relation-
5 ships for incarcerated parents as a reentry or recidi-
6 vism reduction strategy; and \$4,500,000 is for addi-
7 tional replication sites employing the Project HOPE
8 Opportunity Probation with Enforcement model im-
9 plementing swift and certain sanctions in probation,
10 of which no less than \$500,000 shall be used for a
11 project that provides training, technical assistance,
12 and best practices: *Provided*, That up to \$7,500,000
13 of funds made available in this paragraph may be
14 used for performance-based awards for Pay for Suc-
15 cess projects, of which up to \$5,000,000 shall be for
16 Pay for Success programs implementing the Perma-
17 nent Supportive Housing Model;

18 (15) \$394,000,000 for comprehensive opioid
19 abuse reduction activities, including as authorized by
20 CARA, and for the following programs, which shall
21 address opioid, stimulant, and substance abuse re-
22 duction consistent with underlying program authori-
23 ties—

1 (A) \$83,000,000 for Drug Courts, as au-
2 thorized by section 1001(a)(25)(A) of title I of
3 the 1968 Act;

4 (B) \$35,000,000 for mental health courts
5 and adult and juvenile collaboration program
6 grants, as authorized by parts V and HH of
7 title I of the 1968 Act, and the Mentally Ill Of-
8 fender Treatment and Crime Reduction Reau-
9 thorization and Improvement Act of 2008 (Pub-
10 lic Law 110–416);

11 (C) \$34,000,000 for grants for Residential
12 Substance Abuse Treatment for State Pris-
13 oners, as authorized by part S of title I of the
14 1968 Act;

15 (D) \$25,000,000 for a veterans treatment
16 courts program;

17 (E) \$32,000,000 for a program to monitor
18 prescription drugs and scheduled listed chemical
19 products; and

20 (F) \$185,000,000 for a comprehensive
21 opioid, stimulant, and substance abuse pro-
22 gram;

23 (16) \$2,500,000 for a competitive grant pro-
24 gram authorized by the Keep Young Athletes Safe
25 Act;

1 (17) \$79,000,000 for grants to be administered
2 by the Bureau of Justice Assistance for purposes au-
3 thorized under the STOP School Violence Act;

4 (18) \$2,000,000 for grants to State and local
5 law enforcement agencies for the expenses associated
6 with the investigation and prosecution of criminal of-
7 fenses, involving civil rights, authorized by the Em-
8 mett Till Unsolved Civil Rights Crimes Reauthoriza-
9 tion Act of 2016 (Public Law 114–325);

10 (19) \$5,000,000 for grants to State, local, and
11 Tribal law enforcement agencies to conduct edu-
12 cational outreach and training on hate crimes and to
13 investigate and prosecute hate crimes, as authorized
14 by section 4704 of the Matthew Shepard and James
15 Byrd, Jr. Hate Crimes Prevention Act (Public Law
16 111–84); and

17 (20) \$90,000,000 for initiatives to improve po-
18 lice-community relations, of which \$35,000,000 is
19 for a competitive matching grant program for pur-
20 chases of body-worn cameras for State, local, and
21 Tribal law enforcement; \$33,000,000 is for a justice
22 reinvestment initiative, for activities related to crimi-
23 nal justice reform and recidivism reduction; and
24 \$22,000,000 is for an Edward Byrne Memorial
25 criminal justice innovation program:

1 sistance Act of 2018 (Public Law 115–267); the Juvenile
2 Justice Reform Act of 2018 (Public Law 115–385); and
3 other juvenile justice programs, \$346,000,000, to remain
4 available until expended as follows—

5 (1) \$67,000,000 for programs authorized by
6 section 221 of the 1974 Act, and for training and
7 technical assistance to assist small, nonprofit organi-
8 zations with the Federal grants process: *Provided,*
9 That of the amounts provided under this paragraph,
10 \$500,000 shall be for a competitive demonstration
11 grant program to support emergency planning
12 among State, local, and Tribal juvenile justice resi-
13 dential facilities;

14 (2) \$100,000,000 for youth mentoring grants;

15 (3) \$49,000,000 for delinquency prevention, of
16 which, pursuant to sections 261 and 262 of the
17 1974 Act—

18 (A) \$2,000,000 shall be for grants to pre-
19 vent trafficking of girls;

20 (B) \$10,000,000 shall be for the Tribal
21 Youth Program;

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

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

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

6 (F) \$8,000,000 shall be for an initiative
7 relating to children exposed to violence;

8 (4) \$30,000,000 for programs authorized by
9 the Victims of Child Abuse Act of 1990;

10 (5) \$94,000,000 for missing and exploited chil-
11 dren programs, including as authorized by sections
12 404(b) and 405(a) of the 1974 Act (except that sec-
13 tion 102(b)(4)(B) of the PROTECT Our Children
14 Act of 2008 (Public Law 110–401) shall not apply
15 for purposes of this Act);

16 (6) \$3,500,000 for child abuse training pro-
17 grams for judicial personnel and practitioners, as
18 authorized by section 222 of the 1990 Act; and

19 (7) \$2,500,000 for a program to improve juve-
20 nile indigent defense:

21 *Provided*, That not more than 10 percent of each amount
22 may be used for research, evaluation, and statistics activi-
23 ties designed to benefit the programs or activities author-
24 ized: *Provided further*, That not more than 2 percent of
25 the amounts designated under paragraphs (1) through (3)

1 and (6) may be used for training and technical assistance:
2 *Provided further*, That the two preceding provisos shall not
3 apply to grants and projects administered pursuant to sec-
4 tions 261 and 262 of the 1974 Act and to missing and
5 exploited children programs.

6 PUBLIC SAFETY OFFICER BENEFITS

7 (INCLUDING TRANSFER OF FUNDS)

8 For payments and expenses authorized under section
9 1001(a)(4) of title I of the Omnibus Crime Control and
10 Safe Streets Act of 1968, such sums as are necessary (in-
11 cluding amounts for administrative costs), to remain avail-
12 able until expended; and \$24,800,000 for payments au-
13 thorized by section 1201(b) of such Act and for edu-
14 cational assistance authorized by section 1218 of such Act,
15 to remain available until expended: *Provided*, That not-
16 withstanding section 205 of this Act, upon a determina-
17 tion by the Attorney General that emergent circumstances
18 require additional funding for such disability and edu-
19 cation payments, the Attorney General may transfer such
20 amounts to “Public Safety Officer Benefits” from avail-
21 able appropriations for the Department of Justice as may
22 be necessary to respond to such circumstances: *Provided*
23 *further*, That any transfer pursuant to the preceding pro-
24 viso shall be treated as a reprogramming under section
25 505 of this Act and shall not be available for obligation

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

3 COMMUNITY ORIENTED POLICING SERVICES
4 COMMUNITY ORIENTED POLICING SERVICES PROGRAMS
5 (INCLUDING TRANSFER OF FUNDS)

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

23 (1) \$237,000,000 is for grants under section
24 1701 of title I of the 1968 Act (34 U.S.C. 10381)
25 for the hiring and rehiring of additional career law

1 enforcement officers under part Q of such title not-
2 withstanding subsection (i) of such section: *Pro-*
3 *vided*, That, notwithstanding section 1704(c) of such
4 title (34 U.S.C. 10384(c)), funding for hiring or re-
5 hiring a career law enforcement officer may not ex-
6 ceed \$125,000 unless the Director of the Office of
7 Community Oriented Policing Services grants a
8 waiver from this limitation: *Provided further*, That
9 within the amounts appropriated under this para-
10 graph, \$29,500,000 is for improving Tribal law en-
11 forcement, including hiring, equipment, training,
12 anti-methamphetamine activities, and anti-opioid ac-
13 tivities: *Provided further*, That of the amounts ap-
14 propriated under this paragraph \$40,000,000 is for
15 regional information sharing activities, as authorized
16 by part M of title I of the 1968 Act, which shall be
17 transferred to and merged with “Research, Evalua-
18 tion, and Statistics” for administration by the Office
19 of Justice Programs: *Provided further*, That within
20 the amounts appropriated under this paragraph, no
21 less than \$3,000,000 is to support the Tribal Access
22 Program: *Provided further*, That within the amounts
23 appropriated under this paragraph, \$8,000,000 is
24 for training, peer mentoring, mental health program

1 activities, and other support services as authorized
2 under the LEMHW Act and STOIC Act;

3 (2) \$11,000,000 is for activities authorized by
4 the POLICE Act of 2016 (Public Law 114–199);

5 (3) \$15,000,000 is for competitive grants to
6 State law enforcement agencies in States with high
7 seizures of precursor chemicals, finished meth-
8 amphetamine, laboratories, and laboratory dump sei-
9 zures: *Provided*, That funds appropriated under this
10 paragraph shall be utilized for investigative purposes
11 to locate or investigate illicit activities, including
12 precursor diversion, laboratories, or methamphet-
13 amine traffickers;

14 (4) \$35,000,000 is for competitive grants to
15 statewide law enforcement agencies in States with
16 high rates of primary treatment admissions for her-
17 oin and other opioids: *Provided*, That these funds
18 shall be utilized for investigative purposes to locate
19 or investigate illicit activities, including activities re-
20 lated to the distribution of heroin or unlawful dis-
21 tribution of prescription opioids, or unlawful heroin
22 and prescription opioid traffickers through statewide
23 collaboration;

24 (5) \$53,000,000 is for competitive grants to be
25 administered by the Community Oriented Policing

1 Services Office for purposes authorized under the
2 STOP School Violence Act (title V of division S of
3 Public Law 115–141); and

4 (6) \$35,000,000 is for community policing de-
5 velopment activities in furtherance of section 1701
6 of title I of the 1968 Act (34 U.S.C. 10381).

7 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 201. In addition to amounts otherwise made
10 available in this title for official reception and representa-
11 tion expenses, a total of not to exceed \$50,000 from funds
12 appropriated to the Department of Justice in this title
13 shall be available to the Attorney General for official re-
14 ception and representation expenses.

15 SEC. 202. None of the funds appropriated by this
16 title shall be available to pay for an abortion, except where
17 the life of the mother would be endangered if the fetus
18 were carried to term, or in the case of rape or incest: *Pro-*
19 *vided*, That should this prohibition be declared unconstitu-
20 tional by a court of competent jurisdiction, this section
21 shall be null and void.

22 SEC. 203. None of the funds appropriated under this
23 title shall be used to require any person to perform, or
24 facilitate in any way the performance of, any abortion.

1 SEC. 204. Nothing in the preceding section shall re-
2 move the obligation of the Director of the Bureau of Pris-
3 ons to provide escort services necessary for a female in-
4 mate to receive such service outside the Federal facility:
5 *Provided*, That nothing in this section in any way dimin-
6 ishes the effect of section 203 intended to address the phil-
7 osophical beliefs of individual employees of the Bureau of
8 Prisons.

9 SEC. 205. Not to exceed 5 percent of any appropria-
10 tion made available for the current fiscal year for the De-
11 partment of Justice in this Act may be transferred be-
12 tween such appropriations, but no such appropriation, ex-
13 cept as otherwise specifically provided, shall be increased
14 by more than 10 percent by any such transfers: *Provided*,
15 That any transfer pursuant to this section shall be treated
16 as a reprogramming of funds under section 505 of this
17 Act and shall not be available for obligation except in com-
18 pliance with the procedures set forth in that section.

19 SEC. 206. None of the funds made available under
20 this title may be used by the Federal Bureau of Prisons
21 or the United States Marshals Service for the purpose of
22 transporting an individual who is a prisoner pursuant to
23 conviction for crime under State or Federal law and is
24 classified as a maximum or high security prisoner, other
25 than to a prison or other facility certified by the Federal

1 Bureau of Prisons as appropriately secure for housing
2 such a prisoner.

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

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

12 SEC. 208. None of the funds made available under
13 this title shall be obligated or expended for any new or
14 enhanced information technology program having total es-
15 timated development costs in excess of \$100,000,000, un-
16 less the Deputy Attorney General and the investment re-
17 view board certify to the Committees on Appropriations
18 of the House of Representatives and the Senate that the
19 information technology program has appropriate program
20 management controls and contractor oversight mecha-
21 nisms in place, and that the program is compatible with
22 the enterprise architecture of the Department of Justice.

23 SEC. 209. The notification thresholds and procedures
24 set forth in section 505 of this Act shall apply to devi-
25 ations from the amounts designated for specific activities

1 in this Act and in the explanatory statement described in
2 section 4 (in the matter preceding division A of this con-
3 solidated Act), and to any use of deobligated balances of
4 funds provided under this title in previous years.

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

12 SEC. 211. Notwithstanding any other provision of
13 law, no funds shall be available for the salary, benefits,
14 or expenses of any United States Attorney assigned dual
15 or additional responsibilities by the Attorney General or
16 his designee that exempt that United States Attorney
17 from the residency requirements of section 545 of title 28,
18 United States Code.

19 SEC. 212. At the discretion of the Attorney General,
20 and in addition to any amounts that otherwise may be
21 available (or authorized to be made available) by law, with
22 respect to funds appropriated by this title under the head-
23 ings “Research, Evaluation and Statistics”, “State and
24 Local Law Enforcement Assistance”, and “Juvenile Jus-
25 tice Programs”—

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

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

16 SEC. 213. Upon request by a grantee for whom the
17 Attorney General has determined there is a fiscal hard-
18 ship, the Attorney General may, with respect to funds ap-
19 propriated in this or any other Act making appropriations
20 for fiscal years 2018 through 2021 for the following pro-
21 grams, waive the following requirements:

22 (1) For the adult and juvenile offender State
23 and local reentry demonstration projects under part
24 FF of title I of the Omnibus Crime Control and
25 Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.),

1 the requirements under section 2976(g)(1) of such
2 part (34 U.S.C. 10631(g)(1)).

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

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

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

23 SEC. 216. (a) None of the income retained in the De-
24 partment of Justice Working Capital Fund pursuant to
25 title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C.

1 527 note) shall be available for obligation during fiscal
2 year 2021, except up to \$12,000,000 may be obligated for
3 implementation of a unified Department of Justice finan-
4 cial management system.

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

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

19 SEC. 217. Discretionary funds that are made avail-
20 able in this Act for the Office of Justice Programs may
21 be used to participate in Performance Partnership Pilots
22 authorized under such authorities as have been enacted
23 for Performance Partnership Pilots in appropriations acts
24 in prior fiscal years and the current fiscal year.

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

5 SEC. 219. Section 527 of title 28, United States
6 Code, is amended in the third sentence by inserting “: (1)”
7 before “the Department” and by inserting “; and (2) fed-
8 erally recognized tribes for supplies, materials, and serv-
9 ices related to access to Federal law enforcement data-
10 bases;” after “and services”.

11 SEC. 220. Section 1825 of title 28, United States
12 Code, is amended:

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

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

18 SEC. 221. Section 151 of the Foreign Relations Au-
19 thorization Act, Fiscal Years 1990 and 1991 (Public Law
20 101–246; 5 U.S.C. 5928 note), is amended—

21 (1) by striking “or” after “Drug Enforcement
22 Administration” and inserting “, the”; and

23 (2) by inserting “, or the United States Mar-
24 shals Service” after “Federal Bureau of Investiga-
25 tion”.

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

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

201

1 TITLE III

2 SCIENCE

3 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

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

13 NATIONAL SPACE COUNCIL

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

202

1 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
2 SCIENCE

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

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

7
8 **AERONAUTICS**

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

21
22 **SPACE TECHNOLOGY**

22 For necessary expenses, not otherwise provided for,
23 in the conduct and support of space technology research
24 and development activities, including research, develop-
25 ment, operations, support, and services; maintenance and

1 repair, facility planning and design; space flight, space-
2 craft control, and communications activities; program
3 management; personnel and related costs, including uni-
4 forms or allowances therefor, as authorized by sections
5 5901 and 5902 of title 5, United States Code; travel ex-
6 penses; purchase and hire of passenger motor vehicles; and
7 purchase, lease, charter, maintenance, and operation of
8 mission and administrative aircraft, \$1,100,000,000, to
9 remain available until September 30, 2022: *Provided*,
10 That \$227,000,000 shall be for RESTORE-L/SPace In-
11 frastructure DExterous Robot: *Provided further*, That
12 \$110,000,000 shall be for the development, production,
13 and demonstration of a nuclear thermal propulsion sys-
14 tem, of which \$80,000,000 shall be for the design of a
15 flight demonstration system: *Provided further*, That, not
16 later than 180 days after the enactment of this Act, the
17 National Aeronautics and Space Administration shall pro-
18 vide a plan for the design of a flight demonstration.

19 EXPLORATION

20 For necessary expenses, not otherwise provided for,
21 in the conduct and support of exploration research and
22 development activities, including research, development,
23 operations, support, and services; maintenance and repair,
24 facility planning and design; space flight, spacecraft con-
25 trol, and communications activities; program manage-

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

1 tional Aeronautics and Space Administration shall provide
2 to the Committees on Appropriations of the House of Rep-
3 resentatives and the Senate, concurrent with the annual
4 budget submission, a 5-year budget profile for an inte-
5 grated system that includes the SLS, the Orion Multi-Pur-
6 pose Crew Vehicle, and associated ground systems that
7 will ensure a crewed launch as early as possible, as well
8 as a system-based funding profile for a sustained launch
9 cadence that contemplates the use of an SLS Block 1B
10 cargo variant and associated ground systems: *Provided*
11 *further*, That \$1,972,800,000 shall be for exploration re-
12 search and development.

13 SPACE OPERATIONS

14 For necessary expenses, not otherwise provided for,
15 in the conduct and support of space operations research
16 and development activities, including research, develop-
17 ment, operations, support and services; space flight, space-
18 craft control, and communications activities, including op-
19 erations, production, and services; maintenance and re-
20 pair, facility planning and design; program management;
21 personnel and related costs, including uniforms or allow-
22 ances therefor, as authorized by sections 5901 and 5902
23 of title 5, United States Code; travel expenses; purchase
24 and hire of passenger motor vehicles; and purchase, lease,
25 charter, maintenance, and operation of mission and ad-

1 ministrative aircraft, \$3,988,200,000, to remain available
2 until September 30, 2022.

3 SCIENCE, TECHNOLOGY, ENGINEERING, AND
4 MATHEMATICS ENGAGEMENT

5 For necessary expenses, not otherwise provided for,
6 in the conduct and support of aerospace and aeronautical
7 education research and development activities, including
8 research, development, operations, support, and services;
9 program management; personnel and related costs, includ-
10 ing uniforms or allowances therefor, as authorized by sec-
11 tions 5901 and 5902 of title 5, United States Code; travel
12 expenses; purchase and hire of passenger motor vehicles;
13 and purchase, lease, charter, maintenance, and operation
14 of mission and administrative aircraft, \$127,000,000, to
15 remain available until September 30, 2022, of which
16 \$26,000,000 shall be for the Established Program to
17 Stimulate Competitive Research and \$51,000,000 shall be
18 for the National Space Grant College and Fellowship Pro-
19 gram.

20 SAFETY, SECURITY AND MISSION SERVICES

21 For necessary expenses, not otherwise provided for,
22 in the conduct and support of science, aeronautics, space
23 technology, exploration, space operations and education
24 research and development activities, including research,
25 development, operations, support, and services; mainte-

1 nance and repair, facility planning and design; space
2 flight, spacecraft control, and communications activities;
3 program management; personnel and related costs, includ-
4 ing uniforms or allowances therefor, as authorized by sec-
5 tions 5901 and 5902 of title 5, United States Code; travel
6 expenses; purchase and hire of passenger motor vehicles;
7 not to exceed \$63,000 for official reception and represen-
8 tation expenses; and purchase, lease, charter, mainte-
9 nance, and operation of mission and administrative air-
10 craft, \$2,936,500,000, to remain available until Sep-
11 tember 30, 2022: *Provided*, That if available balances in
12 the “Science, Space, and Technology Education Trust
13 Fund” are not sufficient to provide for the grant disburse-
14 ments required under the third and fourth provisos under
15 such heading in the Department of Housing and Urban
16 Development-Independent Agencies Appropriations Act,
17 1989 (Public Law 100–404) as amended by the Depart-
18 ments of Veterans Affairs and Housing and Urban Devel-
19 opment, and Independent Agencies Appropriations Act,
20 1995 (Public Law 103–327) up to \$1,000,000 shall be
21 available from amounts made available under this heading
22 to make such grant disbursements.

1 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
2 RESTORATION

3 For necessary expenses for construction of facilities
4 including repair, rehabilitation, revitalization, and modi-
5 fication of facilities, construction of new facilities and ad-
6 ditions to existing facilities, facility planning and design,
7 and restoration, and acquisition or condemnation of real
8 property, as authorized by law, and environmental compli-
9 ance and restoration, \$390,278,000, to remain available
10 until September 30, 2026: *Provided*, That proceeds from
11 leases deposited into this account shall be available for a
12 period of 5 years to the extent and in amounts as provided
13 in annual appropriations Acts: *Provided further*, That such
14 proceeds referred to in the preceding proviso shall be avail-
15 able for obligation for fiscal year 2021 in an amount not
16 to exceed \$18,700,000: *Provided further*, That each an-
17 nual budget request shall include an annual estimate of
18 gross receipts and collections and proposed use of all funds
19 collected pursuant to section 20145 of title 51, United
20 States Code.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
23 General in carrying out the Inspector General Act of 1978,
24 \$44,200,000, of which \$500,000 shall remain available
25 until September 30, 2022.

1 ADMINISTRATIVE PROVISIONS

2 (INCLUDING TRANSFERS OF FUNDS)

3 Funds for any announced prize otherwise authorized
4 shall remain available, without fiscal year limitation, until
5 a prize is claimed or the offer is withdrawn.

6 Not to exceed 5 percent of any appropriation made
7 available for the current fiscal year for the National Aero-
8 nautics and Space Administration in this Act may be
9 transferred between such appropriations, but no such ap-
10 propriation, except as otherwise specifically provided, shall
11 be increased by more than 10 percent by any such trans-
12 fers. Any funds transferred to “Construction and Environ-
13 mental Compliance and Restoration” for construction ac-
14 tivities shall not increase that account by more than 20
15 percent. Balances so transferred shall be merged with and
16 available for the same purposes and the same time period
17 as the appropriations to which transferred. Any transfer
18 pursuant to this provision shall be treated as a reprogram-
19 ming of funds under section 505 of this Act and shall not
20 be available for obligation except in compliance with the
21 procedures set forth in that section.

22 Not to exceed 5 percent of any appropriation pro-
23 vided for the National Aeronautics and Space Administra-
24 tion under previous appropriations Acts that remains
25 available for obligation or expenditure in fiscal year 2021

1 may be transferred between such appropriations, but no
2 such appropriation, except as otherwise specifically pro-
3 vided, shall be increased by more than 10 percent by any
4 such transfers. Any transfer pursuant to this provision
5 shall retain its original availability and shall be treated
6 as a reprogramming of funds under section 505 of this
7 Act and shall not be available for obligation except in com-
8 pliance with the procedures set forth in that section.

9 The spending plan required by this Act shall be pro-
10 vided by the National Aeronautics and Space Administra-
11 tion at the theme, program, project, and activity level. The
12 spending plan, as well as any subsequent change of an
13 amount established in that spending plan that meets the
14 notification requirements of section 505 of this Act, shall
15 be treated as a reprogramming under section 505 of this
16 Act and shall not be available for obligation or expenditure
17 except in compliance with the procedures set forth in that
18 section.

19 Not more than 40 percent of the amounts made avail-
20 able in this Act for the Gateway; Advanced Cislunar and
21 Surface Capabilities; Commercial LEO Development;
22 Human Landing System; and Lunar Discovery and Explo-
23 ration, excluding the Lunar Reconnaissance Orbiter, may
24 be obligated until the Administrator submits a multi-year
25 plan to the Committees on Appropriations of the House

1 of Representatives and the Senate that identifies esti-
2 mated dates, by fiscal year, for Space Launch System
3 flights to build the Gateway; the commencement of part-
4 nerships with commercial entities for additional LEO mis-
5 sions to land humans and rovers on the Moon; and con-
6 ducting additional scientific activities on the Moon. The
7 multi-year plan shall include key milestones to be met by
8 fiscal year to achieve goals for each of the lunar programs
9 described in the previous sentence and funding required
10 by fiscal year to achieve such milestones, as well as fund-
11 ing provided in fiscal year 2021 and previous years.

12 Of the amounts provided for Exploration Systems
13 Development, \$25,000,000 shall be transferred to Con-
14 struction and Environmental Compliance and Restoration
15 (CECR) for Exploration Construction of Facilities con-
16 sistent with direction provided in the explanatory state-
17 ment described in section 4 (in the matter preceding divi-
18 sion A of this consolidated Act). The authority provided
19 by this paragraph is in addition to the authority provided
20 by the second paragraph under this heading.

21 Not more than 20 percent or \$50,000,000, whichever
22 is less, of the amounts made available in the current-year
23 CECR appropriation may be applied to CECR projects
24 funded under previous years' CECR appropriation Acts.
25 Use of current-year funds under this provision shall be

1 treated as a reprogramming of funds under section 505
2 of this act and shall not be available for obligation except
3 in compliance with the procedures set forth in that section.

4 NATIONAL SCIENCE FOUNDATION

5 RESEARCH AND RELATED ACTIVITIES

6 For necessary expenses in carrying out the National
7 Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.),
8 and Public Law 86–209 (42 U.S.C. 1880 et seq.); services
9 as authorized by section 3109 of title 5, United States
10 Code; maintenance and operation of aircraft and purchase
11 of flight services for research support; acquisition of air-
12 craft; and authorized travel; \$6,909,769,000, to remain
13 available until September 30, 2022, of which not to exceed
14 \$544,000,000 shall remain available until expended for
15 polar research and operations support, and for reimburse-
16 ment to other Federal agencies for operational and science
17 support and logistical and other related activities for the
18 United States Antarctic program: *Provided*, That receipts
19 for scientific support services and materials furnished by
20 the National Research Centers and other National Science
21 Foundation supported research facilities may be credited
22 to this appropriation.

1 MAJOR RESEARCH EQUIPMENT AND FACILITIES

2 CONSTRUCTION

3 For necessary expenses for the acquisition, construc-
4 tion, commissioning, and upgrading of major research
5 equipment, facilities, and other such capital assets pursu-
6 ant to the National Science Foundation Act of 1950 (42
7 U.S.C. 1861 et seq.), including authorized travel,
8 \$241,000,000, to remain available until expended.

9 EDUCATION AND HUMAN RESOURCES

10 For necessary expenses in carrying out science, math-
11 ematics, and engineering education and human resources
12 programs and activities pursuant to the National Science
13 Foundation Act of 1950 (42 U.S.C. 1861 et seq.), includ-
14 ing services as authorized by section 3109 of title 5,
15 United States Code, authorized travel, and rental of con-
16 ference rooms in the District of Columbia, \$968,000,000,
17 to remain available until September 30, 2022.

18 AGENCY OPERATIONS AND AWARD MANAGEMENT

19 For agency operations and award management nec-
20 essary in carrying out the National Science Foundation
21 Act of 1950 (42 U.S.C. 1861 et seq.); services authorized
22 by section 3109 of title 5, United States Code; hire of pas-
23 senger motor vehicles; uniforms or allowances therefor, as
24 authorized by sections 5901 and 5902 of title 5, United
25 States Code; rental of conference rooms in the District of

1 Columbia; and reimbursement of the Department of
2 Homeland Security for security guard services;
3 \$345,640,000: *Provided*, That not to exceed \$8,280 is for
4 official reception and representation expenses: *Provided*
5 *further*, That contracts may be entered into under this
6 heading in fiscal year 2021 for maintenance and operation
7 of facilities and for other services to be provided during
8 the next fiscal year.

9 OFFICE OF THE NATIONAL SCIENCE BOARD

10 For necessary expenses (including payment of sala-
11 ries, authorized travel, hire of passenger motor vehicles,
12 the rental of conference rooms in the District of Columbia,
13 and the employment of experts and consultants under sec-
14 tion 3109 of title 5, United States Code) involved in car-
15 rying out section 4 of the National Science Foundation
16 Act of 1950 (42 U.S.C. 1863) and Public Law 86–209
17 (42 U.S.C. 1880 et seq.), \$4,500,000: *Provided*, That not
18 to exceed \$2,500 shall be available for official reception
19 and representation expenses.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses of the Office of Inspector
22 General as authorized by the Inspector General Act of
23 1978, \$17,850,000, of which \$400,000 shall remain avail-
24 able until September 30, 2022.

1 ADMINISTRATIVE PROVISIONS
2 (INCLUDING TRANSFER OF FUNDS)

3 Not to exceed 5 percent of any appropriation made
4 available for the current fiscal year for the National
5 Science Foundation in this Act may be transferred be-
6 tween such appropriations, but no such appropriation shall
7 be increased by more than 10 percent by any such trans-
8 fers. Any transfer pursuant to this paragraph shall be
9 treated as a reprogramming of funds under section 505
10 of this Act and shall not be available for obligation except
11 in compliance with the procedures set forth in that section.

12 The Director of the National Science Foundation
13 (NSF) shall notify the Committees on Appropriations of
14 the House of Representatives and the Senate at least 30
15 days in advance of any planned divestment through trans-
16 fer, decommissioning, termination, or deconstruction of
17 any NSF-owned facilities or any NSF capital assets (in-
18 cluding land, structures, and equipment) valued greater
19 than \$2,500,000.

20 This title may be cited as the “Science Appropria-
21 tions Act, 2021”.

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TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$12,500,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That the Chair may accept and use any gift or donation to carry out the work of the Commission: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a): *Provided further*, That notwithstanding the preceding proviso, \$500,000 shall be used to separately fund the Commission on the Social Status of Black Men and Boys.

1 Senate have been notified of such proposals, in accordance
2 with the reprogramming requirements of section 505 of
3 this Act: *Provided further*, That the Chair may accept and
4 use any gift or donation to carry out the work of the Com-
5 mission.

6 INTERNATIONAL TRADE COMMISSION

7 SALARIES AND EXPENSES

8 For necessary expenses of the International Trade
9 Commission, including hire of passenger motor vehicles
10 and services as authorized by section 3109 of title 5,
11 United States Code, and not to exceed \$2,250 for official
12 reception and representation expenses, \$103,000,000, to
13 remain available until expended.

14 LEGAL SERVICES CORPORATION

15 PAYMENT TO THE LEGAL SERVICES CORPORATION

16 For payment to the Legal Services Corporation to
17 carry out the purposes of the Legal Services Corporation
18 Act of 1974, \$465,000,000, of which \$425,500,000 is for
19 basic field programs and required independent audits;
20 \$5,500,000 is for the Office of Inspector General, of which
21 such amounts as may be necessary may be used to conduct
22 additional audits of recipients; \$23,000,000 is for manage-
23 ment and grants oversight; \$4,250,000 is for client self-
24 help and information technology; \$4,750,000 is for a Pro
25 Bono Innovation Fund; and \$2,000,000 is for loan repay-

1 ment assistance: *Provided*, That the Legal Services Cor-
2 poration may continue to provide locality pay to officers
3 and employees at a rate no greater than that provided by
4 the Federal Government to Washington, DC-based em-
5 ployees as authorized by section 5304 of title 5, United
6 States Code, notwithstanding section 1005(d) of the Legal
7 Services Corporation Act (42 U.S.C. 2996d(d)): *Provided*
8 *further*, That the authorities provided in section 205 of
9 this Act shall be applicable to the Legal Services Corpora-
10 tion: *Provided further*, That, for the purposes of section
11 505 of this Act, the Legal Services Corporation shall be
12 considered an agency of the United States Government.

13 ADMINISTRATIVE PROVISION—LEGAL SERVICES

14 CORPORATION

15 None of the funds appropriated in this Act to the
16 Legal Services Corporation shall be expended for any pur-
17 pose prohibited or limited by, or contrary to any of the
18 provisions of, sections 501, 502, 503, 504, 505, and 506
19 of Public Law 105–119, and all funds appropriated in this
20 Act to the Legal Services Corporation shall be subject to
21 the same terms and conditions set forth in such sections,
22 except that all references in sections 502 and 503 to 1997
23 and 1998 shall be deemed to refer instead to 2020 and
24 2021, respectively.

1 MARINE MAMMAL COMMISSION

2 SALARIES AND EXPENSES

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

7 OFFICE OF THE UNITED STATES TRADE

8 REPRESENTATIVE

9 SALARIES AND EXPENSES

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

19 TRADE ENFORCEMENT TRUST FUND

20 (INCLUDING TRANSFER OF FUNDS)

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

1 transfer pursuant to subsection (d)(1) of such section shall
2 be treated as a reprogramming under section 505 of this
3 Act.

4 STATE JUSTICE INSTITUTE

5 SALARIES AND EXPENSES

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

1 TITLE V
2 GENERAL PROVISIONS
3 (INCLUDING RESCISSIONS)
4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 501. No part of any appropriation contained in
6 this Act shall be used for publicity or propaganda purposes
7 not authorized by the Congress.

8 SEC. 502. No part of any appropriation contained in
9 this Act shall remain available for obligation beyond the
10 current fiscal year unless expressly so provided herein.

11 SEC. 503. The expenditure of any appropriation
12 under this Act for any consulting service through procure-
13 ment contract, pursuant to section 3109 of title 5, United
14 States Code, shall be limited to those contracts where such
15 expenditures are a matter of public record and available
16 for public inspection, except where otherwise provided
17 under existing law, or under existing Executive order
18 issued pursuant to existing law.

19 SEC. 504. If any provision of this Act or the applica-
20 tion of such provision to any person or circumstances shall
21 be held invalid, the remainder of the Act and the applica-
22 tion of each provision to persons or circumstances other
23 than those as to which it is held invalid shall not be af-
24 fected thereby.

1 SEC. 505. None of the funds provided under this Act,
2 or provided under previous appropriations Acts to the
3 agencies funded by this Act that remain available for obli-
4 gation or expenditure in fiscal year 2021, or provided from
5 any accounts in the Treasury of the United States derived
6 by the collection of fees available to the agencies funded
7 by this Act, shall be available for obligation or expenditure
8 through a reprogramming of funds that: (1) creates or ini-
9 tiates a new program, project, or activity; (2) eliminates
10 a program, project, or activity; (3) increases funds or per-
11 sonnel by any means for any project or activity for which
12 funds have been denied or restricted; (4) relocates an of-
13 fice or employees; (5) reorganizes or renames offices, pro-
14 grams, or activities; (6) contracts out or privatizes any
15 functions or activities presently performed by Federal em-
16 ployees; (7) augments existing programs, projects, or ac-
17 tivities in excess of \$500,000 or 10 percent, whichever is
18 less, or reduces by 10 percent funding for any program,
19 project, or activity, or numbers of personnel by 10 percent;
20 or (8) results from any general savings, including savings
21 from a reduction in personnel, which would result in a
22 change in existing programs, projects, or activities as ap-
23 proved by Congress; unless the House and Senate Com-
24 mittees on Appropriations are notified 15 days in advance
25 of such reprogramming of funds.

1 SEC. 506. (a) If it has been finally determined by
2 a court or Federal agency that any person intentionally
3 affixed a label bearing a “Made in America” inscription,
4 or any inscription with the same meaning, to any product
5 sold in or shipped to the United States that is not made
6 in the United States, the person shall be ineligible to re-
7 ceive any contract or subcontract made with funds made
8 available in this Act, pursuant to the debarment, suspen-
9 sion, and ineligibility procedures described in sections
10 9.400 through 9.409 of title 48, Code of Federal Regula-
11 tions.

12 (b)(1) To the extent practicable, with respect to au-
13 thorized purchases of promotional items, funds made
14 available by this Act shall be used to purchase items that
15 are manufactured, produced, or assembled in the United
16 States, its territories or possessions.

17 (2) The term “promotional items” has the meaning
18 given the term in OMB Circular A–87, Attachment B,
19 Item (1)(f)(3).

20 SEC. 507. (a) The Departments of Commerce and
21 Justice, the National Science Foundation, and the Na-
22 tional Aeronautics and Space Administration shall provide
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate a quarterly report on the sta-
25 tus of balances of appropriations at the account level. For

1 unobligated, uncommitted balances and unobligated, com-
2 mitted balances the quarterly reports shall separately
3 identify the amounts attributable to each source year of
4 appropriation from which the balances were derived. For
5 balances that are obligated, but unexpended, the quarterly
6 reports shall separately identify amounts by the year of
7 obligation.

8 (b) The report described in subsection (a) shall be
9 submitted within 30 days of the end of each quarter.

10 (c) If a department or agency is unable to fulfill any
11 aspect of a reporting requirement described in subsection
12 (a) due to a limitation of a current accounting system,
13 the department or agency shall fulfill such aspect to the
14 maximum extent practicable under such accounting sys-
15 tem and shall identify and describe in each quarterly re-
16 port the extent to which such aspect is not fulfilled.

17 SEC. 508. Any costs incurred by a department or
18 agency funded under this Act resulting from, or to pre-
19 vent, personnel actions taken in response to funding re-
20 ductions included in this Act shall be absorbed within the
21 total budgetary resources available to such department or
22 agency: *Provided*, That the authority to transfer funds be-
23 tween appropriations accounts as may be necessary to
24 carry out this section is provided in addition to authorities
25 included elsewhere in this Act: *Provided further*, That use

1 of funds to carry out this section shall be treated as a
2 reprogramming of funds under section 505 of this Act and
3 shall not be available for obligation or expenditure except
4 in compliance with the procedures set forth in that section:
5 *Provided further*, That for the Department of Commerce,
6 this section shall also apply to actions taken for the care
7 and protection of loan collateral or grant property.

8 SEC. 509. None of the funds provided by this Act
9 shall be available to promote the sale or export of tobacco
10 or tobacco products, or to seek the reduction or removal
11 by any foreign country of restrictions on the marketing
12 of tobacco or tobacco products, except for restrictions
13 which are not applied equally to all tobacco or tobacco
14 products of the same type.

15 SEC. 510. Notwithstanding any other provision of
16 law, amounts deposited or available in the Fund estab-
17 lished by section 1402 of chapter XIV of title II of Public
18 Law 98-473 (34 U.S.C. 20101) in any fiscal year in ex-
19 cess of \$2,015,000,000 shall not be available for obligation
20 until the following fiscal year: *Provided*, That notwith-
21 standing section 1402(d) of such Act, of the amounts
22 available from the Fund for obligation: (1) \$10,000,000
23 shall be transferred to the Department of Justice Office
24 of Inspector General and remain available until expended
25 for oversight and auditing purposes associated with this

1 section; and (2) 5 percent shall be available to the Office
2 for Victims of Crime for grants, consistent with the re-
3 quirements of the Victims of Crime Act, to Indian Tribes
4 to improve services for victims of crime.

5 SEC. 511. None of the funds made available to the
6 Department of Justice in this Act may be used to discrimi-
7 nate against or denigrate the religious or moral beliefs of
8 students who participate in programs for which financial
9 assistance is provided from those funds, or of the parents
10 or legal guardians of such students.

11 SEC. 512. None of the funds made available in this
12 Act may be transferred to any department, agency, or in-
13 strumentality of the United States Government, except
14 pursuant to a transfer made by, or transfer authority pro-
15 vided in, this Act or any other appropriations Act.

16 SEC. 513. (a) The Inspectors General of the Depart-
17 ment of Commerce, the Department of Justice, the Na-
18 tional Aeronautics and Space Administration, the Na-
19 tional Science Foundation, and the Legal Services Cor-
20 poration shall conduct audits, pursuant to the Inspector
21 General Act (5 U.S.C. App.), of grants or contracts for
22 which funds are appropriated by this Act, and shall submit
23 reports to Congress on the progress of such audits, which
24 may include preliminary findings and a description of
25 areas of particular interest, within 180 days after initi-

1 ating such an audit and every 180 days thereafter until
2 any such audit is completed.

3 (b) Within 60 days after the date on which an audit
4 described in subsection (a) by an Inspector General is
5 completed, the Secretary, Attorney General, Adminis-
6 trator, Director, or President, as appropriate, shall make
7 the results of the audit available to the public on the Inter-
8 net website maintained by the Department, Administra-
9 tion, Foundation, or Corporation, respectively. The results
10 shall be made available in redacted form to exclude—

11 (1) any matter described in section 552(b) of
12 title 5, United States Code; and

13 (2) sensitive personal information for any indi-
14 vidual, the public access to which could be used to
15 commit identity theft or for other inappropriate or
16 unlawful purposes.

17 (c) Any person awarded a grant or contract funded
18 by amounts appropriated by this Act shall submit a state-
19 ment to the Secretary of Commerce, the Attorney General,
20 the Administrator, Director, or President, as appropriate,
21 certifying that no funds derived from the grant or contract
22 will be made available through a subcontract or in any
23 other manner to another person who has a financial inter-
24 est in the person awarded the grant or contract.

1 (d) The provisions of the preceding subsections of
2 this section shall take effect 30 days after the date on
3 which the Director of the Office of Management and
4 Budget, in consultation with the Director of the Office of
5 Government Ethics, determines that a uniform set of rules
6 and requirements, substantially similar to the require-
7 ments in such subsections, consistently apply under the
8 executive branch ethics program to all Federal depart-
9 ments, agencies, and entities.

10 SEC. 514. (a) None of the funds appropriated or oth-
11 erwise made available under this Act may be used by the
12 Departments of Commerce and Justice, the National Aer-
13 onautics and Space Administration, or the National
14 Science Foundation to acquire a high-impact or moderate-
15 impact information system, as defined for security cat-
16 egorization in the National Institute of Standards and
17 Technology's (NIST) Federal Information Processing
18 Standard Publication 199, "Standards for Security Cat-
19 egorization of Federal Information and Information Sys-
20 tems" unless the agency has—

21 (1) reviewed the supply chain risk for the infor-
22 mation systems against criteria developed by NIST
23 and the Federal Bureau of Investigation (FBI) to
24 inform acquisition decisions for high-impact and

1 moderate-impact information systems within the
2 Federal Government;

3 (2) reviewed the supply chain risk from the pre-
4 sumptive awardee against available and relevant
5 threat information provided by the FBI and other
6 appropriate agencies; and

7 (3) in consultation with the FBI or other ap-
8 propriate Federal entity, conducted an assessment of
9 any risk of cyber-espionage or sabotage associated
10 with the acquisition of such system, including any
11 risk associated with such system being produced,
12 manufactured, or assembled by one or more entities
13 identified by the United States Government as pos-
14 ing a cyber threat, including but not limited to,
15 those that may be owned, directed, or subsidized by
16 the People's Republic of China, the Islamic Republic
17 of Iran, the Democratic People's Republic of Korea,
18 or the Russian Federation.

19 (b) None of the funds appropriated or otherwise
20 made available under this Act may be used to acquire a
21 high-impact or moderate-impact information system re-
22 viewed and assessed under subsection (a) unless the head
23 of the assessing entity described in subsection (a) has—

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

4 (2) determined, in consultation with NIST and
5 the FBI, that the acquisition of such system is in
6 the national interest of the United States; and

7 (3) reported that determination to the Commit-
8 tees on Appropriations of the House of Representa-
9 tives and the Senate and the agency Inspector Gen-
10 eral.

11 SEC. 515. None of the funds made available in this
12 Act shall be used in any way whatsoever to support or
13 justify the use of torture by any official or contract em-
14 ployee of the United States Government.

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

18 (1) paragraph 2 of article 16.7 of the United
19 States–Singapore Free Trade Agreement;

20 (2) paragraph 4 of article 17.9 of the United
21 States–Australia Free Trade Agreement; or

22 (3) paragraph 4 of article 15.9 of the United
23 States–Morocco Free Trade Agreement.

24 SEC. 517. None of the funds made available in this
25 Act may be used to authorize or issue a national security

1 letter in contravention of any of the following laws author-
2 izing the Federal Bureau of Investigation to issue national
3 security letters: The Right to Financial Privacy Act of
4 1978; The Electronic Communications Privacy Act of
5 1986; The Fair Credit Reporting Act; The National Secu-
6 rity Act of 1947; USA PATRIOT Act; USA FREEDOM
7 Act of 2015; and the laws amended by these Acts.

8 SEC. 518. If at any time during any quarter, the pro-
9 gram manager of a project within the jurisdiction of the
10 Departments of Commerce or Justice, the National Aero-
11 nautics and Space Administration, or the National Science
12 Foundation totaling more than \$75,000,000 has reason-
13 able cause to believe that the total program cost has in-
14 creased by 10 percent or more, the program manager shall
15 immediately inform the respective Secretary, Adminis-
16 trator, or Director. The Secretary, Administrator, or Di-
17 rector shall notify the House and Senate Committees on
18 Appropriations within 30 days in writing of such increase,
19 and shall include in such notice: the date on which such
20 determination was made; a statement of the reasons for
21 such increases; the action taken and proposed to be taken
22 to control future cost growth of the project; changes made
23 in the performance or schedule milestones and the degree
24 to which such changes have contributed to the increase
25 in total program costs or procurement costs; new esti-

1 mates of the total project or procurement costs; and a
2 statement validating that the project's management struc-
3 ture is adequate to control total project or procurement
4 costs.

5 SEC. 519. Funds appropriated by this Act, or made
6 available by the transfer of funds in this Act, for intel-
7 ligence or intelligence related activities are deemed to be
8 specifically authorized by the Congress for purposes of sec-
9 tion 504 of the National Security Act of 1947 (50 U.S.C.
10 3094) during fiscal year 2021 until the enactment of the
11 Intelligence Authorization Act for fiscal year 2021.

12 SEC. 520. None of the funds appropriated or other-
13 wise made available by this Act may be used to enter into
14 a contract in an amount greater than \$5,000,000 or to
15 award a grant in excess of such amount unless the pro-
16 spective contractor or grantee certifies in writing to the
17 agency awarding the contract or grant that, to the best
18 of its knowledge and belief, the contractor or grantee has
19 filed all Federal tax returns required during the three
20 years preceding the certification, has not been convicted
21 of a criminal offense under the Internal Revenue Code of
22 1986, and has not, more than 90 days prior to certifi-
23 cation, been notified of any unpaid Federal tax assessment
24 for which the liability remains unsatisfied, unless the as-
25 sessment is the subject of an installment agreement or

1 offer in compromise that has been approved by the Inter-
2 nal Revenue Service and is not in default, or the assess-
3 ment is the subject of a non-frivolous administrative or
4 judicial proceeding.

5 (RESCISSIONS)

6 SEC. 521. (a) Of the unobligated balances from prior
7 year appropriations available to the Department of Com-
8 merce, the following funds are hereby permanently re-
9 scinded, not later than September 30, 2021, from the fol-
10 lowing accounts in the specified amounts—

11 (1) “Economic Development Administration,
12 Economic Development Assistance Programs”,
13 \$10,000,000; and

14 (2) “National Oceanic and Atmospheric Admin-
15 istration, Fisheries Enforcement Asset Forfeiture
16 Fund”, \$5,000,000.

17 (b) Of the unobligated balances available to the De-
18 partment of Justice, the following funds are hereby per-
19 manently rescinded, not later than September 30, 2021,
20 from the following accounts in the specified amounts—

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

22 (2) “Federal Bureau of Investigation, Salaries
23 and Expenses”, \$80,000,000 including from, but not
24 limited to, fees collected to defray expenses for the

1 automation of fingerprint identification and criminal
2 justice information services and associated costs;

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

6 (4) “State and Local Law Enforcement Activi-
7 ties, Community Oriented Policing Services”,
8 \$15,000,000.

9 (c) The Departments of Commerce and Justice shall
10 submit to the Committees on Appropriations of the House
11 of Representatives and the Senate a report no later than
12 September 1, 2021, specifying the amount of each rescis-
13 sion made pursuant to subsections (a) and (b).

14 (d) The amounts rescinded in subsections (a) and (b)
15 shall not be from amounts that were designated by the
16 Congress as an emergency or disaster relief requirement
17 pursuant to the concurrent resolution on the budget or
18 the Balanced Budget and Emergency Deficit Control Act
19 of 1985.

20 SEC. 522. None of the funds made available in this
21 Act may be used to purchase first class or premium airline
22 travel in contravention of sections 301–10.122 through
23 301–10.124 of title 41 of the Code of Federal Regulations.

24 SEC. 523. None of the funds made available in this
25 Act may be used to send or otherwise pay for the attend-

1 ance of more than 50 employees from a Federal depart-
2 ment or agency, who are stationed in the United States,
3 at any single conference occurring outside the United
4 States unless—

5 (1) such conference is a law enforcement train-
6 ing or operational conference for law enforcement
7 personnel and the majority of Federal employees in
8 attendance are law enforcement personnel stationed
9 outside the United States; or

10 (2) such conference is a scientific conference
11 and the department or agency head determines that
12 such attendance is in the national interest and noti-
13 fies the Committees on Appropriations of the House
14 of Representatives and the Senate within at least 15
15 days of that determination and the basis for that de-
16 termination.

17 SEC. 524. The Director of the Office of Management
18 and Budget shall instruct any department, agency, or in-
19 strumentality of the United States receiving funds appro-
20 priated under this Act to track undisbursed balances in
21 expired grant accounts and include in its annual perform-
22 ance plan and performance and accountability reports the
23 following:

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

4 (2) The method that the department, agency, or
5 instrumentality uses to track undisbursed balances
6 in expired grant accounts.

7 (3) Identification of undisbursed balances in ex-
8 pired grant accounts that may be returned to the
9 Treasury of the United States.

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

16 SEC. 525. To the extent practicable, funds made
17 available in this Act should be used to purchase light bulbs
18 that are “Energy Star” qualified or have the “Federal En-
19 ergy Management Program” designation.

20 SEC. 526. (a) None of the funds made available by
21 this Act may be used for the National Aeronautics and
22 Space Administration (NASA), the Office of Science and
23 Technology Policy (OSTP), or the National Space Council
24 (NSC) to develop, design, plan, promulgate, implement,
25 or execute a bilateral policy, program, order, or contract

1 of any kind to participate, collaborate, or coordinate bilat-
2 erally in any way with China or any Chinese-owned com-
3 pany unless such activities are specifically authorized by
4 a law enacted after the date of enactment of this Act.

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

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

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

16 (2) will not involve knowing interactions with
17 officials who have been determined by the United
18 States to have direct involvement with violations of
19 human rights.

20 (d) Any certification made under subsection (c) shall
21 be submitted to the Committees on Appropriations of the
22 House of Representatives and the Senate, and the Federal
23 Bureau of Investigation, no later than 30 days prior to
24 the activity in question and shall include a description of

1 the purpose of the activity, its agenda, its major partici-
2 pants, and its location and timing.

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

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

12 SEC. 528. The Departments of Commerce and Jus-
13 tice, the National Aeronautics and Space Administration,
14 the National Science Foundation, the Commission on Civil
15 Rights, the Equal Employment Opportunity Commission,
16 the International Trade Commission, the Legal Services
17 Corporation, the Marine Mammal Commission, the Offices
18 of Science and Technology Policy and the United States
19 Trade Representative, the National Space Council, and
20 the State Justice Institute shall submit spending plans,
21 signed by the respective department or agency head, to
22 the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate not later than 45 days after
24 the date of enactment of this Act.

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

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

13 SEC. 531. None of the funds made available under
14 this Act to the Department of Justice may be used, with
15 respect to any of the States of Alabama, Alaska, Arizona,
16 Arkansas, California, Colorado, Connecticut, Delaware,
17 Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Ken-
18 tucky, Louisiana, Maine, Maryland, Massachusetts, Michi-
19 gan, Minnesota, Mississippi, Missouri, Montana, Nevada,
20 New Hampshire, New Jersey, New Mexico, New York,
21 North Carolina, North Dakota, Ohio, Oklahoma, Oregon,
22 Pennsylvania, Rhode Island, South Carolina, South Da-
23 kota, Tennessee, Texas, Utah, Vermont, Virginia, Wash-
24 ington, West Virginia, Wisconsin, and Wyoming, or with
25 respect to the District of Columbia, the Commonwealth

1 of the Northern Mariana Islands, the United States Virgin
2 Islands, Guam, or Puerto Rico, to prevent any of them
3 from implementing their own laws that authorize the use,
4 distribution, possession, or cultivation of medical mari-
5 juana.

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

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

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

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

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

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

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

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

1 individual described in subsection (c) for the purposes of de-
2 tention or imprisonment in the custody or under the effec-
3 tive control of the Department of Defense.

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

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

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

13 (2) is—

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

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

18 SEC. 537. (a) Notwithstanding any other provision
19 of law or treaty, none of the funds appropriated or other-
20 wise made available under this Act or any other Act may
21 be expended or obligated by a department, agency, or in-
22 strumentality of the United States to pay administrative
23 expenses or to compensate an officer or employee of the
24 United States in connection with requiring an export li-
25 cense for the export to Canada of components, parts, ac-

1 cessories or attachments for firearms listed in Category
2 I, section 121.1 of title 22, Code of Federal Regulations
3 (International Trafficking in Arms Regulations (ITAR),
4 part 121, as it existed on April 1, 2005) with a total value
5 not exceeding \$500 wholesale in any transaction, provided
6 that the conditions of subsection (b) of this section are
7 met by the exporting party for such articles.

8 (b) The foregoing exemption from obtaining an ex-
9 port license—

10 (1) does not exempt an exporter from filing any
11 Shipper's Export Declaration or notification letter
12 required by law, or from being otherwise eligible
13 under the laws of the United States to possess, ship,
14 transport, or export the articles enumerated in sub-
15 section (a); and

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

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

22 (B) barrels, cylinders, receivers (frames) or
23 complete breech mechanisms for any firearm
24 listed in Category I, other than for end use by

1 the Federal Government, or a Provincial or Mu-
2 nicipal Government of Canada; or

3 (C) articles for export from Canada to an-
4 other foreign destination.

5 (e) In accordance with this section, the District Di-
6 rectors of Customs and postmasters shall permit the per-
7 manent or temporary export without a license of any un-
8 classified articles specified in subsection (a) to Canada for
9 end use in Canada or return to the United States, or tem-
10 porary import of Canadian-origin items from Canada for
11 end use in the United States or return to Canada for a
12 Canadian citizen.

13 (d) The President may require export licenses under
14 this section on a temporary basis if the President deter-
15 mines, upon publication first in the Federal Register, that
16 the Government of Canada has implemented or main-
17 tained inadequate import controls for the articles specified
18 in subsection (a), such that a significant diversion of such
19 articles has and continues to take place for use in inter-
20 national terrorism or in the escalation of a conflict in an-
21 other nation. The President shall terminate the require-
22 ments of a license when reasons for the temporary require-
23 ments have ceased.

24 SEC. 538. Notwithstanding any other provision of
25 law, no department, agency, or instrumentality of the

1 United States receiving appropriated funds under this Act
2 or any other Act shall obligate or expend in any way such
3 funds to pay administrative expenses or the compensation
4 of any officer or employee of the United States to deny
5 any application submitted pursuant to 22 U.S.C.
6 2778(b)(1)(B) and qualified pursuant to 27 CFR section
7 478.112 or .113, for a permit to import United States ori-
8 gin “curios or relics” firearms, parts, or ammunition.

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

13 (1) all other requirements of law with respect to
14 the proposed importation are met; and

15 (2) no application for the importation of such
16 model of shotgun, in the same configuration, had
17 been denied by the Attorney General prior to Janu-
18 ary 1, 2011, on the basis that the shotgun was not
19 particularly suitable for or readily adaptable to
20 sporting purposes.

21 SEC. 540. None of the funds made available by this
22 Act may be obligated or expended to implement the Arms
23 Trade Treaty until the Senate approves a resolution of
24 ratification for the Treaty.

1 SEC. 541. For an additional amount for “United
2 States Marshals Service, Federal Prisoner Detention”,
3 \$125,000,000, to remain available until expended, to pre-
4 vent, prepare for, and respond to coronavirus, domestically
5 or internationally, including for necessary expenses related
6 to United States prisoners in the custody of the United
7 States Marshals Service, to be used only as authorized by
8 section 4013 of title 18, United States Code: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

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

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 SEC. 543. For an additional amount for “Federal
4 Prison System, Salaries and Expenses”, \$300,000,000, to
5 remain available until September 30, 2022, to prevent,
6 prepare for, and respond to coronavirus, domestically or
7 internationally, including the impact of coronavirus on the
8 work of the Department of Justice: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 This division may be cited as the “Commerce, Jus-
14 tice, Science, and Related Agencies Appropriations Act,
15 2021”.

1 **DIVISION C—DEPARTMENT OF DEFENSE**
2 **APPROPRIATIONS ACT, 2021**

3 TITLE I

4 MILITARY PERSONNEL

5 MILITARY PERSONNEL, ARMY

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the
11 Army on active duty (except members of reserve compo-
12 nents provided for elsewhere), cadets, and aviation cadets;
13 for members of the Reserve Officers' Training Corps; and
14 for payments pursuant to section 156 of Public Law 97–
15 377, as amended (42 U.S.C. 402 note), and to the Depart-
16 ment of Defense Military Retirement Fund,
17 \$44,861,853,000.

18 MILITARY PERSONNEL, NAVY

19 For pay, allowances, individual clothing, subsistence,
20 interest on deposits, gratuities, permanent change of sta-
21 tion travel (including all expenses thereof for organiza-
22 tional movements), and expenses of temporary duty travel
23 between permanent duty stations, for members of the
24 Navy on active duty (except members of the Reserve pro-
25 vided for elsewhere), midshipmen, and aviation cadets; for

1 members of the Reserve Officers' Training Corps; and for
2 payments pursuant to section 156 of Public Law 97-377,
3 as amended (42 U.S.C. 402 note), and to the Department
4 of Defense Military Retirement Fund, \$33,764,579,000.

5 MILITARY PERSONNEL, MARINE CORPS

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the Ma-
11 rine Corps on active duty (except members of the Reserve
12 provided for elsewhere); and for payments pursuant to sec-
13 tion 156 of Public Law 97-377, as amended (42 U.S.C.
14 402 note), and to the Department of Defense Military Re-
15 tirement Fund, \$14,557,436,000.

16 MILITARY PERSONNEL, AIR FORCE

17 For pay, allowances, individual clothing, subsistence,
18 interest on deposits, gratuities, permanent change of sta-
19 tion travel (including all expenses thereof for organiza-
20 tional movements), and expenses of temporary duty travel
21 between permanent duty stations, for members of the Air
22 Force on active duty (except members of reserve compo-
23 nents provided for elsewhere), cadets, and aviation cadets;
24 for members of the Reserve Officers' Training Corps; and
25 for payments pursuant to section 156 of Public Law 97-

1 377, as amended (42 U.S.C. 402 note), and to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$32,784,171,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 7038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and expenses au-
14 thorized by section 16131 of title 10, United States Code;
15 and for payments to the Department of Defense Military
16 Retirement Fund, \$5,037,119,000.

17 RESERVE PERSONNEL, NAVY

18 For pay, allowances, clothing, subsistence, gratuities,
19 travel, and related expenses for personnel of the Navy Re-
20 serve on active duty under section 10211 of title 10,
21 United States Code, or while serving on active duty under
22 section 12301(d) of title 10, United States Code, in con-
23 nection with performing duty specified in section 12310(a)
24 of title 10, United States Code, or while undergoing re-
25 serve training, or while performing drills or equivalent

1 duty, and expenses authorized by section 16131 of title
2 10, United States Code; and for payments to the Depart-
3 ment of Defense Military Retirement Fund,
4 \$2,200,600,000.

5 RESERVE PERSONNEL, MARINE CORPS

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Marine
8 Corps Reserve on active duty under section 10211 of title
9 10, United States Code, or while serving on active duty
10 under section 12301(d) of title 10, United States Code,
11 in connection with performing duty specified in section
12 12310(a) of title 10, United States Code, or while under-
13 going reserve training, or while performing drills or equiv-
14 alent duty, and for members of the Marine Corps platoon
15 leaders class, and expenses authorized by section 16131
16 of title 10, United States Code; and for payments to the
17 Department of Defense Military Retirement Fund,
18 \$843,564,000.

19 RESERVE PERSONNEL, AIR FORCE

20 For pay, allowances, clothing, subsistence, gratuities,
21 travel, and related expenses for personnel of the Air Force
22 Reserve on active duty under sections 10211, 10305, and
23 8038 of title 10, United States Code, or while serving on
24 active duty under section 12301(d) of title 10, United
25 States Code, in connection with performing duty specified

1 in section 12310(a) of title 10, United States Code, or
2 while undergoing reserve training, or while performing
3 drills or equivalent duty or other duty, and expenses au-
4 thorized by section 16131 of title 10, United States Code;
5 and for payments to the Department of Defense Military
6 Retirement Fund, \$2,193,493,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Na-
10 tional Guard while on duty under sections 10211, 10302,
11 or 12402 of title 10 or section 708 of title 32, United
12 States Code, or while serving on duty under section
13 12301(d) of title 10 or section 502(f) of title 32, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing training, or while performing drills or
17 equivalent duty or other duty, and expenses authorized by
18 section 16131 of title 10, United States Code; and for pay-
19 ments to the Department of Defense Military Retirement
20 Fund, \$8,663,999,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Na-
24 tional Guard on duty under sections 10211, 10305, or
25 12402 of title 10 or section 708 of title 32, United States

1 Code, or while serving on duty under section 12301(d) of
2 title 10 or section 502(f) of title 32, United States Code,
3 in connection with performing duty specified in section
4 12310(a) of title 10, United States Code, or while under-
5 going training, or while performing drills or equivalent
6 duty or other duty, and expenses authorized by section
7 16131 of title 10, United States Code; and for payments
8 to the Department of Defense Military Retirement Fund,
9 \$4,530,091,000.

1 TITLE II

2 OPERATION AND MAINTENANCE

3 OPERATION AND MAINTENANCE, ARMY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Army, as author-
6 ized by law, \$38,418,982,000: *Provided*, That not to ex-
7 ceed \$12,478,000 may be used for emergencies and ex-
8 traordinary expenses, to be expended upon the approval
9 or authority of the Secretary of the Army, and payments
10 may be made upon his certificate of necessity for confiden-
11 tial military purposes.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Navy and the
15 Marine Corps, as authorized by law, \$47,632,527,000:
16 *Provided*, That not to exceed \$15,055,000 may be used
17 for emergencies and extraordinary expenses, to be ex-
18 pended upon the approval or authority of the Secretary
19 of the Navy, and payments may be made upon his certifi-
20 cate of necessity for confidential military purposes.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Marine Corps,
24 as authorized by law, \$7,286,184,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law, \$33,528,409,000: *Provided*, That not
5 to exceed \$7,699,000 may be used for emergencies and
6 extraordinary expenses, to be expended upon the approval
7 or authority of the Secretary of the Air Force, and pay-
8 ments may be made upon his certificate of necessity for
9 confidential military purposes.

10 OPERATION AND MAINTENANCE, SPACE FORCE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Space Force, as
13 authorized by law, \$2,492,114,000.

14 OPERATION AND MAINTENANCE, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance of activities and agen-
18 cies of the Department of Defense (other than the military
19 departments), as authorized by law, \$39,048,990,000:
20 *Provided*, That not more than \$3,000,000 may be used
21 for the Combatant Commander Initiative Fund authorized
22 under section 166a of title 10, United States Code: *Pro-*
23 *vided further*, That not to exceed \$36,000,000 may be
24 used for emergencies and extraordinary expenses, to be ex-
25 pended upon the approval or authority of the Secretary

1 of Defense, and payments may be made upon his certifi-
2 cate of necessity for confidential military purposes: *Pro-*
3 *vided further*, That of the funds provided under this head-
4 ing, not less than \$48,000,000 shall be made available for
5 the Procurement Technical Assistance Cooperative Agree-
6 ment Program, of which not less than \$4,500,000 shall
7 be available for centers defined in 10 U.S.C. 2411(1)(D):
8 *Provided further*, That none of the funds appropriated or
9 otherwise made available by this Act may be used to plan
10 or implement the consolidation of a budget or appropria-
11 tions liaison office of the Office of the Secretary of De-
12 fense, the office of the Secretary of a military department,
13 or the service headquarters of one of the Armed Forces
14 into a legislative affairs or legislative liaison office: *Pro-*
15 *vided further*, That \$18,000,000, to remain available until
16 expended, is available only for expenses relating to certain
17 classified activities, and may be transferred as necessary
18 by the Secretary of Defense to operation and maintenance
19 appropriations or research, development, test and evalua-
20 tion appropriations, to be merged with and to be available
21 for the same time period as the appropriations to which
22 transferred: *Provided further*, That any ceiling on the in-
23 vestment item unit cost of items that may be purchased
24 with operation and maintenance funds shall not apply to
25 the funds described in the preceding proviso: *Provided fur-*

1 *ther*, That of the funds provided under this heading,
2 \$656,140,000, of which \$434,630,000, to remain available
3 until September 30, 2022, shall be available for Inter-
4 national Security Cooperation Programs and other pro-
5 grams to provide support and assistance to foreign secu-
6 rity forces or other groups or individuals to conduct, sup-
7 port or facilitate counterterrorism, crisis response, or
8 building partner capacity programs: *Provided further*,
9 That the Secretary of Defense shall, not less than 15 days
10 prior to obligating funds made available in this section for
11 International Security Cooperation Programs, notify the
12 congressional defense committees in writing of the details
13 of any such obligation: *Provided further*, That the Sec-
14 retary of Defense shall provide quarterly reports to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate on the use and status of funds made
17 available in this paragraph: *Provided further*, That the
18 transfer authority provided under this heading is in addi-
19 tion to any other transfer authority provided elsewhere in
20 this Act.

21 OPERATION AND MAINTENANCE, ARMY RESERVE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance, including training, or-
24 ganization, and administration, of the Army Reserve; re-
25 pair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$2,887,898,000.

4 OPERATION AND MAINTENANCE, NAVY RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Navy Reserve; re-
8 pair of facilities and equipment; hire of passenger motor
9 vehicles; travel and transportation; care of the dead; re-
10 cruiting; procurement of services, supplies, and equip-
11 ment; and communications, \$1,115,150,000.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Marine Corps Re-
17 serve; repair of facilities and equipment; hire of passenger
18 motor vehicles; travel and transportation; care of the dead;
19 recruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$283,494,000.

21 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance, including training, or-
24 ganization, and administration, of the Air Force Reserve;
25 repair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$3,268,461,000.

4 OPERATION AND MAINTENANCE, ARMY NATIONAL
5 GUARD

6 For expenses of training, organizing, and admin-
7 istering the Army National Guard, including medical and
8 hospital treatment and related expenses in non-Federal
9 hospitals; maintenance, operation, and repairs to struc-
10 tures and facilities; hire of passenger motor vehicles; per-
11 sonnel services in the National Guard Bureau; travel ex-
12 penses (other than mileage), as authorized by law for
13 Army personnel on active duty, for Army National Guard
14 division, regimental, and battalion commanders while in-
15 specting units in compliance with National Guard Bureau
16 regulations when specifically authorized by the Chief, Na-
17 tional Guard Bureau; supplying and equipping the Army
18 National Guard as authorized by law; and expenses of re-
19 pair, modification, maintenance, and issue of supplies and
20 equipment (including aircraft), \$7,350,837,000.

21 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

22 For expenses of training, organizing, and admin-
23 istering the Air National Guard, including medical and
24 hospital treatment and related expenses in non-Federal
25 hospitals; maintenance, operation, and repairs to struc-

1 tures and facilities; transportation of things, hire of pas-
2 senger motor vehicles; supplying and equipping the Air
3 National Guard, as authorized by law; expenses for repair,
4 modification, maintenance, and issue of supplies and
5 equipment, including those furnished from stocks under
6 the control of agencies of the Department of Defense;
7 travel expenses (other than mileage) on the same basis as
8 authorized by law for Air National Guard personnel on
9 active Federal duty, for Air National Guard commanders
10 while inspecting units in compliance with National Guard
11 Bureau regulations when specifically authorized by the
12 Chief, National Guard Bureau, \$6,785,853,000.

13 UNITED STATES COURT OF APPEALS FOR THE ARMED
14 FORCES

15 For salaries and expenses necessary for the United
16 States Court of Appeals for the Armed Forces,
17 \$15,211,000, of which not to exceed \$5,000 may be used
18 for official representation purposes.

19 ENVIRONMENTAL RESTORATION, ARMY
20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of the Army, \$264,285,000, to
22 remain available until transferred: *Provided*, That the Sec-
23 retary of the Army shall, upon determining that such
24 funds are required for environmental restoration, reduc-
25 tion and recycling of hazardous waste, removal of unsafe

1 buildings and debris of the Department of the Army, or
2 for similar purposes, transfer the funds made available by
3 this appropriation to other appropriations made available
4 to the Department of the Army, to be merged with and
5 to be available for the same purposes and for the same
6 time period as the appropriations to which transferred:
7 *Provided further*, That upon a determination that all or
8 part of the funds transferred from this appropriation are
9 not necessary for the purposes provided herein, such
10 amounts may be transferred back to this appropriation:
11 *Provided further*, That the transfer authority provided
12 under this heading is in addition to any other transfer au-
13 thority provided elsewhere in this Act.

14 ENVIRONMENTAL RESTORATION, NAVY

15 (INCLUDING TRANSFER OF FUNDS)

16 For the Department of the Navy, \$421,250,000, to
17 remain available until transferred: *Provided*, That the Sec-
18 retary of the Navy shall, upon determining that such
19 funds are required for environmental restoration, reduc-
20 tion and recycling of hazardous waste, removal of unsafe
21 buildings and debris of the Department of the Navy, or
22 for similar purposes, transfer the funds made available by
23 this appropriation to other appropriations made available
24 to the Department of the Navy, to be merged with and
25 to be available for the same purposes and for the same

1 time period as the appropriations to which transferred:
2 *Provided further*, That upon a determination that all or
3 part of the funds transferred from this appropriation are
4 not necessary for the purposes provided herein, such
5 amounts may be transferred back to this appropriation:
6 *Provided further*, That the transfer authority provided
7 under this heading is in addition to any other transfer au-
8 thority provided elsewhere in this Act.

9 ENVIRONMENTAL RESTORATION, AIR FORCE
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Air Force, \$509,250,000,
12 to remain available until transferred: *Provided*, That the
13 Secretary of the Air Force shall, upon determining that
14 such funds are required for environmental restoration, re-
15 duction and recycling of hazardous waste, removal of un-
16 safe buildings and debris of the Department of the Air
17 Force, or for similar purposes, transfer the funds made
18 available by this appropriation to other appropriations
19 made available to the Department of the Air Force, to be
20 merged with and to be available for the same purposes
21 and for the same time period as the appropriations to
22 which transferred: *Provided further*, That upon a deter-
23 mination that all or part of the funds transferred from
24 this appropriation are not necessary for the purposes pro-
25 vided herein, such amounts may be transferred back to

1 this appropriation: *Provided further*, That the transfer au-
2 thority provided under this heading is in addition to any
3 other transfer authority provided elsewhere in this Act.

4 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of Defense, \$19,952,000, to re-
7 main available until transferred: *Provided*, That the Sec-
8 retary of Defense shall, upon determining that such funds
9 are required for environmental restoration, reduction and
10 recycling of hazardous waste, removal of unsafe buildings
11 and debris of the Department of Defense, or for similar
12 purposes, transfer the funds made available by this appro-
13 priation to other appropriations made available to the De-
14 partment of Defense, to be merged with and to be avail-
15 able for the same purposes and for the same time period
16 as the appropriations to which transferred: *Provided fur-*
17 *ther*, That upon a determination that all or part of the
18 funds transferred from this appropriation are not nec-
19 essary for the purposes provided herein, such amounts
20 may be transferred back to this appropriation: *Provided*
21 *further*, That the transfer authority provided under this
22 heading is in addition to any other transfer authority pro-
23 vided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, FORMERLY USED
2 DEFENSE SITES
3 (INCLUDING TRANSFER OF FUNDS)

4 For the Department of the Army, \$288,750,000, to
5 remain available until transferred: *Provided*, That the Sec-
6 retary of the Army shall, upon determining that such
7 funds are required for environmental restoration, reduc-
8 tion and recycling of hazardous waste, removal of unsafe
9 buildings and debris at sites formerly used by the Depart-
10 ment of Defense, transfer the funds made available by this
11 appropriation to other appropriations made available to
12 the Department of the Army, to be merged with and to
13 be available for the same purposes and for the same time
14 period as the appropriations to which transferred: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided herein, such amounts
18 may be transferred back to this appropriation: *Provided*
19 *further*, That the transfer authority provided under this
20 heading is in addition to any other transfer authority pro-
21 vided elsewhere in this Act.

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For expenses relating to the Overseas Humanitarian,
24 Disaster, and Civic Aid programs of the Department of
25 Defense (consisting of the programs provided under sec-

1 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
2 United States Code), \$147,500,000, to remain available
3 until September 30, 2022: *Provided*, That such amounts
4 shall not be subject to the limitation in section 407(e)(3)
5 of title 10, United States Code.

6 COOPERATIVE THREAT REDUCTION ACCOUNT

7 For assistance, including assistance provided by con-
8 tract or by grants, under programs and activities of the
9 Department of Defense Cooperative Threat Reduction
10 Program authorized under the Department of Defense Co-
11 operative Threat Reduction Act, \$360,190,000, to remain
12 available until September 30, 2023.

13 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

14 DEVELOPMENT ACCOUNT

15 For the Department of Defense Acquisition Work-
16 force Development Account, \$88,181,000, to remain avail-
17 able for obligation until September 30, 2021: *Provided*,
18 That no other amounts may be otherwise credited or
19 transferred to the Account, or deposited into the Account,
20 in fiscal year 2021 pursuant to section 1705(d) of title
21 10, United States Code.

1 TITLE III
2 PROCUREMENT
3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$3,457,342,000, to remain available
17 for obligation until September 30, 2023.

18 MISSILE PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$2,790,140,000, to remain
15 available for obligation until September 30, 2023.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; communications and
21 electronic equipment; other support equipment; spare
22 parts, ordnance, and accessories therefor; specialized
23 equipment and training devices; expansion of public and
24 private plants, including the land necessary therefor, for
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$8,603,112,000, to remain available for obligation until
8 September 30, 2023.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$19,480,280,000, to remain available for obligation until
21 September 30, 2023.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, torpedoes, other weap-
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$4,477,773,000, to remain available for obliga-
9 tion until September 30, 2023.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$792,023,000, to remain avail-
25 able for obligation until September 30, 2023.

1 SHIPBUILDING AND CONVERSION, NAVY

2 For expenses necessary for the construction, acquisi-
3 tion, or conversion of vessels as authorized by law, includ-
4 ing armor and armament thereof, plant equipment, appli-
5 ances, and machine tools and installation thereof in public
6 and private plants; reserve plant and Government and con-
7 tractor-owned equipment layaway; procurement of critical,
8 long lead time components and designs for vessels to be
9 constructed or converted in the future; and expansion of
10 public and private plants, including land necessary there-
11 for, and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title, as follows:

14 Columbia Class Submarine, \$2,869,024,000;

15 Columbia Class Submarine (AP),
16 \$1,253,175,000;

17 Carrier Replacement Program (CVN-80),
18 \$958,933,000;

19 Carrier Replacement Program (CVN-81),
20 \$1,606,432,000;

21 Virginia Class Submarine, \$4,603,213,000;

22 Virginia Class Submarine (AP),
23 \$2,173,187,000;

24 CVN Refueling Overhauls, \$1,531,153,000;

25 CVN Refueling Overhauls (AP), \$17,384,000;

1 DDG-1000 Program, \$78,205,000;
2 DDG-51 Destroyer, \$3,219,843,000;
3 DDG-51 Destroyer (AP), \$159,297,000;
4 FFG-Frigate, \$1,053,123,000;
5 LPD Flight II, \$1,125,801,000;
6 LPD 32 (AP), \$1,000,000;
7 LPD 33 (AP), \$1,000,000;
8 Expeditionary Sea Base (AP), \$73,000,000;
9 LHA Replacement, \$500,000,000;
10 Expeditionary Fast Transport, \$260,000,000;
11 TAO Fleet Oiler, \$20,000,000;
12 Towing, Salvage, and Rescue Ship,
13 \$157,790,000;
14 LCU 1700, \$87,395,000;
15 Service Craft, \$244,147,000;
16 LCAC SLEP, \$56,461,000;
17 Auxiliary Vessels, \$60,000,000;
18 For outfitting, post delivery, conversions, and
19 first destination transportation, \$752,005,000; and
20 Completion of Prior Year Shipbuilding Pro-
21 grams, \$407,312,000.
22 In all: \$23,268,880,000, to remain available for obli-
23 gation until September 30, 2025: *Provided*, That addi-
24 tional obligations may be incurred after September 30,
25 2025, for engineering services, tests, evaluations, and

1 other such budgeted work that must be performed in the
2 final stage of ship construction: *Provided further*, That
3 none of the funds provided under this heading for the con-
4 struction or conversion of any naval vessel to be con-
5 structed in shipyards in the United States shall be ex-
6 pended in foreign facilities for the construction of major
7 components of such vessel: *Provided further*, That none
8 of the funds provided under this heading shall be used
9 for the construction of any naval vessel in foreign ship-
10 yards: *Provided further*, That funds appropriated or other-
11 wise made available by this Act for Columbia Class Sub-
12 marine (AP) may be available for the purposes authorized
13 by subsections (f), (g), (h) or (i) of section 2218a of title
14 10, United States Code, only in accordance with the provi-
15 sions of the applicable subsection.

16 OTHER PROCUREMENT, NAVY

17 For procurement, production, and modernization of
18 support equipment and materials not otherwise provided
19 for, Navy ordnance (except ordnance for new aircraft, new
20 ships, and ships authorized for conversion); the purchase
21 of passenger motor vehicles for replacement only; expan-
22 sion of public and private plants, including the land nec-
23 essary therefor, and such lands and interests therein, may
24 be acquired, and construction prosecuted thereon prior to
25 approval of title; and procurement and installation of

1 equipment, appliances, and machine tools in public and
2 private plants; reserve plant and Government and con-
3 tractor-owned equipment layaway, \$10,512,209,000, to
4 remain available for obligation until September 30, 2023:
5 *Provided*, That such funds are also available for the main-
6 tenance, repair, and modernization of Pacific Fleet ships
7 under a pilot program established for such purposes.

8 PROCUREMENT, MARINE CORPS

9 For expenses necessary for the procurement, manu-
10 facture, and modification of missiles, armament, military
11 equipment, spare parts, and accessories therefor; plant
12 equipment, appliances, and machine tools, and installation
13 thereof in public and private plants; reserve plant and
14 Government and contractor-owned equipment layaway; ve-
15 hicles for the Marine Corps, including the purchase of pas-
16 senger motor vehicles for replacement only; and expansion
17 of public and private plants, including land necessary
18 therefor, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title, \$2,648,375,000, to remain available for ob-
21 ligation until September 30, 2023.

22 AIRCRAFT PROCUREMENT, AIR FORCE

23 For construction, procurement, and modification of
24 aircraft and equipment, including armor and armament,
25 specialized ground handling equipment, and training de-

1 vices, spare parts, and accessories therefor; specialized
2 equipment; expansion of public and private plants, Gov-
3 ernment-owned equipment and installation thereof in such
4 plants, erection of structures, and acquisition of land, for
5 the foregoing purposes, and such lands and interests
6 therein, may be acquired, and construction prosecuted
7 thereon prior to approval of title; reserve plant and Gov-
8 ernment and contractor-owned equipment layaway; and
9 other expenses necessary for the foregoing purposes in-
10 cluding rents and transportation of things,
11 \$19,212,753,000, to remain available for obligation until
12 September 30, 2023.

13 MISSILE PROCUREMENT, AIR FORCE

14 For construction, procurement, and modification of
15 missiles, rockets, and related equipment, including spare
16 parts and accessories therefor; ground handling equip-
17 ment, and training devices; expansion of public and pri-
18 vate plants, Government-owned equipment and installa-
19 tion thereof in such plants, erection of structures, and ac-
20 quisition of land, for the foregoing purposes, and such
21 lands and interests therein, may be acquired, and con-
22 struction prosecuted thereon prior to approval of title; re-
23 serve plant and Government and contractor-owned equip-
24 ment layaway; and other expenses necessary for the fore-
25 going purposes including rents and transportation of

1 things, \$2,142,181,000, to remain available for obligation
2 until September 30, 2023.

3 PROCUREMENT OF AMMUNITION, AIR FORCE

4 For construction, procurement, production, and
5 modification of ammunition, and accessories therefor; spe-
6 cialized equipment and training devices; expansion of pub-
7 lic and private plants, including ammunition facilities, au-
8 thorized by section 2854 of title 10, United States Code,
9 and the land necessary therefor, for the foregoing pur-
10 poses, and such lands and interests therein, may be ac-
11 quired, and construction prosecuted thereon prior to ap-
12 proval of title; and procurement and installation of equip-
13 ment, appliances, and machine tools in public and private
14 plants; reserve plant and Government and contractor-
15 owned equipment layaway; and other expenses necessary
16 for the foregoing purposes, \$550,844,000, to remain avail-
17 able for obligation until September 30, 2023.

18 OTHER PROCUREMENT, AIR FORCE

19 For procurement and modification of equipment (in-
20 cluding ground guidance and electronic control equipment,
21 and ground electronic and communication equipment),
22 and supplies, materials, and spare parts therefor, not oth-
23 erwise provided for; the purchase of passenger motor vehi-
24 cles for replacement only; lease of passenger motor vehi-
25 cles; and expansion of public and private plants, Govern-

1 ment-owned equipment and installation thereof in such
2 plants, erection of structures, and acquisition of land, for
3 the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon, prior to approval of title; reserve plant and Gov-
6 ernment and contractor-owned equipment layaway,
7 \$23,441,648,000, to remain available for obligation until
8 September 30, 2023.

9 PROCUREMENT, SPACE FORCE

10 For construction, procurement, and modification of
11 spacecraft, rockets, and related equipment, including
12 spare parts and accessories therefor; ground handling
13 equipment, and training devices; expansion of public and
14 private plants, Government-owned equipment and installa-
15 tion thereof in such plants, erection of structures, and ac-
16 quisition of land, for the foregoing purposes, and such
17 lands and interests therein, may be acquired, and con-
18 struction prosecuted thereon prior to approval of title; re-
19 serve plant and Government and contractor-owned equip-
20 ment layaway; and other expenses necessary for the fore-
21 going purposes including rents and transportation of
22 things, \$2,310,994,000, to remain available for obligation
23 until September 30, 2023.

1 PROCUREMENT, DEFENSE-WIDE

2 For expenses of activities and agencies of the Depart-
3 ment of Defense (other than the military departments)
4 necessary for procurement, production, and modification
5 of equipment, supplies, materials, and spare parts there-
6 for, not otherwise provided for; the purchase of passenger
7 motor vehicles for replacement only; expansion of public
8 and private plants, equipment, and installation thereof in
9 such plants, erection of structures, and acquisition of land
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$5,837,347,000, to remain available for obligation until
15 September 30, 2023.

16 DEFENSE PRODUCTION ACT PURCHASES

17 For activities by the Department of Defense pursuant
18 to sections 108, 301, 302, and 303 of the Defense Produc-
19 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
20 \$174,639,000, to remain available until expended: *Pro-*
21 *vided*, That no less than \$60,000,000 of the funds pro-
22 vided under this heading shall be obligated and expended
23 by the Secretary of Defense in behalf of the Department
24 of Defense as if delegated the necessary authorities con-
25 ferred by the Defense Production Act of 1950.

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1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$13,969,032,000, to remain avail-
10 able for obligation until September 30, 2022.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$20,078,829,000, to remain avail-
17 able for obligation until September 30, 2022: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
22 AIR FORCE

23 For expenses necessary for basic and applied sci-
24 entific research, development, test and evaluation, includ-
25 ing maintenance, rehabilitation, lease, and operation of fa-

1 cilities and equipment, \$36,357,443,000, to remain avail-
2 able for obligation until September 30, 2022.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 SPACE FORCE

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$10,540,069,000, to remain avail-
9 able until September 30, 2022.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments),
14 necessary for basic and applied scientific research, devel-
15 opment, test and evaluation; advanced research projects
16 as may be designated and determined by the Secretary
17 of Defense, pursuant to law; maintenance, rehabilitation,
18 lease, and operation of facilities and equipment,
19 \$25,932,671,000, to remain available for obligation until
20 September 30, 2022.

21 OPERATIONAL TEST AND EVALUATION, DEFENSE

22 For expenses, not otherwise provided for, necessary
23 for the independent activities of the Director, Operational
24 Test and Evaluation, in the direction and supervision of
25 operational test and evaluation, including initial oper-

1 ational test and evaluation which is conducted prior to,
2 and in support of, production decisions; joint operational
3 testing and evaluation; and administrative expenses in
4 connection therewith, \$257,120,000, to remain available
5 for obligation until September 30, 2022.

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1 TITLE V

2 REVOLVING AND MANAGEMENT FUNDS

3 DEFENSE WORKING CAPITAL FUNDS

4 For the Defense Working Capital Funds,
5 \$1,473,910,000.

6 TITLE VI

7 OTHER DEPARTMENT OF DEFENSE PROGRAMS

8 DEFENSE HEALTH PROGRAM

9 For expenses, not otherwise provided for, for medical
10 and health care programs of the Department of Defense
11 as authorized by law, \$33,684,607,000; of which
12 \$30,747,659,000 shall be for operation and maintenance,
13 of which not to exceed one percent shall remain available
14 for obligation until September 30, 2022, and of which up
15 to \$16,008,365,000 may be available for contracts entered
16 into under the TRICARE program; of which
17 \$544,369,000, to remain available for obligation until Sep-
18 tember 30, 2023, shall be for procurement; and of which
19 \$2,392,579,000, to remain available for obligation until
20 September 30, 2022, shall be for research, development,
21 test and evaluation: *Provided*, That, notwithstanding any
22 other provision of law, of the amount made available under
23 this heading for research, development, test and evalua-
24 tion, not less than \$8,000,000 shall be available for HIV
25 prevention educational activities undertaken in connection

1 with United States military training, exercises, and hu-
2 manitarian assistance activities conducted primarily in Af-
3 rican nations: *Provided further*, That of the funds provided
4 under this heading for research, development, test and
5 evaluation, not less than \$1,489,000,000 shall be made
6 available to the United States Army Medical Research and
7 Development Command to carry out the congressionally
8 directed medical research programs: *Provided further*,
9 That the Secretary of Defense shall submit to the congres-
10 sional defense committees quarterly reports on the current
11 status of the deployment of the electronic health record:
12 *Provided further*, That the Secretary of Defense shall pro-
13 vide notice to the congressional defense committees not
14 later than 10 business days after delaying the proposed
15 timeline of such deployment if such delay is longer than
16 1 week: *Provided further*, That the Comptroller General
17 of the United States shall perform quarterly performance
18 reviews of such deployment.

19 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
20 DEFENSE

21 For expenses, not otherwise provided for, necessary
22 for the destruction of the United States stockpile of lethal
23 chemical agents and munitions in accordance with the pro-
24 visions of section 1412 of the Department of Defense Au-
25 thorization Act, 1986 (50 U.S.C. 1521), and for the de-

1 struction of other chemical warfare materials that are not
2 in the chemical weapon stockpile, \$1,049,800,000, of
3 which \$106,691,000 shall be for operation and mainte-
4 nance, of which no less than \$51,009,000 shall be for the
5 Chemical Stockpile Emergency Preparedness Program,
6 consisting of \$22,235,000 for activities on military instal-
7 lations and \$28,774,000, to remain available until Sep-
8 tember 30, 2022, to assist State and local governments;
9 \$616,000 shall be for procurement, to remain available
10 until September 30, 2023, of which not less than
11 \$616,000 shall be for the Chemical Stockpile Emergency
12 Preparedness Program to assist State and local govern-
13 ments; and \$942,493,000, to remain available until Sep-
14 tember 30, 2022, shall be for research, development, test
15 and evaluation, of which \$935,999,000 shall only be for
16 the Assembled Chemical Weapons Alternatives program.

17 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

18 DEFENSE

19 (INCLUDING TRANSFER OF FUNDS)

20 For drug interdiction and counter-drug activities of
21 the Department of Defense, for transfer to appropriations
22 available to the Department of Defense for military per-
23 sonnel of the reserve components serving under the provi-
24 sions of title 10 and title 32, United States Code; for oper-
25 ation and maintenance; for procurement; and for research,

1 development, test and evaluation, \$914,429,000, of which
2 \$567,003,000 shall be for counter-narcotics support;
3 \$127,704,000 shall be for the drug demand reduction pro-
4 gram; \$194,211,000 shall be for the National Guard
5 counter-drug program; and \$25,511,000 shall be for the
6 National Guard counter-drug schools program: *Provided*,
7 That the funds appropriated under this heading shall be
8 available for obligation for the same time period and for
9 the same purpose as the appropriation to which trans-
10 ferred: *Provided further*, That upon a determination that
11 all or part of the funds transferred from this appropriation
12 are not necessary for the purposes provided herein, such
13 amounts may be transferred back to this appropriation:
14 *Provided further*, That the transfer authority provided
15 under this heading is in addition to any other transfer au-
16 thority contained elsewhere in this Act.

17 OFFICE OF THE INSPECTOR GENERAL

18 For expenses and activities of the Office of the In-
19 spector General in carrying out the provisions of the In-
20 spector General Act of 1978, as amended, \$375,439,000,
21 of which \$373,483,000 shall be for operation and mainte-
22 nance, of which not to exceed \$700,000 is available for
23 emergencies and extraordinary expenses to be expended
24 upon the approval or authority of the Inspector General,
25 and payments may be made upon the Inspector General's

1 certificate of necessity for confidential military purposes;
2 of which \$858,000, to remain available for obligation until
3 September 30, 2023, shall be for procurement; and of
4 which \$1,098,000, to remain available until September 30,
5 2022, shall be for research, development, test and evalua-
6 tion.

7 TITLE VII

8 RELATED AGENCIES

9 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

10 DISABILITY SYSTEM FUND

11 For payment to the Central Intelligence Agency Re-
12 tirement and Disability System Fund, to maintain the
13 proper funding level for continuing the operation of the
14 Central Intelligence Agency Retirement and Disability
15 System, \$514,000,000.

16 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

17 For necessary expenses of the Intelligence Commu-
18 nity Management Account, \$633,719,000.

1 TITLE VIII

2 GENERAL PROVISIONS

3 SEC. 8001. No part of any appropriation contained
4 in this Act shall be used for publicity or propaganda pur-
5 poses not authorized by the Congress.

6 SEC. 8002. During the current fiscal year, provisions
7 of law prohibiting the payment of compensation to, or em-
8 ployment of, any person not a citizen of the United States
9 shall not apply to personnel of the Department of Defense:
10 *Provided*, That salary increases granted to direct and indi-
11 rect hire foreign national employees of the Department of
12 Defense funded by this Act shall not be at a rate in excess
13 of the percentage increase authorized by law for civilian
14 employees of the Department of Defense whose pay is
15 computed under the provisions of section 5332 of title 5,
16 United States Code, or at a rate in excess of the percent-
17 age increase provided by the appropriate host nation to
18 its own employees, whichever is higher: *Provided further*,
19 That this section shall not apply to Department of De-
20 fense foreign service national employees serving at United
21 States diplomatic missions whose pay is set by the Depart-
22 ment of State under the Foreign Service Act of 1980: *Pro-*
23 *vided further*, That the limitations of this provision shall
24 not apply to foreign national employees of the Department
25 of Defense in the Republic of Turkey.

1 appropriated and in no case where the item for which
2 funds are requested has been denied by the Congress: *Pro-*
3 *vided further*, That the Secretary of Defense shall notify
4 the Congress promptly of all transfers made pursuant to
5 this authority or any other authority in this Act: *Provided*
6 *further*, That no part of the funds in this Act shall be
7 available to prepare or present a request to the Commit-
8 tees on Appropriations of the House of Representatives
9 and the Senate for reprogramming of funds, unless for
10 higher priority items, based on unforeseen military re-
11 quirements, than those for which originally appropriated
12 and in no case where the item for which reprogramming
13 is requested has been denied by the Congress: *Provided*
14 *further*, That a request for multiple reprogrammings of
15 funds using authority provided in this section shall be
16 made prior to June 30, 2021: *Provided further*, That
17 transfers among military personnel appropriations shall
18 not be taken into account for purposes of the limitation
19 on the amount of funds that may be transferred under
20 this section.

21 SEC. 8006. (a) With regard to the list of specific pro-
22 grams, projects, and activities (and the dollar amounts
23 and adjustments to budget activities corresponding to
24 such programs, projects, and activities) contained in the
25 tables titled Explanation of Project Level Adjustments in

1 the explanatory statement regarding this Act and the ta-
2 bles contained in the classified annex accompanying this
3 Act, the obligation and expenditure of amounts appro-
4 priated or otherwise made available in this Act for those
5 programs, projects, and activities for which the amounts
6 appropriated exceed the amounts requested are hereby re-
7 quired by law to be carried out in the manner provided
8 by such tables to the same extent as if the tables were
9 included in the text of this Act.

10 (b) Amounts specified in the referenced tables de-
11 scribed in subsection (a) shall not be treated as subdivi-
12 sions of appropriations for purposes of section 8005 of this
13 Act: *Provided*, That section 8005 shall apply when trans-
14 fers of the amounts described in subsection (a) occur be-
15 tween appropriation accounts.

16 SEC. 8007. (a) Not later than 60 days after enact-
17 ment of this Act, the Department of Defense shall submit
18 a report to the congressional defense committees to estab-
19 lish the baseline for application of reprogramming and
20 transfer authorities for fiscal year 2021: *Provided*, That
21 the report shall include—

22 (1) a table for each appropriation with a sepa-
23 rate column to display the President's budget re-
24 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the
2 fiscal year enacted level;

3 (2) a delineation in the table for each appro-
4 priation both by budget activity and program,
5 project, and activity as detailed in the Budget Ap-
6 pendix; and

7 (3) an identification of items of special congres-
8 sional interest.

9 (b) Notwithstanding section 8005 of this Act, none
10 of the funds provided in this Act shall be available for
11 reprogramming or transfer until the report identified in
12 subsection (a) is submitted to the congressional defense
13 committees, unless the Secretary of Defense certifies in
14 writing to the congressional defense committees that such
15 reprogramming or transfer is necessary as an emergency
16 requirement: *Provided*, That this subsection shall not
17 apply to transfers from the following appropriations ac-
18 counts:

19 (1) “Environmental Restoration, Army”;

20 (2) “Environmental Restoration, Navy”;

21 (3) “Environmental Restoration, Air Force”;

22 (4) “Environmental Restoration, Defense-
23 Wide”;

24 (5) “Environmental Restoration, Formerly
25 Used Defense Sites”; and

1 SEC. 8009. Funds appropriated by this Act may not
2 be used to initiate a special access program without prior
3 notification 30 calendar days in advance to the congress-
4 sional defense committees.

5 SEC. 8010. None of the funds provided in this Act
6 shall be available to initiate: (1) a multiyear contract that
7 employs economic order quantity procurement in excess of
8 \$20,000,000 in any one year of the contract or that in-
9 cludes an unfunded contingent liability in excess of
10 \$20,000,000; or (2) a contract for advance procurement
11 leading to a multiyear contract that employs economic
12 order quantity procurement in excess of \$20,000,000 in
13 any one year, unless the congressional defense committees
14 have been notified at least 30 days in advance of the pro-
15 posed contract award: *Provided*, That no part of any ap-
16 propriation contained in this Act shall be available to ini-
17 tiate a multiyear contract for which the economic order
18 quantity advance procurement is not funded at least to
19 the limits of the Government's liability: *Provided further*,
20 That no part of any appropriation contained in this Act
21 shall be available to initiate multiyear procurement con-
22 tracts for any systems or component thereof if the value
23 of the multiyear contract would exceed \$500,000,000 un-
24 less specifically provided in this Act: *Provided further*,
25 That no multiyear procurement contract can be termi-

1 nated without 30-day prior notification to the congres-
2 sional defense committees: *Provided further*, That the exe-
3 cution of multiyear authority shall require the use of a
4 present value analysis to determine lowest cost compared
5 to an annual procurement: *Provided further*, That none of
6 the funds provided in this Act may be used for a multiyear
7 contract executed after the date of the enactment of this
8 Act unless in the case of any such contract—

9 (1) the Secretary of Defense has submitted to
10 Congress a budget request for full funding of units
11 to be procured through the contract and, in the case
12 of a contract for procurement of aircraft, that in-
13 cludes, for any aircraft unit to be procured through
14 the contract for which procurement funds are re-
15 quested in that budget request for production be-
16 yond advance procurement activities in the fiscal
17 year covered by the budget, full funding of procure-
18 ment of such unit in that fiscal year;

19 (2) cancellation provisions in the contract do
20 not include consideration of recurring manufacturing
21 costs of the contractor associated with the produc-
22 tion of unfunded units to be delivered under the con-
23 tract;

1 (3) the contract provides that payments to the
2 contractor under the contract shall not be made in
3 advance of incurred costs on funded units; and

4 (4) the contract does not provide for a price ad-
5 justment based on a failure to award a follow-on
6 contract.

7 SEC. 8011. Within the funds appropriated for the op-
8 eration and maintenance of the Armed Forces, funds are
9 hereby appropriated pursuant to section 401 of title 10,
10 United States Code, for humanitarian and civic assistance
11 costs under chapter 20 of title 10, United States Code.
12 Such funds may also be obligated for humanitarian and
13 civic assistance costs incidental to authorized operations
14 and pursuant to authority granted in section 401 of title
15 10, United States Code, and these obligations shall be re-
16 ported as required by section 401(d) of title 10, United
17 States Code: *Provided*, That funds available for operation
18 and maintenance shall be available for providing humani-
19 tarian and similar assistance by using Civic Action Teams
20 in the Trust Territories of the Pacific Islands and freely
21 associated states of Micronesia, pursuant to the Compact
22 of Free Association as authorized by Public Law 99-239:
23 *Provided further*, That upon a determination by the Sec-
24 retary of the Army that such action is beneficial for grad-
25 uate medical education programs conducted at Army med-

1 ical facilities located in Hawaii, the Secretary of the Army
2 may authorize the provision of medical services at such
3 facilities and transportation to such facilities, on a nonre-
4 imburseable basis, for civilian patients from American
5 Samoa, the Commonwealth of the Northern Mariana Is-
6 lands, the Marshall Islands, the Federated States of Mi-
7 cronesia, Palau, and Guam.

8 SEC. 8012. (a) During the current fiscal year, the
9 civilian personnel of the Department of Defense may not
10 be managed solely on the basis of any constraint or limita-
11 tion in terms of man years, end strength, full-time equiva-
12 lent positions, or maximum number of employees, but are
13 to be managed primarily on the basis of, and in a manner
14 consistent with—

15 (1) the total force management policies and
16 procedures established under section 129a of title
17 10, United States Code;

18 (2) the workload required to carry out the func-
19 tions and activities of the Department; and

20 (3) the funds made available to the Department
21 for such fiscal year.

22 (b) None of the funds appropriated by this Act may
23 be used to reduce the civilian workforce programmed full
24 time equivalent levels absent the appropriate analysis of
25 the impacts of these reductions on workload, military force

1 structure, lethality, readiness, operational effectiveness,
2 stress on the military force, and fully burdened costs.

3 (c) A projection of the number of full-time equivalent
4 positions shall not be considered a constraint or limitation
5 for purposes of subsection (a) and reducing funding for
6 under-execution of such a projection shall not be consid-
7 ered managing based on a constraint or limitation for pur-
8 poses of such subsection.

9 (d) The fiscal year 2022 budget request for the De-
10 partment of Defense, and any justification material and
11 other documentation supporting such request, shall be
12 prepared and submitted to Congress as if subsections (a)
13 and (b) were effective with respect to such fiscal year.

14 (e) Nothing in this section shall be construed to apply
15 to military (civilian) technicians.

16 SEC. 8013. None of the funds made available by this
17 Act shall be used in any way, directly or indirectly, to in-
18 fluence congressional action on any legislation or appro-
19 priation matters pending before the Congress.

20 SEC. 8014. None of the funds appropriated by this
21 Act shall be available for the basic pay and allowances of
22 any member of the Army participating as a full-time stu-
23 dent and receiving benefits paid by the Secretary of Vet-
24 erans Affairs from the Department of Defense Education
25 Benefits Fund when time spent as a full-time student is

1 credited toward completion of a service commitment: *Pro-*
2 *vided*, That this section shall not apply to those members
3 who have reenlisted with this option prior to October 1,
4 1987: *Provided further*, That this section applies only to
5 active components of the Army.

6 (TRANSFER OF FUNDS)

7 SEC. 8015. (a) Funds appropriated in title III of this
8 Act for the Department of Defense Pilot Mentor-Protégé
9 Program may be transferred to any other appropriation
10 contained in this Act solely for the purpose of imple-
11 menting a Mentor-Protégé Program developmental assist-
12 ance agreement pursuant to section 831 of the National
13 Defense Authorization Act for Fiscal Year 1991 (Public
14 Law 101–510; 10 U.S.C. 2302 note), as amended, under
15 the authority of this provision or any other transfer au-
16 thority contained in this Act.

17 (b) The Secretary of Defense shall include with the
18 budget justification documents in support of the budget
19 for any fiscal year after fiscal year 2021 (as submitted
20 to Congress pursuant to section 1105 of title 31, United
21 States Code) a description of each transfer under this sec-
22 tion that occurred during the last fiscal year before the
23 fiscal year in which such budget is submitted.

24 SEC. 8016. None of the funds in this Act may be
25 available for the purchase by the Department of Defense

1 (and its departments and agencies) of welded shipboard
2 anchor and mooring chain 4 inches in diameter and under
3 unless the anchor and mooring chain are manufactured
4 in the United States from components which are substan-
5 tially manufactured in the United States: *Provided*, That
6 for the purpose of this section, the term “manufactured”
7 shall include cutting, heat treating, quality control, testing
8 of chain and welding (including the forging and shot blast-
9 ing process): *Provided further*, That for the purpose of this
10 section substantially all of the components of anchor and
11 mooring chain shall be considered to be produced or manu-
12 factured in the United States if the aggregate cost of the
13 components produced or manufactured in the United
14 States exceeds the aggregate cost of the components pro-
15 duced or manufactured outside the United States: *Pro-*
16 *vided further*, That when adequate domestic supplies are
17 not available to meet Department of Defense requirements
18 on a timely basis, the Secretary of the Service responsible
19 for the procurement may waive this restriction on a case-
20 by-case basis by certifying in writing to the Committees
21 on Appropriations of the House of Representatives and the
22 Senate that such an acquisition must be made in order
23 to acquire capability for national security purposes.

24 SEC. 8017. None of the funds available in this Act
25 to the Department of Defense, other than appropriations

1 made for necessary or routine refurbishments, upgrades
2 or maintenance activities, shall be used to reduce or to
3 prepare to reduce the number of deployed and non-de-
4 ployed strategic delivery vehicles and launchers below the
5 levels set forth in the report submitted to Congress in ac-
6 cordance with section 1042 of the National Defense Au-
7 thorization Act for Fiscal Year 2012.

8 SEC. 8018. None of the funds appropriated by this
9 Act shall be used for the support of any nonappropriated
10 funds activity of the Department of Defense that procures
11 malt beverages and wine with nonappropriated funds for
12 resale (including such alcoholic beverages sold by the
13 drink) on a military installation located in the United
14 States unless such malt beverages and wine are procured
15 within that State, or in the case of the District of Colum-
16 bia, within the District of Columbia, in which the military
17 installation is located: *Provided*, That, in a case in which
18 the military installation is located in more than one State,
19 purchases may be made in any State in which the installa-
20 tion is located: *Provided further*, That such local procure-
21 ment requirements for malt beverages and wine shall
22 apply to all alcoholic beverages only for military installa-
23 tions in States which are not contiguous with another
24 State: *Provided further*, That alcoholic beverages other
25 than wine and malt beverages, in contiguous States and

1 the District of Columbia shall be procured from the most
2 competitive source, price and other factors considered.

3 SEC. 8019. None of the funds available to the De-
4 partment of Defense may be used to demilitarize or dis-
5 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
6 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
7 to demilitarize or destroy small arms ammunition or am-
8 munition components that are not otherwise prohibited
9 from commercial sale under Federal law, unless the small
10 arms ammunition or ammunition components are certified
11 by the Secretary of the Army or designee as unserviceable
12 or unsafe for further use.

13 SEC. 8020. No more than \$500,000 of the funds ap-
14 propriated or made available in this Act shall be used dur-
15 ing a single fiscal year for any single relocation of an orga-
16 nization, unit, activity or function of the Department of
17 Defense into or within the National Capital Region: *Pro-*
18 *vided*, That the Secretary of Defense may waive this re-
19 striction on a case-by-case basis by certifying in writing
20 to the congressional defense committees that such a relo-
21 cation is required in the best interest of the Government.

22 SEC. 8021. In addition to the funds provided else-
23 where in this Act, \$25,000,000 is appropriated only for
24 incentive payments authorized by section 504 of the In-
25 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,

1 That a prime contractor or a subcontractor at any tier
2 that makes a subcontract award to any subcontractor or
3 supplier as defined in section 1544 of title 25, United
4 States Code, or a small business owned and controlled by
5 an individual or individuals defined under section 4221(9)
6 of title 25, United States Code, shall be considered a con-
7 tractor for the purposes of being allowed additional com-
8 pensation under section 504 of the Indian Financing Act
9 of 1974 (25 U.S.C. 1544) whenever the prime contract
10 or subcontract amount is over \$500,000 and involves the
11 expenditure of funds appropriated by an Act making ap-
12 propriations for the Department of Defense with respect
13 to any fiscal year: *Provided further*, That notwithstanding
14 section 1906 of title 41, United States Code, this section
15 shall be applicable to any Department of Defense acquisi-
16 tion of supplies or services, including any contract and any
17 subcontract at any tier for acquisition of commercial items
18 produced or manufactured, in whole or in part, by any
19 subcontractor or supplier defined in section 1544 of title
20 25, United States Code, or a small business owned and
21 controlled by an individual or individuals defined under
22 section 4221(9) of title 25, United States Code.

23 SEC. 8022. Funds appropriated by this Act for the
24 Defense Media Activity shall not be used for any national
25 or international political or psychological activities.

1 SEC. 8023. During the current fiscal year, the De-
2 partment of Defense is authorized to incur obligations of
3 not to exceed \$350,000,000 for purposes specified in sec-
4 tion 2350j(c) of title 10, United States Code, in anticipa-
5 tion of receipt of contributions, only from the Government
6 of Kuwait, under that section: *Provided*, That, upon re-
7 ceipt, such contributions from the Government of Kuwait
8 shall be credited to the appropriations or fund which in-
9 curred such obligations.

10 SEC. 8024. The Secretary of Defense shall notify the
11 congressional defense committees in writing not more than
12 30 days after the receipt of any contribution of funds re-
13 ceived from the government of a foreign country for any
14 purpose relating to the stationing or operations of the
15 United States Armed Forces: *Provided*, That such notifi-
16 cation shall include the amount of the contribution; the
17 purpose for which such contribution was made; and the
18 authority under which such contribution was accepted by
19 the Secretary of Defense: *Provided further*, That not fewer
20 than 15 days prior to obligating such funds, the Secretary
21 of Defense shall submit to the congressional defense com-
22 mittees in writing a notification of the planned use of such
23 contributions, including whether such contributions would
24 support existing or new stationing or operations of the
25 United States Armed Forces.

1 SEC. 8025. (a) Of the funds made available in this
2 Act, not less than \$56,205,000 shall be available for the
3 Civil Air Patrol Corporation, of which—

4 (1) \$43,205,000 shall be available from “Oper-
5 ation and Maintenance, Air Force” to support Civil
6 Air Patrol Corporation operation and maintenance,
7 readiness, counter-drug activities, and drug demand
8 reduction activities involving youth programs;

9 (2) \$11,200,000 shall be available from “Air-
10 craft Procurement, Air Force”; and

11 (3) \$1,800,000 shall be available from “Other
12 Procurement, Air Force” for vehicle procurement.

13 (b) The Secretary of the Air Force should waive reim-
14 bursement for any funds used by the Civil Air Patrol for
15 counter-drug activities in support of Federal, State, and
16 local government agencies.

17 SEC. 8026. (a) None of the funds appropriated in this
18 Act are available to establish a new Department of De-
19 fense (department) federally funded research and develop-
20 ment center (FFRDC), either as a new entity, or as a
21 separate entity administrated by an organization man-
22 aging another FFRDC, or as a nonprofit membership cor-
23 poration consisting of a consortium of other FFRDCs and
24 other nonprofit entities.

1 (b) No member of a Board of Directors, Trustees,
2 Overseers, Advisory Group, Special Issues Panel, Visiting
3 Committee, or any similar entity of a defense FFRDC,
4 and no paid consultant to any defense FFRDC, except
5 when acting in a technical advisory capacity, may be com-
6 pensated for his or her services as a member of such enti-
7 ty, or as a paid consultant by more than one FFRDC in
8 a fiscal year: *Provided*, That a member of any such entity
9 referred to previously in this subsection shall be allowed
10 travel expenses and per diem as authorized under the Fed-
11 eral Joint Travel Regulations, when engaged in the per-
12 formance of membership duties.

13 (c) Notwithstanding any other provision of law, none
14 of the funds available to the department from any source
15 during the current fiscal year may be used by a defense
16 FFRDC, through a fee or other payment mechanism, for
17 construction of new buildings not located on a military in-
18 stallation, for payment of cost sharing for projects funded
19 by Government grants, for absorption of contract over-
20 runs, or for certain charitable contributions, not to include
21 employee participation in community service and/or devel-
22 opment.

23 (d) Notwithstanding any other provision of law, of
24 the funds available to the department during fiscal year
25 2021, not more than 6,053 staff years of technical effort

1 (staff years) may be funded for defense FFRDCs: *Pro-*
2 *vided*, That, within such funds for 6,053 staff years, funds
3 shall be available only for 1,148 staff years for the defense
4 studies and analysis FFRDCs: *Provided further*, That this
5 subsection shall not apply to staff years funded in the Na-
6 tional Intelligence Program (NIP) and the Military Intel-
7 ligence Program (MIP).

8 (e) The Secretary of Defense shall, with the submis-
9 sion of the department's fiscal year 2022 budget request,
10 submit a report presenting the specific amounts of staff
11 years of technical effort to be allocated for each defense
12 FFRDC during that fiscal year and the associated budget
13 estimates.

14 SEC. 8027. None of the funds appropriated or made
15 available in this Act shall be used to procure carbon, alloy,
16 or armor steel plate for use in any Government-owned fa-
17 cility or property under the control of the Department of
18 Defense which were not melted and rolled in the United
19 States or Canada: *Provided*, That these procurement re-
20 strictions shall apply to any and all Federal Supply Class
21 9515, American Society of Testing and Materials (ASTM)
22 or American Iron and Steel Institute (AISI) specifications
23 of carbon, alloy or armor steel plate: *Provided further*,
24 That the Secretary of the military department responsible
25 for the procurement may waive this restriction on a case-

1 by-case basis by certifying in writing to the Committees
2 on Appropriations of the House of Representatives and the
3 Senate that adequate domestic supplies are not available
4 to meet Department of Defense requirements on a timely
5 basis and that such an acquisition must be made in order
6 to acquire capability for national security purposes: *Pro-*
7 *vided further*, That these restrictions shall not apply to
8 contracts which are in being as of the date of the enact-
9 ment of this Act.

10 SEC. 8028. For the purposes of this Act, the term
11 “congressional defense committees” means the Armed
12 Services Committee of the House of Representatives, the
13 Armed Services Committee of the Senate, the Sub-
14 committee on Defense of the Committee on Appropriations
15 of the Senate, and the Subcommittee on Defense of the
16 Committee on Appropriations of the House of Representa-
17 tives.

18 SEC. 8029. During the current fiscal year, the De-
19 partment of Defense may acquire the modification, depot
20 maintenance and repair of aircraft, vehicles and vessels
21 as well as the production of components and other De-
22 fense-related articles, through competition between De-
23 partment of Defense depot maintenance activities and pri-
24 vate firms: *Provided*, That the Senior Acquisition Execu-
25 tive of the military department or Defense Agency con-

1 cerned, with power of delegation, shall certify that success-
2 ful bids include comparable estimates of all direct and in-
3 direct costs for both public and private bids: *Provided fur-*
4 *ther*, That Office of Management and Budget Circular A-
5 76 shall not apply to competitions conducted under this
6 section.

7 SEC. 8030. (a)(1) If the Secretary of Defense, after
8 consultation with the United States Trade Representative,
9 determines that a foreign country which is party to an
10 agreement described in paragraph (2) has violated the
11 terms of the agreement by discriminating against certain
12 types of products produced in the United States that are
13 covered by the agreement, the Secretary of Defense shall
14 rescind the Secretary's blanket waiver of the Buy Amer-
15 ican Act with respect to such types of products produced
16 in that foreign country.

17 (2) An agreement referred to in paragraph (1)
18 is any reciprocal defense procurement memorandum
19 of understanding, between the United States and a
20 foreign country pursuant to which the Secretary of
21 Defense has prospectively waived the Buy American
22 Act for certain products in that country.

23 (b) The Secretary of Defense shall submit to the Con-
24 gress a report on the amount of Department of Defense
25 purchases from foreign entities in fiscal year 2021. Such

1 report shall separately indicate the dollar value of items
2 for which the Buy American Act was waived pursuant to
3 any agreement described in subsection (a)(2), the Trade
4 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
5 international agreement to which the United States is a
6 party.

7 (c) For purposes of this section, the term “Buy
8 American Act” means chapter 83 of title 41, United
9 States Code.

10 SEC. 8031. During the current fiscal year, amounts
11 contained in the Department of Defense Overseas Military
12 Facility Investment Recovery Account shall be available
13 until expended for the payments specified by section
14 2687a(b)(2) of title 10, United States Code.

15 SEC. 8032. (a) Notwithstanding any other provision
16 of law, the Secretary of the Air Force may convey at no
17 cost to the Air Force, without consideration, to Indian
18 tribes located in the States of Nevada, Idaho, North Da-
19 kota, South Dakota, Montana, Oregon, Minnesota, and
20 Washington relocatable military housing units located at
21 Grand Forks Air Force Base, Malmstrom Air Force Base,
22 Mountain Home Air Force Base, Ellsworth Air Force
23 Base, and Minot Air Force Base that are excess to the
24 needs of the Air Force.

1 (b) The Secretary of the Air Force shall convey, at
2 no cost to the Air Force, military housing units under sub-
3 section (a) in accordance with the request for such units
4 that are submitted to the Secretary by the Operation
5 Walking Shield Program on behalf of Indian tribes located
6 in the States of Nevada, Idaho, North Dakota, South Da-
7 kota, Montana, Oregon, Minnesota, and Washington. Any
8 such conveyance shall be subject to the condition that the
9 housing units shall be removed within a reasonable period
10 of time, as determined by the Secretary.

11 (c) The Operation Walking Shield Program shall re-
12 solve any conflicts among requests of Indian tribes for
13 housing units under subsection (a) before submitting re-
14 quests to the Secretary of the Air Force under subsection
15 (b).

16 (d) In this section, the term “Indian tribe” means
17 any recognized Indian tribe included on the current list
18 published by the Secretary of the Interior under section
19 104 of the Federally Recognized Indian Tribe Act of 1994
20 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

21 SEC. 8033. During the current fiscal year, appropria-
22 tions which are available to the Department of Defense
23 for operation and maintenance may be used to purchase
24 items having an investment item unit cost of not more
25 than \$250,000.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8034. Subject to section 8005 of this Act, the
3 Secretary of Defense may transfer funds appropriated in
4 fiscal year 2021 for “Shipbuilding and Conversion, Navy:
5 LPD Flight II–LPD 31” to “Shipbuilding and Conver-
6 sion, Navy: LPD 32 (AP)”, and “Shipbuilding and Con-
7 version, Navy: LPD 33 (AP)” for fiscal year 2021 advance
8 procurement authorized by section 124(c) of the National
9 Defense Authorization Act for Fiscal Year 2021: *Provided*,
10 That the transfer authority provided under this provision
11 is in addition to any other transfer authority contained
12 in this Act.

13 SEC. 8035. Up to \$14,000,000 of the funds appro-
14 priated under the heading “Operation and Maintenance,
15 Navy” may be made available for the Asia Pacific Re-
16 gional Initiative Program for the purpose of enabling the
17 United States Indo-Pacific Command to execute Theater
18 Security Cooperation activities such as humanitarian as-
19 sistance, and payment of incremental and personnel costs
20 of training and exercising with foreign security forces:
21 *Provided*, That funds made available for this purpose may
22 be used, notwithstanding any other funding authorities for
23 humanitarian assistance, security assistance or combined
24 exercise expenses: *Provided further*, That funds may not
25 be obligated to provide assistance to any foreign country

1 that is otherwise prohibited from receiving such type of
2 assistance under any other provision of law.

3 SEC. 8036. The Secretary of Defense shall issue reg-
4 ulations to prohibit the sale of any tobacco or tobacco-
5 related products in military resale outlets in the United
6 States, its territories and possessions at a price below the
7 most competitive price in the local community: *Provided*,
8 That such regulations shall direct that the prices of to-
9 bacco or tobacco-related products in overseas military re-
10 tail outlets shall be within the range of prices established
11 for military retail system stores located in the United
12 States.

13 SEC. 8037. (a) During the current fiscal year, none
14 of the appropriations or funds available to the Department
15 of Defense Working Capital Funds shall be used for the
16 purchase of an investment item for the purpose of acquir-
17 ing a new inventory item for sale or anticipated sale dur-
18 ing the current fiscal year or a subsequent fiscal year to
19 customers of the Department of Defense Working Capital
20 Funds if such an item would not have been chargeable
21 to the Department of Defense Business Operations Fund
22 during fiscal year 1994 and if the purchase of such an
23 investment item would be chargeable during the current
24 fiscal year to appropriations made to the Department of
25 Defense for procurement.

1 (b) The fiscal year 2022 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 2022
4 Department of Defense budget shall be prepared and sub-
5 mitted to the Congress on the basis that any equipment
6 which was classified as an end item and funded in a pro-
7 curement appropriation contained in this Act shall be
8 budgeted for in a proposed fiscal year 2022 procurement
9 appropriation and not in the supply management business
10 area or any other area or category of the Department of
11 Defense Working Capital Funds.

12 SEC. 8038. None of the funds appropriated by this
13 Act for programs of the Central Intelligence Agency shall
14 remain available for obligation beyond the current fiscal
15 year, except for funds appropriated for the Reserve for
16 Contingencies, which shall remain available until Sep-
17 tember 30, 2022: *Provided*, That funds appropriated,
18 transferred, or otherwise credited to the Central Intel-
19 ligence Agency Central Services Working Capital Fund
20 during this or any prior or subsequent fiscal year shall
21 remain available until expended: *Provided further*, That
22 any funds appropriated or transferred to the Central Intel-
23 ligence Agency for advanced research and development ac-
24 quisition, for agent operations, and for covert action pro-
25 grams authorized by the President under section 503 of

1 the National Security Act of 1947 (50 U.S.C. 3093) shall
2 remain available until September 30, 2022: *Provided fur-*
3 *ther*, That any funds appropriated or transferred to the
4 Central Intelligence Agency for the construction, improve-
5 ment, or alteration of facilities, including leased facilities,
6 to be used primarily by personnel of the intelligence com-
7 munity shall remain available until September 30, 2023.

8 SEC. 8039. Of the funds appropriated to the Depart-
9 ment of Defense under the heading “Operation and Main-
10 tenance, Defense-Wide”, not less than \$12,000,000 shall
11 be made available only for the mitigation of environmental
12 impacts, including training and technical assistance to
13 tribes, related administrative support, the gathering of in-
14 formation, documenting of environmental damage, and de-
15 veloping a system for prioritization of mitigation and cost
16 to complete estimates for mitigation, on Indian lands re-
17 sulting from Department of Defense activities.

18 SEC. 8040. (a) None of the funds appropriated in this
19 Act may be expended by an entity of the Department of
20 Defense unless the entity, in expending the funds, com-
21 plies with the Buy American Act. For purposes of this
22 subsection, the term “Buy American Act” means chapter
23 83 of title 41, United States Code.

24 (b) If the Secretary of Defense determines that a per-
25 son has been convicted of intentionally affixing a label

1 bearing a “Made in America” inscription to any product
2 sold in or shipped to the United States that is not made
3 in America, the Secretary shall determine, in accordance
4 with section 2410f of title 10, United States Code, wheth-
5 er the person should be debarred from contracting with
6 the Department of Defense.

7 (c) In the case of any equipment or products pur-
8 chased with appropriations provided under this Act, it is
9 the sense of the Congress that any entity of the Depart-
10 ment of Defense, in expending the appropriation, purchase
11 only American-made equipment and products, provided
12 that American-made equipment and products are cost-
13 competitive, quality competitive, and available in a timely
14 fashion.

15 SEC. 8041. (a) Except as provided in subsections (b)
16 and (c), none of the funds made available by this Act may
17 be used—

18 (1) to establish a field operating agency; or

19 (2) to pay the basic pay of a member of the
20 Armed Forces or civilian employee of the depart-
21 ment who is transferred or reassigned from a head-
22 quarters activity if the member or employee’s place
23 of duty remains at the location of that headquarters.

24 (b) The Secretary of Defense or Secretary of a mili-
25 tary department may waive the limitations in subsection

1 (a), on a case-by-case basis, if the Secretary determines,
2 and certifies to the Committees on Appropriations of the
3 House of Representatives and the Senate that the grant-
4 ing of the waiver will reduce the personnel requirements
5 or the financial requirements of the department.

6 (c) This section does not apply to—

7 (1) field operating agencies funded within the
8 National Intelligence Program;

9 (2) an Army field operating agency established
10 to eliminate, mitigate, or counter the effects of im-
11 proved explosive devices, and, as determined by the
12 Secretary of the Army, other similar threats;

13 (3) an Army field operating agency established
14 to improve the effectiveness and efficiencies of bio-
15 metric activities and to integrate common biometric
16 technologies throughout the Department of Defense;
17 or

18 (4) an Air Force field operating agency estab-
19 lished to administer the Air Force Mortuary Affairs
20 Program and Mortuary Operations for the Depart-
21 ment of Defense and authorized Federal entities.

22 SEC. 8042. (a) None of the funds appropriated by
23 this Act shall be available to convert to contractor per-
24 formance an activity or function of the Department of De-
25 fense that, on or after the date of the enactment of this

1 Act, is performed by Department of Defense civilian em-
2 ployees unless—

3 (1) the conversion is based on the result of a
4 public-private competition that includes a most effi-
5 cient and cost effective organization plan developed
6 by such activity or function;

7 (2) the Competitive Sourcing Official deter-
8 mines that, over all performance periods stated in
9 the solicitation of offers for performance of the ac-
10 tivity or function, the cost of performance of the ac-
11 tivity or function by a contractor would be less costly
12 to the Department of Defense by an amount that
13 equals or exceeds the lesser of—

14 (A) 10 percent of the most efficient organi-
15 zation's personnel-related costs for performance
16 of that activity or function by Federal employ-
17 ees; or

18 (B) \$10,000,000; and

19 (3) the contractor does not receive an advan-
20 tage for a proposal that would reduce costs for the
21 Department of Defense by—

22 (A) not making an employer-sponsored
23 health insurance plan available to the workers
24 who are to be employed in the performance of
25 that activity or function under the contract; or

1 (B) offering to such workers an employer-
2 sponsored health benefits plan that requires the
3 employer to contribute less towards the pre-
4 mium or subscription share than the amount
5 that is paid by the Department of Defense for
6 health benefits for civilian employees under
7 chapter 89 of title 5, United States Code.

8 (b)(1) The Department of Defense, without regard
9 to subsection (a) of this section or subsection (a), (b), or
10 (c) of section 2461 of title 10, United States Code, and
11 notwithstanding any administrative regulation, require-
12 ment, or policy to the contrary shall have full authority
13 to enter into a contract for the performance of any com-
14 mercial or industrial type function of the Department of
15 Defense that—

16 (A) is included on the procurement list es-
17 tablished pursuant to section 2 of the Javits-
18 Wagner-O'Day Act (section 8503 of title 41,
19 United States Code);

20 (B) is planned to be converted to perform-
21 ance by a qualified nonprofit agency for the
22 blind or by a qualified nonprofit agency for
23 other severely handicapped individuals in ac-
24 cordance with that Act; or

1 (C) is planned to be converted to perform-
2 ance by a qualified firm under at least 51 per-
3 cent ownership by an Indian tribe, as defined in
4 section 4(e) of the Indian Self-Determination
5 and Education Assistance Act (25 U.S.C.
6 450b(e)), or a Native Hawaiian Organization,
7 as defined in section 8(a)(15) of the Small
8 Business Act (15 U.S.C. 637(a)(15)).

9 (2) This section shall not apply to depot con-
10 tracts or contracts for depot maintenance as pro-
11 vided in sections 2469 and 2474 of title 10, United
12 States Code.

13 (c) The conversion of any activity or function of the
14 Department of Defense under the authority provided by
15 this section shall be credited toward any competitive or
16 outsourcing goal, target, or measurement that may be es-
17 tablished by statute, regulation, or policy and is deemed
18 to be awarded under the authority of, and in compliance
19 with, subsection (h) of section 2304 of title 10, United
20 States Code, for the competition or outsourcing of com-
21 mercial activities.

22 (RESCISSIONS)

23 SEC. 8043. Of the funds appropriated in Department
24 of Defense Appropriations Acts, the following funds are
25 hereby rescinded from the following accounts and pro-

1 grams in the specified amounts: *Provided*, That no
2 amounts may be rescinded from amounts that were des-
3 ignated by the Congress for Overseas Contingency Oper-
4 ations/Global War on Terrorism or as an emergency re-
5 quirement pursuant to the Concurrent Resolution on the
6 Budget or the Balanced Budget and Emergency Deficit
7 Control Act of 1985, as amended:

8 “Shipbuilding and Conversion, Navy: DDG–51
9 Destroyer”, 2014/2021, \$66,567,000;

10 “Procurement of Weapons and Tracked Combat
11 Vehicles, Army”, 2019/2021, \$23,840,000;

12 “Aircraft Procurement, Navy”, 2019/2021,
13 \$23,094,000;

14 “Aircraft Procurement, Air Force”, 2019/2021,
15 \$465,447,000;

16 “Other Procurement, Air Force”, 2019/2021,
17 \$12,400,000;

18 “Aircraft Procurement, Army”, 2020/2022,
19 \$26,900,000;

20 “Missile Procurement, Army”, 2020/2022,
21 \$2,377,000;

22 “Procurement of Weapons and Tracked Combat
23 Vehicles, Army”, 2020/2022, \$148,141,000;

24 “Procurement of Ammunition, Army”, 2020/
25 2022, \$7,500,000;

1 “Other Procurement, Army”, 2020/2022,
2 \$13,175,000;

3 “Aircraft Procurement, Navy”, 2020/2022,
4 \$417,128,000;

5 “Weapons Procurement, Navy”, 2020/2022,
6 \$7,500,000;

7 “Procurement of Ammunition, Navy and Ma-
8 rine Corps”, 2020/2022, \$8,973,000;

9 “Shipbuilding and Conversion, Navy: TAO
10 Fleet Oiler (AP)”, 2020/2024, \$73,000,000;

11 “Shipbuilding and Conversion, Navy: CVN Re-
12 fueling Overhauls”, 2020/2024, \$13,100,000;

13 “Other Procurement, Navy”, 2020/2022,
14 \$87,052,000;

15 “Procurement, Marine Corps”, 2020/2022,
16 \$55,139,000;

17 “Aircraft Procurement, Air Force”, 2020/2022,
18 \$543,015,000;

19 “Missile Procurement, Air Force”, 2020/2022,
20 \$24,500,000;

21 “Space Procurement, Air Force”, 2020/2022,
22 \$64,400,000;

23 “Other Procurement, Air Force”, 2020/2022,
24 \$66,726,000;

1 “Research, Development, Test and Evaluation,
2 Army”, 2020/2021, \$284,228,000;

3 “Research, Development, Test and Evaluation,
4 Navy”, 2020/2021, \$84,005,000;

5 “Research, Development, Test and Evaluation,
6 Air Force”, 2020/2021, \$251,809,000;

7 “Research, Development, Test and Evaluation,
8 Defense-Wide”, 2020/2021, \$378,031,000; and

9 “Defense Counterintelligence and Security
10 Agency Working Capital Fund”, 2020/XXXX,
11 \$100,000,000.

12 SEC. 8044. None of the funds available in this Act
13 may be used to reduce the authorized positions for mili-
14 tary technicians (dual status) of the Army National
15 Guard, Air National Guard, Army Reserve and Air Force
16 Reserve for the purpose of applying any administratively
17 imposed civilian personnel ceiling, freeze, or reduction on
18 military technicians (dual status), unless such reductions
19 are a direct result of a reduction in military force struc-
20 ture.

21 SEC. 8045. None of the funds appropriated or other-
22 wise made available in this Act may be obligated or ex-
23 pended for assistance to the Democratic People’s Republic
24 of Korea unless specifically appropriated for that purpose:
25 *Provided*, That this restriction shall not apply to any ac-

1 tivities incidental to the Defense POW/MIA Accounting
2 Agency mission to recover and identify the remains of
3 United States Armed Forces personnel from the Demo-
4 cratic People's Republic of Korea.

5 SEC. 8046. Funds appropriated in this Act for oper-
6 ation and maintenance of the Military Departments, Com-
7 batant Commands and Defense Agencies shall be available
8 for reimbursement of pay, allowances and other expenses
9 which would otherwise be incurred against appropriations
10 for the National Guard and Reserve when members of the
11 National Guard and Reserve provide intelligence or coun-
12 terintelligence support to Combatant Commands, Defense
13 Agencies and Joint Intelligence Activities, including the
14 activities and programs included within the National Intel-
15 ligence Program and the Military Intelligence Program:
16 *Provided*, That nothing in this section authorizes deviation
17 from established Reserve and National Guard personnel
18 and training procedures.

19 SEC. 8047. (a) None of the funds available to the
20 Department of Defense for any fiscal year for drug inter-
21 diction or counter-drug activities may be transferred to
22 any other department or agency of the United States ex-
23 cept as specifically provided in an appropriations law.

24 (b) None of the funds available to the Central Intel-
25 ligence Agency for any fiscal year for drug interdiction or

1 counter-drug activities may be transferred to any other de-
2 partment or agency of the United States except as specifi-
3 cally provided in an appropriations law.

4 SEC. 8048. None of the funds appropriated by this
5 Act may be used for the procurement of ball and roller
6 bearings other than those produced by a domestic source
7 and of domestic origin: *Provided*, That the Secretary of
8 the military department responsible for such procurement
9 may waive this restriction on a case-by-case basis by certi-
10 fying in writing to the Committees on Appropriations of
11 the House of Representatives and the Senate, that ade-
12 quate domestic supplies are not available to meet Depart-
13 ment of Defense requirements on a timely basis and that
14 such an acquisition must be made in order to acquire ca-
15 pability for national security purposes: *Provided further*,
16 That this restriction shall not apply to the purchase of
17 “commercial items”, as defined by section 103 of title 41,
18 United States Code, except that the restriction shall apply
19 to ball or roller bearings purchased as end items.

20 SEC. 8049. Of the amounts appropriated for “Work-
21 ing Capital Fund, Army”, \$125,000,000 shall be available
22 to maintain competitive rates at the arsenals.

23 SEC. 8050. In addition to the amounts appropriated
24 or otherwise made available elsewhere in this Act,
25 \$49,000,000 is hereby appropriated to the Department of

1 Defense: *Provided*, That upon the determination of the
2 Secretary of Defense that it shall serve the national inter-
3 est, the Secretary shall make grants in the amounts speci-
4 fied as follows: \$24,000,000 to the United Service Organi-
5 zations and \$25,000,000 to the Red Cross.

6 SEC. 8051. None of the funds in this Act may be
7 used to purchase any supercomputer which is not manu-
8 factured in the United States, unless the Secretary of De-
9 fense certifies to the congressional defense committees
10 that such an acquisition must be made in order to acquire
11 capability for national security purposes that is not avail-
12 able from United States manufacturers.

13 SEC. 8052. Notwithstanding any other provision in
14 this Act, the Small Business Innovation Research program
15 and the Small Business Technology Transfer program set-
16 asides shall be taken proportionally from all programs,
17 projects, or activities to the extent they contribute to the
18 extramural budget. The Secretary of each military depart-
19 ment, the Director of each Defense Agency, and the head
20 of each other relevant component of the Department of
21 Defense shall submit to the congressional defense commit-
22 tees, concurrent with submission of the budget justifica-
23 tion documents to Congress pursuant to section 1105 of
24 title 31, United States Code, a report with a detailed ac-
25 counting of the Small Business Innovation Research pro-

1 gram and the Small Business Technology Transfer pro-
2 gram set-asides taken from programs, projects, or activi-
3 ties within such department, agency, or component during
4 the most recently completed fiscal year.

5 SEC. 8053. None of the funds available to the De-
6 partment of Defense under this Act shall be obligated or
7 expended to pay a contractor under a contract with the
8 Department of Defense for costs of any amount paid by
9 the contractor to an employee when—

10 (1) such costs are for a bonus or otherwise in
11 excess of the normal salary paid by the contractor
12 to the employee; and

13 (2) such bonus is part of restructuring costs as-
14 sociated with a business combination.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8054. During the current fiscal year, no more
17 than \$30,000,000 of appropriations made in this Act
18 under the heading “Operation and Maintenance, Defense-
19 Wide” may be transferred to appropriations available for
20 the pay of military personnel, to be merged with, and to
21 be available for the same time period as the appropriations
22 to which transferred, to be used in support of such per-
23 sonnel in connection with support and services for eligible
24 organizations and activities outside the Department of De-

1 fense pursuant to section 2012 of title 10, United States
2 Code.

3 SEC. 8055. During the current fiscal year, in the case
4 of an appropriation account of the Department of Defense
5 for which the period of availability for obligation has ex-
6 pired or which has closed under the provisions of section
7 1552 of title 31, United States Code, and which has a
8 negative unliquidated or unexpended balance, an obliga-
9 tion or an adjustment of an obligation may be charged
10 to any current appropriation account for the same purpose
11 as the expired or closed account if—

12 (1) the obligation would have been properly
13 chargeable (except as to amount) to the expired or
14 closed account before the end of the period of avail-
15 ability or closing of that account;

16 (2) the obligation is not otherwise properly
17 chargeable to any current appropriation account of
18 the Department of Defense; and

19 (3) in the case of an expired account, the obli-
20 gation is not chargeable to a current appropriation
21 of the Department of Defense under the provisions
22 of section 1405(b)(8) of the National Defense Au-
23 thorization Act for Fiscal Year 1991, Public Law
24 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
25 *vided*, That in the case of an expired account, if sub-

1 sequent review or investigation discloses that there
2 was not in fact a negative unliquidated or unex-
3 pended balance in the account, any charge to a cur-
4 rent account under the authority of this section shall
5 be reversed and recorded against the expired ac-
6 count: *Provided further*, That the total amount
7 charged to a current appropriation under this sec-
8 tion may not exceed an amount equal to 1 percent
9 of the total appropriation for that account:

10 *Provided*, That the Under Secretary of Defense (Comp-
11 troller) shall include with the budget of the President for
12 fiscal year 2022 (as submitted to Congress pursuant to
13 section 1105 of title 31, United States Code) a statement
14 describing each instance if any, during each of the fiscal
15 years 2016 through 2021 in which the authority in this
16 section was exercised.

17 SEC. 8056. (a) Notwithstanding any other provision
18 of law, the Chief of the National Guard Bureau may per-
19 mit the use of equipment of the National Guard Distance
20 Learning Project by any person or entity on a space-avail-
21 able, reimbursable basis. The Chief of the National Guard
22 Bureau shall establish the amount of reimbursement for
23 such use on a case-by-case basis.

24 (b) Amounts collected under subsection (a) shall be
25 credited to funds available for the National Guard Dis-

1 tance Learning Project and be available to defray the costs
2 associated with the use of equipment of the project under
3 that subsection. Such funds shall be available for such
4 purposes without fiscal year limitation.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8057. Of the funds appropriated in this Act
7 under the heading “Operation and Maintenance, Defense-
8 Wide”, \$46,000,000 shall be for continued implementation
9 and expansion of the Sexual Assault Special Victims’
10 Counsel Program: *Provided*, That the funds are made
11 available for transfer to the Department of the Army, the
12 Department of the Navy, and the Department of the Air
13 Force: *Provided further*, That funds transferred shall be
14 merged with and available for the same purposes and for
15 the same time period as the appropriations to which the
16 funds are transferred: *Provided further*, That this transfer
17 authority is in addition to any other transfer authority
18 provided in this Act.

19 SEC. 8058. None of the funds appropriated in title
20 IV of this Act may be used to procure end-items for deliv-
21 ery to military forces for operational training, operational
22 use or inventory requirements: *Provided*, That this restric-
23 tion does not apply to end-items used in development,
24 prototyping, and test activities preceding and leading to
25 acceptance for operational use: *Provided further*, That this

1 restriction does not apply to programs funded within the
2 National Intelligence Program: *Provided further*, That the
3 Secretary of Defense shall, at the time of the submittal
4 to Congress of the budget of the President for fiscal year
5 2022 pursuant to section 1105 of title 31, United States
6 Code, submit to the congressional defense committees a
7 report detailing the use of funds requested in research,
8 development, test and evaluation accounts for end-items
9 used in development, prototyping and test activities pre-
10 ceding and leading to acceptance for operational use: *Pro-*
11 *vided further*, That the report shall set forth, for each end-
12 item covered by the preceding proviso, a detailed list of
13 the statutory authorities under which amounts in the ac-
14 counts described in that proviso were used for such item:
15 *Provided further*, That the Secretary of Defense shall, at
16 the time of the submittal to Congress of the budget of
17 the President for fiscal year 2022 pursuant to section
18 1105 of title 31, United States Code, submit to the con-
19 gressional defense committees a certification that funds
20 requested for fiscal year 2022 in research, development,
21 test and evaluation are in compliance with this section:
22 *Provided further*, That the Secretary of Defense may waive
23 this restriction on a case-by-case basis by certifying in
24 writing to the Committees on Appropriations of the House

1 of Representatives and the Senate that it is in the national
2 security interest to do so.

3 SEC. 8059. (a) The Secretary of Defense may, on a
4 case-by-case basis, waive with respect to a foreign country
5 each limitation on the procurement of defense items from
6 foreign sources provided in law if the Secretary determines
7 that the application of the limitation with respect to that
8 country would invalidate cooperative programs entered
9 into between the Department of Defense and the foreign
10 country, or would invalidate reciprocal trade agreements
11 for the procurement of defense items entered into under
12 section 2531 of title 10, United States Code, and the
13 country does not discriminate against the same or similar
14 defense items produced in the United States for that coun-
15 try.

16 (b) Subsection (a) applies with respect to—

17 (1) contracts and subcontracts entered into on
18 or after the date of the enactment of this Act; and

19 (2) options for the procurement of items that
20 are exercised after such date under contracts that
21 are entered into before such date if the option prices
22 are adjusted for any reason other than the applica-
23 tion of a waiver granted under subsection (a).

24 (c) Subsection (a) does not apply to a limitation re-
25 garding construction of public vessels, ball and roller bear-

1 ings, food, and clothing or textile materials as defined by
2 section XI (chapters 50–65) of the Harmonized Tariff
3 Schedule of the United States and products classified
4 under headings 4010, 4202, 4203, 6401 through 6406,
5 6505, 7019, 7218 through 7229, 7304.41 through
6 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,
7 8211, 8215, and 9404.

8 SEC. 8060. None of the funds appropriated or other-
9 wise made available by this or other Department of De-
10 fense Appropriations Acts may be obligated or expended
11 for the purpose of performing repairs or maintenance to
12 military family housing units of the Department of De-
13 fense, including areas in such military family housing
14 units that may be used for the purpose of conducting offi-
15 cial Department of Defense business.

16 SEC. 8061. Notwithstanding any other provision of
17 law, funds appropriated in this Act under the heading
18 “Research, Development, Test and Evaluation, Defense-
19 Wide” for any new start advanced concept technology
20 demonstration project or joint capability demonstration
21 project may only be obligated 45 days after a report, in-
22 cluding a description of the project, the planned acquisi-
23 tion and transition strategy and its estimated annual and
24 total cost, has been provided in writing to the congres-
25 sional defense committees: *Provided*, That the Secretary

1 of Defense may waive this restriction on a case-by-case
2 basis by certifying to the congressional defense committees
3 that it is in the national interest to do so.

4 SEC. 8062. The Secretary of Defense shall continue
5 to provide a classified quarterly report to the Committees
6 on Appropriations of the House of Representatives and the
7 Senate, Subcommittees on Defense on certain matters as
8 directed in the classified annex accompanying this Act.

9 SEC. 8063. Notwithstanding section 12310(b) of title
10 10, United States Code, a Reserve who is a member of
11 the National Guard serving on full-time National Guard
12 duty under section 502(f) of title 32, United States Code,
13 may perform duties in support of the ground-based ele-
14 ments of the National Ballistic Missile Defense System.

15 SEC. 8064. None of the funds provided in this Act
16 may be used to transfer to any nongovernmental entity
17 ammunition held by the Department of Defense that has
18 a center-fire cartridge and a United States military no-
19 menclature designation of “armor penetrator”, “armor
20 piercing (AP)”, “armor piercing incendiary (API)”, or
21 “armor-piercing incendiary tracer (API-T)”, except to an
22 entity performing demilitarization services for the Depart-
23 ment of Defense under a contract that requires the entity
24 to demonstrate to the satisfaction of the Department of
25 Defense that armor piercing projectiles are either: (1) ren-

1 dered incapable of reuse by the demilitarization process;
2 or (2) used to manufacture ammunition pursuant to a con-
3 tract with the Department of Defense or the manufacture
4 of ammunition for export pursuant to a License for Per-
5 manent Export of Unclassified Military Articles issued by
6 the Department of State.

7 SEC. 8065. Notwithstanding any other provision of
8 law, the Chief of the National Guard Bureau, or his des-
9 ignee, may waive payment of all or part of the consider-
10 ation that otherwise would be required under section 2667
11 of title 10, United States Code, in the case of a lease of
12 personal property for a period not in excess of 1 year to
13 any organization specified in section 508(d) of title 32,
14 United States Code, or any other youth, social, or fra-
15 ternal nonprofit organization as may be approved by the
16 Chief of the National Guard Bureau, or his designee, on
17 a case-by-case basis.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8066. Of the amounts appropriated in this Act
20 under the heading “Operation and Maintenance, Army”,
21 \$133,724,000 shall remain available until expended: *Pro-*
22 *vided*, That, notwithstanding any other provision of law,
23 the Secretary of Defense is authorized to transfer such
24 funds to other activities of the Federal Government: *Pro-*
25 *vided further*, That the Secretary of Defense is authorized

1 to enter into and carry out contracts for the acquisition
2 of real property, construction, personal services, and oper-
3 ations related to projects carrying out the purposes of this
4 section: *Provided further*, That contracts entered into
5 under the authority of this section may provide for such
6 indemnification as the Secretary determines to be nec-
7 essary: *Provided further*, That projects authorized by this
8 section shall comply with applicable Federal, State, and
9 local law to the maximum extent consistent with the na-
10 tional security, as determined by the Secretary of Defense.

11 SEC. 8067. (a) None of the funds appropriated in this
12 or any other Act may be used to take any action to mod-
13 ify—

14 (1) the appropriations account structure for the
15 National Intelligence Program budget, including
16 through the creation of a new appropriation or new
17 appropriation account;

18 (2) how the National Intelligence Program
19 budget request is presented in the unclassified P-1,
20 R-1, and O-1 documents supporting the Depart-
21 ment of Defense budget request;

22 (3) the process by which the National Intel-
23 ligence Program appropriations are apportioned to
24 the executing agencies; or

1 (4) the process by which the National Intel-
2 ligence Program appropriations are allotted, obli-
3 gated and disbursed.

4 (b) Nothing in subsection (a) shall be construed to
5 prohibit the merger of programs or changes to the Na-
6 tional Intelligence Program budget at or below the Ex-
7 penditure Center level, provided such change is otherwise
8 in accordance with paragraphs (a)(1)–(3).

9 (c) The Director of National Intelligence and the Sec-
10 retary of Defense may jointly, only for the purposes of
11 achieving auditable financial statements and improving
12 fiscal reporting, study and develop detailed proposals for
13 alternative financial management processes. Such study
14 shall include a comprehensive counterintelligence risk as-
15 sessment to ensure that none of the alternative processes
16 will adversely affect counterintelligence.

17 (d) Upon development of the detailed proposals de-
18 fined under subsection (c), the Director of National Intel-
19 ligence and the Secretary of Defense shall—

20 (1) provide the proposed alternatives to all af-
21 fected agencies;

22 (2) receive certification from all affected agen-
23 cies attesting that the proposed alternatives will help
24 achieve auditability, improve fiscal reporting, and
25 will not adversely affect counterintelligence; and

1 and control relationships to give Fleet Forces Command
2 operational and administrative control of United States
3 Navy forces assigned to the Pacific fleet: *Provided*, That
4 the command and control relationships which existed on
5 October 1, 2004, shall remain in force until a written
6 modification has been proposed to the Committees on Ap-
7 propriations of the House of Representatives and the Sen-
8 ate: *Provided further*, That the proposed modification may
9 be implemented 30 days after the notification unless an
10 objection is received from either the House or Senate Ap-
11 propriations Committees: *Provided further*, That any pro-
12 posed modification shall not preclude the ability of the
13 commander of United States Indo-Pacific Command to
14 meet operational requirements.

15 SEC. 8071. Any notice that is required to be sub-
16 mitted to the Committees on Appropriations of the House
17 of Representatives and the Senate under section 806(e)(4)
18 of the Bob Stump National Defense Authorization Act for
19 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
20 of the enactment of this Act shall be submitted pursuant
21 to that requirement concurrently to the Subcommittees on
22 Defense of the Committees on Appropriations of the
23 House of Representatives and the Senate.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8072. Of the amounts appropriated in this Act
3 under the headings “Procurement, Defense-Wide” and
4 “Research, Development, Test and Evaluation, Defense-
5 Wide”, \$500,000,000 shall be for the Israeli Cooperative
6 Programs: *Provided*, That of this amount, \$73,000,000
7 shall be for the Secretary of Defense to provide to the Gov-
8 ernment of Israel for the procurement of the Iron Dome
9 defense system to counter short-range rocket threats, sub-
10 ject to the U.S.-Israel Iron Dome Procurement Agree-
11 ment, as amended; \$177,000,000 shall be for the Short
12 Range Ballistic Missile Defense (SRBMD) program, in-
13 cluding cruise missile defense research and development
14 under the SRBMD program, of which \$50,000,000 shall
15 be for co-production activities of SRBMD systems in the
16 United States and in Israel to meet Israel’s defense re-
17 quirements consistent with each nation’s laws, regulations,
18 and procedures, subject to the U.S.-Israeli co-production
19 agreement for SRBMD, as amended; \$77,000,000 shall
20 be for an upper-tier component to the Israeli Missile De-
21 fense Architecture, of which \$77,000,000 shall be for co-
22 production activities of Arrow 3 Upper Tier systems in
23 the United States and in Israel to meet Israel’s defense
24 requirements consistent with each nation’s laws, regula-
25 tions, and procedures, subject to the U.S.-Israeli co-pro-

1 duction agreement for Arrow 3 Upper Tier, as amended;
2 and \$173,000,000 shall be for the Arrow System Improve-
3 ment Program including development of a long range,
4 ground and airborne, detection suite: *Provided further*,
5 That the transfer authority provided under this provision
6 is in addition to any other transfer authority contained
7 in this Act.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8073. Of the amounts appropriated in this Act
10 under the heading “Shipbuilding and Conversion, Navy”,
11 \$407,312,000 shall be available until September 30, 2021,
12 to fund prior year shipbuilding cost increases: *Provided*,
13 That upon enactment of this Act, the Secretary of the
14 Navy shall transfer funds to the following appropriations
15 in the amounts specified: *Provided further*, That the
16 amounts transferred shall be merged with and be available
17 for the same purposes as the appropriations to which
18 transferred to:

19 (1) Under the heading “Shipbuilding and Con-
20 version, Navy”, 2008/2021: Carrier Replacement
21 Program \$71,000,000;

22 (2) Under the heading “Shipbuilding and Con-
23 version, Navy”, 2015/2021: DDG-51 Destroyer
24 \$9,634,000;

1 (3) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2016/2021: CVN Refueling Over-
3 hauls \$186,200,000;

4 (4) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2016/2021: LPD-17 \$30,578,000;

6 (5) Under the heading “Shipbuilding and Con-
7 version, Navy”, 2016/2021: TAO Fleet Oiler
8 \$42,500,000;

9 (6) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2018/2021: TAO Fleet Oiler
11 \$17,400,000; and

12 (7) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2018/2021: Expeditionary Fast
14 Transport \$50,000,000.

15 SEC. 8074. Funds appropriated by this Act, or made
16 available by the transfer of funds in this Act, for intel-
17 ligence activities are deemed to be specifically authorized
18 by the Congress for purposes of section 504 of the Na-
19 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
20 year 2021 until the enactment of the Intelligence Author-
21 ization Act for Fiscal Year 2021.

22 SEC. 8075. None of the funds provided in this Act
23 shall be available for obligation or expenditure through a
24 reprogramming of funds that creates or initiates a new
25 program, project, or activity unless such program, project,

1 or activity must be undertaken immediately in the interest
2 of national security and only after written prior notifica-
3 tion to the congressional defense committees.

4 SEC. 8076. The budget of the President for fiscal
5 year 2022 submitted to the Congress pursuant to section
6 1105 of title 31, United States Code, shall include sepa-
7 rate budget justification documents for costs of United
8 States Armed Forces' participation in contingency oper-
9 ations for the Military Personnel accounts, the Operation
10 and Maintenance accounts, the Procurement accounts,
11 and the Research, Development, Test and Evaluation ac-
12 counts: *Provided*, That these documents shall include a de-
13 scription of the funding requested for each contingency op-
14 eration, for each military service, to include all Active and
15 Reserve components, and for each appropriations account:
16 *Provided further*, That these documents shall include esti-
17 mated costs for each element of expense or object class,
18 a reconciliation of increases and decreases for each contin-
19 gency operation, and programmatic data including, but
20 not limited to, troop strength for each Active and Reserve
21 component, and estimates of the major weapons systems
22 deployed in support of each contingency: *Provided further*,
23 That these documents shall include budget exhibits OP-
24 5 and OP-32 (as defined in the Department of Defense
25 Financial Management Regulation) for all contingency op-

1 erations for the budget year and the two preceding fiscal
2 years.

3 SEC. 8077. None of the funds in this Act may be
4 used for research, development, test, evaluation, procure-
5 ment or deployment of nuclear armed interceptors of a
6 missile defense system.

7 SEC. 8078. The Secretary of Defense may use up to
8 \$650,000,000 of the amounts appropriated or otherwise
9 made available in this Act to the Department of Defense
10 for the rapid acquisition and deployment of supplies and
11 associated support services pursuant to section 806 of the
12 Bob Stump National Defense Authorization Act for Fiscal
13 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note),
14 but only for the purposes specified in clauses (i), (ii), (iii),
15 and (iv) of subsection (c)(3)(B) of such section and sub-
16 ject to the applicable limits specified in clauses (i), (ii),
17 and (iii) of such subsection and, in the case of clause (iv)
18 of such subsection, subject to a limit of \$50,000,000: *Pro-*
19 *vided*, That the Secretary of Defense shall notify the con-
20 gressional defense committees promptly of all uses of this
21 authority.

22 SEC. 8079. None of the funds appropriated or made
23 available in this Act shall be used to reduce or disestablish
24 the operation of the 53rd Weather Reconnaissance Squad-
25 ron of the Air Force Reserve, if such action would reduce

1 the WC-130 Weather Reconnaissance mission below the
2 levels funded in this Act: *Provided*, That the Air Force
3 shall allow the 53rd Weather Reconnaissance Squadron to
4 perform other missions in support of national defense re-
5 quirements during the non-hurricane season.

6 SEC. 8080. None of the funds provided in this Act
7 shall be available for integration of foreign intelligence in-
8 formation unless the information has been lawfully col-
9 lected and processed during the conduct of authorized for-
10 eign intelligence activities: *Provided*, That information
11 pertaining to United States persons shall only be handled
12 in accordance with protections provided in the Fourth
13 Amendment of the United States Constitution as imple-
14 mented through Executive Order No. 12333.

15 SEC. 8081. (a) None of the funds appropriated by
16 this Act may be used to transfer research and develop-
17 ment, acquisition, or other program authority relating to
18 current tactical unmanned aerial vehicles (TUAVs) from
19 the Army.

20 (b) The Army shall retain responsibility for and oper-
21 ational control of the MQ-1C Gray Eagle Unmanned Aer-
22 ial Vehicle (UAV) in order to support the Secretary of De-
23 fense in matters relating to the employment of unmanned
24 aerial vehicles.

1 SEC. 8082. None of the funds appropriated by this
2 Act for programs of the Office of the Director of National
3 Intelligence shall remain available for obligation beyond
4 the current fiscal year, except for funds appropriated for
5 research and technology, which shall remain available until
6 September 30, 2022.

7 SEC. 8083. For purposes of section 1553(b) of title
8 31, United States Code, any subdivision of appropriations
9 made in this Act under the heading “Shipbuilding and
10 Conversion, Navy” shall be considered to be for the same
11 purpose as any subdivision under the heading “Ship-
12 building and Conversion, Navy” appropriations in any
13 prior fiscal year, and the 1 percent limitation shall apply
14 to the total amount of the appropriation.

15 SEC. 8084. (a) Not later than 60 days after the date
16 of enactment of this Act, the Director of National Intel-
17 ligence shall submit a report to the congressional intel-
18 ligence committees to establish the baseline for application
19 of reprogramming and transfer authorities for fiscal year
20 2021: *Provided*, That the report shall include—

21 (1) a table for each appropriation with a sepa-
22 rate column to display the President’s budget re-
23 quest, adjustments made by Congress, adjustments
24 due to enacted rescissions, if appropriate, and the
25 fiscal year enacted level;

1 (2) a delineation in the table for each appro-
2 priation by Expenditure Center and project; and

3 (3) an identification of items of special congres-
4 sional interest.

5 (b) None of the funds provided for the National Intel-
6 ligence Program in this Act shall be available for re-
7 programming or transfer until the report identified in sub-
8 section (a) is submitted to the congressional intelligence
9 committees, unless the Director of National Intelligence
10 certifies in writing to the congressional intelligence com-
11 mittees that such reprogramming or transfer is necessary
12 as an emergency requirement.

13 SEC. 8085. Notwithstanding any other provision of
14 law, any transfer of funds, appropriated or otherwise made
15 available by this Act, for support to friendly foreign coun-
16 tries in connection with the conduct of operations in which
17 the United States is not participating, pursuant to section
18 331(d) of title 10, United States Code, shall be made in
19 accordance with section 8005 or 9002 of this Act, as appli-
20 cable.

21 SEC. 8086. Any transfer of amounts appropriated to
22 the Department of Defense Acquisition Workforce Devel-
23 opment Account in or for fiscal year 2021 to a military
24 department or Defense Agency pursuant to section
25 1705(e)(1) of title 10, United States Code, shall be cov-

1 ered by and subject to section 8005 or 9002 of this Act,
2 as applicable.

3 SEC. 8087. None of the funds made available by this
4 Act for excess defense articles, assistance under section
5 333 of title 10, United States Code, or peacekeeping oper-
6 ations for the countries designated annually to be in viola-
7 tion of the standards of the Child Soldiers Prevention Act
8 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
9 be used to support any military training or operation that
10 includes child soldiers, as defined by the Child Soldiers
11 Prevention Act of 2008, unless such assistance is other-
12 wise permitted under section 404 of the Child Soldiers
13 Prevention Act of 2008.

14 SEC. 8088. (a) None of the funds provided for the
15 National Intelligence Program in this or any prior appro-
16 priations Act shall be available for obligation or expendi-
17 ture through a reprogramming or transfer of funds in ac-
18 cordance with section 102A(d) of the National Security
19 Act of 1947 (50 U.S.C. 3024(d)) that—

20 (1) creates a new start effort;

21 (2) terminates a program with appropriated
22 funding of \$10,000,000 or more;

23 (3) transfers funding into or out of the Na-
24 tional Intelligence Program; or

1 (4) transfers funding between appropriations,
2 unless the congressional intelligence committees are
3 notified 30 days in advance of such reprogramming
4 of funds; this notification period may be reduced for
5 urgent national security requirements.

6 (b) None of the funds provided for the National Intel-
7 ligence Program in this or any prior appropriations Act
8 shall be available for obligation or expenditure through a
9 reprogramming or transfer of funds in accordance with
10 section 102A(d) of the National Security Act of 1947 (50
11 U.S.C. 3024(d)) that results in a cumulative increase or
12 decrease of the levels specified in the classified annex ac-
13 companying the Act unless the congressional intelligence
14 committees are notified 30 days in advance of such re-
15 programming of funds; this notification period may be re-
16 duced for urgent national security requirements.

17 SEC. 8089. In this fiscal year and each fiscal year
18 thereafter, funds appropriated under the heading “Pro-
19 curement, Space Force” may be obligated for payment of
20 satellite on-orbit incentives in the fiscal year in which an
21 incentive payment is earned: *Provided*, That any obligation
22 made pursuant to this section may not be entered into
23 until 30 calendar days in session after the congressional
24 defense committees have been notified that an on-orbit in-
25 centive payment has been earned.

1 required to be submitted by the Congress in this or any
2 other Act, upon the determination by the head of the agen-
3 cy that it shall serve the national interest.

4 (b) Subsection (a) shall not apply to a report if—

5 (1) the public posting of the report com-
6 promises national security; or

7 (2) the report contains proprietary information.

8 (c) The head of the agency posting such report shall
9 do so only after such report has been made available to
10 the requesting Committee or Committees of Congress for
11 no less than 45 days.

12 SEC. 8094. (a) None of the funds appropriated or
13 otherwise made available by this Act may be expended for
14 any Federal contract for an amount in excess of
15 \$1,000,000, unless the contractor agrees not to—

16 (1) enter into any agreement with any of its
17 employees or independent contractors that requires,
18 as a condition of employment, that the employee or
19 independent contractor agree to resolve through ar-
20 bitration any claim under title VII of the Civil
21 Rights Act of 1964 or any tort related to or arising
22 out of sexual assault or harassment, including as-
23 sault and battery, intentional infliction of emotional
24 distress, false imprisonment, or negligent hiring, su-
25 pervision, or retention; or

1 (2) take any action to enforce any provision of
2 an existing agreement with an employee or inde-
3 pendent contractor that mandates that the employee
4 or independent contractor resolve through arbitra-
5 tion any claim under title VII of the Civil Rights Act
6 of 1964 or any tort related to or arising out of sex-
7 ual assault or harassment, including assault and
8 battery, intentional infliction of emotional distress,
9 false imprisonment, or negligent hiring, supervision,
10 or retention.

11 (b) None of the funds appropriated or otherwise
12 made available by this Act may be expended for any Fed-
13 eral contract unless the contractor certifies that it requires
14 each covered subcontractor to agree not to enter into, and
15 not to take any action to enforce any provision of, any
16 agreement as described in paragraphs (1) and (2) of sub-
17 section (a), with respect to any employee or independent
18 contractor performing work related to such subcontract.
19 For purposes of this subsection, a “covered subcon-
20 tractor” is an entity that has a subcontract in excess of
21 \$1,000,000 on a contract subject to subsection (a).

22 (c) The prohibitions in this section do not apply with
23 respect to a contractor’s or subcontractor’s agreements
24 with employees or independent contractors that may not
25 be enforced in a court of the United States.

1 (d) The Secretary of Defense may waive the applica-
2 tion of subsection (a) or (b) to a particular contractor or
3 subcontractor for the purposes of a particular contract or
4 subcontract if the Secretary or the Deputy Secretary per-
5 sonally determines that the waiver is necessary to avoid
6 harm to national security interests of the United States,
7 and that the term of the contract or subcontract is not
8 longer than necessary to avoid such harm. The determina-
9 tion shall set forth with specificity the grounds for the
10 waiver and for the contract or subcontract term selected,
11 and shall state any alternatives considered in lieu of a
12 waiver and the reasons each such alternative would not
13 avoid harm to national security interests of the United
14 States. The Secretary of Defense shall transmit to Con-
15 gress, and simultaneously make public, any determination
16 under this subsection not less than 15 business days be-
17 fore the contract or subcontract addressed in the deter-
18 mination may be awarded.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8095. From within the funds appropriated for
21 operation and maintenance for the Defense Health Pro-
22 gram in this Act, up to \$137,000,000, shall be available
23 for transfer to the Joint Department of Defense-Depart-
24 ment of Veterans Affairs Medical Facility Demonstration
25 Fund in accordance with the provisions of section 1704

1 of the National Defense Authorization Act for Fiscal Year
2 2010, Public Law 111–84: *Provided*, That for purposes
3 of section 1704(b), the facility operations funded are oper-
4 ations of the integrated Captain James A. Lovell Federal
5 Health Care Center, consisting of the North Chicago Vet-
6 erans Affairs Medical Center, the Navy Ambulatory Care
7 Center, and supporting facilities designated as a combined
8 Federal medical facility as described by section 706 of
9 Public Law 110–417: *Provided further*, That additional
10 funds may be transferred from funds appropriated for op-
11 eration and maintenance for the Defense Health Program
12 to the Joint Department of Defense-Department of Vet-
13 erans Affairs Medical Facility Demonstration Fund upon
14 written notification by the Secretary of Defense to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate.

17 SEC. 8096. None of the funds appropriated or other-
18 wise made available by this Act may be used by the De-
19 partment of Defense or a component thereof in contraven-
20 tion of the provisions of section 130h of title 10, United
21 States Code.

22 SEC. 8097. Appropriations available to the Depart-
23 ment of Defense may be used for the purchase of heavy
24 and light armored vehicles for the physical security of per-
25 sonnel or for force protection purposes up to a limit of

1 \$450,000 per vehicle, notwithstanding price or other limi-
2 tations applicable to the purchase of passenger carrying
3 vehicles.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8098. Upon a determination by the Director of
6 National Intelligence that such action is necessary and in
7 the national interest, the Director may, with the approval
8 of the Office of Management and Budget, transfer not to
9 exceed \$1,500,000,000 of the funds made available in this
10 Act for the National Intelligence Program: *Provided*, That
11 such authority to transfer may not be used unless for
12 higher priority items, based on unforeseen intelligence re-
13 quirements, than those for which originally appropriated
14 and in no case where the item for which funds are re-
15 quested has been denied by the Congress: *Provided further*,
16 That a request for multiple reprogrammings of funds
17 using authority provided in this section shall be made
18 prior to June 30, 2021.

19 SEC. 8099. None of the funds made available by this
20 Act may be used in contravention of the War Powers Res-
21 olution (50 U.S.C. 1541 et seq.).

22 SEC. 8100. None of the funds appropriated or other-
23 wise made available in this or any other Act may be used
24 to transfer, release, or assist in the transfer or release to

1 or within the United States, its territories, or possessions
2 Khalid Sheikh Mohammed or any other detainee who—

3 (1) is not a United States citizen or a member
4 of the Armed Forces of the United States; and

5 (2) is or was held on or after June 24, 2009,
6 at United States Naval Station, Guantánamo Bay,
7 Cuba, by the Department of Defense.

8 SEC. 8101. None of the funds appropriated or other-
9 wise made available in this Act may be used to transfer
10 any individual detained at United States Naval Station
11 Guantánamo Bay, Cuba, to the custody or control of the
12 individual's country of origin, any other foreign country,
13 or any other foreign entity except in accordance with sec-
14 tion 1034 of the National Defense Authorization Act for
15 Fiscal Year 2016 (Public Law 114–92) and section 1035
16 of the John S. McCain National Defense Authorization
17 Act for Fiscal Year 2019 (Public Law 115–232).

18 SEC. 8102. (a) None of the funds appropriated or
19 otherwise made available by this or any other Act may
20 be used by the Secretary of Defense, or any other official
21 or officer of the Department of Defense, to enter into a
22 contract, memorandum of understanding, or cooperative
23 agreement with, or make a grant to, or provide a loan
24 or loan guarantee to Rosoboronexport or any subsidiary
25 of Rosoboronexport.

1 (b) The Secretary of Defense may waive the limita-
2 tion in subsection (a) if the Secretary, in consultation with
3 the Secretary of State and the Director of National Intel-
4 ligence, determines that it is in the vital national security
5 interest of the United States to do so, and certifies in writ-
6 ing to the congressional defense committees that—

7 (1) Rosoboronexport has ceased the transfer of
8 lethal military equipment to, and the maintenance of
9 existing lethal military equipment for, the Govern-
10 ment of the Syrian Arab Republic;

11 (2) the armed forces of the Russian Federation
12 have withdrawn from Crimea, other than armed
13 forces present on military bases subject to agree-
14 ments in force between the Government of the Rus-
15 sian Federation and the Government of Ukraine;
16 and

17 (3) agents of the Russian Federation have
18 ceased taking active measures to destabilize the con-
19 trol of the Government of Ukraine over eastern
20 Ukraine.

21 (c) The Inspector General of the Department of De-
22 fense shall conduct a review of any action involving
23 Rosoboronexport with respect to a waiver issued by the
24 Secretary of Defense pursuant to subsection (b), and not
25 later than 90 days after the date on which such a waiver

1 is issued by the Secretary of Defense, the Inspector Gen-
2 eral shall submit to the congressional defense committees
3 a report containing the results of the review conducted
4 with respect to such waiver.

5 SEC. 8103. None of the funds made available in this
6 Act may be used for the purchase or manufacture of a
7 flag of the United States unless such flags are treated as
8 covered items under section 2533a(b) of title 10, United
9 States Code.

10 SEC. 8104. (a) None of the funds appropriated or
11 otherwise made available in this or any other Act may be
12 used to construct, acquire, or modify any facility in the
13 United States, its territories, or possessions to house any
14 individual described in subsection (c) for the purposes of
15 detention or imprisonment in the custody or under the ef-
16 fective control of the Department of Defense.

17 (b) The prohibition in subsection (a) shall not apply
18 to any modification of facilities at United States Naval
19 Station, Guantánamo Bay, Cuba.

20 (c) An individual described in this subsection is any
21 individual who, as of June 24, 2009, is located at United
22 States Naval Station, Guantánamo Bay, Cuba, and who—

23 (1) is not a citizen of the United States or a
24 member of the Armed Forces of the United States;
25 and

1 (2) is—

2 (A) in the custody or under the effective
3 control of the Department of Defense; or

4 (B) otherwise under detention at United
5 States Naval Station, Guantánamo Bay, Cuba.

6 SEC. 8105. Of the amounts appropriated in this Act
7 for “Shipbuilding and Conversion, Navy”, \$60,000,000, to
8 remain available for obligation until September 30, 2025,
9 may be used for the purchase of two used sealift vessels
10 for the National Defense Reserve Fleet, established under
11 section 11 of the Merchant Ship Sales Act of 1946 (46
12 U.S.C. 57100): *Provided*, That such amounts are available
13 for reimbursements to the Ready Reserve Force, Maritime
14 Administration account of the United States Department
15 of Transportation for programs, projects, activities, and
16 expenses related to the National Defense Reserve Fleet:
17 *Provided further*, That notwithstanding 10 U.S.C. 2218
18 (National Defense Sealift Fund), none of these funds shall
19 be transferred to the National Defense Sealift Fund for
20 execution.

21 SEC. 8106. The Secretary of Defense shall post grant
22 awards on a public website in a searchable format.

23 SEC. 8107. If the Secretary of a military department
24 reduces each research, development, test and evaluation,
25 and procurement account of the military department pur-

1 suant to paragraph (1) of section 828(d) of the National
2 Defense Authorization Act for Fiscal Year 2016 (Public
3 Law 114–92; 10 U.S.C. 2430 note), the Secretary shall
4 allocate the reduction determined under paragraph (2) of
5 such section 828(d) proportionally from all programs,
6 projects, or activities under such account: *Provided*, That
7 the authority under section 804(d)(2) of the National De-
8 fense Authorization Act for Fiscal Year 2016 (Public Law
9 114–92; 10 U.S.C. 2302 note) to transfer amounts avail-
10 able in the Rapid Prototyping Fund shall be subject to
11 section 8005 or 9002 of this Act, as applicable.

12 SEC. 8108. None of the funds made available by this
13 Act may be used by the National Security Agency to—

14 (1) conduct an acquisition pursuant to section
15 702 of the Foreign Intelligence Surveillance Act of
16 1978 for the purpose of targeting a United States
17 person; or

18 (2) acquire, monitor, or store the contents (as
19 such term is defined in section 2510(8) of title 18,
20 United States Code) of any electronic communica-
21 tion of a United States person from a provider of
22 electronic communication services to the public pur-
23 suant to section 501 of the Foreign Intelligence Sur-
24 veillance Act of 1978.

1 SEC. 8109. None of the funds made available in this
2 or any other Act may be used to pay the salary of any
3 officer or employee of any agency funded by this Act who
4 approves or implements the transfer of administrative re-
5 sponsibilities or budgetary resources of any program,
6 project, or activity financed by this Act to the jurisdiction
7 of another Federal agency not financed by this Act with-
8 out the express authorization of Congress: *Provided*, That
9 this limitation shall not apply to transfers of funds ex-
10 pressly provided for in Defense Appropriations Acts, or
11 provisions of Acts providing supplemental appropriations
12 for the Department of Defense.

13 SEC. 8110. Of the amounts appropriated in this Act
14 for “Operation and Maintenance, Navy”, \$376,029,000,
15 to remain available until expended, may be used for any
16 purposes related to the National Defense Reserve Fleet
17 established under section 11 of the Merchant Ship Sales
18 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
19 amounts are available for reimbursements to the Ready
20 Reserve Force, Maritime Administration account of the
21 United States Department of Transportation for pro-
22 grams, projects, activities, and expenses related to the Na-
23 tional Defense Reserve Fleet.

24 SEC. 8111. None of the funds made available in this
25 Act may be obligated for activities authorized under sec-

1 tion 1208 of the Ronald W. Reagan National Defense Au-
2 thorization Act for Fiscal Year 2005 (Public Law 112-
3 81; 125 Stat. 1621) to initiate support for, or expand sup-
4 port to, foreign forces, irregular forces, groups, or individ-
5 uals unless the congressional defense committees are noti-
6 fied in accordance with the direction contained in the clas-
7 sified annex accompanying this Act, not less than 15 days
8 before initiating such support: *Provided*, That none of the
9 funds made available in this Act may be used under sec-
10 tion 1208 for any activity that is not in support of an
11 ongoing military operation being conducted by United
12 States Special Operations Forces to combat terrorism:
13 *Provided further*, That the Secretary of Defense may waive
14 the prohibitions in this section if the Secretary determines
15 that such waiver is required by extraordinary cir-
16 cumstances and, by not later than 72 hours after making
17 such waiver, notifies the congressional defense committees
18 of such waiver.

19 SEC. 8112. The Secretary of Defense, in consultation
20 with the Service Secretaries, shall submit a report to the
21 congressional defense committees, not later than 180 days
22 after the enactment of this Act, detailing the submission
23 of records during the previous 12 months to databases ac-
24 cessible to the National Instant Criminal Background
25 Check System (NICS), including the Interstate Identifica-

1 tion Index (III), the National Crime Information Center
2 (NCIC), and the NICS Index, as required by Public Law
3 110–180: *Provided*, That such report shall provide the
4 number and category of records submitted by month to
5 each such database, by Service or Component: *Provided*
6 *further*, That such report shall identify the number and
7 category of records submitted by month to those databases
8 for which the Identification for Firearm Sales (IFFS) flag
9 or other database flags were used to pre-validate the
10 records and indicate that such persons are prohibited from
11 receiving or possessing a firearm: *Provided further*, That
12 such report shall describe the steps taken during the pre-
13 vious 12 months, by Service or Component, to ensure com-
14 plete and accurate submission and appropriate flagging of
15 records of individuals prohibited from gun possession or
16 receipt pursuant to 18 U.S.C. 922(g) or (n) including ap-
17 plicable records involving proceedings under the Uniform
18 Code of Military Justice.

19 SEC. 8113. (a) None of the funds provided in this
20 Act for the TAO Fleet Oiler program shall be used to
21 award a new contract that provides for the acquisition of
22 the following components unless those components are
23 manufactured in the United States: Auxiliary equipment
24 (including pumps) for shipboard services; propulsion
25 equipment (including engines, reduction gears, and propel-

1 lers); shipboard cranes; and spreaders for shipboard
2 cranes.

3 (b) None of the funds provided in this Act for the
4 FFG(X) Frigate program shall be used to award a new
5 contract that provides for the acquisition of the following
6 components unless those components are manufactured in
7 the United States: Air circuit breakers; gyrocompasses;
8 electronic navigation chart systems; steering controls;
9 pumps; propulsion and machinery control systems; totally
10 enclosed lifeboats; auxiliary equipment pumps; shipboard
11 cranes; auxiliary chill water systems; and propulsion pro-
12 pellers: *Provided*, That the Secretary of the Navy shall in-
13 corporate United States manufactured propulsion engines
14 and propulsion reduction gears into the FFG(X) Frigate
15 program beginning not later than with the eleventh ship
16 of the program.

17 SEC. 8114. No amounts credited or otherwise made
18 available in this or any other Act to the Department of
19 Defense Acquisition Workforce Development Account may
20 be transferred to:

21 (1) the Rapid Prototyping Fund established
22 under section 804(d) of the National Defense Au-
23 thorization Act for Fiscal Year 2016 (10 U.S.C.
24 2302 note); or

1 (2) credited to a military-department specific
2 fund established under section 804(d)(2) of the Na-
3 tional Defense Authorization Act for Fiscal Year
4 2016 (as amended by section 897 of the National
5 Defense Authorization Act for Fiscal Year 2017).

6 SEC. 8115. None of the funds made available by this
7 Act may be used for Government Travel Charge Card ex-
8 penses by military or civilian personnel of the Department
9 of Defense for gaming, or for entertainment that includes
10 topless or nude entertainers or participants, as prohibited
11 by Department of Defense FMR, Volume 9, Chapter 3
12 and Department of Defense Instruction 1015.10 (enclo-
13 sure 3, 14a and 14b).

14 SEC. 8116. (a) None of the funds made available in
15 this Act may be used to maintain or establish a computer
16 network unless such network is designed to block access
17 to pornography websites.

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

24 SEC. 8117. None of the funds appropriated by this
25 Act may be made available to deliver F-35 air vehicles

1 or any other F-35 weapon system equipment to the Re-
2 public of Turkey, except in accordance with section 1245
3 of the National Defense Authorization Act for Fiscal Year
4 2020 (Public Law 116-92).

5 SEC. 8118. In addition to amounts provided else-
6 where in this Act, there is appropriated \$284,000,000, for
7 an additional amount for “Operation and Maintenance,
8 Defense-Wide”, to remain available until expended: *Pro-*
9 *vided*, That such funds shall only be available to the Sec-
10 retary of Defense, acting through the Office of Economic
11 Adjustment of the Department of Defense, or for transfer
12 to the Secretary of Education, notwithstanding any other
13 provision of law, to make grants, conclude cooperative
14 agreements, or supplement other Federal funds to con-
15 struct, renovate, repair, or expand elementary and sec-
16 ondary public schools on military installations in order to
17 address capacity or facility condition deficiencies at such
18 schools: *Provided further*, That in making such funds
19 available, the Office of Economic Adjustment or the Sec-
20 retary of Education shall give priority consideration to
21 those military installations with schools having the most
22 serious capacity or facility condition deficiencies as deter-
23 mined by the Secretary of Defense: *Provided further*, That
24 as a condition of receiving funds under this section a local
25 educational agency or State shall provide a matching share

1 as described in the notice titled “Department of Defense
2 Program for Construction, Renovation, Repair or Expan-
3 sion of Public Schools Located on Military Installations”
4 published by the Department of Defense in the Federal
5 Register on September 9, 2011 (76 Fed. Reg. 55883 et
6 seq.): *Provided further*, That these provisions apply to
7 funds provided under this section, and to funds previously
8 provided by Congress to construct, renovate, repair, or ex-
9 pand elementary and secondary public schools on military
10 installations in order to address capacity or facility condi-
11 tion deficiencies at such schools to the extent such funds
12 remain unobligated on the date of enactment of this sec-
13 tion.

14 SEC. 8119. In carrying out the program described in
15 the memorandum on the subject of “Policy for Assisted
16 Reproductive Services for the Benefit of Seriously or Se-
17 verely Ill/Injured (Category II or III) Active Duty Service
18 Members” issued by the Assistant Secretary of Defense
19 for Health Affairs on April 3, 2012, and the guidance
20 issued to implement such memorandum, the Secretary of
21 Defense shall apply such policy and guidance, except
22 that—

23 (1) the limitation on periods regarding embryo
24 cryopreservation and storage set forth in part III(G)

1 and in part IV(H) of such memorandum shall not
2 apply; and

3 (2) the term “assisted reproductive technology”
4 shall include embryo cryopreservation and storage
5 without limitation on the duration of such
6 cryopreservation and storage.

7 SEC. 8120. None of the funds made available by this
8 Act may be used to carry out the closure or realignment
9 of the United States Naval Station, Guantánamo Bay,
10 Cuba.

11 SEC. 8121. None of the funds provided for, or other-
12 wise made available, in this or any other Act, may be obli-
13 gated or expended by the Secretary of Defense to provide
14 motorized vehicles, aviation platforms, munitions other
15 than small arms and munitions appropriate for customary
16 ceremonial honors, operational military units, or oper-
17 ational military platforms if the Secretary determines that
18 providing such units, platforms, or equipment would un-
19 dermine the readiness of such units, platforms, or equip-
20 ment.

21 SEC. 8122. The Secretary of Defense may obligate
22 and expend funds made available under this Act for pro-
23 curement or for research, development, test and evaluation
24 for the F-35 Joint Strike Fighter to modify up to six F-
25 35 aircraft, including up to two F-35 aircraft of each vari-

1 ant, to a test configuration: *Provided*, That the Secretary
2 of Defense shall, with the concurrence of the Secretary
3 of the Air Force and the Secretary of the Navy, notify
4 the congressional defense committees not fewer than 30
5 days prior to obligating and expending funds under this
6 section: *Provided further*, That any transfer of funds pur-
7 suant to the authority provided in this section shall be
8 made in accordance with section 8005 or 9002 of this Act,
9 as appropriate, if applicable: *Provided further*, That air-
10 craft referred to previously in this section are not addi-
11 tional to aircraft referred to in section 8135 of the Depart-
12 ment of Defense Appropriations Act, 2019 and section
13 8126 of the Department of Defense Appropriations Act,
14 2020.

15 SEC. 8123. Amounts appropriated for “Defense
16 Health Program” in this Act and hereafter may be obli-
17 gated to make death gratuity payments, as authorized in
18 subchapter II of chapter 75 of title 10, United States
19 Code, if no appropriation for “Military Personnel” is avail-
20 able for obligation for such payments: *Provided*, That such
21 obligations may subsequently be recorded against appro-
22 priations available for “Military Personnel”.

23 SEC. 8124. (a) None of the funds made available by
24 this or any other Act may be used to enter into a contract,
25 memorandum of understanding, or cooperative agreement

1 with, make a grant to, or provide a loan or loan guarantee
2 to any corporation that has any unpaid Federal tax liabil-
3 ity that has been assessed, for which all judicial and ad-
4 ministrative remedies have been exhausted or have lapsed,
5 and that is not being paid in a timely manner pursuant
6 to an agreement with the authority responsible for col-
7 lecting such tax liability, provided that the applicable Fed-
8 eral agency is aware of the unpaid Federal tax liability.

9 (b) Subsection (a) shall not apply if the applicable
10 Federal agency has considered suspension or debarment
11 of the corporation described in such subsection and has
12 made a determination that such suspension or debarment
13 is not necessary to protect the interests of the Federal
14 Government.

15 SEC. 8125. During fiscal year 2021, any advance bill-
16 ing for background investigation services and related serv-
17 ices purchased from activities financed using Defense
18 Working Capital Funds shall be excluded from the calcula-
19 tion of cumulative advance billings under section
20 2208(l)(3) of title 10, United States Code.

21 SEC. 8126. None of the funds appropriated or other-
22 wise made available by this Act may be used to transfer
23 the National Reconnaissance Office to the Space Force:
24 *Provided*, That nothing in this Act shall be construed to
25 limit or prohibit cooperation, collaboration, and coordina-

1 tion between the National Reconnaissance Office and the
2 Space Force or any other elements of the Department of
3 Defense.

4 SEC. 8127. None of the funds appropriated or other-
5 wise made available by this Act may be used to transfer
6 any element of the Department of the Army, the Depart-
7 ment of the Navy, or a Department of Defense agency
8 to the Space Force unless, concurrent with the fiscal year
9 2022 budget submission (as submitted to Congress pursu-
10 ant to section 1105 of title 31, United States Code), the
11 Secretary of Defense provides a report to the Committees
12 on Appropriations of the House of Representatives and the
13 Senate, detailing any plans to transfer appropriate space
14 elements of the Department of the Army, the Department
15 of the Navy, or a Department of Defense agency to the
16 Space Force and certifies in writing to the Committees
17 on Appropriations of the House of Representatives and the
18 Senate that such transfer is consistent with the mission
19 of the Space Force and will not have an adverse impact
20 on the Department or agency from which such element
21 is being transferred: *Provided*, That such report shall in-
22 clude fiscal year 2022 budget and future years defense
23 program adjustments associated with such planned trans-
24 fers.

1 SEC. 8128. Funds appropriated in titles I and IX of
2 this Act under headings for “Military Personnel” may be
3 used for expenses described therein for members of the
4 Space Force on active duty: *Provided*, That amounts ap-
5 propriated under such headings may be used for payments
6 pursuant to section 156 of Public Law 97–377, as amend-
7 ed (42 U.S.C. 402 note), and to the Department of De-
8 fense Military Retirement Fund.

9 SEC. 8129. Notwithstanding any other provision of
10 this Act, to reflect savings due to favorable foreign ex-
11 change rates, the total amount appropriated in this Act
12 is hereby reduced by \$375,000,000.

13 SEC. 8130. Notwithstanding any other provision of
14 this Act, to reflect savings due to lower than anticipated
15 fuel costs, the total amount appropriated in this Act is
16 hereby reduced by \$1,700,362,000.

17 SEC. 8131. (a) Amounts appropriated under title IV
18 of this Act, as detailed in budget activity eight of the ta-
19 bles in the explanatory statement regarding this Act, may
20 be used for expenses for the agile research, development,
21 test and evaluation, procurement, production, modifica-
22 tion, and operation and maintenance, only for the fol-
23 lowing Software and Digital Technology Pilot programs—

24 (1) Defensive Cyber Operations Army (PE
25 0608041A);

1 (2) Risk Management Information (PE
2 0608013N);

3 (3) Maritime Tactical Command Control (PE
4 0608231N);

5 (4) Space Command and Control (PE
6 1203614SF);

7 (5) National Background Investigation Services
8 (PE 0608197V);

9 (6) Global Command and Control System-Joint
10 (PE 0308150K);

11 (7) Algorithmic Warfare Cross Functional
12 Team (PE 0308588D8Z); and

13 (8) Acquisition visibility (PE 0608648D8Z).

14 (b) None of the funds appropriated by this or prior
15 Department of Defense Appropriations Acts may be obli-
16 gated or expended to initiate additional Software and Dig-
17 ital Technology Pilot Programs in fiscal year 2021.

18 SEC. 8132. (a) In addition to amounts otherwise
19 made available in this Act, there is appropriated
20 \$100,000,000 to the Under Secretary of Defense (Acquisi-
21 tion and Sustainment), to remain available until expended.

22 (b) The funds provided by subsection (a) shall be
23 available to the Under Secretary of Defense (Acquisition
24 and Sustainment), in coordination with the Assistant Sec-
25 retary of the Army (Acquisition, Logistics and Tech-

1 nology) and the Assistant Secretary of the Navy (Re-
2 search, Development and Acquisition) and the Assistant
3 Secretary of the Air Force (Acquisition, Technology and
4 Logistics), to assess and strengthen the manufacturing
5 and defense industrial base and supply chain resiliency of
6 the United States.

7 (c)(1) The Under Secretary of Defense (Comptroller)
8 shall transfer funds provided by subsection (a) to appro-
9 priations for operation and maintenance; procurement;
10 and research, development, test and evaluation to accom-
11 plish the purposes specified in subsection (b). Such trans-
12 ferred funds shall be merged with and be available for the
13 same purposes and for the same time period as the appro-
14 priation to which they are transferred.

15 (2) The transfer authority provided by this subsection
16 shall be in addition to any other transfer authority avail-
17 able to the Department of Defense.

18 (3) The Under Secretary of Defense (Acquisition and
19 Sustainment) shall, through the Under Secretary of De-
20 fense (Comptroller), not less than 30 days prior to making
21 any transfer under this subsection, notify the congres-
22 sional defense committees in writing of the details of the
23 transfer.

1 (d) Funds appropriated by this section may not be
2 transferred to “Drug Interdiction and Counter-Drug Ac-
3 tivities, Defense”.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8133. In addition to amounts appropriated in
6 title II or otherwise made available elsewhere in this Act,
7 \$300,500,000 is hereby appropriated to the Department
8 of Defense and made available for transfer to the oper-
9 ation and maintenance accounts of the Army, Navy, Ma-
10 rine Corps, and Air Force (including National Guard and
11 Reserve) for purposes of improving military readiness:
12 *Provided*, That the transfer authority provided under this
13 provision is in addition to any other transfer authority
14 provided elsewhere in this Act.

15 SEC. 8134. None of the funds provided in this Act
16 for requirements development, performance specification
17 development, concept design and development, ship con-
18 figuration development, systems engineering, naval archi-
19 tecture, marine engineering, operations research analysis,
20 industry studies, preliminary design, development of the
21 Detailed Design and Construction Request for Proposals
22 solicitation package, or related activities for the AS(X)
23 Submarine Tender, T-ARC(X) Cable Laying and Repair
24 Ship, or T-AGOS(X) Oceanographic Surveillance Ship
25 may be used to award a new contract for such activities

1 unless these contracts include specifications that all auxil-
2 iary equipment, including pumps and propulsion shafts
3 are manufactured in the United States.

4 SEC. 8135. None of the funds made available by this
5 Act may be obligated or expended for the purpose of de-
6 commissioning the USS *Fort Worth* or the USS *Coronado*.

7 SEC. 8136. Of the amounts appropriated in this Act
8 under the heading “Operation and Maintenance, Defense-
9 Wide”, \$50,000,000, to remain available until September
10 30, 2022: *Provided*, That such funds shall only be avail-
11 able to the Secretary of Defense, acting through the Office
12 of Economic Adjustment of the Department of Defense,
13 to make grants to communities impacted by military avia-
14 tion noise for the purpose of installing noise mitigating
15 insulation at covered facilities: *Provided further*, That, to
16 be eligible to receive a grant under the program, a commu-
17 nity must enter into an agreement with the Secretary
18 under which the community prioritizes the use of funds
19 for the installation of noise mitigation at covered facilities
20 in the community: *Provided further*, That as a condition
21 of receiving funds under this section a State or local entity
22 shall provide a matching share of ten percent: *Provided*
23 *further*, That grants under the program may be used to
24 meet the Federal match requirement under the airport im-
25 provement program established under subchapter I of

1 chapter 471 and subchapter I of chapter 475 of title 49,
2 United States Code: *Provided further*, That, in carrying
3 out the program, the Secretary of Defense shall coordinate
4 with the Secretary of Transportation to minimize duplica-
5 tion of efforts with any other noise mitigation program
6 compliant with part 150 of title 14, Code of Federal Regu-
7 lations: *Provided further*, That, in this section, the term
8 “covered facilities” means hospitals, daycare facilities,
9 schools, facilities serving senior citizens, and private resi-
10 dences that are located within one mile or a day-night av-
11 erage sound level of 65 or greater of a military installation
12 or another location at which military aircraft are stationed
13 or are located in an area impacted by military aviation
14 noise within one mile or a day-night average sound level
15 of 65 or greater, as determined by the Department of De-
16 fense or Federal Aviation Administration noise modeling
17 programs.

18 SEC. 8137. None of the funds appropriated or other-
19 wise made available by this Act may be obligated or ex-
20 pended for the lease of an icebreaking vessel unless such
21 obligation or expenditure is compliant with section 1301
22 of title 31, United States Code, and related statutes and
23 is made pursuant to a contract awarded using full and
24 open competitive procedures or procedures authorized by
25 section 2304(c)(6) of title 10, United States Code.

1 SEC. 8138. Amounts appropriated or otherwise made
2 available to the Department of Defense in this Act, may
3 not be obligated or expended for the retirement or divesti-
4 ture of the RQ-4 Global Hawk Block 30 and Block 40
5 aircraft: *Provided*, That the Secretary of the Air Force
6 is prohibited from deactivating the corresponding squad-
7 rons responsible for the operations of the aforementioned
8 aircraft.

1 TITLE IX

2 OVERSEAS CONTINGENCY OPERATIONS

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,
6 Army”, \$2,748,033,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 MILITARY PERSONNEL, NAVY

12 For an additional amount for “Military Personnel,
13 Navy”, \$382,286,000: *Provided*, That such amount is des-
14 ignated by the Congress for Overseas Contingency Oper-
15 ations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 MILITARY PERSONNEL, MARINE CORPS

19 For an additional amount for “Military Personnel,
20 Marine Corps”, \$129,943,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$1,077,168,000: *Provided*, That such amount
4 is designated by the Congress for Overseas Contingency
5 Operations/Global War on Terrorism pursuant to section
6 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RESERVE PERSONNEL, ARMY

9 For an additional amount for “Reserve Personnel,
10 Army”, \$33,414,000: *Provided*, That such amount is des-
11 ignated by the Congress for Overseas Contingency Oper-
12 ations/Global War on Terrorism pursuant to section
13 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 RESERVE PERSONNEL, NAVY

16 For an additional amount for “Reserve Personnel,
17 Navy”, \$11,771,000: *Provided*, That such amount is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 RESERVE PERSONNEL, MARINE CORPS

23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$2,048,000: *Provided*, That such amount
25 is designated by the Congress for Overseas Contingency

1 Operations/Global War on Terrorism pursuant to section
2 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 RESERVE PERSONNEL, AIR FORCE

5 For an additional amount for “Reserve Personnel,
6 Air Force”, \$16,816,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For an additional amount for “National Guard Per-
13 sonnel, Army”, \$195,314,000: *Provided*, That such
14 amount is designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, AIR FORCE

19 For an additional amount for “National Guard Per-
20 sonnel, Air Force”, \$5,800,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$17,497,254,000: *Provided*, That such
5 amount is designated by the Congress for Overseas Con-
6 tingency Operations/Global War on Terrorism pursuant to
7 section 251(b)(2)(A)(ii) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-
11 tenance, Navy”, \$11,568,363,000: *Provided*, That such
12 amount is designated by the Congress for Overseas Con-
13 tingency Operations/Global War on Terrorism pursuant to
14 section 251(b)(2)(A)(ii) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For an additional amount for “Operation and Main-
18 tenance, Marine Corps”, \$1,108,667,000: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

23 OPERATION AND MAINTENANCE, AIR FORCE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force”, \$18,432,020,000: *Provided*, That

1 such amount is designated by the Congress for Overseas
2 Contingency Operations/Global War on Terrorism pursu-
3 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985.

5 OPERATION AND MAINTENANCE, SPACE FORCE

6 For an additional amount for “Operation and Main-
7 tenance, Space Force”, \$77,115,000: *Provided*, That such
8 amount is designated by the Congress for Overseas Con-
9 tingency Operations/Global War on Terrorism pursuant to
10 section 251(b)(2)(A)(ii) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, DEFENSE-WIDE

13 For an additional amount for “Operation and Main-
14 tenance, Defense-Wide”, \$6,041,898,000: *Provided*, That
15 such amount is designated by the Congress for Overseas
16 Contingency Operations/Global War on Terrorism pursu-
17 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985.

19 OPERATION AND MAINTENANCE, ARMY RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Army Reserve”, \$33,399,000: *Provided*, That
22 such amount is designated by the Congress for Overseas
23 Contingency Operations/Global War on Terrorism pursu-
24 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Navy Reserve”, \$21,492,000: *Provided*, That
4 such amount is designated by the Congress for Overseas
5 Contingency Operations/Global War on Terrorism pursu-
6 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, MARINE CORPS

9 RESERVE

10 For an additional amount for “Operation and Main-
11 tenance, Marine Corps Reserve”, \$8,707,000: *Provided*,
12 That such amount is designated by the Congress for Over-
13 seas Contingency Operations/Global War on Terrorism
14 pursuant to section 251(b)(2)(A)(ii) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

17 For an additional amount for “Operation and Main-
18 tenance, Air Force Reserve”, \$30,090,000: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

1 frastructure repair, renovation, construction, and funding:
2 *Provided further*, That the Secretary of Defense may obli-
3 gate and expend funds made available to the Department
4 of Defense in this title for additional costs associated with
5 existing projects previously funded with amounts provided
6 under the heading “Afghanistan Infrastructure Fund” in
7 prior Acts: *Provided further*, That such costs shall be lim-
8 ited to contract changes resulting from inflation, market
9 fluctuation, rate adjustments, and other necessary con-
10 tract actions to complete existing projects, and associated
11 supervision and administration costs and costs for design
12 during construction: *Provided further*, That the Secretary
13 may not use more than \$50,000,000 under the authority
14 provided in this section: *Provided further*, That the Sec-
15 retary shall notify in advance such contract changes and
16 adjustments in annual reports to the congressional defense
17 committees: *Provided further*, That the authority to pro-
18 vide assistance under this heading is in addition to any
19 other authority to provide assistance to foreign nations:
20 *Provided further*, That contributions of funds for the pur-
21 poses provided herein from any person, foreign govern-
22 ment, or international organization may be credited to this
23 Fund, to remain available until expended, and used for
24 such purposes: *Provided further*, That the Secretary of De-
25 fense shall notify the congressional defense committees in

1 writing upon the receipt and upon the obligation of any
2 contribution, delineating the sources and amounts of the
3 funds received and the specific use of such contributions:
4 *Provided further*, That the Secretary of Defense shall, not
5 fewer than 15 days prior to obligating from this appro-
6 priation account, notify the congressional defense commit-
7 tees in writing of the details of any such obligation: *Pro-*
8 *vided further*, That the Secretary of Defense shall notify
9 the congressional defense committees of any proposed new
10 projects or activities, or transfer of funds between budget
11 sub-activity groups in excess of \$20,000,000: *Provided fur-*
12 *ther*, That the United States may accept equipment pro-
13 cured using funds provided under this heading in this or
14 prior Acts that was transferred to the security forces of
15 Afghanistan and returned by such forces to the United
16 States: *Provided further*, That equipment procured using
17 funds provided under this heading in this or prior Acts,
18 and not yet transferred to the security forces of Afghani-
19 stan or transferred to the security forces of Afghanistan
20 and returned by such forces to the United States, may
21 be treated as stocks of the Department of Defense upon
22 written notification to the congressional defense commit-
23 tees: *Provided further*, That of the funds provided under
24 this heading, not less than \$20,000,000 shall be for re-
25 cruitment and retention of women in the Afghanistan Na-

1 tional Security Forces, and the recruitment and training
2 of female security personnel: *Provided further*, That funds
3 appropriated under this heading and made available for
4 the salaries and benefits of personnel of the Afghanistan
5 Security Forces may only be used for personnel who are
6 enrolled in the Afghanistan Personnel and Pay System:
7 *Provided further*, That funds appropriated under this
8 heading for the Afghanistan Security Forces may only be
9 obligated if the Secretary of Defense, in consultation with
10 the Secretary of State, certifies in writing to the congres-
11 sional defense committees that such forces are controlled
12 by a civilian, representative government that is committed
13 to protecting human rights and women’s rights and pre-
14 venting terrorists and terrorist groups from using the ter-
15 ritory of Afghanistan to threaten the security of the
16 United States and United States allies: *Provided further*,
17 That such amount is designated by the Congress for Over-
18 seas Contingency Operations/Global War on Terrorism
19 pursuant to section 251(b)(2)(A)(ii) of the Balanced
20 Budget and Emergency Deficit Control Act of 1985.

21 COUNTER-ISIS TRAIN AND EQUIP FUND

22 For the “Counter-Islamic State of Iraq and Syria
23 Train and Equip Fund”, \$710,000,000, to remain avail-
24 able until September 30, 2022: *Provided*, That such funds
25 shall be available to the Secretary of Defense in coordina-

1 tion with the Secretary of State, to provide assistance, in-
2 cluding training; equipment; logistics support, supplies,
3 and services; stipends; infrastructure repair and renova-
4 tion; construction for facility fortification and humane
5 treatment; and sustainment, to foreign security forces, ir-
6 regular forces, groups, or individuals participating, or pre-
7 paring to participate in activities to counter the Islamic
8 State of Iraq and Syria, and their affiliated or associated
9 groups: *Provided further*, That amounts made available
10 under this heading shall be available to provide assistance
11 only for activities in a country designated by the Secretary
12 of Defense, in coordination with the Secretary of State,
13 as having a security mission to counter the Islamic State
14 of Iraq and Syria, and following written notification to the
15 congressional defense committees of such designation:
16 *Provided further*, That the Secretary of Defense shall en-
17 sure that prior to providing assistance to elements of any
18 forces or individuals, such elements or individuals are ap-
19 propriately vetted, including at a minimum, assessing such
20 elements for associations with terrorist groups or groups
21 associated with the Government of Iran; and receiving
22 commitments from such elements to promote respect for
23 human rights and the rule of law: *Provided further*, That
24 the Secretary of Defense shall, not fewer than 15 days
25 prior to obligating from this appropriation account, notify

1 the congressional defense committees in writing of the de-
2 tails of any such obligation: *Provided further*, That the
3 Secretary of Defense may accept and retain contributions,
4 including assistance in-kind, from foreign governments,
5 including the Government of Iraq and other entities, to
6 carry out assistance authorized under this heading: *Pro-*
7 *vided further*, That contributions of funds for the purposes
8 provided herein from any foreign government or other en-
9 tity may be credited to this Fund, to remain available until
10 expended, and used for such purposes: *Provided further*,
11 That the Secretary of Defense shall prioritize such con-
12 tributions when providing any assistance for construction
13 for facility fortification: *Provided further*, That the Sec-
14 retary of Defense may waive a provision of law relating
15 to the acquisition of items and support services or sections
16 40 and 40A of the Arms Export Control Act (22 U.S.C.
17 2780 and 2785) if the Secretary determines that such pro-
18 vision of law would prohibit, restrict, delay or otherwise
19 limit the provision of such assistance and a notice of and
20 justification for such waiver is submitted to the congres-
21 sional defense committees, the Committees on Appropria-
22 tions and Foreign Relations of the Senate and the Com-
23 mittees on Appropriations and Foreign Affairs of the
24 House of Representatives: *Provided further*, That the
25 United States may accept equipment procured using funds

1 provided under this heading, or under the heading, “Iraq
2 Train and Equip Fund” in prior Acts, that was trans-
3 ferred to security forces, irregular forces, or groups par-
4 ticipating, or preparing to participate in activities to
5 counter the Islamic State of Iraq and Syria and returned
6 by such forces or groups to the United States, and such
7 equipment may be treated as stocks of the Department
8 of Defense upon written notification to the congressional
9 defense committees: *Provided further*, That equipment
10 procured using funds provided under this heading, or
11 under the heading, “Iraq Train and Equip Fund” in prior
12 Acts, and not yet transferred to security forces, irregular
13 forces, or groups participating, or preparing to participate
14 in activities to counter the Islamic State of Iraq and Syria
15 may be treated as stocks of the Department of Defense
16 when determined by the Secretary to no longer be required
17 for transfer to such forces or groups and upon written
18 notification to the congressional defense committees: *Pro-*
19 *vided further*, That the Secretary of Defense shall provide
20 quarterly reports to the congressional defense committees
21 on the use of funds provided under this heading, including,
22 but not limited to, the number of individuals trained, the
23 nature and scope of support and sustainment provided to
24 each group or individual, the area of operations for each
25 group, and the contributions of other countries, groups,

1 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for “Aircraft Procurement,
3 Navy”, \$32,905,000, to remain available until September
4 30, 2023: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-
11 ment, Navy”, \$5,572,000, to remain available until Sep-
12 tember 30, 2023: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
18 CORPS

19 For an additional amount for “Procurement of Am-
20 muniton, Navy and Marine Corps”, \$77,424,000, to re-
21 main available until September 30, 2023: *Provided*, That
22 such amount is designated by the Congress for Overseas
23 Contingency Operations/Global War on Terrorism pursu-
24 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 OTHER PROCUREMENT, NAVY

2 For an additional amount for “Other Procurement,
3 Navy”, \$341,612,000, to remain available until September
4 30, 2023: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 PROCUREMENT, MARINE CORPS

10 For an additional amount for “Procurement, Marine
11 Corps”, \$47,963,000, to remain available until September
12 30, 2023: *Provided*, That such amount is designated by
13 the Congress for Overseas Contingency Operations/Global
14 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
15 the Balanced Budget and Emergency Deficit Control Act
16 of 1985.

17 AIRCRAFT PROCUREMENT, AIR FORCE

18 For an additional amount for “Aircraft Procurement,
19 Air Force”, \$772,738,000, to remain available until Sep-
20 tember 30, 2023: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 MISSILE PROCUREMENT, AIR FORCE

2 For an additional amount for “Missile Procurement,
3 Air Force”, \$223,772,000, to remain available until Sep-
4 tember 30, 2023: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-
11 munition, Air Force”, \$785,617,000, to remain available
12 until September 30, 2023: *Provided*, That such amount
13 is designated by the Congress for Overseas Contingency
14 Operations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 OTHER PROCUREMENT, AIR FORCE

18 For an additional amount for “Other Procurement,
19 Air Force”, \$355,339,000, to remain available until Sep-
20 tember 30, 2023: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 PROCUREMENT, DEFENSE-WIDE

2 For an additional amount for “Procurement, De-
3 fense-Wide”, \$342,137,000, to remain available until Sep-
4 tember 30, 2023: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 NATIONAL GUARD AND RESERVE EQUIPMENT
10 ACCOUNT

11 For procurement of rotary-wing aircraft; combat, tac-
12 tical and support vehicles; other weapons; and other pro-
13 curement items for the reserve components of the Armed
14 Forces, \$950,000,000, to remain available for obligation
15 until September 30, 2023: *Provided*, That the Chiefs of
16 National Guard and Reserve components shall, not later
17 than 30 days after enactment of this Act, individually sub-
18 mit to the congressional defense committees the mod-
19 ernization priority assessment for their respective Na-
20 tional Guard or Reserve component: *Provided further*,
21 That none of the funds made available by this paragraph
22 may be used to procure manned fixed wing aircraft, or
23 procure or modify missiles, munitions, or ammunition:
24 *Provided further*, That such amount is designated by the
25 Congress for Overseas Contingency Operations/Global

1 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
2 the Balanced Budget and Emergency Deficit Control Act
3 of 1985.

4 RESEARCH, DEVELOPMENT, TEST AND
5 EVALUATION

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
7 ARMY

8 For an additional amount for “Research, Develop-
9 ment, Test and Evaluation, Army”, \$175,824,000, to re-
10 main available until September 30, 2022: *Provided*, That
11 such amount is designated by the Congress for Overseas
12 Contingency Operations/Global War on Terrorism pursu-
13 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
16 NAVY

17 For an additional amount for “Research, Develop-
18 ment, Test and Evaluation, Navy”, \$59,562,000, to re-
19 main available until September 30, 2022: *Provided*, That
20 such amount is designated by the Congress for Overseas
21 Contingency Operations/Global War on Terrorism pursu-
22 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
23 and Emergency Deficit Control Act of 1985.

400

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Air Force”, \$5,304,000, to re-
5 main available until September 30, 2022: *Provided*, That
6 such amount is designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Defense-Wide”, \$80,818,000,
14 to remain available until September 30, 2022: *Provided*,
15 That such amount is designated by the Congress for Over-
16 seas Contingency Operations/Global War on Terrorism
17 pursuant to section 251(b)(2)(A)(ii) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985.

19 REVOLVING AND MANAGEMENT FUNDS
20 DEFENSE WORKING CAPITAL FUNDS

21 For an additional amount for “Defense Working
22 Capital Funds”, \$20,090,000: *Provided*, That such
23 amount is designated by the Congress for Overseas Con-
24 tingency Operations/Global War on Terrorism pursuant to

1 section 251(b)(2)(A)(ii) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 OTHER DEPARTMENT OF DEFENSE PROGRAMS

4 DEFENSE HEALTH PROGRAM

5 For an additional amount for “Defense Health Pro-
6 gram”, \$365,098,000, which shall be for operation and
7 maintenance: *Provided*, That such amount is designated
8 by the Congress for Overseas Contingency Operations/
9 Global War on Terrorism pursuant to section
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OFFICE OF THE INSPECTOR GENERAL

13 For an additional amount for the “Office of the In-
14 spector General”, \$24,069,000: *Provided*, That such
15 amount is designated by the Congress for Overseas Con-
16 tingency Operations/Global War on Terrorism pursuant to
17 section 251(b)(2)(A)(ii) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 GENERAL PROVISIONS—THIS TITLE

20 SEC. 9001. Notwithstanding any other provision of
21 law, funds made available in this title are in addition to
22 amounts appropriated or otherwise made available for the
23 Department of Defense for fiscal year 2021.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 9002. Upon the determination of the Secretary
3 of Defense that such action is necessary in the national
4 interest, the Secretary may, with the approval of the Of-
5 fice of Management and Budget, transfer up to
6 \$2,000,000,000 between the appropriations or funds made
7 available to the Department of Defense in this title: *Pro-*
8 *vided*, That the Secretary shall notify the Congress
9 promptly of each transfer made pursuant to the authority
10 in this section: *Provided further*, That the authority pro-
11 vided in this section is in addition to any other transfer
12 authority available to the Department of Defense and is
13 subject to the same terms and conditions as the authority
14 provided in section 8005 of this Act.

15 SEC. 9003. Supervision and administration costs and
16 costs for design during construction associated with a con-
17 struction project funded with appropriations available for
18 operation and maintenance or the “Afghanistan Security
19 Forces Fund” provided in this Act and executed in direct
20 support of overseas contingency operations in Afghani-
21 stan, may be obligated at the time a construction contract
22 is awarded: *Provided*, That, for the purpose of this section,
23 supervision and administration costs and costs for design
24 during construction include all in-house Government costs.

1 SEC. 9004. From funds made available in this title,
2 the Secretary of Defense may purchase for use by military
3 and civilian employees of the Department of Defense in
4 the United States Central Command area of responsi-
5 bility: (1) passenger motor vehicles up to a limit of
6 \$75,000 per vehicle; and (2) heavy and light armored vehi-
7 cles for the physical security of personnel or for force pro-
8 tection purposes up to a limit of \$450,000 per vehicle, not-
9 withstanding price or other limitations applicable to the
10 purchase of passenger carrying vehicles.

11 SEC. 9005. Not to exceed \$2,000,000 of the amounts
12 appropriated by this title under the heading “Operation
13 and Maintenance, Army” may be used, notwithstanding
14 any other provision of law, to fund the Commanders’
15 Emergency Response Program (CERP), for the purpose
16 of enabling military commanders in Afghanistan to re-
17 spond to urgent, small-scale, humanitarian relief and re-
18 construction requirements within their areas of responsi-
19 bility: *Provided*, That each project (including any ancillary
20 or related elements in connection with such project) exe-
21 cuted under this authority shall not exceed \$500,000: *Pro-*
22 *vided further*, That not later than 45 days after the end
23 of each 6 months of the fiscal year, the Secretary of De-
24 fense shall submit to the congressional defense committees
25 a report regarding the source of funds and the allocation

1 and use of funds during that 6-month period that were
2 made available pursuant to the authority provided in this
3 section or under any other provision of law for the pur-
4 poses described herein.

5 SEC. 9006. Funds available to the Department of De-
6 fense for operation and maintenance may be used, not-
7 withstanding any other provision of law, to provide sup-
8 plies, services, transportation, including airlift and sealift,
9 and other logistical support to allied forces participating
10 in a combined operation with the armed forces of the
11 United States and coalition forces supporting military and
12 stability operations in Afghanistan and to counter the Is-
13 lamic State of Iraq and Syria: *Provided*, That the Sec-
14 retary of Defense shall provide quarterly reports to the
15 congressional defense committees regarding support pro-
16 vided under this section.

17 SEC. 9007. None of the funds appropriated or other-
18 wise made available by this or any other Act shall be obli-
19 gated or expended by the United States Government for
20 a purpose as follows:

21 (1) To establish any military installation or
22 base for the purpose of providing for the permanent
23 stationing of United States Armed Forces in Iraq.

24 (2) To exercise United States control over any
25 oil resource of Iraq or Syria.

1 (3) To establish any military installation or
2 base for the purpose of providing for the permanent
3 stationing of United States Armed Forces in Af-
4 ghanistan.

5 SEC. 9008. None of the funds made available in this
6 Act may be used in contravention of the following laws
7 enacted or regulations promulgated to implement the
8 United Nations Convention Against Torture and Other
9 Cruel, Inhuman or Degrading Treatment or Punishment
10 (done at New York on December 10, 1984):

11 (1) Section 2340A of title 18, United States
12 Code.

13 (2) Section 2242 of the Foreign Affairs Reform
14 and Restructuring Act of 1998 (division G of Public
15 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
16 note) and regulations prescribed thereto, including
17 regulations under part 208 of title 8, Code of Fed-
18 eral Regulations, and part 95 of title 22, Code of
19 Federal Regulations.

20 (3) Sections 1002 and 1003 of the Department
21 of Defense, Emergency Supplemental Appropriations
22 to Address Hurricanes in the Gulf of Mexico, and
23 Pandemic Influenza Act, 2006 (Public Law 109–
24 148).

1 SEC. 9009. None of the funds provided for the “Af-
2 ghanistan Security Forces Fund” (ASFF) may be obli-
3 gated prior to the approval of a financial and activity plan
4 by the Afghanistan Resources Oversight Council (AROC)
5 of the Department of Defense: *Provided*, That the AROC
6 must approve the requirement and acquisition plan for any
7 service requirements in excess of \$50,000,000 annually
8 and any non-standard equipment requirements in excess
9 of \$100,000,000 using ASFF: *Provided further*, That the
10 Department of Defense must certify to the congressional
11 defense committees that the AROC has convened and ap-
12 proved a process for ensuring compliance with the require-
13 ments in the preceding proviso and accompanying report
14 language for the ASFF.

15 SEC. 9010. Funds made available in this title to the
16 Department of Defense for operation and maintenance
17 may be used to purchase items having an investment unit
18 cost of not more than \$250,000: *Provided*, That, upon de-
19 termination by the Secretary of Defense that such action
20 is necessary to meet the operational requirements of a
21 Commander of a Combatant Command engaged in contin-
22 gency operations overseas, such funds may be used to pur-
23 chase items having an investment item unit cost of not
24 more than \$500,000.

1 SEC. 9011. Up to \$500,000,000 of funds appro-
2 priated by this Act for the Defense Security Cooperation
3 Agency in “Operation and Maintenance, Defense-Wide”
4 may be used to provide assistance to the Government of
5 Jordan to support the armed forces of Jordan and to en-
6 hance security along its borders.

7 SEC. 9012. None of the funds made available by this
8 Act under the headings “Afghanistan Security Forces
9 Fund” and “Counter-ISIS Train and Equip Fund”, and
10 under the heading “Operation and Maintenance, Defense-
11 Wide” for Department of Defense security cooperation
12 grant programs, may be used to procure or transfer man-
13 portable air defense systems.

14 SEC. 9013. Of the amounts appropriated in this title
15 under the heading “Operation and Maintenance, Defense-
16 Wide”, for the Defense Security Cooperation Agency,
17 \$275,000,000, of which \$137,500,000 to remain available
18 until September 30, 2022 shall be for the Ukraine Secu-
19 rity Assistance Initiative: *Provided*, That such funds shall
20 be available to the Secretary of Defense, in coordination
21 with the Secretary of State, to provide assistance, includ-
22 ing training; equipment; lethal assistance; logistics sup-
23 port, supplies and services; sustainment; and intelligence
24 support to the military and national security forces of
25 Ukraine, and for replacement of any weapons or articles

1 provided to the Government of Ukraine from the inventory
2 of the United States: *Provided further*, That the Secretary
3 of Defense shall, not less than 15 days prior to obligating
4 funds made available in this section, notify the congress-
5 sional defense committees in writing of the details of any
6 such obligation: *Provided further*, That the Secretary of
7 Defense shall, not more than 60 days after such notifica-
8 tion is made, inform such committees if such funds have
9 not been obligated and the reasons therefor: *Provided fur-*
10 *ther*, That the United States may accept equipment pro-
11 cured using funds made available in this section in this
12 or prior Acts that was transferred to the security forces
13 of Ukraine and returned by such forces to the United
14 States: *Provided further*, That equipment procured using
15 funds made available in this section in this or prior Acts,
16 and not yet transferred to the military or National Secu-
17 rity Forces of Ukraine or returned by such forces to the
18 United States, may be treated as stocks of the Depart-
19 ment of Defense upon written notification to the congress-
20 sional defense committees: *Provided further*, That the Sec-
21 retary of Defense shall provide quarterly reports to the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate on the use and status of funds made
24 available in this section.

1 SEC. 9014. Funds appropriated in this title shall be
2 available for replacement of funds for items provided to
3 the Government of Ukraine from the inventory of the
4 United States to the extent specifically provided for in sec-
5 tion 9013 of this Act.

6 SEC. 9015. None of the funds made available by this
7 Act may be used to provide arms, training, or other assist-
8 ance to the Azov Battalion.

9 SEC. 9016. Equipment procured using funds provided
10 in prior Acts under the heading “Counterterrorism Part-
11 nerships Fund” for the program authorized by section
12 1209 of the Carl Levin and Howard P. “Buck” McKeon
13 National Defense Authorization Act for Fiscal Year 2015
14 (Public Law 113–291), and not yet transferred to author-
15 ized recipients may be transferred to foreign security
16 forces, irregular forces, groups, or individuals, authorized
17 to receive assistance using amounts provided under the
18 heading “Counter-ISIS Train and Equip Fund” in this
19 Act: *Provided*, That such equipment may be transferred
20 15 days following written notification to the congressional
21 defense committees.

22 SEC. 9017. None of the funds made available by this
23 Act may be used with respect to Iraq in contravention of
24 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
25 cluding for the introduction of United States armed forces

1 into hostilities in Iraq, into situations in Iraq where immi-
2 nent involvement in hostilities is clearly indicated by the
3 circumstances, or into Iraqi territory, airspace, or waters
4 while equipped for combat, in contravention of the con-
5 gressional consultation and reporting requirements of sec-
6 tions 3 and 4 of such Resolution (50 U.S.C. 1542 and
7 1543).

8 SEC. 9018. None of the funds made available by this
9 Act may be used with respect to Syria in contravention
10 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
11 including for the introduction of United States armed or
12 military forces into hostilities in Syria, into situations in
13 Syria where imminent involvement in hostilities is clearly
14 indicated by the circumstances, or into Syrian territory,
15 airspace, or waters while equipped for combat, in con-
16 travention of the congressional consultation and reporting
17 requirements of sections 3 and 4 of that law (50 U.S.C.
18 1542 and 1543).

19 SEC. 9019. None of the funds in this Act may be
20 made available for the transfer of additional C-130 cargo
21 aircraft to the Afghanistan National Security Forces or
22 the Afghanistan Air Force.

23 SEC. 9020. Funds made available by this Act under
24 the heading “Afghanistan Security Forces Fund” may be
25 used to provide limited training, equipment, and other as-

1 sistance that would otherwise be prohibited by 10 U.S.C.
2 362 to a unit of the security forces of Afghanistan only
3 if the Secretary of Defense certifies to the congressional
4 defense committees, within 30 days of a decision to pro-
5 vide such assistance, that (1) a denial of such assistance
6 would present significant risk to United States or coalition
7 forces or significantly undermine United States national
8 security objectives in Afghanistan; and (2) the Secretary
9 has sought a commitment by the Government of Afghani-
10 stan to take all necessary corrective steps: *Provided*, That
11 such certification shall be accompanied by a report de-
12 scribing: (1) the information relating to the gross violation
13 of human rights; (2) the circumstances that necessitated
14 the provision of such assistance; (3) the Afghan security
15 force unit involved; (4) the assistance provided and the
16 assistance withheld; and (5) the corrective steps to be
17 taken by the Government of Afghanistan: *Provided fur-*
18 *ther*, That every 120 days after the initial report an addi-
19 tional report shall be submitted detailing the status of any
20 corrective steps taken by the Government of Afghanistan:
21 *Provided further*, That if the Government of Afghanistan
22 has not initiated necessary corrective steps within 1 year
23 of the certification, the authority under this section to pro-
24 vide assistance to such unit shall no longer apply: *Provided*
25 *further*, That the Secretary shall submit a report to such

1 committees detailing the final disposition of the case by
2 the Government of Afghanistan.

3 SEC. 9021. None of the funds made available by this
4 Act may be made available for any member of the Taliban
5 except to support a reconciliation activity that includes the
6 participation of members of the Government of Afghani-
7 stan, does not restrict the participation of women, and is
8 authorized by section 1218 of the National Defense Au-
9 thorization Act for Fiscal Year 2020 (Public Law 116–
10 92).

11 SEC. 9022. Nothing in this Act may be construed as
12 authorizing the use of force against Iran.

13 (RESCISSIONS)

14 SEC. 9023. Of the funds appropriated in Department
15 of Defense Appropriations Acts, the following funds are
16 hereby rescinded from the following accounts and pro-
17 grams in the specified amounts: *Provided*, That such
18 amounts are designated by the Congress for Overseas
19 Contingency Operations/Global War on Terrorism pursu-
20 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
21 and Emergency Deficit Control Act of 1985:

22 “Procurement of Weapons and Tracked Combat
23 Vehicles, Army”, 2019/2021, \$90,000,000;

24 “Aircraft Procurement, Air Force”, 2019/2021,
25 \$16,400,000;

1 “Operation and Maintenance, Defense-Wide:
2 DSCA Security Cooperation”, 2020/2021,
3 \$75,000,000;

4 “Operation and Maintenance, Defense-Wide:
5 Coalition Support Funds”, 2020/2021, \$45,000,000;

6 “Afghanistan Security Forces Fund”, 2020/
7 2021, \$1,100,000,000;

8 “Counter-ISIS Train and Equip Fund”, 2020/
9 2021, \$400,000,000;

10 “Procurement of Weapons and Tracked Combat
11 Vehicles, Army”, 2020/2022, \$100,000,000;

12 “Procurement of Ammunition, Air Force”,
13 2020/2022, \$49,679,000;

14 “Research, Development, Test and Evaluation,
15 Army”, 2020/2021, \$2,878,000; and

16 “Research, Development, Test and Evaluation,
17 Defense-Wide”, 2020/2021, \$7,165,000.

18 SEC. 9024. Of the amounts appropriated in this title
19 under the heading “Operation and Maintenance, Defense-
20 Wide”, for the Defense Security Cooperation Agency,
21 \$753,603,000, to remain available until September 30,
22 2022, shall be available for International Security Co-
23 operation Programs and other programs to provide sup-
24 port and assistance to foreign security forces or other
25 groups or individuals to conduct, support or facilitate

1 counterterrorism, crisis response, or building partner ca-
2 pacity programs: *Provided*, That the Secretary of Defense
3 shall, not less than 15 days prior to obligating funds made
4 available in this section, notify the congressional defense
5 committees in writing of the details of any planned obliga-
6 tion: *Provided further*, That the Secretary of Defense shall
7 provide quarterly reports to the Committees on Appropria-
8 tions of the House of Representatives and the Senate on
9 the use and status of funds made available in this section.

10 SEC. 9025. Of the amounts appropriated in this title
11 under the heading “Operation and Maintenance, Defense-
12 Wide”, for the Defense Security Cooperation Agency,
13 \$100,000,000, to remain available until September 30,
14 2022, shall be for payments to reimburse key cooperating
15 nations for logistical, military, and other support, includ-
16 ing access, provided to United States military and stability
17 operations in Afghanistan and to counter the Islamic
18 State of Iraq and Syria: *Provided*, That such reimburse-
19 ment payments may be made in such amounts as the Sec-
20 retary of Defense, with the concurrence of the Secretary
21 of State, and in consultation with the Director of the Of-
22 fice of Management and Budget, may determine, based
23 on documentation determined by the Secretary of Defense
24 to adequately account for the support provided, and such
25 determination is final and conclusive upon the accounting

1 officers of the United States, and 15 days following writ-
2 ten notification to the appropriate congressional commit-
3 tees: *Provided further*, That these funds may be used for
4 the purpose of providing specialized training and pro-
5 curing supplies and specialized equipment and providing
6 such supplies and loaning such equipment on a non-reim-
7 bursable basis to coalition forces supporting United States
8 military and stability operations in Afghanistan and to
9 counter the Islamic State of Iraq and Syria, and 15 days
10 following written notification to the appropriate congres-
11 sional committees: *Provided further*, That the Secretary of
12 Defense shall provide quarterly reports to the Committees
13 on Appropriations of the House of Representatives and the
14 Senate on the use and status of funds made available in
15 this section.

16 SEC. 9026. Of the amounts appropriated in this title
17 under the heading “Operation and Maintenance, Defense-
18 Wide”, for the Defense Security Cooperation Agency,
19 \$250,000,000, to remain available until September 30,
20 2022, shall be available to reimburse Jordan, Lebanon,
21 Egypt, Tunisia, and Oman under section 1226 of the Na-
22 tional Defense Authorization Act for Fiscal Year 2016 (22
23 U.S.C. 2151 note), for enhanced border security, of which
24 not less than \$150,000,000 shall be for Jordan: *Provided*,
25 That the Secretary of Defense shall, not less than 15 days

1 prior to obligating funds made available in this section,
2 notify the congressional defense committees in writing of
3 the details of any planned obligation and the nature of
4 the expenses incurred: *Provided further*, That the Sec-
5 retary of Defense shall provide quarterly reports to the
6 Committees on Appropriations of the House of Represent-
7 atives and the Senate on the use and status of funds made
8 available in this section.

9 SEC. 9027. Each amount designated in this Act by
10 the Congress for Overseas Contingency Operations/Global
11 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
12 the Balanced Budget and Emergency Deficit Control Act
13 of 1985 shall be available (or rescinded, if applicable) only
14 if the President subsequently so designates all such
15 amounts and transmits such designations to the Congress.

16 SEC. 9028. None of the funds appropriated or other-
17 wise made available by this Act may be used in contraven-
18 tion of the First Amendment of the Constitution.

19 This division may be cited as the “Department of De-
20 fense Appropriations Act, 2021”.

1 **DIVISION D—ENERGY AND WATER DEVEL-**
2 **OPMENT AND RELATED AGENCIES AP-**
3 **PROPRIATIONS ACT, 2021**

4 TITLE I

5 CORPS OF ENGINEERS—CIVIL

6 DEPARTMENT OF THE ARMY

7 CORPS OF ENGINEERS—CIVIL

8 The following appropriations shall be expended under
9 the direction of the Secretary of the Army and the super-
10 vision of the Chief of Engineers for authorized civil func-
11 tions of the Department of the Army pertaining to river
12 and harbor, flood and storm damage reduction, shore pro-
13 tection, aquatic ecosystem restoration, and related efforts.

14 INVESTIGATIONS

15 For expenses necessary where authorized by law for
16 the collection and study of basic information pertaining
17 to river and harbor, flood and storm damage reduction,
18 shore protection, aquatic ecosystem restoration, and re-
19 lated needs; for surveys and detailed studies, and plans
20 and specifications of proposed river and harbor, flood and
21 storm damage reduction, shore protection, and aquatic
22 ecosystem restoration projects, and related efforts prior to
23 construction; for restudy of authorized projects; and for
24 miscellaneous investigations, and, when authorized by law,
25 surveys and detailed studies, and plans and specifications

1 of projects prior to construction, \$153,000,000, to remain
2 available until expended: *Provided*, That the Secretary
3 shall initiate nine new study starts during fiscal year
4 2021: *Provided further*, That the Secretary shall not devi-
5 ate from the new starts proposed in the work plan, once
6 the plan has been submitted to the Committees on Appro-
7 priations of both Houses of Congress.

8 CONSTRUCTION

9 For expenses necessary for the construction of river
10 and harbor, flood and storm damage reduction, shore pro-
11 tection, aquatic ecosystem restoration, and related
12 projects authorized by law; for conducting detailed studies,
13 and plans and specifications, of such projects (including
14 those involving participation by States, local governments,
15 or private groups) authorized or made eligible for selection
16 by law (but such detailed studies, and plans and specifica-
17 tions, shall not constitute a commitment of the Govern-
18 ment to construction); \$2,692,645,000, to remain avail-
19 able until expended; of which such sums as are necessary
20 to cover the Federal share of construction costs for facili-
21 ties under the Dredged Material Disposal Facilities pro-
22 gram shall be derived from the Harbor Maintenance Trust
23 Fund as authorized by Public Law 104–303; and of which
24 such sums as are necessary to cover 35 percent of the
25 costs of construction, replacement, rehabilitation, and ex-

1 pansion of inland waterways projects, shall be derived
2 from the Inland Waterways Trust Fund, except as other-
3 wise specifically provided for in law.

4 MISSISSIPPI RIVER AND TRIBUTARIES

5 For expenses necessary for flood damage reduction
6 projects and related efforts in the Mississippi River allu-
7 vial valley below Cape Girardeau, Missouri, as authorized
8 by law, \$380,000,000, to remain available until expended,
9 of which such sums as are necessary to cover the Federal
10 share of eligible operation and maintenance costs for in-
11 land harbors shall be derived from the Harbor Mainte-
12 nance Trust Fund: *Provided*, That the Secretary shall ini-
13 tiate one new study start in fiscal year 2021: *Provided*
14 *further*, That the Secretary shall not deviate from the work
15 plan, once the plan has been submitted to the Committees
16 on Appropriations of both Houses of Congress.

17 OPERATION AND MAINTENANCE

18 For expenses necessary for the operation, mainte-
19 nance, and care of existing river and harbor, flood and
20 storm damage reduction, aquatic ecosystem restoration,
21 and related projects authorized by law; providing security
22 for infrastructure owned or operated by the Corps, includ-
23 ing administrative buildings and laboratories; maintaining
24 harbor channels provided by a State, municipality, or
25 other public agency that serve essential navigation needs

1 of general commerce, where authorized by law; surveying
2 and charting northern and northwestern lakes and con-
3 necting waters; clearing and straightening channels; and
4 removing obstructions to navigation, \$3,849,655,000, to
5 remain available until expended, of which such sums as
6 are necessary to cover the Federal share of eligible oper-
7 ation and maintenance costs for coastal harbors and chan-
8 nels, and for inland harbors shall be derived from the Har-
9 bor Maintenance Trust Fund; of which such sums as be-
10 come available from the special account for the Corps of
11 Engineers established by the Land and Water Conserva-
12 tion Fund Act of 1965 shall be derived from that account
13 for resource protection, research, interpretation, and
14 maintenance activities related to resource protection in the
15 areas at which outdoor recreation is available; and of
16 which such sums as become available from fees collected
17 under section 217 of Public Law 104–303 shall be used
18 to cover the cost of operation and maintenance of the
19 dredged material disposal facilities for which such fees
20 have been collected: *Provided*, That 1 percent of the total
21 amount of funds provided for each of the programs,
22 projects, or activities funded under this heading shall not
23 be allocated to a field operating activity prior to the begin-
24 ning of the fourth quarter of the fiscal year and shall be
25 available for use by the Chief of Engineers to fund such

1 emergency activities as the Chief of Engineers determines
2 to be necessary and appropriate, and that the Chief of En-
3 gineers shall allocate during the fourth quarter any re-
4 maining funds which have not been used for emergency
5 activities proportionally in accordance with the amounts
6 provided for the programs, projects, or activities.

7
8 REGULATORY PROGRAM

8 For expenses necessary for administration of laws
9 pertaining to regulation of navigable waters and wetlands,
10 \$210,000,000, to remain available until September 30,
11 2022.

12 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

13 For expenses necessary to clean up contamination
14 from sites in the United States resulting from work per-
15 formed as part of the Nation's early atomic energy pro-
16 gram, \$250,000,000, to remain available until expended.

17 FLOOD CONTROL AND COASTAL EMERGENCIES

18 For expenses necessary to prepare for flood, hurri-
19 cane, and other natural disasters and support emergency
20 operations, repairs, and other activities in response to
21 such disasters as authorized by law, \$35,000,000, to re-
22 main available until expended.

23 EXPENSES

24 For expenses necessary for the supervision and gen-
25 eral administration of the civil works program in the head-

1 quarters of the Corps of Engineers and the offices of the
2 Division Engineers; and for costs of management and op-
3 eration of the Humphreys Engineer Center Support Activ-
4 ity, the Institute for Water Resources, the United States
5 Army Engineer Research and Development Center, and
6 the United States Army Corps of Engineers Finance Cen-
7 ter allocable to the civil works program, \$206,000,000, to
8 remain available until September 30, 2022, of which not
9 to exceed \$5,000 may be used for official reception and
10 representation purposes and only during the current fiscal
11 year: *Provided*, That no part of any other appropriation
12 provided in this title shall be available to fund the civil
13 works activities of the Office of the Chief of Engineers
14 or the civil works executive direction and management ac-
15 tivities of the division offices: *Provided further*, That any
16 Flood Control and Coastal Emergencies appropriation
17 may be used to fund the supervision and general adminis-
18 tration of emergency operations, repairs, and other activi-
19 ties in response to any flood, hurricane, or other natural
20 disaster.

21 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY

22 FOR CIVIL WORKS

23 (INCLUDING RESCISSION OF FUNDS)

24 For the Office of the Assistant Secretary of the Army
25 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),

1 \$5,000,000, to remain available until September 30, 2022:
2 *Provided*, That not more than 75 percent of such amount
3 may be obligated or expended until the Assistant Sec-
4 retary submits to the Committees on Appropriations of
5 both Houses of Congress the report required under section
6 101(d) of this Act and a work plan that allocates at least
7 95 percent of the additional funding provided under each
8 heading in this title, as designated under such heading in
9 the explanatory statement described in section 4 (in the
10 matter preceding division A of this consolidated Act), to
11 specific programs, projects, or activities: *Provided further*,
12 That of the unobligated balances available from amounts
13 appropriated in prior Acts under this heading, \$500,000
14 is hereby rescinded: *Provided further*, That no amounts
15 may be rescinded from amounts that were designated by
16 the Congress as an emergency requirement pursuant to
17 a concurrent resolution on the budget or the Balanced
18 Budget and Emergency Deficit Control Act of 1985.

19 WATER INFRASTRUCTURE FINANCE AND INNOVATION
20 PROGRAM ACCOUNT

21 For the cost of direct loans and for the cost of guar-
22 anteed loans, as authorized by the Water Infrastructure
23 Finance and Innovation Act of 2014, \$12,000,000, to re-
24 main available until expended, for safety projects to main-
25 tain, upgrade, and repair dams identified in the National

1 Inventory of Dams with a primary owner type of state,
2 local government, public utility, or private: *Provided*, That,
3 no project may be funded with amounts provided under
4 this heading for a dam that is identified as jointly owned
5 in the National Inventory of Dams and where one of those
6 joint owners is the Federal Government: *Provided further*,
7 That such costs, including the cost of modifying such
8 loans, shall be as defined in section 502 of the Congres-
9 sional Budget Act of 1974: *Provided further*, That these
10 funds are available to subsidize gross obligations for the
11 principal amount of direct loans, including capitalized in-
12 terest, and total loan principal, including capitalized inter-
13 est, any part of which is to be guaranteed, not to exceed
14 \$950,000,000: *Provided further*, That, within 30 days of
15 enactment of this Act, the Secretary, in consultation with
16 the Office of Management and Budget, shall transmit a
17 report to the Committees on Appropriations of the House
18 of Representatives and the Senate that provides: (1) an
19 analysis of how subsidy rates will be determined for loans
20 financed by appropriations provided under this heading in
21 this Act; (2) a comparison of the factors that will be con-
22 sidered in estimating subsidy rates for loans financed
23 under this heading in this Act with factors that will be
24 considered in estimates of subsidy rates for other projects
25 authorized by the Water Infrastructure Finance and Inno-

1 vation Act of 2014, including an analysis of how both sets
2 of rates will be determined; and (3) an analysis of the
3 process for developing draft regulations for the Water In-
4 frastructure Finance and Innovation program, including
5 a crosswalk from the statutory requirements for such pro-
6 gram, and a timetable for publishing such regulations:
7 *Provided further*, That the use of direct loans or loan guar-
8 antee authority under this heading for direct loans or com-
9 mitments to guarantee loans for any project shall be in
10 accordance with the criteria published in the Federal Reg-
11 ister on June 30, 2020 (85 FR 39189) pursuant to the
12 fourth proviso under the heading “Water Infrastructure
13 Finance and Innovation Program Account” in division D
14 of the Further Consolidated Appropriations Act, 2020
15 (Public Law 116–94): *Provided further*, That none of the
16 direct loans or loan guarantee authority made available
17 under this heading shall be available for any project unless
18 the Secretary and the Director of the Office of Manage-
19 ment and Budget have certified in advance in writing that
20 the direct loan or loan guarantee, as applicable, and the
21 project comply with the criteria referenced in the previous
22 proviso: *Provided further*, That any references to the Envi-
23 ronmental Protection Agency (EPA) or the Administrator
24 in the criteria referenced in the previous two provisos shall
25 be deemed to be references to the Army Corps of Engi-

1 neers or the Secretary of the Army, respectively, for pur-
2 poses of the direct loans or loan guarantee authority made
3 available under this heading: *Provided further*, That, for
4 the purposes of carrying out the Congressional Budget Act
5 of 1974, the Director of the Congressional Budget Office
6 may request, and the Secretary shall promptly provide,
7 documentation and information relating to a project iden-
8 tified in a Letter of Interest submitted to the Secretary
9 pursuant to a Notice of Funding Availability for applica-
10 tions for credit assistance under the Water Infrastructure
11 Finance and Innovation Act Program, including with re-
12 spect to a project that was initiated or completed before
13 the date of enactment of this Act.

14 In addition, fees authorized to be collected pursuant
15 to sections 5029 and 5030 of the Water Infrastructure
16 Finance and Innovation Act of 2014 shall be deposited
17 in this account, to remain available until expended.

18 In addition, for administrative expenses to carry out
19 the direct and guaranteed loan programs, \$2,200,000, to
20 remain available until September 30, 2022.

21 GENERAL PROVISIONS—CORPS OF
22 ENGINEERS—CIVIL
23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 101. (a) None of the funds provided in title I
25 of this Act, or provided by previous appropriations Acts

1 to the agencies or entities funded in title I of this Act
2 that remain available for obligation or expenditure in fiscal
3 year 2021, shall be available for obligation or expenditure
4 through a reprogramming of funds that:

5 (1) creates or initiates a new program, project,
6 or activity;

7 (2) eliminates a program, project, or activity;

8 (3) increases funds or personnel for any pro-
9 gram, project, or activity for which funds have been
10 denied or restricted by this Act, unless prior ap-
11 proval is received from the Committees on Appro-
12 priations of both Houses of Congress;

13 (4) proposes to use funds directed for a specific
14 activity for a different purpose, unless prior approval
15 is received from the Committees on Appropriations
16 of both Houses of Congress;

17 (5) augments or reduces existing programs,
18 projects, or activities in excess of the amounts con-
19 tained in paragraphs (6) through (10), unless prior
20 approval is received from the Committees on Appro-
21 priations of both Houses of Congress;

22 (6) INVESTIGATIONS.—For a base level over
23 \$100,000, reprogramming of 25 percent of the base
24 amount up to a limit of \$150,000 per project, study
25 or activity is allowed: *Provided*, That for a base level

1 less than \$100,000, the reprogramming limit is
2 \$25,000: *Provided further*, That up to \$25,000 may
3 be reprogrammed into any continuing study or activ-
4 ity that did not receive an appropriation for existing
5 obligations and concomitant administrative expenses;

6 (7) CONSTRUCTION.—For a base level over
7 \$2,000,000, reprogramming of 15 percent of the
8 base amount up to a limit of \$3,000,000 per project,
9 study or activity is allowed: *Provided*, That for a
10 base level less than \$2,000,000, the reprogramming
11 limit is \$300,000: *Provided further*, That up to
12 \$3,000,000 may be reprogrammed for settled con-
13 tractor claims, changed conditions, or real estate de-
14 ficiency judgments: *Provided further*, That up to
15 \$300,000 may be reprogrammed into any continuing
16 study or activity that did not receive an appropria-
17 tion for existing obligations and concomitant admin-
18 istrative expenses;

19 (8) OPERATION AND MAINTENANCE.—Unlim-
20 ited reprogramming authority is granted for the
21 Corps to be able to respond to emergencies: *Pro-*
22 *vided*, That the Chief of Engineers shall notify the
23 Committees on Appropriations of both Houses of
24 Congress of these emergency actions as soon there-
25 after as practicable: *Provided further*, That for a

1 base level over \$1,000,000, reprogramming of 15
2 percent of the base amount up to a limit of
3 \$5,000,000 per project, study, or activity is allowed:
4 *Provided further*, That for a base level less than
5 \$1,000,000, the reprogramming limit is \$150,000:
6 *Provided further*, That \$150,000 may be repro-
7 grammed into any continuing study or activity that
8 did not receive an appropriation;

9 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
10 The reprogramming guidelines in paragraphs (6),
11 (7), and (8) shall apply to the Investigations, Con-
12 struction, and Operation and Maintenance portions
13 of the Mississippi River and Tributaries Account, re-
14 spectively; and

15 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
16 TION PROGRAM.—Reprogramming of up to 15 per-
17 cent of the base of the receiving project is permitted.

18 (b) DE MINIMUS REPROGRAMMINGS.—In no case
19 should a reprogramming for less than \$50,000 be sub-
20 mitted to the Committees on Appropriations of both
21 Houses of Congress.

22 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-
23 section (a)(1) shall not apply to any project or activity
24 funded under the continuing authorities program.

1 (d) Not later than 60 days after the date of enact-
2 ment of this Act, the Secretary shall submit a report to
3 the Committees on Appropriations of both Houses of Con-
4 gress to establish the baseline for application of re-
5 programming and transfer authorities for the current fis-
6 cal year which shall include:

7 (1) A table for each appropriation with a sepa-
8 rate column to display the President's budget re-
9 quest, adjustments made by Congress, adjustments
10 due to enacted rescissions, if applicable, and the fis-
11 cal year enacted level; and

12 (2) A delineation in the table for each appro-
13 priation both by object class and program, project
14 and activity as detailed in the budget appendix for
15 the respective appropriations; and

16 (3) An identification of items of special congres-
17 sional interest.

18 SEC. 102. The Secretary shall allocate funds made
19 available in this Act solely in accordance with the provi-
20 sions of this Act and the explanatory statement described
21 in section 4 (in the matter preceding division A of this
22 consolidated Act), including the determination and des-
23 ignation of new starts.

24 SEC. 103. None of the funds made available in this
25 title may be used to award or modify any contract that

1 commits funds beyond the amounts appropriated for that
2 program, project, or activity that remain unobligated, ex-
3 cept that such amounts may include any funds that have
4 been made available through reprogramming pursuant to
5 section 101.

6 SEC. 104. The Secretary of the Army may transfer
7 to the Fish and Wildlife Service, and the Fish and Wildlife
8 Service may accept and expend, up to \$5,400,000 of funds
9 provided in this title under the heading “Operation and
10 Maintenance” to mitigate for fisheries lost due to Corps
11 of Engineers projects.

12 SEC. 105. None of the funds in this Act shall be used
13 for an open lake placement alternative for dredged mate-
14 rial, after evaluating the least costly, environmentally ac-
15 ceptable manner for the disposal or management of
16 dredged material originating from Lake Erie or tributaries
17 thereto, unless it is approved under a State water quality
18 certification pursuant to section 401 of the Federal Water
19 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
20 until an open lake placement alternative for dredged mate-
21 rial is approved under a State water quality certification,
22 the Corps of Engineers shall continue upland placement
23 of such dredged material consistent with the requirements
24 of section 101 of the Water Resources Development Act
25 of 1986 (33 U.S.C. 2211).

1 SEC. 106. None of the funds made available by this
2 Act or any other Act may be used to reorganize or to
3 transfer the Civil Works functions or authority of the
4 Corps of Engineers or the Secretary of the Army to an-
5 other department or agency.

6 SEC. 107. Additional funding provided in this Act
7 shall be allocated only to projects determined to be eligible
8 by the Chief of Engineers.

9 SEC. 108. None of the funds made available by this
10 Act may be used to carry out any water supply reallocation
11 study under the Wolf Creek Dam, Lake Cumberland, Ken-
12 tucky, project authorized under the Act of July 24, 1946
13 (60 Stat. 636, ch. 595).

14 SEC. 109. (a) When allocating the additional funding
15 provided in this title under the headings “Construction”
16 and “Mississippi River and Tributaries”, the Secretary
17 shall initiate a total of seven new construction starts dur-
18 ing fiscal year 2021.

19 (b) For new construction projects, project cost shar-
20 ing agreements shall be executed as soon as practicable
21 but no later than December 31, 2021.

22 (c) No allocation for a new start shall be considered
23 final and no work allowance shall be made until the Sec-
24 retary provides to the Committees on Appropriations of
25 both Houses of Congress an out-year funding scenario

1 demonstrating the affordability of the selected new starts
2 and the impacts on other projects.

3 (d) The Secretary shall not deviate from the new
4 starts proposed in the work plan, once the plan has been
5 submitted to the Committees on Appropriations of both
6 Houses of Congress.

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1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$21,000,000, to remain
7 available until expended, of which \$1,800,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission: *Provided*, That of
11 the amount provided under this heading, \$1,500,000 shall
12 be available until September 30, 2022, for expenses nec-
13 essary in carrying out related responsibilities of the Sec-
14 retary of the Interior: *Provided further*, That for fiscal
15 year 2021, of the amount made available to the Commis-
16 sion under this Act or any other Act, the Commission may
17 use an amount not to exceed \$1,500,000 for administra-
18 tive expenses.

19 BUREAU OF RECLAMATION

20 The following appropriations shall be expended to
21 execute authorized functions of the Bureau of Reclama-
22 tion:

1 WATER AND RELATED RESOURCES

2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, federally
10 recognized Indian Tribes, and others, \$1,521,125,000, to
11 remain available until expended, of which \$58,476,000
12 shall be available for transfer to the Upper Colorado River
13 Basin Fund and \$5,584,000 shall be available for transfer
14 to the Lower Colorado River Basin Development Fund;
15 of which such amounts as may be necessary may be ad-
16 vanced to the Colorado River Dam Fund: *Provided*, That
17 \$25,882,000 shall be available for transfer into the Black-
18 feet Water Settlement Implementation Fund established
19 by section 3717 of Public Law 114–322: *Provided further*,
20 That such transfers may be increased or decreased within
21 the overall appropriation under this heading: *Provided fur-*
22 *ther*, That of the total appropriated, the amount for pro-
23 gram activities that can be financed by the Reclamation
24 Fund or the Bureau of Reclamation special fee account
25 established by 16 U.S.C. 6806 shall be derived from that

1 Fund or account: *Provided further*, That funds contributed
2 under 43 U.S.C. 395 are available until expended for the
3 purposes for which the funds were contributed: *Provided*
4 *further*, That funds advanced under 43 U.S.C. 397a shall
5 be credited to this account and are available until ex-
6 pended for the same purposes as the sums appropriated
7 under this heading: *Provided further*, That of the amounts
8 provided herein, funds may be used for high-priority
9 projects which shall be carried out by the Youth Conserva-
10 tion Corps, as authorized by 16 U.S.C. 1706: *Provided*
11 *further*, That within available funds, \$250,000 shall be for
12 grants and financial assistance for educational activities:
13 *Provided further*, That in accordance with section 4007 of
14 Public Law 114–322, funding provided for such purpose
15 in fiscal years 2017, 2018, 2019, and 2020 shall be made
16 available for the construction, pre-construction, or study
17 of the Friant-Kern Canal Capacity Correction Resulting
18 from Subsidence, the Boise River Basin—Anderson Ranch
19 Dam Raise, the North-of-the-Delta Off Stream Storage
20 (Sites Reservoir Project), the Los Vaqueros Reservoir
21 Phase 2 Expansion Project, and the Cle Elum Pool Raise
22 (Yakima), as recommended by the Secretary in the letters
23 dated June 22, 2020, and December 3, 2020, inclusive;
24 the Delta Mendota Canal Subsidence Correction, the Del
25 Puerto Water District, the San Luis Low Point Improve-

1 ment Project, and the Sacramento Regional Water Bank,
2 as recommended by the Secretary in the letter dated June
3 22, 2020: *Provided further*, That in accordance with sec-
4 tion 4009(c) of Public Law 114–322, and as recommended
5 by the Secretary in a letter dated December 3, 2020, fund-
6 ing provided for such purpose in fiscal years 2019 and
7 2020 shall be made available to the El Paso Aquifer Stor-
8 age and Recovery Using Reclaimed Water Project, the
9 Pure Water Monterey: A Groundwater Replenishment
10 Project, the Pure Water Soquel: Groundwater Replenish-
11 ment and Seawater Intrusion Prevention Project, the
12 Magna Water District Water Reclamation and Reuse
13 Project, the Pure Water Oceanside: Mission Basin
14 Groundwater Purification Facility Project, the Ground-
15 water Reliability Improvement Program Recycled Water
16 Project, and the Palmdale Regional Groundwater Re-
17 charge and Recovery Project: *Provided further*, That in ac-
18 cordance with section 4009(a) of Public Law 114–322,
19 and as recommended by the Secretary in a letter dated
20 December 3, 2020, funding provided for such purpose in
21 fiscal years 2019 and 2020 shall be made available to the
22 Doheny Ocean Desalination Project, the North Pleasant
23 Valley Desalter Facility, and the Energy-Efficient Brack-
24 ish Groundwater Desalination Project.

1 CENTRAL VALLEY PROJECT RESTORATION FUND

2 For carrying out the programs, projects, plans, habi-
3 tat restoration, improvement, and acquisition provisions of
4 the Central Valley Project Improvement Act, \$55,875,000,
5 to be derived from such sums as may be collected in the
6 Central Valley Project Restoration Fund pursuant to sec-
7 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
8 102–575, to remain available until expended: *Provided*,
9 That the Bureau of Reclamation is directed to assess and
10 collect the full amount of the additional mitigation and
11 restoration payments authorized by section 3407(d) of
12 Public Law 102–575: *Provided further*, That none of the
13 funds made available under this heading may be used for
14 the acquisition or leasing of water for in-stream purposes
15 if the water is already committed to in-stream purposes
16 by a court adopted decree or order.

17 CALIFORNIA BAY-DELTA RESTORATION

18 (INCLUDING TRANSFERS OF FUNDS)

19 For carrying out activities authorized by the Water
20 Supply, Reliability, and Environmental Improvement Act,
21 consistent with plans to be approved by the Secretary of
22 the Interior, \$33,000,000, to remain available until ex-
23 pended, of which such amounts as may be necessary to
24 carry out such activities may be transferred to appropriate
25 accounts of other participating Federal agencies to carry

1 out authorized purposes: *Provided*, That funds appro-
2 priated herein may be used for the Federal share of the
3 costs of CALFED Program management: *Provided fur-*
4 *ther*, That CALFED implementation shall be carried out
5 in a balanced manner with clear performance measures
6 demonstrating concurrent progress in achieving the goals
7 and objectives of the Program.

8 POLICY AND ADMINISTRATION

9 For expenses necessary for policy, administration,
10 and related functions in the Office of the Commissioner,
11 the Denver office, and offices in the six regions of the Bu-
12 reau of Reclamation, to remain available until September
13 30, 2022, \$60,000,000, to be derived from the Reclama-
14 tion Fund and be nonreimbursable as provided in 43
15 U.S.C. 377: *Provided*, That no part of any other appro-
16 priation in this Act shall be available for activities or func-
17 tions budgeted as policy and administration expenses.

18 ADMINISTRATIVE PROVISION

19 Appropriations for the Bureau of Reclamation shall
20 be available for purchase of not to exceed five passenger
21 motor vehicles, which are for replacement only.

22 GENERAL PROVISIONS—DEPARTMENT OF THE
23 INTERIOR

24 SEC. 201. (a) None of the funds provided in title II
25 of this Act for Water and Related Resources, or provided

1 by previous or subsequent appropriations Acts to the agen-
2 cies or entities funded in title II of this Act for Water
3 and Related Resources that remain available for obligation
4 or expenditure in fiscal year 2021, shall be available for
5 obligation or expenditure through a reprogramming of
6 funds that—

7 (1) initiates or creates a new program, project,
8 or activity;

9 (2) eliminates a program, project, or activity;

10 (3) increases funds for any program, project, or
11 activity for which funds have been denied or re-
12 stricted by this Act, unless prior approval is received
13 from the Committees on Appropriations of both
14 Houses of Congress;

15 (4) restarts or resumes any program, project or
16 activity for which funds are not provided in this Act,
17 unless prior approval is received from the Commit-
18 tees on Appropriations of both Houses of Congress;

19 (5) transfers funds in excess of the following
20 limits, unless prior approval is received from the
21 Committees on Appropriations of both Houses of
22 Congress:

23 (A) 15 percent for any program, project or
24 activity for which \$2,000,000 or more is avail-
25 able at the beginning of the fiscal year; or

1 (B) \$400,000 for any program, project or
2 activity for which less than \$2,000,000 is avail-
3 able at the beginning of the fiscal year;

4 (6) transfers more than \$500,000 from either
5 the Facilities Operation, Maintenance, and Rehabili-
6 tation category or the Resources Management and
7 Development category to any program, project, or
8 activity in the other category, unless prior approval
9 is received from the Committees on Appropriations
10 of both Houses of Congress; or

11 (7) transfers, where necessary to discharge legal
12 obligations of the Bureau of Reclamation, more than
13 \$5,000,000 to provide adequate funds for settled
14 contractor claims, increased contractor earnings due
15 to accelerated rates of operations, and real estate de-
16 ficiency judgments, unless prior approval is received
17 from the Committees on Appropriations of both
18 Houses of Congress.

19 (b) Subsection (a)(5) shall not apply to any transfer
20 of funds within the Facilities Operation, Maintenance, and
21 Rehabilitation category.

22 (c) For purposes of this section, the term “transfer”
23 means any movement of funds into or out of a program,
24 project, or activity.

1 (d) The Bureau of Reclamation shall submit reports
2 on a quarterly basis to the Committees on Appropriations
3 of both Houses of Congress detailing all the funds repro-
4 grammed between programs, projects, activities, or cat-
5 egories of funding. The first quarterly report shall be sub-
6 mitted not later than 60 days after the date of enactment
7 of this Act.

8 SEC. 202. (a) None of the funds appropriated or oth-
9 erwise made available by this Act may be used to deter-
10 mine the final point of discharge for the interceptor drain
11 for the San Luis Unit until development by the Secretary
12 of the Interior and the State of California of a plan, which
13 shall conform to the water quality standards of the State
14 of California as approved by the Administrator of the En-
15 vironmental Protection Agency, to minimize any detri-
16 mental effect of the San Luis drainage waters.

17 (b) The costs of the Kesterson Reservoir Cleanup
18 Program and the costs of the San Joaquin Valley Drain-
19 age Program shall be classified by the Secretary of the
20 Interior as reimbursable or nonreimbursable and collected
21 until fully repaid pursuant to the “Cleanup Program—
22 Alternative Repayment Plan” and the “SJVDP—Alter-
23 native Repayment Plan” described in the report entitled
24 “Repayment Report, Kesterson Reservoir Cleanup Pro-
25 gram and San Joaquin Valley Drainage Program, Feb-

1 ruary 1995”, prepared by the Department of the Interior,
2 Bureau of Reclamation. Any future obligations of funds
3 by the United States relating to, or providing for, drainage
4 service or drainage studies for the San Luis Unit shall
5 be fully reimbursable by San Luis Unit beneficiaries of
6 such service or studies pursuant to Federal reclamation
7 law.

8 SEC. 203. Section 9504(e) of the Omnibus Public
9 Land Management Act of 2009 (42 U.S.C. 10364(e)) is
10 amended by striking “ \$530,000,000” and inserting “
11 \$610,000,000”.

12 SEC. 204. Title I of Public Law 108–361 (the
13 CALFED Bay-Delta Authorization Act) (118 Stat. 1681),
14 as amended by section 4007(k) of Public Law 114–322,
15 is amended by striking “2020” each place it appears and
16 inserting “2021”.

17 SEC. 205. Section 9106(g)(2) of Public Law 111–11
18 (Omnibus Public Land Management Act of 2009) is
19 amended by striking “2020” and inserting “2021”.

20 SEC. 206. Section 6002(g)(4) of the Omnibus Public
21 Land Management Act of 2009 (Public Law 111–11) is
22 amended by striking “2020” and inserting “2021”.

23 SEC. 207. (a) Section 104(c) of the Reclamation
24 States Emergency Drought Relief Act of 1991 (43 U.S.C.

1 2214(c)) is amended by striking “2020” and inserting
2 “2021”.

3 (b) Section 301 of the Reclamation States Emergency
4 Drought Relief Act of 1991 (43 U.S.C. 2241) is amended
5 by striking “2020” and inserting “2021”.

6 SEC. 208. None of the funds made available by this
7 Act may be used for pre-construction or construction ac-
8 tivities for any project recommended after enactment of
9 the Energy and Water Development and Related Agencies
10 Appropriations Act, 2020 and prior to enactment of this
11 Act by the Secretary of the Interior and transmitted to
12 the appropriate committees of Congress pursuant to sec-
13 tion 4007, section 4009(a), or section 4009(c) of the
14 Water Infrastructure Improvements for the Nation Act
15 (Public Law 114–322) if such project is not named in this
16 Act.

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TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING RESCISSIONS OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,864,000,293, to remain available until expended: *Provided*, That of such amount, \$165,000,000 shall be available until September 30, 2022, for program direction: *Provided further*, That of the unobligated balances available from amounts appropriated in Public Law 111–8 under this heading, \$806,831 is hereby rescinded: *Provided further*, That of the unobligated balances available from amounts appropriated in Public Law 111–85 under this heading, \$1,433,462 is hereby rescinded: *Provided further*, That no amounts may be rescinded under the previous two provisos from amounts that were designated by the Congress as an emergency requirement pursuant to the Con-

1 current Resolution on the Budget or the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
4 RESPONSE

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for energy
8 sector cybersecurity, energy security, and emergency re-
9 sponse activities in carrying out the purposes of the De-
10 partment of Energy Organization Act (42 U.S.C. 7101 et
11 seq.), including the acquisition or condemnation of any
12 real property or any facility or for plant or facility acquisi-
13 tion, construction, or expansion, \$156,000,000, to remain
14 available until expended: *Provided*, That of such amount,
15 \$12,000,000 shall be available until September 30, 2022,
16 for program direction.

17 ELECTRICITY

18 For Department of Energy expenses including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment, and other expenses necessary for elec-
21 tricity activities in carrying out the purposes of the De-
22 partment of Energy Organization Act (42 U.S.C. 7101 et
23 seq.), including the acquisition or condemnation of any
24 real property or any facility or for plant or facility acquisi-
25 tion, construction, or expansion, \$211,720,000, to remain

1 available until expended: *Provided*, That of such amount,
2 \$18,000,000 shall be available until September 30, 2022,
3 for program direction.

4 NUCLEAR ENERGY

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for nuclear
8 energy activities in carrying out the purposes of the De-
9 partment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), including the acquisition or condemnation of any
11 real property or any facility or for plant or facility acquisi-
12 tion, construction, or expansion, \$1,507,600,000, to re-
13 main available until expended: *Provided*, That of such
14 amount, \$75,131,000 shall be available until September
15 30, 2022, for program direction.

16 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

17 For Department of Energy expenses necessary in car-
18 rying out fossil energy research and development activi-
19 ties, under the authority of the Department of Energy Or-
20 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
21 quisition of interest, including defeasible and equitable in-
22 terests in any real property or any facility or for plant
23 or facility acquisition or expansion, and for conducting in-
24 quiries, technological investigations and research con-
25 cerning the extraction, processing, use, and disposal of

1 mineral substances without objectionable social and envi-
2 ronmental costs (30 U.S.C. 3, 1602, and 1603),
3 \$750,000,000, to remain available until expended: *Pro-*
4 *vided*, That of such amount \$61,500,000 shall be available
5 until September 30, 2022, for program direction.

6 NAVAL PETROLEUM AND OIL SHALE RESERVES

7 For Department of Energy expenses necessary to
8 carry out naval petroleum and oil shale reserve activities,
9 \$13,006,000, to remain available until expended: *Pro-*
10 *vided*, That notwithstanding any other provision of law,
11 unobligated funds remaining from prior years shall be
12 available for all naval petroleum and oil shale reserve ac-
13 tivities.

14 STRATEGIC PETROLEUM RESERVE

15 For Department of Energy expenses necessary for
16 Strategic Petroleum Reserve facility development and op-
17 erations and program management activities pursuant to
18 the Energy Policy and Conservation Act (42 U.S.C. 6201
19 et seq.), \$188,000,000, to remain available until expended.

20 SPR PETROLEUM ACCOUNT

21 For the acquisition, transportation, and injection of
22 petroleum products, and for other necessary expenses pur-
23 suant to the Energy Policy and Conservation Act of 1975,
24 as amended (42 U.S.C. 6201 et seq.), sections 403 and
25 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.

1 6241, 6239 note), and section 5010 of the 21st Century
2 Cures Act (Public Law 114–255), \$1,000,000, to remain
3 available until expended.

4 NORTHEAST HOME HEATING OIL RESERVE

5 For Department of Energy expenses necessary for
6 Northeast Home Heating Oil Reserve storage, operation,
7 and management activities pursuant to the Energy Policy
8 and Conservation Act (42 U.S.C. 6201 et seq.),
9 \$6,500,000, to remain available until expended.

10 ENERGY INFORMATION ADMINISTRATION

11 For Department of Energy expenses necessary in car-
12 rying out the activities of the Energy Information Admin-
13 istration, \$126,800,000, to remain available until ex-
14 pended.

15 NON-DEFENSE ENVIRONMENTAL CLEANUP

16 For Department of Energy expenses, including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment and other expenses necessary for non-de-
19 fense environmental cleanup activities in carrying out the
20 purposes of the Department of Energy Organization Act
21 (42 U.S.C. 7101 et seq.), including the acquisition or con-
22 demnation of any real property or any facility or for plant
23 or facility acquisition, construction, or expansion,
24 \$319,200,000, to remain available until expended: *Pro-*
25 *vided*, That, in addition, fees collected pursuant to sub-

1 section (b)(1) of section 6939f of title 42, United States
2 Code, and deposited under this heading in fiscal year 2021
3 pursuant to section 309 of title III of division C of Public
4 Law 116–94 are appropriated, to remain available until
5 expended, for mercury storage costs.

6 URANIUM ENRICHMENT DECONTAMINATION AND
7 DECOMMISSIONING FUND

8 For Department of Energy expenses necessary in car-
9 rying out uranium enrichment facility decontamination
10 and decommissioning, remedial actions, and other activi-
11 ties of title II of the Atomic Energy Act of 1954, and
12 title X, subtitle A, of the Energy Policy Act of 1992,
13 \$841,000,000, to be derived from the Uranium Enrich-
14 ment Decontamination and Decommissioning Fund, to re-
15 main available until expended, of which \$5,000,000 shall
16 be available in accordance with title X, subtitle A, of the
17 Energy Policy Act of 1992.

18 SCIENCE

19 For Department of Energy expenses including the
20 purchase, construction, and acquisition of plant and cap-
21 ital equipment, and other expenses necessary for science
22 activities in carrying out the purposes of the Department
23 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
24 cluding the acquisition or condemnation of any real prop-
25 erty or any facility or for plant or facility acquisition, con-

1 struction, or expansion, and purchase of not more than
2 35 passenger motor vehicles for replacement only,
3 \$7,026,000,000, to remain available until expended: *Pro-*
4 *vided*, That of such amount, \$192,000,000 shall be avail-
5 able until September 30, 2022, for program direction: *Pro-*
6 *vided further*, That of the amount provided under this
7 heading in this Act, \$2,300,000,000 is designated by the
8 Congress as being for an emergency requirement pursuant
9 to section 251(b)(2)(A)(i) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 NUCLEAR WASTE DISPOSAL

12 For Department of Energy expenses necessary for
13 nuclear waste disposal activities to carry out the purposes
14 of the Nuclear Waste Policy Act of 1982, Public Law 97–
15 425, as amended, including interim storage activities,
16 \$27,500,000, to remain available until expended, of which
17 \$7,500,000 shall be derived from the Nuclear Waste
18 Fund.

19 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

20 For Department of Energy expenses necessary in car-
21 rying out the activities authorized by section 5012 of the
22 America COMPETES Act (Public Law 110–69),
23 \$427,000,000, to remain available until expended: *Pro-*
24 *vided*, That of such amount, \$35,000,000 shall be avail-
25 able until September 30, 2022, for program direction.

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1 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
2 PROGRAM
3 (INCLUDING RESCISSION OF FUNDS)

4 Such sums as are derived from amounts received
5 from borrowers pursuant to section 1702(b) of the Energy
6 Policy Act of 2005 under this heading in prior Acts, shall
7 be collected in accordance with section 502(7) of the Con-
8 gressional Budget Act of 1974: *Provided*, That for nec-
9 essary administrative expenses of the Title 17 Innovative
10 Technology Loan Guarantee Program, as authorized,
11 \$32,000,000 is appropriated, to remain available until
12 September 30, 2022: *Provided further*, That up to
13 \$32,000,000 of fees collected in fiscal year 2021 pursuant
14 to section 1702(h) of the Energy Policy Act of 2005 shall
15 be credited as offsetting collections under this heading and
16 used for necessary administrative expenses in this appro-
17 priation and shall remain available until September 30,
18 2022: *Provided further*, That to the extent that fees col-
19 lected in fiscal year 2021 exceed \$32,000,000, those ex-
20 cess amounts shall be credited as offsetting collections
21 under this heading and available in future fiscal years only
22 to the extent provided in advance in appropriations Acts:
23 *Provided further*, That the sum herein appropriated from
24 the general fund shall be reduced (1) as such fees are re-
25 ceived during fiscal year 2021 (estimated at \$3,000,000)

1 and (2) to the extent that any remaining general fund ap-
2 propriations can be derived from fees collected in previous
3 fiscal years that are not otherwise appropriated, so as to
4 result in a final fiscal year 2021 appropriation from the
5 general fund estimated at \$0: *Provided further*, That the
6 Department of Energy shall not subordinate any loan obli-
7 gation to other financing in violation of section 1702 of
8 the Energy Policy Act of 2005 or subordinate any Guarant-
9 eed Obligation to any loan or other debt obligations in
10 violation of section 609.10 of title 10, Code of Federal
11 Regulations: *Provided further*, That, of the unobligated
12 balances available under the heading “Department of En-
13 ergy—Energy Programs—Title 17—Innovative Tech-
14 nology Loan Guarantee Program” in the American Recov-
15 ery and Reinvestment Act of 2009 (Public Law 111–5)
16 for the cost of guaranteed loans authorized by section
17 1705 of the Energy Policy Act of 2005, \$392,000,000 are
18 hereby rescinded: *Provided further*, That the amounts re-
19 scinded pursuant to the preceding proviso that were pre-
20 viously designated by the Congress as an emergency re-
21 quirement pursuant to section 204(a) of S. Con. Res. 21
22 (110th Congress) and section 301(b)(2) of S. Con. Res.
23 70 (110th Congress), the concurrent resolutions on the
24 budget for fiscal years 2008 and 2009, are designated by
25 the Congress as an emergency requirement pursuant to

1 section 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING

4 LOAN PROGRAM

5 (INCLUDING RESCISSION OF FUNDS)

6 For Department of Energy administrative expenses
7 necessary in carrying out the Advanced Technology Vehi-
8 cles Manufacturing Loan Program, \$5,000,000, to remain
9 available until September 30, 2022: *Provided*, That, of the
10 unobligated balances available from amounts appropriated
11 for the costs of direct loans in section 129 of division A
12 of the Consolidated Security, Disaster Assistance, and
13 Continuing Appropriations Act, 2009 (Public Law 110–
14 329), \$1,908,000,000 are hereby rescinded: *Provided fur-*
15 *ther*, That the amounts rescinded pursuant to the pre-
16 ceding proviso that were previously designated by the Con-
17 gress as an emergency requirement pursuant to section
18 204(a) of S. Con. Res. 21 (110th Congress) and section
19 301(b)(2) of S. Con. Res. 70 (110th Congress), the con-
20 current resolutions on the budget for fiscal years 2008 and
21 2009, are designated by the Congress as an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

1 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

2 For Department of Energy administrative expenses
3 necessary in carrying out the Tribal Energy Loan Guar-
4 antee Program, \$2,000,000, to remain available until Sep-
5 tember 30, 2022.

6 OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

7 For necessary expenses for Indian Energy activities
8 in carrying out the purposes of the Department of Energy
9 Organization Act (42 U.S.C. 7101 et seq.), \$22,000,000,
10 to remain available until expended: *Provided*, That, of the
11 amount appropriated under this heading, \$5,000,000 shall
12 be available until September 30, 2022, for program direc-
13 tion.

14 DEPARTMENTAL ADMINISTRATION

15 For salaries and expenses of the Department of En-
16 ergy necessary for departmental administration in car-
17 rying out the purposes of the Department of Energy Orga-
18 nization Act (42 U.S.C. 7101 et seq.), \$259,378,000, to
19 remain available until September 30, 2022, including the
20 hire of passenger motor vehicles and official reception and
21 representation expenses not to exceed \$30,000, plus such
22 additional amounts as necessary to cover increases in the
23 estimated amount of cost of work for others notwith-
24 standing the provisions of the Anti-Deficiency Act (31
25 U.S.C. 1511 et seq.): *Provided*, That such increases in

1 cost of work are offset by revenue increases of the same
2 or greater amount: *Provided further*, That moneys received
3 by the Department for miscellaneous revenues estimated
4 to total \$93,378,000 in fiscal year 2021 may be retained
5 and used for operating expenses within this account, as
6 authorized by section 201 of Public Law 95–238, notwith-
7 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
8 *ther*, That the sum herein appropriated shall be reduced
9 as collections are received during the fiscal year so as to
10 result in a final fiscal year 2021 appropriation from the
11 general fund estimated at not more than \$166,000,000.

12 OFFICE OF THE INSPECTOR GENERAL

13 For expenses necessary for the Office of the Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, \$57,739,000, to remain available
16 until September 30, 2022.

17 ATOMIC ENERGY DEFENSE ACTIVITIES

18 NATIONAL NUCLEAR SECURITY

19 ADMINISTRATION

20 WEAPONS ACTIVITIES

21 For Department of Energy expenses, including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment and other incidental expenses necessary for
24 atomic energy defense weapons activities in carrying out
25 the purposes of the Department of Energy Organization

1 Act (42 U.S.C. 7101 et seq.), including the acquisition or
2 condemnation of any real property or any facility or for
3 plant or facility acquisition, construction, or expansion,
4 and the purchase of not to exceed one aircraft, one ambu-
5 lance, and two passenger buses, for replacement only,
6 \$15,345,000,000, to remain available until expended: *Pro-*
7 *vided*, That of such amount, \$75,000,000 shall be avail-
8 able for the Uranium Reserve Program: *Provided further*,
9 That of such amount, \$123,684,000 shall be available
10 until September 30, 2022, for program direction.

11 DEFENSE NUCLEAR NONPROLIFERATION

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other incidental expenses necessary for
15 defense nuclear nonproliferation activities, in carrying out
16 the purposes of the Department of Energy Organization
17 Act (42 U.S.C. 7101 et seq.), including the acquisition or
18 condemnation of any real property or any facility or for
19 plant or facility acquisition, construction, or expansion,
20 \$2,260,000,000, to remain available until expended.

21 NAVAL REACTORS

22 (INCLUDING TRANSFER OF FUNDS)

23 For Department of Energy expenses necessary for
24 naval reactors activities to carry out the Department of
25 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-

1 ing the acquisition (by purchase, condemnation, construc-
2 tion, or otherwise) of real property, plant, and capital
3 equipment, facilities, and facility expansion,
4 \$1,684,000,000, to remain available until expended, of
5 which, \$91,000,000 shall be transferred to “Department
6 of Energy—Energy Programs—Nuclear Energy”, for the
7 Advanced Test Reactor: *Provided*, That of such amount,
8 \$51,700,000 shall be available until September 30, 2022,
9 for program direction.

10 FEDERAL SALARIES AND EXPENSES

11 For expenses necessary for Federal Salaries and Ex-
12 penses in the National Nuclear Security Administration,
13 \$443,200,000, to remain available until September 30,
14 2022, including official reception and representation ex-
15 penses not to exceed \$17,000.

16 ENVIRONMENTAL AND OTHER DEFENSE

17 ACTIVITIES

18 DEFENSE ENVIRONMENTAL CLEANUP

19 For Department of Energy expenses, including the
20 purchase, construction, and acquisition of plant and cap-
21 ital equipment and other expenses necessary for atomic
22 energy defense environmental cleanup activities in car-
23 rying out the purposes of the Department of Energy Orga-
24 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
25 sition or condemnation of any real property or any facility

1 or for plant or facility acquisition, construction, or expan-
2 sion, and the purchase of not to exceed 1 passenger
3 minivan for replacement only, \$6,426,000,000, to remain
4 available until expended: *Provided*, That of such amount,
5 \$289,000,000 shall be available until September 30, 2022,
6 for program direction.

7 OTHER DEFENSE ACTIVITIES

8 For Department of Energy expenses, including the
9 purchase, construction, and acquisition of plant and cap-
10 ital equipment and other expenses, necessary for atomic
11 energy defense, other defense activities, and classified ac-
12 tivities, in carrying out the purposes of the Department
13 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
14 cluding the acquisition or condemnation of any real prop-
15 erty or any facility or for plant or facility acquisition, con-
16 struction, or expansion, \$920,000,000, to remain available
17 until expended: *Provided*, That of such amount,
18 \$334,948,000 shall be available until September 30, 2022,
19 for program direction.

20 POWER MARKETING ADMINISTRATIONS

21 BONNEVILLE POWER ADMINISTRATION FUND

22 Expenditures from the Bonneville Power Administra-
23 tion Fund, established pursuant to Public Law 93-454,
24 are approved for official reception and representation ex-
25 penses in an amount not to exceed \$5,000: *Provided*, That

1 during fiscal year 2021, no new direct loan obligations
2 may be made.

3 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
4 ADMINISTRATION

5 For expenses necessary for operation and mainte-
6 nance of power transmission facilities and for marketing
7 electric power and energy, including transmission wheeling
8 and ancillary services, pursuant to section 5 of the Flood
9 Control Act of 1944 (16 U.S.C. 825s), as applied to the
10 southeastern power area, \$7,246,000, including official re-
11 ception and representation expenses in an amount not to
12 exceed \$1,500, to remain available until expended: *Pro-*
13 *vided*, That notwithstanding 31 U.S.C. 3302 and section
14 5 of the Flood Control Act of 1944, up to \$7,246,000 col-
15 lected by the Southeastern Power Administration from the
16 sale of power and related services shall be credited to this
17 account as discretionary offsetting collections, to remain
18 available until expended for the sole purpose of funding
19 the annual expenses of the Southeastern Power Adminis-
20 tration: *Provided further*, That the sum herein appro-
21 priated for annual expenses shall be reduced as collections
22 are received during the fiscal year so as to result in a final
23 fiscal year 2021 appropriation estimated at not more than
24 \$0: *Provided further*, That notwithstanding 31 U.S.C.
25 3302, up to \$52,000,000 collected by the Southeastern

1 Power Administration pursuant to the Flood Control Act
2 of 1944 to recover purchase power and wheeling expenses
3 shall be credited to this account as offsetting collections,
4 to remain available until expended for the sole purpose
5 of making purchase power and wheeling expenditures:
6 *Provided further*, That for purposes of this appropriation,
7 annual expenses means expenditures that are generally re-
8 covered in the same year that they are incurred (excluding
9 purchase power and wheeling expenses).

10 OPERATION AND MAINTENANCE, SOUTHWESTERN

11 POWER ADMINISTRATION

12 For expenses necessary for operation and mainte-
13 nance of power transmission facilities and for marketing
14 electric power and energy, for construction and acquisition
15 of transmission lines, substations and appurtenant facili-
16 ties, and for administrative expenses, including official re-
17 ception and representation expenses in an amount not to
18 exceed \$1,500 in carrying out section 5 of the Flood Con-
19 trol Act of 1944 (16 U.S.C. 825s), as applied to the
20 Southwestern Power Administration, \$47,540,000, to re-
21 main available until expended: *Provided*, That notwith-
22 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
23 trol Act of 1944 (16 U.S.C. 825s), up to \$37,140,000 col-
24 lected by the Southwestern Power Administration from
25 the sale of power and related services shall be credited to

1 this account as discretionary offsetting collections, to re-
2 main available until expended, for the sole purpose of
3 funding the annual expenses of the Southwestern Power
4 Administration: *Provided further*, That the sum herein ap-
5 propriated for annual expenses shall be reduced as collec-
6 tions are received during the fiscal year so as to result
7 in a final fiscal year 2021 appropriation estimated at not
8 more than \$10,400,000: *Provided further*, That notwith-
9 standing 31 U.S.C. 3302, up to \$34,000,000 collected by
10 the Southwestern Power Administration pursuant to the
11 Flood Control Act of 1944 to recover purchase power and
12 wheeling expenses shall be credited to this account as off-
13 setting collections, to remain available until expended for
14 the sole purpose of making purchase power and wheeling
15 expenditures: *Provided further*, That for purposes of this
16 appropriation, annual expenses means expenditures that
17 are generally recovered in the same year that they are in-
18 curred (excluding purchase power and wheeling expenses).

19 CONSTRUCTION, REHABILITATION, OPERATION AND
20 MAINTENANCE, WESTERN AREA POWER ADMINIS-
21 TRATION

22 For carrying out the functions authorized by title III,
23 section 302(a)(1)(E) of the Act of August 4, 1977 (42
24 U.S.C. 7152), and other related activities including con-
25 servation and renewable resources programs as author-

1 ized, \$259,126,000, including official reception and rep-
2 resentation expenses in an amount not to exceed \$1,500,
3 to remain available until expended, of which \$259,126,000
4 shall be derived from the Department of the Interior Rec-
5 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
6 3302, section 5 of the Flood Control Act of 1944 (16
7 U.S.C. 825s), and section 1 of the Interior Department
8 Appropriation Act, 1939 (43 U.S.C. 392a), up to
9 \$169,754,000 collected by the Western Area Power Ad-
10 ministration from the sale of power and related services
11 shall be credited to this account as discretionary offsetting
12 collections, to remain available until expended, for the sole
13 purpose of funding the annual expenses of the Western
14 Area Power Administration: *Provided further*, That the
15 sum herein appropriated for annual expenses shall be re-
16 duced as collections are received during the fiscal year so
17 as to result in a final fiscal year 2021 appropriation esti-
18 mated at not more than \$89,372,000, of which
19 \$89,372,000 is derived from the Reclamation Fund: *Pro-*
20 *vided further*, That notwithstanding 31 U.S.C. 3302, up
21 to \$192,000,000 collected by the Western Area Power Ad-
22 ministration pursuant to the Flood Control Act of 1944
23 and the Reclamation Project Act of 1939 to recover pur-
24 chase power and wheeling expenses shall be credited to
25 this account as offsetting collections, to remain available

1 until expended for the sole purpose of making purchase
2 power and wheeling expenditures: *Provided further*, That
3 for purposes of this appropriation, annual expenses means
4 expenditures that are generally recovered in the same year
5 that they are incurred (excluding purchase power and
6 wheeling expenses).

7 FALCON AND AMISTAD OPERATING AND MAINTENANCE
8 FUND

9 For operation, maintenance, and emergency costs for
10 the hydroelectric facilities at the Falcon and Amistad
11 Dams, \$5,776,000, to remain available until expended,
12 and to be derived from the Falcon and Amistad Operating
13 and Maintenance Fund of the Western Area Power Ad-
14 ministration, as provided in section 2 of the Act of June
15 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
16 the provisions of that Act and of 31 U.S.C. 3302, up to
17 \$5,548,000 collected by the Western Area Power Adminis-
18 tration from the sale of power and related services from
19 the Falcon and Amistad Dams shall be credited to this
20 account as discretionary offsetting collections, to remain
21 available until expended for the sole purpose of funding
22 the annual expenses of the hydroelectric facilities of these
23 Dams and associated Western Area Power Administration
24 activities: *Provided further*, That the sum herein appro-
25 priated for annual expenses shall be reduced as collections

1 are received during the fiscal year so as to result in a final
2 fiscal year 2021 appropriation estimated at not more than
3 \$228,000: *Provided further*, That for purposes of this ap-
4 propriation, annual expenses means expenditures that are
5 generally recovered in the same year that they are in-
6 curred: *Provided further*, That for fiscal year 2021, the
7 Administrator of the Western Area Power Administration
8 may accept up to \$1,526,000 in funds contributed by
9 United States power customers of the Falcon and Amistad
10 Dams for deposit into the Falcon and Amistad Operating
11 and Maintenance Fund, and such funds shall be available
12 for the purpose for which contributed in like manner as
13 if said sums had been specifically appropriated for such
14 purpose: *Provided further*, That any such funds shall be
15 available without further appropriation and without fiscal
16 year limitation for use by the Commissioner of the United
17 States Section of the International Boundary and Water
18 Commission for the sole purpose of operating, maintain-
19 ing, repairing, rehabilitating, replacing, or upgrading the
20 hydroelectric facilities at these Dams in accordance with
21 agreements reached between the Administrator, Commis-
22 sioner, and the power customers.

1 FEDERAL ENERGY REGULATORY COMMISSION
2 SALARIES AND EXPENSES

3 For expenses necessary for the Federal Energy Regu-
4 latory Commission to carry out the provisions of the De-
5 partment of Energy Organization Act (42 U.S.C. 7101 et
6 seq.), including services as authorized by 5 U.S.C. 3109,
7 official reception and representation expenses not to ex-
8 ceed \$3,000, and the hire of passenger motor vehicles,
9 \$404,350,000, to remain available until expended: *Pro-*
10 *vided*, That notwithstanding any other provision of law,
11 not to exceed \$404,350,000 of revenues from fees and an-
12 nual charges, and other services and collections in fiscal
13 year 2021 shall be retained and used for expenses nec-
14 essary in this account, and shall remain available until ex-
15 pended: *Provided further*, That the sum herein appro-
16 priated from the general fund shall be reduced as revenues
17 are received during fiscal year 2021 so as to result in a
18 final fiscal year 2021 appropriation from the general fund
19 estimated at not more than \$0.

20 GENERAL PROVISIONS—DEPARTMENT OF
21 ENERGY

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 301. (a) No appropriation, funds, or authority
24 made available by this title for the Department of Energy
25 shall be used to initiate or resume any program, project,

1 or activity or to prepare or initiate Requests For Proposals
2 or similar arrangements (including Requests for
3 Quotations, Requests for Information, and Funding Op-
4 portunity Announcements) for a program, project, or ac-
5 tivity if the program, project, or activity has not been
6 funded by Congress.

7 (b)(1) Unless the Secretary of Energy notifies the
8 Committees on Appropriations of both Houses of Congress
9 at least 3 full business days in advance, none of the funds
10 made available in this title may be used to—

11 (A) make a grant allocation or discretionary
12 grant award totaling \$1,000,000 or more;

13 (B) make a discretionary contract award or
14 Other Transaction Agreement totaling \$1,000,000
15 or more, including a contract covered by the Federal
16 Acquisition Regulation;

17 (C) issue a letter of intent to make an alloca-
18 tion, award, or Agreement in excess of the limits in
19 subparagraph (A) or (B); or

20 (D) announce publicly the intention to make an
21 allocation, award, or Agreement in excess of the lim-
22 its in subparagraph (A) or (B).

23 (2) The Secretary of Energy shall submit to the Com-
24 mittees on Appropriations of both Houses of Congress
25 within 15 days of the conclusion of each quarter a report

1 detailing each grant allocation or discretionary grant
2 award totaling less than \$1,000,000 provided during the
3 previous quarter.

4 (3) The notification required by paragraph (1) and
5 the report required by paragraph (2) shall include the re-
6 cipient of the award, the amount of the award, the fiscal
7 year for which the funds for the award were appropriated,
8 the account and program, project, or activity from which
9 the funds are being drawn, the title of the award, and
10 a brief description of the activity for which the award is
11 made.

12 (c) The Department of Energy may not, with respect
13 to any program, project, or activity that uses budget au-
14 thority made available in this title under the heading “De-
15 partment of Energy—Energy Programs”, enter into a
16 multiyear contract, award a multiyear grant, or enter into
17 a multiyear cooperative agreement unless—

18 (1) the contract, grant, or cooperative agree-
19 ment is funded for the full period of performance as
20 anticipated at the time of award; or

21 (2) the contract, grant, or cooperative agree-
22 ment includes a clause conditioning the Federal Gov-
23 ernment’s obligation on the availability of future
24 year budget authority and the Secretary notifies the

1 Committees on Appropriations of both Houses of
2 Congress at least 3 days in advance.

3 (d) Except as provided in subsections (e), (f), and (g),
4 the amounts made available by this title shall be expended
5 as authorized by law for the programs, projects, and ac-
6 tivities specified in the “Final Bill” column in the “De-
7 partment of Energy” table included under the heading
8 “Title III—Department of Energy” in the explanatory
9 statement described in section 4 (in the matter preceding
10 division A of this consolidated Act).

11 (e) The amounts made available by this title may be
12 reprogrammed for any program, project, or activity, and
13 the Department shall notify, and obtain the prior approval
14 of, the Committees on Appropriations of both Houses of
15 Congress at least 30 days prior to the use of any proposed
16 reprogramming that would cause any program, project, or
17 activity funding level to increase or decrease by more than
18 \$5,000,000 or 10 percent, whichever is less, during the
19 time period covered by this Act.

20 (f) None of the funds provided in this title shall be
21 available for obligation or expenditure through a re-
22 programming of funds that—

23 (1) creates, initiates, or eliminates a program,
24 project, or activity;

1 (2) increases funds or personnel for any pro-
2 gram, project, or activity for which funds are denied
3 or restricted by this Act; or

4 (3) reduces funds that are directed to be used
5 for a specific program, project, or activity by this
6 Act.

7 (g)(1) The Secretary of Energy may waive any re-
8 quirement or restriction in this section that applies to the
9 use of funds made available for the Department of Energy
10 if compliance with such requirement or restriction would
11 pose a substantial risk to human health, the environment,
12 welfare, or national security.

13 (2) The Secretary of Energy shall notify the Commit-
14 tees on Appropriations of both Houses of Congress of any
15 waiver under paragraph (1) as soon as practicable, but
16 not later than 3 days after the date of the activity to which
17 a requirement or restriction would otherwise have applied.
18 Such notice shall include an explanation of the substantial
19 risk under paragraph (1) that permitted such waiver.

20 (h) The unexpended balances of prior appropriations
21 provided for activities in this Act may be available to the
22 same appropriation accounts for such activities established
23 pursuant to this title. Available balances may be merged
24 with funds in the applicable established accounts and

1 thereafter may be accounted for as one fund for the same
2 time period as originally enacted.

3 SEC. 302. Funds appropriated by this or any other
4 Act, or made available by the transfer of funds in this
5 Act, for intelligence activities are deemed to be specifically
6 authorized by the Congress for purposes of section 504
7 of the National Security Act of 1947 (50 U.S.C. 3094)
8 during fiscal year 2021 until the enactment of the Intel-
9 ligence Authorization Act for fiscal year 2021.

10 SEC. 303. None of the funds made available in this
11 title shall be used for the construction of facilities classi-
12 fied as high-hazard nuclear facilities under 10 CFR Part
13 830 unless independent oversight is conducted by the Of-
14 fice of Enterprise Assessments to ensure the project is in
15 compliance with nuclear safety requirements.

16 SEC. 304. None of the funds made available in this
17 title may be used to approve critical decision-2 or critical
18 decision-3 under Department of Energy Order 413.3B, or
19 any successive departmental guidance, for construction
20 projects where the total project cost exceeds
21 \$100,000,000, until a separate independent cost estimate
22 has been developed for the project for that critical deci-
23 sion.

24 SEC. 305. Notwithstanding section 161 of the Energy
25 Policy and Conservation Act (42 U.S.C. 6241), upon a

1 determination by the President in this fiscal year that a
2 regional supply shortage of refined petroleum product of
3 significant scope and duration exists, that a severe in-
4 crease in the price of refined petroleum product will likely
5 result from such shortage, and that a draw down and sale
6 of refined petroleum product would assist directly and sig-
7 nificantly in reducing the adverse impact of such shortage,
8 the Secretary of Energy may draw down and sell refined
9 petroleum product from the Strategic Petroleum Reserve.
10 Proceeds from a sale under this section shall be deposited
11 into the SPR Petroleum Account established in section
12 167 of the Energy Policy and Conservation Act (42 U.S.C.
13 6247), and such amounts shall be available for obligation,
14 without fiscal year limitation, consistent with that section.

15 SEC. 306. (a) Of the offsetting collections, including
16 unobligated balances of such collections, in the “Depart-
17 ment of Energy—Power Marketing Administration—Col-
18 orado River Basins Power Marketing Fund, Western Area
19 Power Administration”, \$21,400,000 shall be transferred
20 to the “Department of the Interior—Bureau of Reclama-
21 tion—Upper Colorado River Basin Fund” for the Bureau
22 of Reclamation to carry out environmental stewardship
23 and endangered species recovery efforts.

24 (b) No funds shall be transferred directly from “De-
25 partment of Energy—Power Marketing Administration—

- 1 Colorado River Basins Power Marketing Fund, Western
- 2 Area Power Administration” to the general fund of the
- 3 Treasury in the current fiscal year.

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1 TITLE IV
2 INDEPENDENT AGENCIES
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, and for expenses necessary for the Federal Co-
7 Chairman and the Alternate on the Appalachian Regional
8 Commission, for payment of the Federal share of the ad-
9 ministrative expenses of the Commission, including serv-
10 ices as authorized by 5 U.S.C. 3109, and hire of passenger
11 motor vehicles, \$180,000,000, to remain available until ex-
12 pended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
14 SALARIES AND EXPENSES

15 For expenses necessary for the Defense Nuclear Fa-
16 cilities Safety Board in carrying out activities authorized
17 by the Atomic Energy Act of 1954, as amended by Public
18 Law 100–456, section 1441, \$31,000,000, to remain
19 available until September 30, 2022.

20 DELTA REGIONAL AUTHORITY
21 SALARIES AND EXPENSES

22 For expenses necessary for the Delta Regional Au-
23 thority and to carry out its activities, as authorized by
24 the Delta Regional Authority Act of 2000, notwith-

1 standing sections 382F(d), 382M, and 382N of said Act,
2 \$30,000,000, to remain available until expended.

3 DENALI COMMISSION

4 For expenses necessary for the Denali Commission
5 including the purchase, construction, and acquisition of
6 plant and capital equipment as necessary and other ex-
7 penses, \$15,000,000, to remain available until expended,
8 notwithstanding the limitations contained in section
9 306(g) of the Denali Commission Act of 1998: *Provided*,
10 That funds shall be available for construction projects in
11 an amount not to exceed 80 percent of total project cost
12 for distressed communities, as defined by section 307 of
13 the Denali Commission Act of 1998 (division C, title III,
14 Public Law 105–277), as amended by section 701 of ap-
15 pendix D, title VII, Public Law 106–113 (113 Stat.
16 1501A–280), and an amount not to exceed 50 percent for
17 non-distressed communities: *Provided further*, That not-
18 withstanding any other provision of law regarding pay-
19 ment of a non-Federal share in connection with a grant-
20 in-aid program, amounts under this heading shall be avail-
21 able for the payment of such a non-Federal share for pro-
22 grams undertaken to carry out the purposes of the Com-
23 mission.

1 NORTHERN BORDER REGIONAL COMMISSION

2 For expenses necessary for the Northern Border Re-
3 gional Commission in carrying out activities authorized by
4 subtitle V of title 40, United States Code, \$30,000,000,
5 to remain available until expended: *Provided*, That such
6 amounts shall be available for administrative expenses,
7 notwithstanding section 15751(b) of title 40, United
8 States Code.

9 SOUTHEAST CRESCENT REGIONAL COMMISSION

10 For expenses necessary for the Southeast Crescent
11 Regional Commission in carrying out activities authorized
12 by subtitle V of title 40, United States Code, \$1,000,000,
13 to remain available until expended.

14 SOUTHWEST BORDER REGIONAL COMMISSION

15 For expenses necessary for the Southwest Border Re-
16 gional Commission in carrying out activities authorized by
17 subtitle V of title 40, United States Code, \$250,000, to
18 remain available until expended.

19 NUCLEAR REGULATORY COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Commission in car-
22 rying out the purposes of the Energy Reorganization Act
23 of 1974 and the Atomic Energy Act of 1954,
24 \$830,900,000, including official representation expenses
25 not to exceed \$25,000, to remain available until expended:

1 *Provided*, That of the amount appropriated herein, not
2 more than \$9,500,000 may be made available for salaries,
3 travel, and other support costs for the Office of the Com-
4 mission, to remain available until September 30, 2022:
5 *Provided further*, That revenues from licensing fees, in-
6 spection services, and other services and collections esti-
7 mated at \$710,293,000 in fiscal year 2021 shall be re-
8 tained and used for necessary salaries and expenses in this
9 account, notwithstanding 31 U.S.C. 3302, and shall re-
10 main available until expended: *Provided further*, That the
11 sum herein appropriated shall be reduced by the amount
12 of revenues received during fiscal year 2021 so as to result
13 in a final fiscal year 2021 appropriation estimated at not
14 more than \$120,607,000.

15 OFFICE OF INSPECTOR GENERAL

16 For expenses necessary for the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$13,499,000, to remain available
19 until September 30, 2022: *Provided*, That revenues from
20 licensing fees, inspection services, and other services and
21 collections estimated at \$11,106,000 in fiscal year 2021
22 shall be retained and be available until September 30,
23 2022, for necessary salaries and expenses in this account,
24 notwithstanding section 3302 of title 31, United States
25 Code: *Provided further*, That the sum herein appropriated

1 shall be reduced by the amount of revenues received dur-
2 ing fiscal year 2021 so as to result in a final fiscal year
3 2021 appropriation estimated at not more than
4 \$2,393,000: *Provided further*, That of the amounts appro-
5 priated under this heading, \$1,206,000 shall be for In-
6 spector General services for the Defense Nuclear Facilities
7 Safety Board.

8 NUCLEAR WASTE TECHNICAL REVIEW BOARD
9 SALARIES AND EXPENSES

10 For expenses necessary for the Nuclear Waste Tech-
11 nical Review Board, as authorized by Public Law 100-
12 203, section 5051, \$3,600,000, to be derived from the Nu-
13 clear Waste Fund, to remain available until September 30,
14 2022.

15 GENERAL PROVISIONS—INDEPENDENT
16 AGENCIES

17 SEC. 401. The Nuclear Regulatory Commission shall
18 comply with the July 5, 2011, version of Chapter VI of
19 its Internal Commission Procedures when responding to
20 Congressional requests for information, consistent with
21 Department of Justice guidance for all Federal agencies.

22 SEC. 402. (a) The amounts made available by this
23 title for the Nuclear Regulatory Commission may be re-
24 programmed for any program, project, or activity, and the
25 Commission shall notify the Committees on Appropria-

1 tions of both Houses of Congress at least 30 days prior
2 to the use of any proposed reprogramming that would
3 cause any program funding level to increase or decrease
4 by more than \$500,000 or 10 percent, whichever is less,
5 during the time period covered by this Act.

6 (b)(1) The Nuclear Regulatory Commission may
7 waive the notification requirement in subsection (a) if
8 compliance with such requirement would pose a substan-
9 tial risk to human health, the environment, welfare, or na-
10 tional security.

11 (2) The Nuclear Regulatory Commission shall notify
12 the Committees on Appropriations of both Houses of Con-
13 gress of any waiver under paragraph (1) as soon as prac-
14 ticable, but not later than 3 days after the date of the
15 activity to which a requirement or restriction would other-
16 wise have applied. Such notice shall include an explanation
17 of the substantial risk under paragraph (1) that permitted
18 such waiver and shall provide a detailed report to the
19 Committees of such waiver and changes to funding levels
20 to programs, projects, or activities.

21 (c) Except as provided in subsections (a), (b), and
22 (d), the amounts made available by this title for “Nuclear
23 Regulatory Commission—Salaries and Expenses” shall be
24 expended as directed in the explanatory statement de-

1 scribed in section 4 (in the matter preceding division A
2 of this consolidated Act).

3 (d) None of the funds provided for the Nuclear Regu-
4 latory Commission shall be available for obligation or ex-
5 penditure through a reprogramming of funds that in-
6 creases funds or personnel for any program, project, or
7 activity for which funds are denied or restricted by this
8 Act.

9 (e) The Commission shall provide a monthly report
10 to the Committees on Appropriations of both Houses of
11 Congress, which includes the following for each program,
12 project, or activity, including any prior year appropria-
13 tions—

- 14 (1) total budget authority;
- 15 (2) total unobligated balances; and
- 16 (3) total unliquidated obligations.

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1 TITLE V
2 GENERAL PROVISIONS
3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 501. None of the funds appropriated by this Act
5 may be used in any way, directly or indirectly, to influence
6 congressional action on any legislation or appropriation
7 matters pending before Congress, other than to commu-
8 nicate to Members of Congress as described in 18 U.S.C.
9 1913.

10 SEC. 502. (a) None of the funds made available in
11 title III of this Act may be transferred to any department,
12 agency, or instrumentality of the United States Govern-
13 ment, except pursuant to a transfer made by or transfer
14 authority provided in this Act or any other appropriations
15 Act for any fiscal year, transfer authority referenced in
16 the explanatory statement described in section 4 (in the
17 matter preceding division A of this consolidated Act), or
18 any authority whereby a department, agency, or instru-
19 mentality of the United States Government may provide
20 goods or services to another department, agency, or in-
21 strumentality.

22 (b) None of the funds made available for any depart-
23 ment, agency, or instrumentality of the United States
24 Government may be transferred to accounts funded in title
25 III of this Act, except pursuant to a transfer made by or

1 transfer authority provided in this Act or any other appro-
2 priations Act for any fiscal year, transfer authority ref-
3 erenced in the explanatory statement described in section
4 4 (in the matter preceding division A of this consolidated
5 Act), or any authority whereby a department, agency, or
6 instrumentality of the United States Government may
7 provide goods or services to another department, agency,
8 or instrumentality.

9 (c) The head of any relevant department or agency
10 funded in this Act utilizing any transfer authority shall
11 submit to the Committees on Appropriations of both
12 Houses of Congress a semiannual report detailing the
13 transfer authorities, except for any authority whereby a
14 department, agency, or instrumentality of the United
15 States Government may provide goods or services to an-
16 other department, agency, or instrumentality, used in the
17 previous 6 months and in the year-to-date. This report
18 shall include the amounts transferred and the purposes
19 for which they were transferred, and shall not replace or
20 modify existing notification requirements for each author-
21 ity.

22 SEC. 503. None of the funds made available by this
23 Act may be used in contravention of Executive Order No.
24 12898 of February 11, 1994 (Federal Actions to Address

1 Environmental Justice in Minority Populations and Low-
2 Income Populations).

3 SEC. 504. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

7 (b) Nothing in subsection (a) shall limit the use of
8 funds necessary for any Federal, State, Tribal, or local
9 law enforcement agency or any other entity carrying out
10 criminal investigations, prosecution, or adjudication activi-
11 ties.

12 SEC. 505. (a) Requirements relating to non-Federal
13 cost-share grants and cooperative agreements for the
14 Delta Regional Authority under section 382D of the Agri-
15 cultural Act of 1961 and Consolidated Farm and Rural
16 Development Act (7 U.S.C. 2009aa-3) are waived for
17 grants awarded in fiscal year 2020 and in subsequent
18 years in response to economic distress directly related to
19 the impacts of the Coronavirus Disease (COVID-19).

20 (b) Requirements relating to non-Federal cost-share
21 grants and cooperative agreements for the Northern Bor-
22 der Regional Commission under section 15501(d) of title
23 40, United States Code, are waived for grants awarded
24 in fiscal year 2020 and in subsequent years in response

1 to economic distress directly related to the impacts of the
2 Coronavirus Disease (COVID–19).

3 (c) Requirements relating to non-Federal cost-share
4 grants and cooperative agreements for the Denali Com-
5 mission are waived for grants awarded in fiscal year 2020
6 and in subsequent years in response to economic distress
7 directly related to the impacts of the Coronavirus Disease
8 (COVID–19).

9 SEC. 506. Of the unavailable collections currently in
10 the United States Enrichment Corporation Fund,
11 \$291,000,000 shall be transferred to and merged with the
12 Uranium Enrichment Decontamination and Decommis-
13 sioning Fund and shall be available only to the extent pro-
14 vided in advance in appropriations Acts.

15 This division may be cited as the “Energy and Water
16 Development and Related Agencies Appropriations Act,
17 2021”.

1 **DIVISION E—FINANCIAL SERVICES AND**
2 **GENERAL GOVERNMENT APPROPRIA-**
3 **TIONS ACT, 2021**

4 TITLE I

5 DEPARTMENT OF THE TREASURY

6 DEPARTMENTAL OFFICES

7 SALARIES AND EXPENSES

8 For necessary expenses of the Departmental Offices
9 including operation and maintenance of the Treasury
10 Building and Freedman’s Bank Building; hire of pas-
11 senger motor vehicles; maintenance, repairs, and improve-
12 ments of, and purchase of commercial insurance policies
13 for, real properties leased or owned overseas, when nec-
14 essary for the performance of official business; executive
15 direction program activities; international affairs and eco-
16 nomic policy activities; domestic finance and tax policy ac-
17 tivities, including technical assistance to State, local, and
18 territorial entities; and Treasury-wide management poli-
19 cies and programs activities, \$233,000,000: *Provided,*
20 That of the amount appropriated under this heading—

21 (1) not to exceed \$350,000 is for official recep-
22 tion and representation expenses;

23 (2) not to exceed \$258,000 is for unforeseen
24 emergencies of a confidential nature to be allocated
25 and expended under the direction of the Secretary of

1 the Treasury and to be accounted for solely on the
2 Secretary's certificate; and

3 (3) not to exceed \$24,000,000 shall remain
4 available until September 30, 2022, for—

5 (A) the Treasury-wide Financial Statement
6 Audit and Internal Control Program;

7 (B) information technology modernization
8 requirements;

9 (C) the audit, oversight, and administra-
10 tion of the Gulf Coast Restoration Trust Fund;

11 (D) the development and implementation
12 of programs within the Office of Cybersecurity
13 and Critical Infrastructure Protection, including
14 entering into cooperative agreements;

15 (E) operations and maintenance of facili-
16 ties; and

17 (F) international operations.

18 COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED

19 STATES FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Committee on Foreign
22 Investment in the United States, \$20,000,000, to remain
23 available until expended: *Provided*, That the chairperson
24 of the Committee may transfer such amounts to any de-
25 partment or agency represented on the Committee (includ-

1 ing the Department of the Treasury) subject to advance
2 notification to the Committees on Appropriations of the
3 House of Representatives and the Senate: *Provided fur-*
4 *ther*, That amounts so transferred shall remain available
5 until expended for expenses of implementing section 721
6 of the Defense Production Act of 1950, as amended (50
7 U.S.C. 4565), and shall be available in addition to any
8 other funds available to any department or agency: *Pro-*
9 *vided further*, That fees authorized by section 721(p) of
10 such Act shall be credited to this appropriation as offset-
11 ting collections: *Provided further*, That the total amount
12 appropriated under this heading from the general fund
13 shall be reduced as such offsetting collections are received
14 during fiscal year 2021, so as to result in a total appro-
15 priation from the general fund estimated at not more than
16 \$15,000,000.

17 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

18 SALARIES AND EXPENSES

19 For the necessary expenses of the Office of Terrorism
20 and Financial Intelligence to safeguard the financial sys-
21 tem against illicit use and to combat rogue nations, ter-
22 rorist facilitators, weapons of mass destruction
23 proliferators, human rights abusers, money launderers,
24 drug kingpins, and other national security threats,
25 \$175,000,000, of which not less than \$3,000,000 shall be

1 available for addressing human rights violations and cor-
2 ruption, including activities authorized by the Global
3 Magnitsky Human Rights Accountability Act (22 U.S.C.
4 2656 note): *Provided*, That of the amounts appropriated
5 under this heading, up to \$10,000,000 shall remain avail-
6 able until September 30, 2022.

7 CYBERSECURITY ENHANCEMENT ACCOUNT

8 For salaries and expenses for enhanced cybersecurity
9 for systems operated by the Department of the Treasury,
10 \$18,000,000, to remain available until September 30,
11 2023: *Provided*, That such funds shall supplement and not
12 supplant any other amounts made available to the Treas-
13 ury offices and bureaus for cybersecurity: *Provided fur-*
14 *ther*, That of the total amount made available under this
15 heading \$1,000,000 shall be available for administrative
16 expenses for the Treasury Chief Information Officer to
17 provide oversight of the investments made under this
18 heading: *Provided further*, That such funds shall supple-
19 ment and not supplant any other amounts made available
20 to the Treasury Chief Information Officer.

21 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

22 INVESTMENTS PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For development and acquisition of automatic data
25 processing equipment, software, and services and for re-

1 pairs and renovations to buildings owned by the Depart-
2 ment of the Treasury, \$6,118,000, to remain available
3 until September 30, 2023: *Provided*, That these funds
4 shall be transferred to accounts and in amounts as nec-
5 essary to satisfy the requirements of the Department's of-
6 fices, bureaus, and other organizations: *Provided further*,
7 That this transfer authority shall be in addition to any
8 other transfer authority provided in this Act: *Provided fur-*
9 *ther*, That none of the funds appropriated under this head-
10 ing shall be used to support or supplement "Internal Rev-
11 enue Service, Operations Support" or "Internal Revenue
12 Service, Business Systems Modernization".

13 OFFICE OF INSPECTOR GENERAL

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, \$41,044,000, including hire of pas-
18 senger motor vehicles; of which not to exceed \$100,000
19 shall be available for unforeseen emergencies of a con-
20 fidential nature, to be allocated and expended under the
21 direction of the Inspector General of the Treasury; of
22 which up to \$2,800,000 to remain available until Sep-
23 tember 30, 2022, shall be for audits and investigations
24 conducted pursuant to section 1608 of the Resources and
25 Ecosystems Sustainability, Tourist Opportunities, and Re-

1 vived Economies of the Gulf Coast States Act of 2012 (33
2 U.S.C. 1321 note); and of which not to exceed \$1,000
3 shall be available for official reception and representation
4 expenses.

5 TREASURY INSPECTOR GENERAL FOR TAX

6 ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Treasury Inspector
9 General for Tax Administration in carrying out the In-
10 spector General Act of 1978, as amended, including pur-
11 chase and hire of passenger motor vehicles (31 U.S.C.
12 1343(b)); and services authorized by 5 U.S.C. 3109, at
13 such rates as may be determined by the Inspector General
14 for Tax Administration; \$170,250,000, of which
15 \$5,000,000 shall remain available until September 30,
16 2022; of which not to exceed \$6,000,000 shall be available
17 for official travel expenses; of which not to exceed
18 \$500,000 shall be available for unforeseen emergencies of
19 a confidential nature, to be allocated and expended under
20 the direction of the Inspector General for Tax Administra-
21 tion; and of which not to exceed \$1,500 shall be available
22 for official reception and representation expenses.

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1 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED
2 ASSET RELIEF PROGRAM
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of the Special
5 Inspector General in carrying out the provisions of the
6 Emergency Economic Stabilization Act of 2008 (Public
7 Law 110–343), \$19,000,000.

8 FINANCIAL CRIMES ENFORCEMENT NETWORK
9 SALARIES AND EXPENSES

10 For necessary expenses of the Financial Crimes En-
11 forcement Network, including hire of passenger motor ve-
12 hicles; travel and training expenses of non-Federal and
13 foreign government personnel to attend meetings and
14 training concerned with domestic and foreign financial in-
15 telligence activities, law enforcement, and financial regula-
16 tion; services authorized by 5 U.S.C. 3109; not to exceed
17 \$12,000 for official reception and representation expenses;
18 and for assistance to Federal law enforcement agencies,
19 with or without reimbursement, \$126,963,000, of which
20 not to exceed \$34,335,000 shall remain available until
21 September 30, 2023.

22 BUREAU OF THE FISCAL SERVICE
23 SALARIES AND EXPENSES

24 For necessary expenses of operations of the Bureau
25 of the Fiscal Service, \$345,569,000; of which not to ex-

1 ceed \$8,000,000, to remain available until September 30,
2 2023, is for information systems modernization initiatives;
3 and of which \$5,000 shall be available for official reception
4 and representation expenses.

5 In addition, \$165,000, to be derived from the Oil
6 Spill Liability Trust Fund to reimburse administrative
7 and personnel expenses for financial management of the
8 Fund, as authorized by section 1012 of Public Law 101–
9 380.

10 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

11 SALARIES AND EXPENSES

12 For necessary expenses of carrying out section 1111
13 of the Homeland Security Act of 2002, including hire of
14 passenger motor vehicles, \$124,337,000; of which not to
15 exceed \$6,000 shall be available for official reception and
16 representation expenses; and of which not to exceed
17 \$50,000 shall be available for cooperative research and de-
18 velopment programs for laboratory services; and provision
19 of laboratory assistance to State and local agencies with
20 or without reimbursement: *Provided*, That of the amount
21 appropriated under this heading, \$5,000,000 shall be for
22 the costs of accelerating the processing of formula and
23 label applications: *Provided further*, That of the amount
24 appropriated under this heading, \$5,000,000, to remain
25 available until September 30, 2022, shall be for the costs

1 associated with enforcement of and education regarding
2 the trade practice provisions of the Federal Alcohol Ad-
3 ministration Act (27 U.S.C. 201 et seq.).

4 UNITED STATES MINT

5 UNITED STATES MINT PUBLIC ENTERPRISE FUND

6 Pursuant to section 5136 of title 31, United States
7 Code, the United States Mint is provided funding through
8 the United States Mint Public Enterprise Fund for costs
9 associated with the production of circulating coins, numis-
10 matic coins, and protective services, including both oper-
11 ating expenses and capital investments: *Provided*, That
12 the aggregate amount of new liabilities and obligations in-
13 curred during fiscal year 2021 under such section 5136
14 for circulating coinage and protective service capital in-
15 vestments of the United States Mint shall not exceed
16 \$50,000,000.

17 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

18 FUND PROGRAM ACCOUNT

19 To carry out the Riegle Community Development and
20 Regulatory Improvement Act of 1994 (subtitle A of title
21 I of Public Law 103–325), including services authorized
22 by section 3109 of title 5, United States Code, but at rates
23 for individuals not to exceed the per diem rate equivalent
24 to the rate for EX–III, \$270,000,000. Of the amount ap-
25 propriated under this heading—

1 (1) not less than \$167,000,000, notwith-
2 standing section 108(e) of Public Law 103–325 (12
3 U.S.C. 4707(e)) with regard to Small and/or Emerg-
4 ing Community Development Financial Institutions
5 Assistance awards, is available until September 30,
6 2022, for financial assistance and technical assist-
7 ance under subparagraphs (A) and (B) of section
8 108(a)(1), respectively, of Public Law 103–325 (12
9 U.S.C. 4707(a)(1)(A) and (B)), of which up to
10 \$1,600,000 may be available for training and out-
11 reach under section 109 of Public Law 103–325 (12
12 U.S.C. 4708), of which up to \$2,374,500 may be
13 used for the cost of direct loans, of which up to
14 \$6,000,000, notwithstanding subsection (d) of sec-
15 tion 108 of Public Law 103–325 (12 U.S.C. 4707
16 (d)), may be available to provide financial assistance,
17 technical assistance, training, and outreach to com-
18 munity development financial institutions to expand
19 investments that benefit individuals with disabilities,
20 and of which not less than \$2,000,000 shall be for
21 the Economic Mobility Corps to be operated in con-
22 junction with the Corporation for National and
23 Community Service, pursuant to 42 U.S.C. 12571:
24 *Provided*, That the cost of direct and guaranteed
25 loans, including the cost of modifying such loans,

1 shall be as defined in section 502 of the Congres-
2 sional Budget Act of 1974: *Provided further*, That
3 these funds are available to subsidize gross obliga-
4 tions for the principal amount of direct loans not to
5 exceed \$25,000,000: *Provided further*, That of the
6 funds provided under this paragraph, excluding
7 those made to community development financial in-
8 stitutions to expand investments that benefit individ-
9 uals with disabilities and those made to community
10 development financial institutions that serve popu-
11 lations living in persistent poverty counties, the
12 CDFI Fund shall prioritize Financial Assistance
13 awards to organizations that invest and lend in high-
14 poverty areas: *Provided further*, That for purposes of
15 this section, the term “high-poverty area” means
16 any census tract with a poverty rate of at least 20
17 percent as measured by the 2011–2015 5-year data
18 series available from the American Community Sur-
19 vey of the Bureau of the Census for all States and
20 Puerto Rico or with a poverty rate of at least 20
21 percent as measured by the 2010 Island areas De-
22 cennial Census data for any territory or possession
23 of the United States;

24 (2) Not less than \$16,500,000, notwithstanding
25 section 108(e) of Public Law 103–325 (12 U.S.C.

1 4707(e)), is available until September 30, 2022, for
2 financial assistance, technical assistance, training,
3 and outreach programs designed to benefit Native
4 American, Native Hawaiian, and Alaska Native com-
5 munities and provided primarily through qualified
6 community development lender organizations with
7 experience and expertise in community development
8 banking and lending in Indian country, Native
9 American organizations, Tribes and Tribal organiza-
10 tions, and other suitable providers;

11 (3) not less than \$26,000,000 is available until
12 September 30, 2022, for the Bank Enterprise Award
13 program;

14 (4) not less than \$23,000,000, notwithstanding
15 subsections (d) and (e) of section 108 of Public Law
16 103–325 (12 U.S.C. 4707(d) and (e)), is available
17 until September 30, 2022, for a Healthy Food Fi-
18 nancing Initiative to provide financial assistance,
19 technical assistance, training, and outreach to com-
20 munity development financial institutions for the
21 purpose of offering affordable financing and tech-
22 nical assistance to expand the availability of healthy
23 food options in distressed communities;

24 (5) not less than \$8,500,000 is available until
25 September 30, 2022, to provide grants for loan loss

1 reserve funds and to provide technical assistance for
2 small dollar loan programs under section 122 of
3 Public Law 103–325 (12 U.S.C. 4719): *Provided*,
4 That sections 108(d) and 122(b)(2) of such Public
5 Law shall not apply to the provision of such grants
6 and technical assistance;

7 (6) up to \$29,000,000 is available until Sep-
8 tember 30, 2021, for administrative expenses, in-
9 cluding administration of CDFI Fund programs and
10 the New Markets Tax Credit Program, of which not
11 less than \$1,000,000 is for development of tools to
12 better assess and inform CDFI investment perform-
13 ance, and up to \$300,000 is for administrative ex-
14 penses to carry out the direct loan program; and

15 (7) during fiscal year 2021, none of the funds
16 available under this heading are available for the
17 cost, as defined in section 502 of the Congressional
18 Budget Act of 1974, of commitments to guarantee
19 bonds and notes under section 114A of the Riegle
20 Community Development and Regulatory Improve-
21 ment Act of 1994 (12 U.S.C. 4713a): *Provided*,
22 That commitments to guarantee bonds and notes
23 under such section 114A shall not exceed
24 \$500,000,000: *Provided further*, That such section
25 114A shall remain in effect until December 31,

1 2021: *Provided further*, That of the funds awarded
2 under this heading, except those provided for the
3 Economic Mobility Corps, not less than 10 percent
4 shall be used for awards that support investments
5 that serve populations living in persistent poverty
6 counties: *Provided further*, That for the purposes of
7 this paragraph and paragraph (1), the term “per-
8 sistent poverty counties” means any county, includ-
9 ing county equivalent areas in Puerto Rico, that has
10 had 20 percent or more of its population living in
11 poverty over the past 30 years, as measured by the
12 1990 and 2000 decennial censuses and the 2011–
13 2015 5-year data series available from the American
14 Community Survey of the Bureau of the Census or
15 any other territory or possession of the United
16 States that has had 20 percent or more of its popu-
17 lation living in poverty over the past 30 years, as
18 measured by the 1990, 2000 and 2010 Island Areas
19 Decennial Censuses, or equivalent data, of the Bu-
20 reau of the Census.

21 INTERNAL REVENUE SERVICE

22 TAXPAYER SERVICES

23 For necessary expenses of the Internal Revenue Serv-
24 ice to provide taxpayer services, including pre-filing assist-
25 ance and education, filing and account services, taxpayer

1 advocacy services, and other services as authorized by 5
2 U.S.C. 3109, at such rates as may be determined by the
3 Commissioner, \$2,555,606,000, of which not less than
4 \$11,000,000 shall be for the Tax Counseling for the El-
5 derly Program, of which not less than \$13,000,000 shall
6 be available for low-income taxpayer clinic grants, of which
7 not less than \$30,000,000, to remain available until Sep-
8 tember 30, 2022, shall be available for the Community
9 Volunteer Income Tax Assistance Matching Grants Pro-
10 gram for tax return preparation assistance, and of which
11 not less than \$211,000,000 shall be available for operating
12 expenses of the Taxpayer Advocate Service: *Provided*,
13 That of the amounts made available for the Taxpayer Ad-
14 vocate Service, not less than \$5,500,000 shall be for iden-
15 tity theft and refund fraud casework.

16 ENFORCEMENT

17 For necessary expenses for tax enforcement activities
18 of the Internal Revenue Service to determine and collect
19 owed taxes, to provide legal and litigation support, to con-
20 duct criminal investigations, to enforce criminal statutes
21 related to violations of internal revenue laws and other fi-
22 nancial crimes, to purchase and hire passenger motor vehi-
23 cles (31 U.S.C. 1343(b)), and to provide other services
24 as authorized by 5 U.S.C. 3109, at such rates as may be
25 determined by the Commissioner, \$5,212,622,000, of

1 which not to exceed \$250,000,000 shall remain available
2 until September 30, 2022; of which not less than
3 \$60,257,000 shall be for the Interagency Crime and Drug
4 Enforcement program; and of which not to exceed
5 \$15,000,000 shall be for investigative technology for the
6 Criminal Investigation Division: *Provided*, That the
7 amount made available for investigative technology for the
8 Criminal Investigation Division shall be in addition to
9 amounts made available for the Criminal Investigation Di-
10 vision under the “Operations Support” heading.

11 OPERATIONS SUPPORT

12 For necessary expenses of the Internal Revenue Serv-
13 ice to support taxpayer services and enforcement pro-
14 grams, including rent payments; facilities services; print-
15 ing; postage; physical security; headquarters and other
16 IRS-wide administration activities; research and statistics
17 of income; telecommunications; information technology de-
18 velopment, enhancement, operations, maintenance, and se-
19 curity; the hire of passenger motor vehicles (31 U.S.C.
20 1343(b)); the operations of the Internal Revenue Service
21 Oversight Board; and other services as authorized by 5
22 U.S.C. 3109, at such rates as may be determined by the
23 Commissioner; \$3,928,102,000, of which not to exceed
24 \$275,000,000 shall remain available until September 30,
25 2022; of which not to exceed \$10,000,000 shall remain

1 available until expended for acquisition of equipment and
2 construction, repair and renovation of facilities; of which
3 not to exceed \$1,000,000 shall remain available until Sep-
4 tember 30, 2023, for research; of which not less than
5 \$10,000,000, to remain available until expended, shall be
6 available for establishment of an application through
7 which entities registering and renewing registrations in
8 the System for Award Management may request an au-
9 thenticated electronic certification stating that the entity
10 does or does not have a seriously delinquent tax debt; and
11 of which not to exceed \$20,000 shall be for official recep-
12 tion and representation expenses: *Provided*, That not later
13 than 30 days after the end of each quarter, the Internal
14 Revenue Service shall submit a report to the Committees
15 on Appropriations of the House of Representatives and the
16 Senate and the Comptroller General of the United States
17 detailing major information technology investments in the
18 Internal Revenue Service Integrated Modernization Busi-
19 ness Plan portfolio, including detailed, plain language
20 summaries on the status of plans, costs, and results; prior
21 results and actual expenditures of the prior quarter; up-
22 coming deliverables and costs for the fiscal year; risks and
23 mitigation strategies associated with ongoing work; rea-
24 sons for any cost or schedule variances; and total expendi-
25 tures by fiscal year: *Provided further*, That the Internal

1 Revenue Service shall include, in its budget justification
2 for fiscal year 2022, a summary of cost and schedule per-
3 formance information for its major information technology
4 systems.

5 BUSINESS SYSTEMS MODERNIZATION

6 For necessary expenses of the Internal Revenue Serv-
7 ice's business systems modernization program,
8 \$222,724,000, to remain available until September 30,
9 2023, for the capital asset acquisition of information tech-
10 nology systems, including management and related con-
11 tractual costs of said acquisitions, including related Inter-
12 nal Revenue Service labor costs, and contractual costs as-
13 sociated with operations authorized by 5 U.S.C. 3109:
14 *Provided*, That not later than 30 days after the end of
15 each quarter, the Internal Revenue Service shall submit
16 a report to the Committees on Appropriations of the
17 House of Representatives and the Senate and the Comp-
18 troller General of the United States detailing major infor-
19 mation technology investments in the Internal Revenue
20 Service Integrated Modernization Business Plan portfolio,
21 including detailed, plain language summaries on the status
22 of plans, costs, and results; prior results and actual ex-
23 penditures of the prior quarter; upcoming deliverables and
24 costs for the fiscal year; risks and mitigation strategies

1 associated with ongoing work; reasons for any cost or
2 schedule variances; and total expenditures by fiscal year.

3 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

4 SERVICE

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 101. Not to exceed 4 percent of the appropria-
7 tion made available in this Act to the Internal Revenue
8 Service under the “Enforcement” heading, and not to ex-
9 ceed 5 percent of any other appropriation made available
10 in this Act to the Internal Revenue Service, may be trans-
11 ferred to any other Internal Revenue Service appropria-
12 tion upon the advance approval of the Committees on Ap-
13 propriations of the House of Representatives and the Sen-
14 ate.

15 SEC. 102. The Internal Revenue Service shall main-
16 tain an employee training program, which shall include the
17 following topics: taxpayers’ rights, dealing courteously
18 with taxpayers, cross-cultural relations, ethics, and the im-
19 partial application of tax law.

20 SEC. 103. The Internal Revenue Service shall insti-
21 tute and enforce policies and procedures that will safe-
22 guard the confidentiality of taxpayer information and pro-
23 tect taxpayers against identity theft.

24 SEC. 104. Funds made available by this or any other
25 Act to the Internal Revenue Service shall be available for

1 improved facilities and increased staffing to provide suffi-
2 cient and effective 1–800 help line service for taxpayers.
3 The Commissioner shall continue to make improvements
4 to the Internal Revenue Service 1–800 help line service
5 a priority and allocate resources necessary to enhance the
6 response time to taxpayer communications, particularly
7 with regard to victims of tax-related crimes.

8 SEC. 105. The Internal Revenue Service shall issue
9 a notice of confirmation of any address change relating
10 to an employer making employment tax payments, and
11 such notice shall be sent to both the employer’s former
12 and new address and an officer or employee of the Internal
13 Revenue Service shall give special consideration to an
14 offer-in-compromise from a taxpayer who has been the vic-
15 tim of fraud by a third party payroll tax preparer.

16 SEC. 106. None of the funds made available under
17 this Act may be used by the Internal Revenue Service to
18 target citizens of the United States for exercising any
19 right guaranteed under the First Amendment to the Con-
20 stitution of the United States.

21 SEC. 107. None of the funds made available in this
22 Act may be used by the Internal Revenue Service to target
23 groups for regulatory scrutiny based on their ideological
24 beliefs.

1 SEC. 108. None of funds made available by this Act
2 to the Internal Revenue Service shall be obligated or ex-
3 pended on conferences that do not adhere to the proce-
4 dures, verification processes, documentation requirements,
5 and policies issued by the Chief Financial Officer, Human
6 Capital Office, and Agency-Wide Shared Services as a re-
7 sult of the recommendations in the report published on
8 May 31, 2013, by the Treasury Inspector General for Tax
9 Administration entitled “Review of the August 2010 Small
10 Business/Self-Employed Division’s Conference in Ana-
11 heim, California” (Reference Number 2013–10–037).

12 SEC. 109. None of the funds made available in this
13 Act to the Internal Revenue Service may be obligated or
14 expended—

15 (1) to make a payment to any employee under
16 a bonus, award, or recognition program; or

17 (2) under any hiring or personnel selection
18 process with respect to re-hiring a former employee;
19 unless such program or process takes into account the
20 conduct and Federal tax compliance of such employee or
21 former employee.

22 SEC. 110. None of the funds made available by this
23 Act may be used in contravention of section 6103 of the
24 Internal Revenue Code of 1986 (relating to confidentiality
25 and disclosure of returns and return information).

1 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
2 TREASURY
3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 111. Appropriations to the Department of the
5 Treasury in this Act shall be available for uniforms or al-
6 lowances therefor, as authorized by law (5 U.S.C. 5901),
7 including maintenance, repairs, and cleaning; purchase of
8 insurance for official motor vehicles operated in foreign
9 countries; purchase of motor vehicles without regard to the
10 general purchase price limitations for vehicles purchased
11 and used overseas for the current fiscal year; entering into
12 contracts with the Department of State for the furnishing
13 of health and medical services to employees and their de-
14 pendants serving in foreign countries; and services author-
15 ized by 5 U.S.C. 3109.

16 SEC. 112. Not to exceed 2 percent of any appropria-
17 tions in this title made available under the headings “De-
18 partmental Offices—Salaries and Expenses”, “Office of
19 Inspector General”, “Special Inspector General for the
20 Troubled Asset Relief Program”, “Financial Crimes En-
21 forcement Network”, “Bureau of the Fiscal Service”, and
22 “Alcohol and Tobacco Tax and Trade Bureau” may be
23 transferred between such appropriations upon the advance
24 approval of the Committees on Appropriations of the
25 House of Representatives and the Senate: *Provided*, That

1 no transfer under this section may increase or decrease
2 any such appropriation by more than 2 percent.

3 SEC. 113. Not to exceed 2 percent of any appropria-
4 tion made available in this Act to the Internal Revenue
5 Service may be transferred to the Treasury Inspector Gen-
6 eral for Tax Administration's appropriation upon the ad-
7 vance approval of the Committees on Appropriations of
8 the House of Representatives and the Senate: *Provided*,
9 That no transfer may increase or decrease any such appro-
10 priation by more than 2 percent.

11 SEC. 114. None of the funds appropriated in this Act
12 or otherwise available to the Department of the Treasury
13 or the Bureau of Engraving and Printing may be used
14 to redesign the \$1 Federal Reserve note.

15 SEC. 115. The Secretary of the Treasury may trans-
16 fer funds from the "Bureau of the Fiscal Service—Sala-
17 ries and Expenses" to the Debt Collection Fund as nec-
18 essary to cover the costs of debt collection: *Provided*, That
19 such amounts shall be reimbursed to such salaries and ex-
20 penses account from debt collections received in the Debt
21 Collection Fund.

22 SEC. 116. None of the funds appropriated or other-
23 wise made available by this or any other Act may be used
24 by the United States Mint to construct or operate any mu-
25 seum without the explicit approval of the Committees on

1 Appropriations of the House of Representatives and the
2 Senate, the House Committee on Financial Services, and
3 the Senate Committee on Banking, Housing, and Urban
4 Affairs.

5 SEC. 117. None of the funds appropriated or other-
6 wise made available by this or any other Act or source
7 to the Department of the Treasury, the Bureau of Engrav-
8 ing and Printing, and the United States Mint, individually
9 or collectively, may be used to consolidate any or all func-
10 tions of the Bureau of Engraving and Printing and the
11 United States Mint without the explicit approval of the
12 House Committee on Financial Services; the Senate Com-
13 mittee on Banking, Housing, and Urban Affairs; and the
14 Committees on Appropriations of the House of Represent-
15 atives and the Senate.

16 SEC. 118. Funds appropriated by this Act, or made
17 available by the transfer of funds in this Act, for the De-
18 partment of the Treasury's intelligence or intelligence re-
19 lated activities are deemed to be specifically authorized by
20 the Congress for purposes of section 504 of the National
21 Security Act of 1947 (50 U.S.C. 414) during fiscal year
22 2021 until the enactment of the Intelligence Authorization
23 Act for Fiscal Year 2021.

24 SEC. 119. Not to exceed \$5,000 shall be made avail-
25 able from the Bureau of Engraving and Printing's Indus-

1 trial Revolving Fund for necessary official reception and
2 representation expenses.

3 SEC. 120. The Secretary of the Treasury shall submit
4 a Capital Investment Plan to the Committees on Appro-
5 priations of the House of Representatives and the Senate
6 not later than 30 days following the submission of the an-
7 nual budget submitted by the President: *Provided*, That
8 such Capital Investment Plan shall include capital invest-
9 ment spending from all accounts within the Department
10 of the Treasury, including but not limited to the Depart-
11 ment-wide Systems and Capital Investment Programs ac-
12 count, Treasury Franchise Fund account, and the Treas-
13 ury Forfeiture Fund account: *Provided further*, That such
14 Capital Investment Plan shall include expenditures occur-
15 ring in previous fiscal years for each capital investment
16 project that has not been fully completed.

17 SEC. 121. Within 45 days after the date of enactment
18 of this Act, the Secretary of the Treasury shall submit
19 an itemized report to the Committees on Appropriations
20 of the House of Representatives and the Senate on the
21 amount of total funds charged to each office by the Fran-
22 chise Fund including the amount charged for each service
23 provided by the Franchise Fund to each office, a detailed
24 description of the services, a detailed explanation of how
25 each charge for each service is calculated, and a descrip-

1 tion of the role customers have in governing in the Fran-
2 chise Fund.

3 SEC. 122. During fiscal year 2021—

4 (1) none of the funds made available in this or
5 any other Act may be used by the Department of
6 the Treasury, including the Internal Revenue Serv-
7 ice, to issue, revise, or finalize any regulation, rev-
8 enue ruling, or other guidance not limited to a par-
9 ticular taxpayer relating to the standard which is
10 used to determine whether an organization is oper-
11 ated exclusively for the promotion of social welfare
12 for purposes of section 501(c)(4) of the Internal
13 Revenue Code of 1986 (including the proposed regu-
14 lations published at 78 Fed. Reg. 71535 (November
15 29, 2013)); and

16 (2) the standard and definitions as in effect on
17 January 1, 2010, which are used to make such de-
18 terminations shall apply after the date of the enact-
19 ment of this Act for purposes of determining status
20 under section 501(c)(4) of such Code of organiza-
21 tions created on, before, or after such date.

22 SEC. 123. (a) Not later than 60 days after the end
23 of each quarter, the Office of Financial Stability and the
24 Office of Financial Research shall submit reports on their
25 activities to the Committees on Appropriations of the

1 House of Representatives and the Senate, the Committee
2 on Financial Services of the House of Representatives and
3 the Senate Committee on Banking, Housing, and Urban
4 Affairs.

5 (b) The reports required under subsection (a) shall
6 include—

7 (1) the obligations made during the previous
8 quarter by object class, office, and activity;

9 (2) the estimated obligations for the remainder
10 of the fiscal year by object class, office, and activity;

11 (3) the number of full-time equivalents within
12 each office during the previous quarter;

13 (4) the estimated number of full-time equiva-
14 lents within each office for the remainder of the fis-
15 cal year; and

16 (5) actions taken to achieve the goals, objec-
17 tives, and performance measures of each office.

18 (c) At the request of any such Committees specified
19 in subsection (a), the Office of Financial Stability and the
20 Office of Financial Research shall make officials available
21 to testify on the contents of the reports required under
22 subsection (a).

23 SEC. 124. In addition to the amounts otherwise made
24 available to the Department of the Treasury, \$25,000,000,
25 to remain available until expended, shall be for expenses

1 associated with digitization and distribution of the Depart-
2 ment's records of matured savings bonds that have not
3 been redeemed.

4 This title may be cited as the "Department of the
5 Treasury Appropriations Act, 2021".

513

1 TITLE II
2 EXECUTIVE OFFICE OF THE PRESIDENT AND
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 THE WHITE HOUSE
5 SALARIES AND EXPENSES

6 For necessary expenses for the White House as au-
7 thorized by law, including not to exceed \$3,850,000 for
8 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
9 subsistence expenses as authorized by 3 U.S.C. 105, which
10 shall be expended and accounted for as provided in that
11 section; hire of passenger motor vehicles, and travel (not
12 to exceed \$100,000 to be expended and accounted for as
13 provided by 3 U.S.C. 103); and not to exceed \$19,000 for
14 official reception and representation expenses, to be avail-
15 able for allocation within the Executive Office of the Presi-
16 dent; and for necessary expenses of the Office of Policy
17 Development, including services as authorized by 5 U.S.C.
18 3109 and 3 U.S.C. 107, \$55,000,000.

19 EXECUTIVE RESIDENCE AT THE WHITE HOUSE
20 OPERATING EXPENSES

21 For necessary expenses of the Executive Residence
22 at the White House, \$13,641,000, to be expended and ac-
23 counted for as provided by 3 U.S.C. 105, 109, 110, and
24 112–114.

1 REIMBURSABLE EXPENSES

2 For the reimbursable expenses of the Executive Resi-
3 dence at the White House, such sums as may be nec-
4 essary: *Provided*, That all reimbursable operating expenses
5 of the Executive Residence shall be made in accordance
6 with the provisions of this paragraph: *Provided further*,
7 That, notwithstanding any other provision of law, such
8 amount for reimbursable operating expenses shall be the
9 exclusive authority of the Executive Residence to incur ob-
10 ligations and to receive offsetting collections, for such ex-
11 penses: *Provided further*, That the Executive Residence
12 shall require each person sponsoring a reimbursable polit-
13 ical event to pay in advance an amount equal to the esti-
14 mated cost of the event, and all such advance payments
15 shall be credited to this account and remain available until
16 expended: *Provided further*, That the Executive Residence
17 shall require the national committee of the political party
18 of the President to maintain on deposit \$25,000, to be
19 separately accounted for and available for expenses relat-
20 ing to reimbursable political events sponsored by such
21 committee during such fiscal year: *Provided further*, That
22 the Executive Residence shall ensure that a written notice
23 of any amount owed for a reimbursable operating expense
24 under this paragraph is submitted to the person owing
25 such amount within 60 days after such expense is in-

1 curred, and that such amount is collected within 30 days
2 after the submission of such notice: *Provided further*, That
3 the Executive Residence shall charge interest and assess
4 penalties and other charges on any such amount that is
5 not reimbursed within such 30 days, in accordance with
6 the interest and penalty provisions applicable to an out-
7 standing debt on a United States Government claim under
8 31 U.S.C. 3717: *Provided further*, That each such amount
9 that is reimbursed, and any accompanying interest and
10 charges, shall be deposited in the Treasury as miscella-
11 neous receipts: *Provided further*, That the Executive Resi-
12 dence shall prepare and submit to the Committees on Ap-
13 propriations, by not later than 90 days after the end of
14 the fiscal year covered by this Act, a report setting forth
15 the reimbursable operating expenses of the Executive Res-
16 idence during the preceding fiscal year, including the total
17 amount of such expenses, the amount of such total that
18 consists of reimbursable official and ceremonial events, the
19 amount of such total that consists of reimbursable political
20 events, and the portion of each such amount that has been
21 reimbursed as of the date of the report: *Provided further*,
22 That the Executive Residence shall maintain a system for
23 the tracking of expenses related to reimbursable events
24 within the Executive Residence that includes a standard
25 for the classification of any such expense as political or

1 nonpolitical: *Provided further*, That no provision of this
2 paragraph may be construed to exempt the Executive Res-
3 idence from any other applicable requirement of sub-
4 chapter I or II of chapter 37 of title 31, United States
5 Code.

6 WHITE HOUSE REPAIR AND RESTORATION

7 For the repair, alteration, and improvement of the
8 Executive Residence at the White House pursuant to 3
9 U.S.C. 105(d), \$2,500,000, to remain available until ex-
10 pended, for required maintenance, resolution of safety and
11 health issues, and continued preventative maintenance.

12 COUNCIL OF ECONOMIC ADVISERS

13 SALARIES AND EXPENSES

14 For necessary expenses of the Council of Economic
15 Advisers in carrying out its functions under the Employ-
16 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,000,000.

17 NATIONAL SECURITY COUNCIL AND HOMELAND

18 SECURITY COUNCIL

19 SALARIES AND EXPENSES

20 For necessary expenses of the National Security
21 Council and the Homeland Security Council, including
22 services as authorized by 5 U.S.C. 3109, \$12,150,000 of
23 which not to exceed \$5,000 shall be available for official
24 reception and representation expenses.

1 OFFICE OF ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Administra-
4 tion, including services as authorized by 5 U.S.C. 3109
5 and 3 U.S.C. 107, and hire of passenger motor vehicles,
6 \$100,000,000, of which not to exceed \$12,800,000 shall
7 remain available until expended for continued moderniza-
8 tion of information resources within the Executive Office
9 of the President.

10 PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses of the Office of Administration to carry
13 out the Presidential Transition Act of 1963, as amended,
14 and similar expenses, in addition to amounts otherwise ap-
15 propriated by law, \$8,000,000: *Provided*, That such funds
16 may be transferred to other accounts that provide funding
17 for offices within the Executive Office of the President and
18 the Office of the Vice President in this Act or any other
19 Act, to carry out such purposes.

20 OFFICE OF MANAGEMENT AND BUDGET

21 SALARIES AND EXPENSES

22 For necessary expenses of the Office of Management
23 and Budget, including hire of passenger motor vehicles
24 and services as authorized by 5 U.S.C. 3109, to carry out
25 the provisions of chapter 35 of title 44, United States

1 Code, and to prepare and submit the budget of the United
2 States Government, in accordance with section 1105(a) of
3 title 31, United States Code, \$106,600,000, of which not
4 to exceed \$3,000 shall be available for official representa-
5 tion expenses: *Provided*, That none of the funds appro-
6 priated in this Act for the Office of Management and
7 Budget may be used for the purpose of reviewing any agri-
8 cultural marketing orders or any activities or regulations
9 under the provisions of the Agricultural Marketing Agree-
10 ment Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,
11 That none of the funds made available for the Office of
12 Management and Budget by this Act may be expended for
13 the altering of the transcript of actual testimony of wit-
14 nesses, except for testimony of officials of the Office of
15 Management and Budget, before the Committees on Ap-
16 propriations or their subcommittees: *Provided further*,
17 That none of the funds made available for the Office of
18 Management and Budget by this Act may be expended for
19 the altering of the annual work plan developed by the
20 Corps of Engineers for submission to the Committees on
21 Appropriations: *Provided further*, That none of the funds
22 provided in this or prior Acts shall be used, directly or
23 indirectly, by the Office of Management and Budget, for
24 evaluating or determining if water resource project or
25 study reports submitted by the Chief of Engineers acting

1 through the Secretary of the Army are in compliance with
2 all applicable laws, regulations, and requirements relevant
3 to the Civil Works water resource planning process: *Pro-*
4 *vided further*, That the Office of Management and Budget
5 shall have not more than 60 days in which to perform
6 budgetary policy reviews of water resource matters on
7 which the Chief of Engineers has reported: *Provided fur-*
8 *ther*, That the Director of the Office of Management and
9 Budget shall notify the appropriate authorizing and ap-
10 propriating committees when the 60-day review is initi-
11 ated: *Provided further*, That if water resource reports have
12 not been transmitted to the appropriate authorizing and
13 appropriating committees within 15 days after the end of
14 the Office of Management and Budget review period based
15 on the notification from the Director, Congress shall as-
16 sume Office of Management and Budget concurrence with
17 the report and act accordingly.

18 INTELLECTUAL PROPERTY ENFORCEMENT

19 COORDINATOR

20 For necessary expenses of the Office of the Intellec-
21 tual Property Enforcement Coordinator, as authorized by
22 title III of the Prioritizing Resources and Organization for
23 Intellectual Property Act of 2008 (Public Law 110–403),
24 including services authorized by 5 U.S.C. 3109,
25 \$1,800,000.

1 OFFICE OF NATIONAL DRUG CONTROL POLICY

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of National
4 Drug Control Policy; for research activities pursuant to
5 the Office of National Drug Control Policy Reauthoriza-
6 tion Act of 1998, as amended; not to exceed \$10,000 for
7 official reception and representation expenses; and for par-
8 ticipation in joint projects or in the provision of services
9 on matters of mutual interest with nonprofit, research, or
10 public organizations or agencies, with or without reim-
11 bursement, \$18,400,000: *Provided*, That the Office is au-
12 thorized to accept, hold, administer, and utilize gifts, both
13 real and personal, public and private, without fiscal year
14 limitation, for the purpose of aiding or facilitating the
15 work of the Office.

16 FEDERAL DRUG CONTROL PROGRAMS

17 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses of the Office of National
20 Drug Control Policy's High Intensity Drug Trafficking
21 Areas Program, \$290,000,000, to remain available until
22 September 30, 2022, for drug control activities consistent
23 with the approved strategy for each of the designated
24 High Intensity Drug Trafficking Areas ("HIDTAs"), of
25 which not less than 51 percent shall be transferred to

1 State and local entities for drug control activities and shall
2 be obligated not later than 120 days after enactment of
3 this Act: *Provided*, That up to 49 percent may be trans-
4 ferred to Federal agencies and departments in amounts
5 determined by the Director of the Office of National Drug
6 Control Policy, of which up to \$2,700,000 may be used
7 for auditing services and associated activities: *Provided*
8 *further*, That any unexpended funds obligated prior to fis-
9 cal year 2019 may be used for any other approved activi-
10 ties of that HIDTA, subject to reprogramming require-
11 ments: *Provided further*, That each HIDTA designated as
12 of September 30, 2020, shall be funded at not less than
13 the fiscal year 2020 base level, unless the Director submits
14 to the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate justification for changes to
16 those levels based on clearly articulated priorities and pub-
17 lished Office of National Drug Control Policy performance
18 measures of effectiveness: *Provided further*, That the Di-
19 rector shall notify the Committees on Appropriations of
20 the initial allocation of fiscal year 2021 funding among
21 HDTAs not later than 45 days after enactment of this
22 Act, and shall notify the Committees of planned uses of
23 discretionary HIDTA funding, as determined in consulta-
24 tion with the HIDTA Directors, not later than 90 days
25 after enactment of this Act: *Provided further*, That upon

1 a determination that all or part of the funds so transferred
2 from this appropriation are not necessary for the purposes
3 provided herein and upon notification to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate, such amounts may be transferred back to this ap-
6 propriation.

7 OTHER FEDERAL DRUG CONTROL PROGRAMS

8 (INCLUDING TRANSFERS OF FUNDS)

9 For other drug control activities authorized by the
10 Anti-Drug Abuse Act of 1988 and the Office of National
11 Drug Control Policy Reauthorization Act of 1998, as
12 amended, \$128,182,000, to remain available until ex-
13 pended, which shall be available as follows: \$102,000,000
14 for the Drug-Free Communities Program, of which
15 \$2,500,000 shall be made available as directed by section
16 4 of Public Law 107–82, as amended by section 8204 of
17 Public Law 115–271; \$3,000,000 for drug court training
18 and technical assistance; \$14,000,000 for anti-doping ac-
19 tivities; up to \$2,932,000 for the United States member-
20 ship dues to the World Anti-Doping Agency; \$1,250,000
21 for the Model Acts Program; and \$5,000,000 for activities
22 authorized by section 103 of Public Law 114–198: *Pro-*
23 *vided*, That amounts made available under this heading
24 may be transferred to other Federal departments and
25 agencies to carry out such activities: *Provided further*,

1 That the Director of the Office of National Drug Control
2 Policy shall, not fewer than 30 days prior to obligating
3 funds under this heading for United States membership
4 dues to the World Anti-Doping Agency, submit to the
5 Committees on Appropriations of the House of Represent-
6 atives and the Senate a spending plan and explanation of
7 the proposed uses of these funds.

8 UNANTICIPATED NEEDS

9 For expenses necessary to enable the President to
10 meet unanticipated needs, in furtherance of the national
11 interest, security, or defense which may arise at home or
12 abroad during the current fiscal year, as authorized by
13 3 U.S.C. 108, \$1,000,000, to remain available until Sep-
14 tember 30, 2022.

15 INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses for the furtherance of inte-
18 grated, efficient, secure, and effective uses of information
19 technology in the Federal Government, \$12,500,000, to
20 remain available until expended: *Provided*, That the Direc-
21 tor of the Office of Management and Budget may transfer
22 these funds to one or more other agencies to carry out
23 projects to meet these purposes.

1 SPECIAL ASSISTANCE TO THE PRESIDENT

2 SALARIES AND EXPENSES

3 For necessary expenses to enable the Vice President
4 to provide assistance to the President in connection with
5 specially assigned functions; services as authorized by 5
6 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
7 penses as authorized by 3 U.S.C. 106, which shall be ex-
8 pended and accounted for as provided in that section; and
9 hire of passenger motor vehicles, \$4,698,000.

10 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

11 OPERATING EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For the care, operation, refurnishing, improvement,
14 and to the extent not otherwise provided for, heating and
15 lighting, including electric power and fixtures, of the offi-
16 cial residence of the Vice President; the hire of passenger
17 motor vehicles; and not to exceed \$90,000 pursuant to 3
18 U.S.C. 106(b)(2), \$302,000: *Provided*, That advances, re-
19 payments, or transfers from this appropriation may be
20 made to any department or agency for expenses of car-
21 rying out such activities.

1 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
2 THE PRESIDENT AND FUNDS APPROPRIATED TO
3 THE PRESIDENT

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 201. From funds made available in this Act
6 under the headings “The White House”, “Executive Resi-
7 dence at the White House”, “White House Repair and
8 Restoration”, “Council of Economic Advisers”, “National
9 Security Council and Homeland Security Council”, “Of-
10 fice of Administration”, “Special Assistance to the Presi-
11 dent”, and “Official Residence of the Vice President”, the
12 Director of the Office of Management and Budget (or
13 such other officer as the President may designate in writ-
14 ing), may, with advance approval of the Committees on
15 Appropriations of the House of Representatives and the
16 Senate, transfer not to exceed 10 percent of any such ap-
17 propriation to any other such appropriation, to be merged
18 with and available for the same time and for the same
19 purposes as the appropriation to which transferred: *Pro-*
20 *vided*, That the amount of an appropriation shall not be
21 increased by more than 50 percent by such transfers: *Pro-*
22 *vided further*, That no amount shall be transferred from
23 “Special Assistance to the President” or “Official Resi-
24 dence of the Vice President” without the approval of the
25 Vice President.

1 SEC. 202. (a) During fiscal year 2021, any Executive
2 order or Presidential memorandum issued or revoked by
3 the President shall be accompanied by a written statement
4 from the Director of the Office of Management and Budg-
5 et on the budgetary impact, including costs, benefits, and
6 revenues, of such order or memorandum.

7 (b) Any such statement shall include—

8 (1) a narrative summary of the budgetary im-
9 pact of such order or memorandum on the Federal
10 Government;

11 (2) the impact on mandatory and discretionary
12 obligations and outlays as the result of such order
13 or memorandum, listed by Federal agency, for each
14 year in the 5-fiscal-year period beginning in fiscal
15 year 2021; and

16 (3) the impact on revenues of the Federal Gov-
17 ernment as the result of such order or memorandum
18 over the 5-fiscal-year period beginning in fiscal year
19 2021.

20 (c) If an Executive order or Presidential memo-
21 randum is issued during fiscal year 2021 due to a national
22 emergency, the Director of the Office of Management and
23 Budget may issue the statement required by subsection
24 (a) not later than 15 days after the date that such order
25 or memorandum is issued.

1 (d) The requirement for cost estimates for Presi-
2 dential memoranda shall only apply for Presidential
3 memoranda estimated to have a regulatory cost in excess
4 of \$100,000,000.

5 SEC. 203. Not later than 30 days after the date of
6 enactment of this Act, the Director of the Office of Man-
7 agement and Budget shall issue a memorandum to all
8 Federal departments, agencies, and corporations directing
9 compliance with the provisions in title VII of this Act.

10 This title may be cited as the “Executive Office of
11 the President Appropriations Act, 2021”.

1 TITLE III
2 THE JUDICIARY
3 SUPREME COURT OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For expenses necessary for the operation of the Su-
6 preme Court, as required by law, excluding care of the
7 building and grounds, including hire of passenger motor
8 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
9 to exceed \$10,000 for official reception and representation
10 expenses; and for miscellaneous expenses, to be expended
11 as the Chief Justice may approve, \$94,690,000, of which
12 \$1,500,000 shall remain available until expended.

13 In addition, there are appropriated such sums as may
14 be necessary under current law for the salaries of the chief
15 justice and associate justices of the court.

16 CARE OF THE BUILDING AND GROUNDS

17 For such expenditures as may be necessary to enable
18 the Architect of the Capitol to carry out the duties im-
19 posed upon the Architect by 40 U.S.C. 6111 and 6112,
20 \$10,618,000, to remain available until expended.

529

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
2 CIRCUIT

3 SALARIES AND EXPENSES

4 For salaries of officers and employees, and for nec-
5 essary expenses of the court, as authorized by law,
6 \$33,500,000.

7 In addition, there are appropriated such sums as may
8 be necessary under current law for the salaries of the chief
9 judge and judges of the court.

10 UNITED STATES COURT OF INTERNATIONAL TRADE

11 SALARIES AND EXPENSES

12 For salaries of officers and employees of the court,
13 services, and necessary expenses of the court, as author-
14 ized by law, \$20,000,000.

15 In addition, there are appropriated such sums as may
16 be necessary under current law for the salaries of the chief
17 judge and judges of the court.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

21 For the salaries of judges of the United States Court
22 of Federal Claims, magistrate judges, and all other offi-
23 cers and employees of the Federal Judiciary not otherwise
24 specifically provided for, necessary expenses of the courts,
25 and the purchase, rental, repair, and cleaning of uniforms

1 for Probation and Pretrial Services Office staff, as author-
2 ized by law, \$5,393,701,000 (including the purchase of
3 firearms and ammunition); of which not to exceed
4 \$27,817,000 shall remain available until expended for
5 space alteration projects and for furniture and furnishings
6 related to new space alteration and construction projects.

7 In addition, there are appropriated such sums as may
8 be necessary under current law for the salaries of circuit
9 and district judges (including judges of the territorial
10 courts of the United States), bankruptcy judges, and jus-
11 tices and judges retired from office or from regular active
12 service.

13 In addition, for expenses of the United States Court
14 of Federal Claims associated with processing cases under
15 the National Childhood Vaccine Injury Act of 1986 (Pub-
16 lic Law 99-660), not to exceed \$9,900,000, to be appro-
17 priated from the Vaccine Injury Compensation Trust
18 Fund.

19 DEFENDER SERVICES

20 For the operation of Federal Defender organizations;
21 the compensation and reimbursement of expenses of attor-
22 neys appointed to represent persons under 18 U.S.C.
23 3006A and 3599, and for the compensation and reim-
24 bursement of expenses of persons furnishing investigative,
25 expert, and other services for such representations as au-

1 thORIZED by law; the compensation (in accordance with the
2 maximums under 18 U.S.C. 3006A) and reimbursement
3 of expenses of attorneys appointed to assist the court in
4 criminal cases where the defendant has waived representa-
5 tion by counsel; the compensation and reimbursement of
6 expenses of attorneys appointed to represent jurors in civil
7 actions for the protection of their employment, as author-
8 ized by 28 U.S.C. 1875(d)(1); the compensation and reim-
9 bursement of expenses of attorneys appointed under 18
10 U.S.C. 983(b)(1) in connection with certain judicial civil
11 forfeiture proceedings; the compensation and reimburse-
12 ment of travel expenses of guardians ad litem appointed
13 under 18 U.S.C. 4100(b); and for necessary training and
14 general administrative expenses, \$1,316,240,000, to re-
15 main available until expended.

16 FEES OF JURORS AND COMMISSIONERS

17 For fees and expenses of jurors as authorized by 28
18 U.S.C. 1871 and 1876; compensation of jury commis-
19 sioners as authorized by 28 U.S.C. 1863; and compensa-
20 tion of commissioners appointed in condemnation cases
21 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
22 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$32,517,000,
23 to remain available until expended: *Provided*, That the
24 compensation of land commissioners shall not exceed the

1 daily equivalent of the highest rate payable under 5 U.S.C.
2 5332.

3
4 COURT SECURITY
(INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses, not otherwise provided for,
6 incident to the provision of protective guard services for
7 United States courthouses and other facilities housing
8 Federal court operations, and the procurement, installa-
9 tion, and maintenance of security systems and equipment
10 for United States courthouses and other facilities housing
11 Federal court operations, including building ingress-egress
12 control, inspection of mail and packages, directed security
13 patrols, perimeter security, basic security services provided
14 by the Federal Protective Service, and other similar activi-
15 ties as authorized by section 1010 of the Judicial Improve-
16 ment and Access to Justice Act (Public Law 100–702),
17 \$664,011,000, of which not to exceed \$20,000,000 shall
18 remain available until expended, to be expended directly
19 or transferred to the United States Marshals Service,
20 which shall be responsible for administering the Judicial
21 Facility Security Program consistent with standards or
22 guidelines agreed to by the Director of the Administrative
23 Office of the United States Courts and the Attorney Gen-
24 eral.

533

1 ADMINISTRATIVE OFFICE OF THE UNITED STATES

2 COURTS

3 SALARIES AND EXPENSES

4 For necessary expenses of the Administrative Office
5 of the United States Courts as authorized by law, includ-
6 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
7 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
8 advertising and rent in the District of Columbia and else-
9 where, \$95,675,000, of which not to exceed \$8,500 is au-
10 thorized for official reception and representation expenses.

11 FEDERAL JUDICIAL CENTER

12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Judicial Cen-
14 ter, as authorized by Public Law 90–219, \$29,015,000;
15 of which \$1,800,000 shall remain available through Sep-
16 tember 30, 2022, to provide education and training to
17 Federal court personnel; and of which not to exceed
18 \$1,500 is authorized for official reception and representa-
19 tion expenses.

20 UNITED STATES SENTENCING COMMISSION

21 SALARIES AND EXPENSES

22 For the salaries and expenses necessary to carry out
23 the provisions of chapter 58 of title 28, United States
24 Code, \$19,965,000, of which not to exceed \$1,000 is au-
25 thorized for official reception and representation expenses.

1 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 301. Appropriations and authorizations made in
4 this title which are available for salaries and expenses shall
5 be available for services as authorized by 5 U.S.C. 3109.

6 SEC. 302. Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for the Judi-
8 ciary in this Act may be transferred between such appro-
9 priations, but no such appropriation, except “Courts of
10 Appeals, District Courts, and Other Judicial Services, De-
11 fender Services” and “Courts of Appeals, District Courts,
12 and Other Judicial Services, Fees of Jurors and Commis-
13 sioners”, shall be increased by more than 10 percent by
14 any such transfers: *Provided*, That any transfer pursuant
15 to this section shall be treated as a reprogramming of
16 funds under sections 604 and 608 of this Act and shall
17 not be available for obligation or expenditure except in
18 compliance with the procedures set forth in section 608.

19 SEC. 303. Notwithstanding any other provision of
20 law, the salaries and expenses appropriation for “Courts
21 of Appeals, District Courts, and Other Judicial Services”
22 shall be available for official reception and representation
23 expenses of the Judicial Conference of the United States:
24 *Provided*, That such available funds shall not exceed
25 \$11,000 and shall be administered by the Director of the

1 Administrative Office of the United States Courts in the
2 capacity as Secretary of the Judicial Conference.

3 SEC. 304. Section 3315(a) of title 40, United States
4 Code, shall be applied by substituting “Federal” for “exec-
5 utive” each place it appears.

6 SEC. 305. In accordance with 28 U.S.C. 561–569,
7 and notwithstanding any other provision of law, the
8 United States Marshals Service shall provide, for such
9 courthouses as its Director may designate in consultation
10 with the Director of the Administrative Office of the
11 United States Courts, for purposes of a pilot program, the
12 security services that 40 U.S.C. 1315 authorizes the De-
13 partment of Homeland Security to provide, except for the
14 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
15 ing-specific security services at these courthouses, the Di-
16 rector of the Administrative Office of the United States
17 Courts shall reimburse the United States Marshals Service
18 rather than the Department of Homeland Security.

19 SEC. 306. (a) Section 203(c) of the Judicial Improve-
20 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
21 note), is amended in the matter following paragraph 12—

22 (1) in the second sentence (relating to the Dis-
23 trict of Kansas), by striking “29 years and 6
24 months” and inserting “30 years and 6 months”;
25 and

1 (2) in the sixth sentence (relating to the Dis-
2 trict of Hawaii), by striking “26 years and 6
3 months” and inserting “27 years and 6 months”.

4 (b) Section 406 of the Transportation, Treasury,
5 Housing and Urban Development, the Judiciary, the Dis-
6 trict of Columbia, and Independent Agencies Appropria-
7 tions Act, 2006 (Public Law 109–115; 119 Stat. 2470;
8 28 U.S.C. 133 note) is amended in the second sentence
9 (relating to the eastern District of Missouri) by striking
10 “27 years and 6 months” and inserting “28 years and
11 6 months”.

12 (c) Section 312(c)(2) of the 21st Century Depart-
13 ment of Justice Appropriations Authorization Act (Public
14 Law 107–273; 28 U.S.C. 133 note), is amended—

15 (1) in the first sentence by striking “18 years”
16 and inserting “19 years”;

17 (2) in the second sentence (relating to the cen-
18 tral District of California), by striking “17 years
19 and 6 months” and inserting “18 years and 6
20 months”; and

21 (3) in the third sentence (relating to the west-
22 ern district of North Carolina), by striking “16
23 years” and inserting “17 years”.

24 This title may be cited as the “Judiciary Appropria-
25 tions Act, 2021”.

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TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account

1 shall be under the control of the District of Columbia
2 Chief Financial Officer, who shall use those funds solely
3 for the purposes of carrying out the Resident Tuition Sup-
4 port Program: *Provided further*, That the Office of the
5 Chief Financial Officer shall provide a quarterly financial
6 report to the Committees on Appropriations of the House
7 of Representatives and the Senate for these funds show-
8 ing, by object class, the expenditures made and the pur-
9 pose therefor.

10 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
11 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

12 For a Federal payment of necessary expenses, as de-
13 termined by the Mayor of the District of Columbia in writ-
14 ten consultation with the elected county or city officials
15 of surrounding jurisdictions, \$38,400,000, to remain
16 available until expended, for an additional amount for fis-
17 cal year 2021, for the costs of providing public safety at
18 events related to the presence of the National Capital in
19 the District of Columbia, including support requested by
20 the Director of the United States Secret Service in car-
21 rying out protective duties under the direction of the Sec-
22 retary of Homeland Security, and for the costs of pro-
23 viding support to respond to immediate and specific ter-
24 rorist threats or attacks in the District of Columbia or
25 surrounding jurisdictions: *Provided*, That, of the amount

1 provided under this heading in this Act, \$21,872,372 shall
2 be used for costs associated with the Presidential Inau-
3 guration held in January 2021, and shall be in addition
4 to the amount made available for this purpose in section
5 131 of the Continuing Appropriations Act, 2021 and
6 Other Extensions Act (Public Law 116–159).

7 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

8 COURTS

9 For salaries and expenses for the District of Colum-
10 bia Courts, \$250,088,000 to be allocated as follows: for
11 the District of Columbia Court of Appeals, \$14,682,000,
12 of which not to exceed \$2,500 is for official reception and
13 representation expenses; for the Superior Court of the
14 District of Columbia, \$125,660,000, of which not to ex-
15 ceed \$2,500 is for official reception and representation ex-
16 penses; for the District of Columbia Court System,
17 \$79,247,000, of which not to exceed \$2,500 is for official
18 reception and representation expenses; and \$30,499,000,
19 to remain available until September 30, 2022, for capital
20 improvements for District of Columbia courthouse facili-
21 ties: *Provided*, That funds made available for capital im-
22 provements shall be expended consistent with the District
23 of Columbia Courts master plan study and facilities condi-
24 tion assessment: *Provided further*, That, in addition to the
25 amounts appropriated herein, fees received by the District

1 of Columbia Courts for administering bar examinations
2 and processing District of Columbia bar admissions may
3 be retained and credited to this appropriation, to remain
4 available until expended, for salaries and expenses associ-
5 ated with such activities, notwithstanding section 450 of
6 the District of Columbia Home Rule Act (D.C. Official
7 Code, sec. 1-204.50): *Provided further*, That notwith-
8 standing any other provision of law, all amounts under
9 this heading shall be apportioned quarterly by the Office
10 of Management and Budget and obligated and expended
11 in the same manner as funds appropriated for salaries and
12 expenses of other Federal agencies: *Provided further*, That
13 30 days after providing written notice to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate, the District of Columbia Courts may reallocate
16 not more than \$9,000,000 of the funds provided under
17 this heading among the items and entities funded under
18 this heading: *Provided further*, That the Joint Committee
19 on Judicial Administration in the District of Columbia
20 may, by regulation, establish a program substantially simi-
21 lar to the program set forth in subchapter II of chapter
22 35 of title 5, United States Code, for employees of the
23 District of Columbia Courts.

1 FEDERAL PAYMENT FOR DEFENDER SERVICES IN
2 DISTRICT OF COLUMBIA COURTS

3 For payments authorized under section 11–2604 and
4 section 11–2605, D.C. Official Code (relating to represen-
5 tation provided under the District of Columbia Criminal
6 Justice Act), payments for counsel appointed in pro-
7 ceedings in the Family Court of the Superior Court of the
8 District of Columbia under chapter 23 of title 16, D.C.
9 Official Code, or pursuant to contractual agreements to
10 provide guardian ad litem representation, training, tech-
11 nical assistance, and such other services as are necessary
12 to improve the quality of guardian ad litem representation,
13 payments for counsel appointed in adoption proceedings
14 under chapter 3 of title 16, D.C. Official Code, and pay-
15 ments authorized under section 21–2060, D.C. Official
16 Code (relating to services provided under the District of
17 Columbia Guardianship, Protective Proceedings, and Du-
18 rable Power of Attorney Act of 1986), \$46,005,000, to
19 remain available until expended: *Provided*, That funds
20 provided under this heading shall be administered by the
21 Joint Committee on Judicial Administration in the Dis-
22 trict of Columbia: *Provided further*, That, notwithstanding
23 any other provision of law, this appropriation shall be ap-
24 portioned quarterly by the Office of Management and
25 Budget and obligated and expended in the same manner

1 as funds appropriated for expenses of other Federal agen-
2 cies.

3 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
4 FENDER SUPERVISION AGENCY FOR THE DISTRICT
5 OF COLUMBIA

6 For salaries and expenses, including the transfer and
7 hire of motor vehicles, of the Court Services and Offender
8 Supervision Agency for the District of Columbia, as au-
9 thorized by the National Capital Revitalization and Self-
10 Government Improvement Act of 1997, \$245,923,000, of
11 which not to exceed \$2,000 is for official reception and
12 representation expenses related to Community Supervision
13 and Pretrial Services Agency programs, and of which not
14 to exceed \$25,000 is for dues and assessments relating
15 to the implementation of the Court Services and Offender
16 Supervision Agency Interstate Supervision Act of 2002:
17 *Provided*, That, of the funds appropriated under this head-
18 ing, \$179,180,000 shall be for necessary expenses of Com-
19 munity Supervision and Sex Offender Registration, to in-
20 clude expenses relating to the supervision of adults subject
21 to protection orders or the provision of services for or re-
22 lated to such persons: *Provided further*, That, of the funds
23 appropriated under this heading, \$66,743,000 shall be
24 available to the Pretrial Services Agency, of which
25 \$459,000 shall remain available until September 30, 2023,

1 for costs associated with relocation under a replacement
2 lease for headquarters offices, field offices, and related fa-
3 cilities: *Provided further*, That notwithstanding any other
4 provision of law, all amounts under this heading shall be
5 apportioned quarterly by the Office of Management and
6 Budget and obligated and expended in the same manner
7 as funds appropriated for salaries and expenses of other
8 Federal agencies: *Provided further*, That amounts under
9 this heading may be used for programmatic incentives for
10 defendants to successfully complete their terms of super-
11 vision.

12 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

13 PUBLIC DEFENDER SERVICE

14 For salaries and expenses, including the transfer and
15 hire of motor vehicles, of the District of Columbia Public
16 Defender Service, as authorized by the National Capital
17 Revitalization and Self-Government Improvement Act of
18 1997, \$46,212,000: *Provided*, That notwithstanding any
19 other provision of law, all amounts under this heading
20 shall be apportioned quarterly by the Office of Manage-
21 ment and Budget and obligated and expended in the same
22 manner as funds appropriated for salaries and expenses
23 of Federal agencies: *Provided further*, That the District
24 of Columbia Public Defender Service may establish for
25 employees of the District of Columbia Public Defender

1 Service a program substantially similar to the program set
2 forth in subchapter II of chapter 35 of title 5, United
3 States Code, except that the maximum amount of the pay-
4 ment made under the program to any individual may not
5 exceed the amount referred to in section 3523(b)(3)(B)
6 of title 5, United States Code: *Provided further*, That for
7 the purposes of engaging with, and receiving services
8 from, Federal Franchise Fund Programs established in
9 accordance with section 403 of the Government Manage-
10 ment Reform Act of 1994, as amended, the District of
11 Columbia Public Defender Service shall be considered an
12 agency of the United States Government.

13 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

14 COORDINATING COUNCIL

15 For a Federal payment to the Criminal Justice Co-
16 ordinating Council, \$2,150,000, to remain available until
17 expended, to support initiatives related to the coordination
18 of Federal and local criminal justice resources in the Dis-
19 trict of Columbia.

20 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

21 For a Federal payment, to remain available until
22 September 30, 2022, to the Commission on Judicial Dis-
23 abilities and Tenure, \$325,000, and for the Judicial Nomi-
24 nation Commission, \$275,000.

1 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

2 For a Federal payment for a school improvement pro-
3 gram in the District of Columbia, \$52,500,000, to remain
4 available until expended, for payments authorized under
5 the Scholarships for Opportunity and Results Act (division
6 C of Public Law 112–10): *Provided*, That, to the extent
7 that funds are available for opportunity scholarships and
8 following the priorities included in section 3006 of such
9 Act, the Secretary of Education shall make scholarships
10 available to students eligible under section 3013(3) of such
11 Act (Public Law 112–10; 125 Stat. 211) including stu-
12 dents who were not offered a scholarship during any pre-
13 vious school year: *Provided further*, That within funds pro-
14 vided for opportunity scholarships up to \$1,750,000 shall
15 be for the activities specified in sections 3007(b) through
16 3007(d) of the Act and up to \$500,000 shall be for the
17 activities specified in section 3009 of the Act.

18 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

19 NATIONAL GUARD

20 For a Federal payment to the District of Columbia
21 National Guard, \$600,000, to remain available until ex-
22 pended for the Major General David F. Wherley, Jr. Dis-
23 trict of Columbia National Guard Retention and College
24 Access Program.

1 FEDERAL PAYMENT FOR TESTING AND TREATMENT OF
2 HIV/AIDS

3 For a Federal payment to the District of Columbia
4 for the testing of individuals for, and the treatment of in-
5 dividuals with, human immunodeficiency virus and ac-
6 quired immunodeficiency syndrome in the District of Co-
7 lumbia, \$4,000,000.

8 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
9 WATER AND SEWER AUTHORITY

10 For a Federal payment to the District of Columbia
11 Water and Sewer Authority, \$8,000,000, to remain avail-
12 able until expended, to continue implementation of the
13 Combined Sewer Overflow Long-Term Plan: *Provided*,
14 That the District of Columbia Water and Sewer Authority
15 provides a 100 percent match for this payment.

16 DISTRICT OF COLUMBIA FUNDS

17 Local funds are appropriated for the District of Co-
18 lumbia for the current fiscal year out of the General Fund
19 of the District of Columbia (“General Fund”) for pro-
20 grams and activities set forth in the Fiscal Year 2021
21 Local Budget Act of 2020 (D.C. Act 23–408) and at rates
22 set forth under such Act, as amended as of the date of
23 enactment of this Act: *Provided*, That notwithstanding
24 any other provision of law, except as provided in section
25 450A of the District of Columbia Home Rule Act (section

1 1–204.50a, D.C. Official Code), sections 816 and 817 of
2 the Financial Services and General Government Appro-
3 priations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C.
4 Official Code), and provisions of this Act, the total amount
5 appropriated in this Act for operating expenses for the
6 District of Columbia for fiscal year 2021 under this head-
7 ing shall not exceed the estimates included in the Fiscal
8 Year 2021 Local Budget Act of 2020, as amended as of
9 the date of enactment of this Act or the sum of the total
10 revenues of the District of Columbia for such fiscal year:
11 *Provided further*, That the amount appropriated may be
12 increased by proceeds of one-time transactions, which are
13 expended for emergency or unanticipated operating or
14 capital needs: *Provided further*, That such increases shall
15 be approved by enactment of local District law and shall
16 comply with all reserve requirements contained in the Dis-
17 trict of Columbia Home Rule Act: *Provided further*, That
18 the Chief Financial Officer of the District of Columbia
19 shall take such steps as are necessary to assure that the
20 District of Columbia meets these requirements, including
21 the apportioning by the Chief Financial Officer of the ap-
22 propriations and funds made available to the District dur-
23 ing fiscal year 2021, except that the Chief Financial Offi-
24 cer may not reprogram for operating expenses any funds

1 derived from bonds, notes, or other obligations issued for
2 capital projects.

3 This title may be cited as the “District of Columbia
4 Appropriations Act, 2021”.

549

1 TITLE V
2 INDEPENDENT AGENCIES
3 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For necessary expenses of the Administrative Con-
6 ference of the United States, authorized by 5 U.S.C. 591
7 et seq., \$3,400,000, to remain available until September
8 30, 2022, of which not to exceed \$1,000 is for official re-
9 ception and representation expenses.

10 COMMODITY FUTURES TRADING COMMISSION
11 (INCLUDING TRANSFERS OF FUNDS)

12 For necessary expenses to carry out the provisions
13 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
14 cluding the purchase and hire of passenger motor vehicles,
15 and the rental of space (to include multiple year leases),
16 in the District of Columbia and elsewhere, \$304,000,000,
17 including not to exceed \$3,000 for official reception and
18 representation expenses, and not to exceed \$25,000 for the
19 expenses for consultations and meetings hosted by the
20 Commission with foreign governmental and other regu-
21 latory officials, of which not less than \$20,000,000 shall
22 remain available until September 30, 2022, and of which
23 not less than \$3,568,000 shall be for expenses of the Of-
24 fice of the Inspector General: *Provided*, That notwith-
25 standing the limitations in 31 U.S.C. 1553, amounts pro-

1 vided under this heading are available for the liquidation
2 of obligations equal to current year payments on leases
3 entered into prior to the date of enactment of this Act:
4 *Provided further*, That for the purpose of recording and
5 liquidating any lease obligations that should have been re-
6 corded and liquidated against accounts closed pursuant to
7 31 U.S.C. 1552, and consistent with the preceding pro-
8 viso, such amounts shall be transferred to and recorded
9 in a no-year account in the Treasury, which has been es-
10 tablished for the sole purpose of recording adjustments for
11 and liquidating such unpaid obligations.

12 CONSUMER PRODUCT SAFETY COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Consumer Product
15 Safety Commission, including hire of passenger motor ve-
16 hicles, services as authorized by 5 U.S.C. 3109, but at
17 rates for individuals not to exceed the per diem rate equiv-
18 alent to the maximum rate payable under 5 U.S.C. 5376,
19 purchase of nominal awards to recognize non-Federal offi-
20 cials' contributions to Commission activities, and not to
21 exceed \$4,000 for official reception and representation ex-
22 penses, \$135,000,000, of which \$1,300,000 shall remain
23 available until expended to carry out the program, includ-
24 ing administrative costs, required by section 1405 of the

1 Virginia Graeme Baker Pool and Spa Safety Act (Public
2 Law 110–140; 15 U.S.C. 8004).

3 ADMINISTRATIVE PROVISION—CONSUMER PRODUCT

4 SAFETY COMMISSION

5 SEC. 501. During fiscal year 2021, none of the
6 amounts made available by this Act may be used to final-
7 ize or implement the Safety Standard for Recreational
8 Off-Highway Vehicles published by the Consumer Product
9 Safety Commission in the Federal Register on November
10 19, 2014 (79 Fed. Reg. 68964) until after—

11 (1) the National Academy of Sciences, in con-
12 sultation with the National Highway Traffic Safety
13 Administration and the Department of Defense,
14 completes a study to determine—

15 (A) the technical validity of the lateral sta-
16 bility and vehicle handling requirements pro-
17 posed by such standard for purposes of reduc-
18 ing the risk of Recreational Off-Highway Vehi-
19 cle (referred to in this section as “ROV”) roll-
20 overs in the off-road environment, including the
21 repeatability and reproducibility of testing for
22 compliance with such requirements;

23 (B) the number of ROV rollovers that
24 would be prevented if the proposed require-
25 ments were adopted;

1 (C) whether there is a technical basis for
2 the proposal to provide information on a point-
3 of-sale hangtag about a ROV's rollover resist-
4 ance on a progressive scale; and

5 (D) the effect on the utility of ROVs used
6 by the United States military if the proposed
7 requirements were adopted; and

8 (2) a report containing the results of the study
9 completed under paragraph (1) is delivered to—

10 (A) the Committee on Commerce, Science,
11 and Transportation of the Senate;

12 (B) the Committee on Energy and Com-
13 merce of the House of Representatives;

14 (C) the Committee on Appropriations of
15 the Senate; and

16 (D) the Committee on Appropriations of
17 the House of Representatives.

18 ELECTION ASSISTANCE COMMISSION

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses to carry out the Help Amer-
22 ica Vote Act of 2002 (Public Law 107–252), \$17,000,000,
23 of which \$1,500,000 shall be transferred to the National
24 Institute of Standards and Technology for election reform

1 activities authorized under the Help America Vote Act of
2 2002.

3 FEDERAL COMMUNICATIONS COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Federal Communica-
6 tions Commission, as authorized by law, including uni-
7 forms and allowances therefor, as authorized by 5 U.S.C.
8 5901–5902; not to exceed \$4,000 for official reception and
9 representation expenses; purchase and hire of motor vehi-
10 cles; special counsel fees; and services as authorized by
11 5 U.S.C. 3109, \$341,000,000, to remain available until
12 expended: *Provided*, That in addition, \$33,000,000, shall
13 be made available until expended for implementing title
14 VIII of the Communications Act of 1934 (47 U.S.C. 641
15 et seq.), as added by the Broadband DATA Act (Public
16 Law 116–130): *Provided further*, That \$374,000,000 of
17 offsetting collections shall be assessed and collected pursu-
18 ant to section 9 of title I of the Communications Act of
19 1934, shall be retained and used for necessary expenses
20 and shall remain available until expended: *Provided fur-*
21 *ther*, That the sum herein appropriated shall be reduced
22 as such offsetting collections are received during fiscal
23 year 2021 so as to result in a final fiscal year 2021 appro-
24 priation estimated at \$0: *Provided further*, That, notwith-
25 standing 47 U.S.C. 309(j)(8)(B), proceeds from the use

1 of a competitive bidding system that may be retained and
2 made available for obligation shall not exceed
3 \$134,495,000 for fiscal year 2021: *Provided further*, That,
4 of the amount appropriated under this heading, not less
5 than \$11,326,800 shall be for the salaries and expenses
6 of the Office of Inspector General.

7 ADMINISTRATIVE PROVISIONS—FEDERAL

8 COMMUNICATIONS COMMISSION

9 SEC. 510. Section 302 of the Universal Service
10 Antideficiency Temporary Suspension Act is amended by
11 striking “December 31, 2020” each place it appears and
12 inserting “December 31, 2021”.

13 SEC. 511. None of the funds appropriated by this Act
14 may be used by the Federal Communications Commission
15 to modify, amend, or change its rules or regulations for
16 universal service support payments to implement the Feb-
17 ruary 27, 2004, recommendations of the Federal-State
18 Joint Board on Universal Service regarding single connec-
19 tion or primary line restrictions on universal service sup-
20 port payments.

21 FEDERAL DEPOSIT INSURANCE CORPORATION

22 OFFICE OF THE INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, \$42,982,000, to be derived from the

1 Deposit Insurance Fund or, only when appropriate, the
2 FSLIC Resolution Fund.

3 FEDERAL ELECTION COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses to carry out the provisions
6 of the Federal Election Campaign Act of 1971,
7 \$71,497,000, of which not to exceed \$5,000 shall be avail-
8 able for reception and representation expenses.

9 FEDERAL LABOR RELATIONS AUTHORITY

10 SALARIES AND EXPENSES

11 For necessary expenses to carry out functions of the
12 Federal Labor Relations Authority, pursuant to Reorga-
13 nization Plan Numbered 2 of 1978, and the Civil Service
14 Reform Act of 1978, including services authorized by 5
15 U.S.C. 3109, and including hire of experts and consult-
16 ants, hire of passenger motor vehicles, and including offi-
17 cial reception and representation expenses (not to exceed
18 \$1,500) and rental of conference rooms in the District of
19 Columbia and elsewhere, \$26,600,000: *Provided*, That
20 public members of the Federal Service Impasses Panel
21 may be paid travel expenses and per diem in lieu of sub-
22 sistence as authorized by law (5 U.S.C. 5703) for persons
23 employed intermittently in the Government service, and
24 compensation as authorized by 5 U.S.C. 3109: *Provided*
25 *further*, That, notwithstanding 31 U.S.C. 3302, funds re-

1 ceived from fees charged to non-Federal participants at
2 labor-management relations conferences shall be credited
3 to and merged with this account, to be available without
4 further appropriation for the costs of carrying out these
5 conferences.

6 FEDERAL PERMITTING IMPROVEMENT STEERING
7 COUNCIL
8 ENVIRONMENTAL REVIEW IMPROVEMENT FUND
9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses of the Environmental Review
11 Improvement Fund established pursuant to 42 U.S.C.
12 4370m-8(d), \$10,000,000, to remain available until ex-
13 pended: *Provided*, That funds appropriated in prior appro-
14 priations Acts under the heading “General Services Ad-
15 ministration—General Activities—Environmental Review
16 Improvement Fund” shall be transferred to and merged
17 with this account.

18 FEDERAL TRADE COMMISSION
19 SALARIES AND EXPENSES

20 For necessary expenses of the Federal Trade Com-
21 mission, including uniforms or allowances therefor, as au-
22 thorized by 5 U.S.C. 5901-5902; services as authorized
23 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
24 not to exceed \$2,000 for official reception and representa-
25 tion expenses, \$351,000,000, to remain available until ex-

1 pending: *Provided*, That not to exceed \$300,000 shall be
2 available for use to contract with a person or persons for
3 collection services in accordance with the terms of 31
4 U.S.C. 3718: *Provided further*, That, notwithstanding any
5 other provision of law, not to exceed \$150,000,000 of off-
6 setting collections derived from fees collected for
7 premerger notification filings under the Hart-Scott-Ro-
8 dino Antitrust Improvements Act of 1976 (15 U.S.C.
9 18a), regardless of the year of collection, shall be retained
10 and used for necessary expenses in this appropriation:
11 *Provided further*, That, notwithstanding any other provi-
12 sion of law, not to exceed \$19,000,000 in offsetting collec-
13 tions derived from fees sufficient to implement and enforce
14 the Telemarketing Sales Rule, promulgated under the
15 Telemarketing and Consumer Fraud and Abuse Preven-
16 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
17 account, and be retained and used for necessary expenses
18 in this appropriation: *Provided further*, That the sum here-
19 in appropriated from the general fund shall be reduced
20 as such offsetting collections are received during fiscal
21 year 2021, so as to result in a final fiscal year 2021 appro-
22 priation from the general fund estimated at not more than
23 \$182,000,000: *Provided further*, That none of the funds
24 made available to the Federal Trade Commission may be

1 used to implement subsection (e)(2)(B) of section 43 of
2 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

3 GENERAL SERVICES ADMINISTRATION

4 REAL PROPERTY ACTIVITIES

5 FEDERAL BUILDINGS FUND

6 LIMITATIONS ON AVAILABILITY OF REVENUE

7 (INCLUDING TRANSFERS OF FUNDS)

8 Amounts in the Fund, including revenues and collec-
9 tions deposited into the Fund, shall be available for nec-
10 essary expenses of real property management and related
11 activities not otherwise provided for, including operation,
12 maintenance, and protection of federally owned and leased
13 buildings; rental of buildings in the District of Columbia;
14 restoration of leased premises; moving governmental agen-
15 cies (including space adjustments and telecommunications
16 relocation expenses) in connection with the assignment, al-
17 location, and transfer of space; contractual services inci-
18 dent to cleaning or servicing buildings, and moving; repair
19 and alteration of federally owned buildings, including
20 grounds, approaches, and appurtenances; care and safe-
21 guarding of sites; maintenance, preservation, demolition,
22 and equipment; acquisition of buildings and sites by pur-
23 chase, condemnation, or as otherwise authorized by law;
24 acquisition of options to purchase buildings and sites; con-
25 version and extension of federally owned buildings; pre-

1 liminary planning and design of projects by contract or
2 otherwise; construction of new buildings (including equip-
3 ment for such buildings); and payment of principal, inter-
4 est, and any other obligations for public buildings acquired
5 by installment purchase and purchase contract; in the ag-
6 gregate amount of \$9,065,489,000, of which—

7 (1) \$230,000,000 shall remain available until
8 expended for construction and acquisition (including
9 funds for sites and expenses, and associated design
10 and construction services) as follows:

11 (A) \$135,500,000 shall be for the United
12 States Courthouse, Hartford, Connecticut; and

13 (B) \$94,500,000 shall be for the United
14 States Courthouse, Chattanooga, Tennessee:

15 *Provided*, That each of the foregoing limits of costs
16 on new construction and acquisition projects may be
17 exceeded to the extent that savings are effected in
18 other such projects, but not to exceed 10 percent of
19 the amounts included in a transmitted prospectus, if
20 required, unless advance approval is obtained from
21 the Committees on Appropriations of a greater
22 amount;

23 (2) \$576,581,000 shall remain available until
24 expended for repairs and alterations, including asso-
25 ciated design and construction services, of which—

1 (A) \$203,908,000 is for Major Repairs and
2 Alterations; and

3 (B) \$372,673,000 is for Basic Repairs and
4 Alterations:

5 *Provided*, That funds made available in this or any
6 previous Act in the Federal Buildings Fund for Re-
7 pairs and Alterations shall, for prospectus projects,
8 be limited to the amount identified for each project,
9 except each project in this or any previous Act may
10 be increased by an amount not to exceed 10 percent
11 unless advance approval is obtained from the Com-
12 mittees on Appropriations of a greater amount: *Pro-*
13 *vided further*, That additional projects for which
14 prospectuses have been fully approved may be fund-
15 ed under this category only if advance approval is
16 obtained from the Committees on Appropriations:
17 *Provided further*, That the amounts provided in this
18 or any prior Act for “Repairs and Alterations” may
19 be used to fund costs associated with implementing
20 security improvements to buildings necessary to
21 meet the minimum standards for security in accord-
22 ance with current law and in compliance with the re-
23 programming guidelines of the appropriate Commit-
24 tees of the House and Senate: *Provided further*,
25 That the difference between the funds appropriated

1 and expended on any projects in this or any prior
2 Act, under the heading “Repairs and Alterations”,
3 may be transferred to “Basic Repairs and Alter-
4 ations” or used to fund authorized increases in pro-
5 spectus projects: *Provided further*, That the amount
6 provided in this or any prior Act for “Basic Repairs
7 and Alterations” may be used to pay claims against
8 the Government arising from any projects under the
9 heading “Repairs and Alterations” or used to fund
10 authorized increases in prospectus projects;

11 (3) \$5,725,464,000 for rental of space to re-
12 main available until expended; and

13 (4) \$2,533,444,000 for building operations to
14 remain available until expended: *Provided*, That the
15 total amount of funds made available from this
16 Fund to the General Services Administration shall
17 not be available for expenses of any construction, re-
18 pair, alteration and acquisition project for which a
19 prospectus, if required by 40 U.S.C. 3307(a), has
20 not been approved, except that necessary funds may
21 be expended for each project for required expenses
22 for the development of a proposed prospectus: *Pro-
23 vided further*, That funds available in the Federal
24 Buildings Fund may be expended for emergency re-
25 pairs when advance approval is obtained from the

1 Committees on Appropriations: *Provided further*,
2 That amounts necessary to provide reimbursable
3 special services to other agencies under 40 U.S.C.
4 592(b)(2) and amounts to provide such reimbursable
5 fencing, lighting, guard booths, and other facilities
6 on private or other property not in Government own-
7 ership or control as may be appropriate to enable
8 the United States Secret Service to perform its pro-
9 tective functions pursuant to 18 U.S.C. 3056, shall
10 be available from such revenues and collections: *Pro-*
11 *vided further*, That revenues and collections and any
12 other sums accruing to this Fund during fiscal year
13 2021, excluding reimbursements under 40 U.S.C.
14 592(b)(2), in excess of the aggregate new
15 obligational authority authorized for Real Property
16 Activities of the Federal Buildings Fund in this Act
17 shall remain in the Fund and shall not be available
18 for expenditure except as authorized in appropria-
19 tions Acts.

20 GENERAL ACTIVITIES

21 GOVERNMENT-WIDE POLICY

22 For expenses authorized by law, not otherwise pro-
23 vided for, for Government-wide policy and evaluation ac-
24 tivities associated with the management of real and per-
25 sonal property assets and certain administrative services;

1 Government-wide policy support responsibilities relating to
2 acquisition, travel, motor vehicles, information technology
3 management, and related technology activities; and serv-
4 ices as authorized by 5 U.S.C. 3109; \$64,000,000.

5 OPERATING EXPENSES

6 For expenses authorized by law, not otherwise pro-
7 vided for, for Government-wide activities associated with
8 utilization and donation of surplus personal property; dis-
9 posal of real property; agency-wide policy direction, man-
10 agement, and communications; and services as authorized
11 by 5 U.S.C. 3109; \$49,440,000, of which \$26,890,000 is
12 for Real and Personal Property Management and Dis-
13 posal; and of which \$22,550,000 is for the Office of the
14 Administrator, of which not to exceed \$7,500 is for official
15 reception and representation expenses.

16 CIVILIAN BOARD OF CONTRACT APPEALS

17 For expenses authorized by law, not otherwise pro-
18 vided for, for the activities associated with the Civilian
19 Board of Contract Appeals, \$9,301,000, of which
20 \$2,000,000 shall remain available until September 30,
21 2022.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General and service authorized by 5 U.S.C. 3109,
25 \$67,000,000: *Provided*, That not to exceed \$50,000 shall

1 be available for payment for information and detection of
2 fraud against the Government, including payment for re-
3 covery of stolen Government property: *Provided further*,
4 That not to exceed \$2,500 shall be available for awards
5 to employees of other Federal agencies and private citizens
6 in recognition of efforts and initiatives resulting in en-
7 hanced Office of Inspector General effectiveness.

8 ALLOWANCES AND OFFICE STAFF FOR FORMER
9 PRESIDENTS

10 For carrying out the provisions of the Act of August
11 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
12 \$4,400,000.

13 FEDERAL CITIZEN SERVICES FUND
14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of the Office of Products and
16 Programs, including services authorized by 40 U.S.C. 323
17 and 44 U.S.C. 3604; and for necessary expenses in sup-
18 port of interagency projects that enable the Federal Gov-
19 ernment to enhance its ability to conduct activities elec-
20 tronically, through the development and implementation of
21 innovative uses of information technology; \$55,000,000, to
22 be deposited into the Federal Citizen Services Fund: *Pro-*
23 *vided*, That the previous amount may be transferred to
24 Federal agencies to carry out the purpose of the Federal
25 Citizen Services Fund: *Provided further*, That the appro-

1 priations, revenues, reimbursements, and collections de-
2 posited into the Fund shall be available until expended for
3 necessary expenses of Federal Citizen Services and other
4 activities that enable the Federal Government to enhance
5 its ability to conduct activities electronically in the aggre-
6 gate amount not to exceed \$100,000,000: *Provided fur-*
7 *ther*, That appropriations, revenues, reimbursements, and
8 collections accruing to this Fund during fiscal year 2021
9 in excess of such amount shall remain in the Fund and
10 shall not be available for expenditure except as authorized
11 in appropriations Acts: *Provided further*, That, of the total
12 amount appropriated, up to \$5,000,000 shall be available
13 for support functions and full-time hires to support activi-
14 ties related to the Administration's requirements under
15 title II of the Foundations for Evidence-Based Policy-
16 making Act (Public Law 115-435): *Provided further*, That
17 the transfer authorities provided herein shall be in addi-
18 tion to any other transfer authority provided in this Act.

19 EXPENSES, PRESIDENTIAL TRANSITION

20 (INCLUDING TRANSFERS OF FUNDS)

21 For necessary expenses to carry out the Presidential
22 Transition Act of 1963 (3 U.S.C. 102 note) and 40 U.S.C.
23 581(e), \$9,900,000, of which not to exceed \$1,000,000 is
24 for activities authorized by sections 3(a)(8) and 3(a)(9)
25 of the Act: *Provided*, That such amounts may be trans-

1 ferred and credited to the “Acquisition Services Fund” or
2 “Federal Buildings Fund” to reimburse obligations in-
3 curred prior to enactment of this Act for the purposes pro-
4 vided herein related to the Presidential election in 2020:
5 *Provided further*, That amounts available under this head-
6 ing shall be in addition to any other amounts available
7 for such purposes: *Provided further*, That in the case
8 where the President-elect is the incumbent President or
9 in the case where the Vice-President-elect is the incumbent
10 Vice President, \$8,900,000 is hereby permanently re-
11 scinded, pursuant to section 3(g) of the Presidential Tran-
12 sition Act of 1963.

13 TECHNOLOGY MODERNIZATION FUND

14 For the Technology Modernization Fund,
15 \$25,000,000, to remain available until expended, for tech-
16 nology-related modernization activities.

17 ASSET PROCEEDS AND SPACE MANAGEMENT FUND

18 For carrying out section 16(b) of the Federal Assets
19 Sale and Transfer Act of 2016 (40 U.S.C. 1303 note),
20 \$16,000,000, to remain available until expended.

1 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

2 ADMINISTRATION

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 520. Funds available to the General Services
5 Administration shall be available for the hire of passenger
6 motor vehicles.

7 SEC. 521. Funds in the Federal Buildings Fund
8 made available for fiscal year 2021 for Federal Buildings
9 Fund activities may be transferred between such activities
10 only to the extent necessary to meet program require-
11 ments: *Provided*, That any proposed transfers shall be ap-
12 proved in advance by the Committees on Appropriations
13 of the House of Representatives and the Senate.

14 SEC. 522. Except as otherwise provided in this title,
15 funds made available by this Act shall be used to transmit
16 a fiscal year 2022 request for United States Courthouse
17 construction only if the request: (1) meets the design guide
18 standards for construction as established and approved by
19 the General Services Administration, the Judicial Con-
20 ference of the United States, and the Office of Manage-
21 ment and Budget; (2) reflects the priorities of the Judicial
22 Conference of the United States as set out in its approved
23 Courthouse Project Priorities plan; and (3) includes a
24 standardized courtroom utilization study of each facility
25 to be constructed, replaced, or expanded.

1 SEC. 523. None of the funds provided in this Act may
2 be used to increase the amount of occupiable square feet,
3 provide cleaning services, security enhancements, or any
4 other service usually provided through the Federal Build-
5 ings Fund, to any agency that does not pay the rate per
6 square foot assessment for space and services as deter-
7 mined by the General Services Administration in consider-
8 ation of the Public Buildings Amendments Act of 1972
9 (Public Law 92–313).

10 SEC. 524. From funds made available under the
11 heading “Federal Buildings Fund, Limitations on Avail-
12 ability of Revenue”, claims against the Government of less
13 than \$250,000 arising from direct construction projects
14 and acquisition of buildings may be liquidated from sav-
15 ings effected in other construction projects with prior noti-
16 fication to the Committees on Appropriations of the House
17 of Representatives and the Senate.

18 SEC. 525. In any case in which the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives and the Committee on Environment and Pub-
21 lic Works of the Senate adopt a resolution granting lease
22 authority pursuant to a prospectus transmitted to Con-
23 gress by the Administrator of the General Services Admin-
24 istration under 40 U.S.C. 3307, the Administrator shall
25 ensure that the delineated area of procurement is identical

1 to the delineated area included in the prospectus for all
2 lease agreements, except that, if the Administrator deter-
3 mines that the delineated area of the procurement should
4 not be identical to the delineated area included in the pro-
5 spectus, the Administrator shall provide an explanatory
6 statement to each of such committees and the Committees
7 on Appropriations of the House of Representatives and the
8 Senate prior to exercising any lease authority provided in
9 the resolution.

10 SEC. 526. With respect to each project funded under
11 the heading “Major Repairs and Alterations”, and with
12 respect to E-Government projects funded under the head-
13 ing “Federal Citizen Services Fund”, the Administrator
14 of General Services shall submit a spending plan and ex-
15 planation for each project to be undertaken to the Com-
16 mittees on Appropriations of the House of Representatives
17 and the Senate not later than 60 days after the date of
18 enactment of this Act.

19 HARRY S TRUMAN SCHOLARSHIP FOUNDATION

20 SALARIES AND EXPENSES

21 For payment to the Harry S Truman Scholarship
22 Foundation Trust Fund, established by section 10 of Pub-
23 lic Law 93-642, \$2,000,000, to remain available until ex-
24 pended.

1 MERIT SYSTEMS PROTECTION BOARD

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out functions of the
5 Merit Systems Protection Board pursuant to Reorganiza-
6 tion Plan Numbered 2 of 1978, the Civil Service Reform
7 Act of 1978, and the Whistleblower Protection Act of
8 1989 (5 U.S.C. 5509 note), including services as author-
9 ized by 5 U.S.C. 3109, rental of conference rooms in the
10 District of Columbia and elsewhere, hire of passenger
11 motor vehicles, direct procurement of survey printing, and
12 not to exceed \$2,000 for official reception and representa-
13 tion expenses, \$44,490,000, to remain available until Sep-
14 tember 30, 2022, and in addition not to exceed
15 \$2,345,000, to remain available until September 30, 2022,
16 for administrative expenses to adjudicate retirement ap-
17 peals to be transferred from the Civil Service Retirement
18 and Disability Fund in amounts determined by the Merit
19 Systems Protection Board.

20 MORRIS K. UDALL AND STEWART L. UDALL

21 FOUNDATION

22 MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 For payment to the Morris K. Udall and Stewart L.
25 Udall Trust Fund, pursuant to the Morris K. Udall and

1 Stewart L. Udall Foundation Act (20 U.S.C. 5601 et
2 seq.), \$1,800,000, to remain available until expended, of
3 which, notwithstanding sections 8 and 9 of such Act, up
4 to \$1,000,000 shall be available to carry out the activities
5 authorized by section 6(7) of Public Law 102–259 and
6 section 817(a) of Public Law 106–568 (20 U.S.C.
7 5604(7)): *Provided*, That all current and previous
8 amounts transferred to the Office of Inspector General of
9 the Department of the Interior will remain available until
10 expended for audits and investigations of the Morris K.
11 Udall and Stewart L. Udall Foundation, consistent with
12 the Inspector General Act of 1978 (5 U.S.C. App.), as
13 amended, and for annual independent financial audits of
14 the Morris K. Udall and Stewart L. Udall Foundation
15 pursuant to the Accountability of Tax Dollars Act of 2002
16 (Public Law 107–289): *Provided further*, That previous
17 amounts transferred to the Office of Inspector General of
18 the Department of the Interior may be transferred to the
19 Morris K. Udall and Stewart L. Udall Foundation for an-
20 nual independent financial audits pursuant to the Ac-
21 countability of Tax Dollars Act of 2002 (Public Law 107–
22 289).

23 ENVIRONMENTAL DISPUTE RESOLUTION FUND

24 For payment to the Environmental Dispute Resolu-
25 tion Fund to carry out activities authorized in the Envi-

1 ronmental Policy and Conflict Resolution Act of 1998,
2 \$3,200,000, to remain available until expended.

3 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
4 OPERATING EXPENSES

5 For necessary expenses in connection with the admin-
6 istration of the National Archives and Records Adminis-
7 tration and archived Federal records and related activities,
8 as provided by law, and for expenses necessary for the re-
9 view and declassification of documents, the activities of
10 the Public Interest Declassification Board, the operations
11 and maintenance of the electronic records archives, the
12 hire of passenger motor vehicles, and for uniforms or al-
13 lowances therefor, as authorized by law (5 U.S.C. 5901),
14 including maintenance, repairs, and cleaning,
15 \$377,000,000, of which \$9,230,000 shall remain available
16 until expended for improvements necessary to enhance the
17 Federal Government's ability to electronically preserve,
18 manage, and store Government records, and of which up
19 to \$2,000,000 shall remain available until expended to im-
20 plement the Civil Rights Cold Case Records Collection Act
21 of 2018 (Public Law 115-426).

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Reform Act of 2008, Public Law 110-409, 122

1 Stat. 4302–16 (2008), and the Inspector General Act of
2 1978 (5 U.S.C. App.), and for the hire of passenger motor
3 vehicles, \$4,823,000.

4 REPAIRS AND RESTORATION

5 For the repair, alteration, and improvement of ar-
6 chives facilities, and to provide adequate storage for hold-
7 ings, \$9,500,000, to remain available until expended.

8 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

9 COMMISSION

10 GRANTS PROGRAM

11 For necessary expenses for allocations and grants for
12 historical publications and records as authorized by 44
13 U.S.C. 2504, \$6,500,000, to remain available until ex-
14 pended.

15 NATIONAL CREDIT UNION ADMINISTRATION

16 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

17 For the Community Development Revolving Loan
18 Fund program as authorized by 42 U.S.C. 9812, 9822
19 and 9910, \$1,500,000 shall be available until September
20 30, 2022, for technical assistance to low-income des-
21 igned credit unions.

22 OFFICE OF GOVERNMENT ETHICS

23 SALARIES AND EXPENSES

24 For necessary expenses to carry out functions of the
25 Office of Government Ethics pursuant to the Ethics in

1 Government Act of 1978, the Ethics Reform Act of 1989,
2 and the Stop Trading on Congressional Knowledge Act of
3 2012, including services as authorized by 5 U.S.C. 3109,
4 rental of conference rooms in the District of Columbia and
5 elsewhere, hire of passenger motor vehicles, and not to ex-
6 ceed \$1,500 for official reception and representation ex-
7 penses, \$18,600,000.

8 OFFICE OF PERSONNEL MANAGEMENT

9 SALARIES AND EXPENSES

10 (INCLUDING TRANSFER OF TRUST FUNDS)

11 For necessary expenses to carry out functions of the
12 Office of Personnel Management (OPM) pursuant to Re-
13 organization Plan Numbered 2 of 1978 and the Civil Serv-
14 ice Reform Act of 1978, including services as authorized
15 by 5 U.S.C. 3109; medical examinations performed for
16 veterans by private physicians on a fee basis; rental of con-
17 ference rooms in the District of Columbia and elsewhere;
18 hire of passenger motor vehicles; not to exceed \$2,500 for
19 official reception and representation expenses; and pay-
20 ment of per diem and/or subsistence allowances to employ-
21 ees where Voting Rights Act activities require an employee
22 to remain overnight at his or her post of duty,
23 \$160,130,000: *Provided*, That of the total amount made
24 available under this heading, at least \$9,000,000 shall re-
25 main available until expended, for information technology

1 infrastructure modernization and Trust Fund Federal Fi-
2 nancial System migration or modernization, and shall be
3 in addition to funds otherwise made available for such pur-
4 poses: *Provided further*, That of the total amount made
5 available under this heading, not less than \$350,000 shall
6 be used to hire additional congressional liaisons: *Provided*
7 *further*, That of the total amount made available under
8 this heading, \$1,068,000 may be made available for
9 strengthening the capacity and capabilities of the acquisi-
10 tion workforce (as defined by the Office of Federal Pro-
11 curement Policy Act, as amended (41 U.S.C. 4001 et
12 seq.)), including the recruitment, hiring, training, and re-
13 tention of such workforce and information technology in
14 support of acquisition workforce effectiveness or for man-
15 agement solutions to improve acquisition management;
16 and in addition \$169,625,000 for administrative expenses,
17 to be transferred from the appropriate trust funds of OPM
18 without regard to other statutes, including direct procure-
19 ment of printed materials, for the retirement and insur-
20 ance programs: *Provided further*, That the provisions of
21 this appropriation shall not affect the authority to use ap-
22 plicable trust funds as provided by sections 8348(a)(1)(B),
23 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title
24 5, United States Code: *Provided further*, That no part of
25 this appropriation shall be available for salaries and ex-

1 penses of the Legal Examining Unit of OPM established
2 pursuant to Executive Order No. 9358 of July 1, 1943,
3 or any successor unit of like purpose: *Provided further,*
4 That the President's Commission on White House Fel-
5 lows, established by Executive Order No. 11183 of Octo-
6 ber 3, 1964, may, during fiscal year 2021, accept dona-
7 tions of money, property, and personal services: *Provided*
8 *further,* That such donations, including those from prior
9 years, may be used for the development of publicity mate-
10 rials to provide information about the White House Fel-
11 lows, except that no such donations shall be accepted for
12 travel or reimbursement of travel expenses, or for the sala-
13 ries of employees of such Commission.

14

OFFICE OF INSPECTOR GENERAL

15

SALARIES AND EXPENSES

16

(INCLUDING TRANSFER OF TRUST FUNDS)

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, including services as authorized by
20 5 U.S.C. 3109, hire of passenger motor vehicles,
21 \$5,000,000, and in addition, not to exceed \$27,265,000
22 for administrative expenses to audit, investigate, and pro-
23 vide other oversight of the Office of Personnel Manage-
24 ment's retirement and insurance programs, to be trans-
25 ferred from the appropriate trust funds of the Office of

1 Personnel Management, as determined by the Inspector
2 General: *Provided*, That the Inspector General is author-
3 ized to rent conference rooms in the District of Columbia
4 and elsewhere.

5 OFFICE OF SPECIAL COUNSEL
6 SALARIES AND EXPENSES

7 For necessary expenses to carry out functions of the
8 Office of Special Counsel, including services as authorized
9 by 5 U.S.C. 3109, payment of fees and expenses for wit-
10 nesses, rental of conference rooms in the District of Co-
11 lumbia and elsewhere, and hire of passenger motor vehi-
12 cles; \$29,500,000.

13 POSTAL REGULATORY COMMISSION
14 SALARIES AND EXPENSES
15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses of the Postal Regulatory
17 Commission in carrying out the provisions of the Postal
18 Accountability and Enhancement Act (Public Law 109-
19 435), \$17,000,000, to be derived by transfer from the
20 Postal Service Fund and expended as authorized by sec-
21 tion 603(a) of such Act.

22 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
23 SALARIES AND EXPENSES

24 For necessary expenses of the Privacy and Civil Lib-
25 erties Oversight Board, as authorized by section 1061 of

1 the Intelligence Reform and Terrorism Prevention Act of
2 2004 (42 U.S.C. 2000ee), \$8,500,000, to remain available
3 until September 30, 2022.

4 PUBLIC BUILDINGS REFORM BOARD

5 SALARIES AND EXPENSES

6 For salaries and expenses of the Public Buildings Re-
7 form Board in carrying out the Federal Assets Sale and
8 Transfer Act of 2016 (Public Law 114–287), \$3,500,000,
9 to remain available until expended.

10 SECURITIES AND EXCHANGE COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses for the Securities and Ex-
13 change Commission, including services as authorized by
14 5 U.S.C. 3109, the rental of space (to include multiple
15 year leases) in the District of Columbia and elsewhere, and
16 not to exceed \$3,500 for official reception and representa-
17 tion expenses, \$1,894,835,000, to remain available until
18 expended; of which not less than \$16,313,000 shall be for
19 the Office of Inspector General; of which not to exceed
20 \$75,000 shall be available for a permanent secretariat for
21 the International Organization of Securities Commissions;
22 and of which not to exceed \$100,000 shall be available
23 for expenses for consultations and meetings hosted by the
24 Commission with foreign governmental and other regu-
25 latory officials, members of their delegations and staffs to

1 exchange views concerning securities matters, such ex-
2 penses to include necessary logistic and administrative ex-
3 penses and the expenses of Commission staff and foreign
4 invitees in attendance including: (1) incidental expenses
5 such as meals; (2) travel and transportation; and (3) re-
6 lated lodging or subsistence.

7 In addition to the foregoing appropriation, for move,
8 replication, and related costs associated with a replace-
9 ment lease for the Commission's District of Columbia
10 headquarters, not to exceed \$18,650,000, to remain avail-
11 able until expended; and for move, replication, and related
12 costs associated with a replacement lease for the Commis-
13 sion's San Francisco Regional Office facilities, not to ex-
14 ceed \$12,677,000, to remain available until expended.

15 For purposes of calculating the fee rate under section
16 31(j) of the Securities Exchange Act of 1934 (15 U.S.C.
17 78ee(j)) for fiscal year 2021, all amounts appropriated
18 under this heading shall be deemed to be the regular ap-
19 propriation to the Commission for fiscal year 2021: *Pro-*
20 *vided*, That fees and charges authorized by section 31 of
21 the Securities Exchange Act of 1934 (15 U.S.C. 78ee)
22 shall be credited to this account as offsetting collections:
23 *Provided further*, That not to exceed \$1,894,835,000 of
24 such offsetting collections shall be available until expended
25 for necessary expenses of this account; not to exceed

1 \$18,650,000 of such offsetting collections shall be avail-
2 able until expended for move, replication, and related costs
3 under this heading associated with a replacement lease for
4 the Commission's District of Columbia headquarters facili-
5 ties; and not to exceed \$12,677,000 of such offsetting col-
6 lections shall be available until expended for move, replica-
7 tion, and related costs under this heading associated with
8 a replacement lease for the Commission's San Francisco
9 Regional Office facilities: *Provided further*, That the total
10 amount appropriated under this heading from the general
11 fund for fiscal year 2021 shall be reduced as such offset-
12 ting fees are received so as to result in a final total fiscal
13 year 2021 appropriation from the general fund estimated
14 at not more than \$0: *Provided further*, That if any amount
15 of the appropriation for move, replication, and related
16 costs associated with a replacement lease for the Commis-
17 sion's District of Columbia headquarters office facilities
18 or if any amount of the appropriation for costs associated
19 with a replacement lease for the Commission's San Fran-
20 cisco Regional Office is subsequently de-obligated by the
21 Commission, such amount that was derived from the gen-
22 eral fund shall be returned to the general fund, and such
23 amounts that were derived from fees or assessments col-
24 lected for such purpose shall be paid to each national secu-
25 rities exchange and national securities association, respec-

1 tively, in proportion to any fees or assessments paid by
2 such national securities exchange or national securities as-
3 sociation under section 31 of the Securities Exchange Act
4 of 1934 (15 U.S.C. 78ee) in fiscal year 2021.

5 SELECTIVE SERVICE SYSTEM

6 SALARIES AND EXPENSES

7 For necessary expenses of the Selective Service Sys-
8 tem, including expenses of attendance at meetings and of
9 training for uniformed personnel assigned to the Selective
10 Service System, as authorized by 5 U.S.C. 4101–4118 for
11 civilian employees; hire of passenger motor vehicles; serv-
12 ices as authorized by 5 U.S.C. 3109; and not to exceed
13 \$750 for official reception and representation expenses;
14 \$26,000,000: *Provided*, That during the current fiscal
15 year, the President may exempt this appropriation from
16 the provisions of 31 U.S.C. 1341, whenever the President
17 deems such action to be necessary in the interest of na-
18 tional defense: *Provided further*, That none of the funds
19 appropriated by this Act may be expended for or in con-
20 nection with the induction of any person into the Armed
21 Forces of the United States.

22 SMALL BUSINESS ADMINISTRATION

23 SALARIES AND EXPENSES

24 For necessary expenses, not otherwise provided for,
25 of the Small Business Administration, including hire of

1 passenger motor vehicles as authorized by sections 1343
2 and 1344 of title 31, United States Code, and not to ex-
3 ceed \$3,500 for official reception and representation ex-
4 penses, \$270,157,000, of which not less than \$12,000,000
5 shall be available for examinations, reviews, and other
6 lender oversight activities: *Provided*, That the Adminis-
7 trator is authorized to charge fees to cover the cost of pub-
8 lications developed by the Small Business Administration,
9 and certain loan program activities, including fees author-
10 ized by section 5(b) of the Small Business Act: *Provided*
11 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
12 received from all such activities shall be credited to this
13 account, to remain available until expended, for carrying
14 out these purposes without further appropriations: *Pro-*
15 *vided further*, That the Small Business Administration
16 may accept gifts in an amount not to exceed \$4,000,000
17 and may co-sponsor activities, each in accordance with sec-
18 tion 132(a) of division K of Public Law 108–447, during
19 fiscal year 2021: *Provided further*, That \$6,100,000 shall
20 be available for the Loan Modernization and Accounting
21 System, to be available until September 30, 2022.

22 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

23 For necessary expenses of programs supporting en-
24 trepreneurial and small business development,
25 \$272,000,000, to remain available until September 30,

1 2022: *Provided*, That \$136,000,000 shall be available to
2 fund grants for performance in fiscal year 2021 or fiscal
3 year 2022 as authorized by section 21 of the Small Busi-
4 ness Act: *Provided further*, That \$35,000,000 shall be for
5 marketing, management, and technical assistance under
6 section 7(m) of the Small Business Act (15 U.S.C.
7 636(m)(4)) by intermediaries that make microloans under
8 the microloan program: *Provided further*, That
9 \$19,500,000 shall be available for grants to States to
10 carry out export programs that assist small business con-
11 cerns authorized under section 22(l) of the Small Business
12 Act (15 U.S.C. 649(l)).

13 OFFICE OF INSPECTOR GENERAL

14 For necessary expenses of the Office of Inspector
15 General in carrying out the provisions of the Inspector
16 General Act of 1978, \$22,011,000.

17 OFFICE OF ADVOCACY

18 For necessary expenses of the Office of Advocacy in
19 carrying out the provisions of title II of Public Law 94-
20 305 (15 U.S.C. 634a et seq.) and the Regulatory Flexi-
21 bility Act of 1980 (5 U.S.C. 601 et seq.), \$9,190,000, to
22 remain available until expended.

1 BUSINESS LOANS PROGRAM ACCOUNT
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans, \$5,000,000, to remain
4 available until expended, and for the cost of guaranteed
5 loans as authorized by section 7(a) of the Small Business
6 Act (Public Law 83-163), \$15,000,000, to remain avail-
7 able until expended: *Provided*, That such costs, including
8 the cost of modifying such loans, shall be as defined in
9 section 502 of the Congressional Budget Act of 1974: *Pro-*
10 *vided further*, That subject to section 502 of the Congres-
11 sional Budget Act of 1974, during fiscal year 2021 com-
12 mitments to guarantee loans under section 503 of the
13 Small Business Investment Act of 1958 shall not exceed
14 \$7,500,000,000: *Provided further*, That during fiscal year
15 2021 commitments for general business loans authorized
16 under paragraphs (1) through (35) of section 7(a) of the
17 Small Business Act shall not exceed \$30,000,000,000 for
18 a combination of amortizing term loans and the aggre-
19 gated maximum line of credit provided by revolving loans:
20 *Provided further*, That during fiscal year 2021 commit-
21 ments for loans authorized under subparagraph (C) of sec-
22 tion 502(7) of the Small Business Investment Act of 1958
23 (15 U.S.C. 696(7)) shall not exceed \$7,500,000,000: *Pro-*
24 *vided further*, That during fiscal year 2021 commitments
25 to guarantee loans for debentures under section 303(b)

1 of the Small Business Investment Act of 1958 shall not
2 exceed \$4,000,000,000: *Provided further*, That during fis-
3 cal year 2021, guarantees of trust certificates authorized
4 by section 5(g) of the Small Business Act shall not exceed
5 a principal amount of \$13,000,000,000. In addition, for
6 administrative expenses to carry out the direct and guar-
7 anteed loan programs, \$160,300,000, which may be trans-
8 ferred to and merged with the appropriations for Salaries
9 and Expenses.

10 DISASTER LOANS PROGRAM ACCOUNT

11 (INCLUDING TRANSFERS OF FUNDS)

12 For administrative expenses to carry out the direct
13 loan program authorized by section 7(b) of the Small
14 Business Act, \$168,075,000, to be available until ex-
15 pended, of which \$1,600,000 is for the Office of Inspector
16 General of the Small Business Administration for audits
17 and reviews of disaster loans and the disaster loan pro-
18 grams and shall be transferred to and merged with the
19 appropriations for the Office of Inspector General; of
20 which \$158,075,000 is for direct administrative expenses
21 of loan making and servicing to carry out the direct loan
22 program, which may be transferred to and merged with
23 the appropriations for Salaries and Expenses; and of
24 which \$8,400,000 is for indirect administrative expenses
25 for the direct loan program, which may be transferred to

1 and merged with the appropriations for Salaries and Ex-
2 penses: *Provided*, That, of the funds provided under this
3 heading, \$142,864,000 shall be for major disasters de-
4 clared pursuant to the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C. 5122(2)): *Pro-*
6 *vided further*, That the amount for major disasters under
7 this heading is designated by Congress as being for dis-
8 aster relief pursuant to section 251(b)(2)(D) of the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985
10 (Public Law 99–177).

11 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

12 ADMINISTRATION

13 (INCLUDING TRANSFERS OF FUNDS)

14 SEC. 540. Not to exceed 5 percent of any appropria-
15 tion made available for the current fiscal year for the
16 Small Business Administration in this Act may be trans-
17 ferred between such appropriations, but no such appro-
18 priation shall be increased by more than 10 percent by
19 any such transfers: *Provided*, That any transfer pursuant
20 to this paragraph shall be treated as a reprogramming of
21 funds under section 608 of this Act and shall not be avail-
22 able for obligation or expenditure except in compliance
23 with the procedures set forth in that section.

24 SEC. 541. Not to exceed 3 percent of any appropria-
25 tion made available in this Act for the Small Business Ad-

1 ministration under the headings “Salaries and Expenses”
2 and “Business Loans Program Account” may be trans-
3 ferred to the Administration’s information technology sys-
4 tem modernization and working capital fund (IT WCF),
5 as authorized by section 1077(b)(1) of title X of division
6 A of the National Defense Authorization Act for Fiscal
7 Year 2018, for the purposes specified in section
8 1077(b)(3) of such Act, upon the advance approval of the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate: *Provided*, That amounts transferred
11 to the IT WCF under this section shall remain available
12 for obligation through September 30, 2024.

13 UNITED STATES POSTAL SERVICE

14 PAYMENT TO THE POSTAL SERVICE FUND

15 For payment to the Postal Service Fund for revenue
16 forgone on free and reduced rate mail, pursuant to sub-
17 sections (c) and (d) of section 2401 of title 39, United
18 States Code, \$55,333,000: *Provided*, That mail for over-
19 seas voting and mail for the blind shall continue to be free:
20 *Provided further*, That 6-day delivery and rural delivery
21 of mail shall continue at not less than the 1983 level: *Pro-*
22 *vided further*, That none of the funds made available to
23 the Postal Service by this Act shall be used to implement
24 any rule, regulation, or policy of charging any officer or
25 employee of any State or local child support enforcement

1 agency, or any individual participating in a State or local
2 program of child support enforcement, a fee for informa-
3 tion requested or provided concerning an address of a
4 postal customer: *Provided further*, That none of the funds
5 provided in this Act shall be used to consolidate or close
6 small rural and other small post offices: *Provided further*,
7 That the Postal Service may not destroy, and shall con-
8 tinue to offer for sale, any copies of the Multinational Spe-
9 cies Conservation Funds Semipostal Stamp, as authorized
10 under the Multinational Species Conservation Funds
11 Semipostal Stamp Act of 2010 (Public Law 111–241).

12 OFFICE OF INSPECTOR GENERAL

13 SALARIES AND EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, \$250,000,000, to be derived by
18 transfer from the Postal Service Fund and expended as
19 authorized by section 603(b)(3) of the Postal Account-
20 ability and Enhancement Act (Public Law 109–435).

21 UNITED STATES TAX COURT

22 SALARIES AND EXPENSES

23 For necessary expenses, including contract reporting
24 and other services as authorized by 5 U.S.C. 3109, and
25 not to exceed \$3,000 for official reception and representa-

1 tion expenses; \$56,100,000, of which \$1,000,000 shall re-
2 main available until expended: *Provided*, That travel ex-
3 penses of the judges shall be paid upon the written certifi-
4 cate of the judge.

1 TITLE VI
2 GENERAL PROVISIONS—THIS ACT
3 (INCLUDING RESCISSION OF FUNDS)

4 SEC. 601. None of the funds in this Act shall be used
5 for the planning or execution of any program to pay the
6 expenses of, or otherwise compensate, non-Federal parties
7 intervening in regulatory or adjudicatory proceedings
8 funded in this Act.

9 SEC. 602. None of the funds appropriated in this Act
10 shall remain available for obligation beyond the current
11 fiscal year, nor may any be transferred to other appropria-
12 tions, unless expressly so provided herein.

13 SEC. 603. The expenditure of any appropriation
14 under this Act for any consulting service through procure-
15 ment contract pursuant to 5 U.S.C. 3109, shall be limited
16 to those contracts where such expenditures are a matter
17 of public record and available for public inspection, except
18 where otherwise provided under existing law, or under ex-
19 isting Executive order issued pursuant to existing law.

20 SEC. 604. None of the funds made available in this
21 Act may be transferred to any department, agency, or in-
22 strumentality of the United States Government, except
23 pursuant to a transfer made by, or transfer authority pro-
24 vided in, this Act or any other appropriations Act.

1 SEC. 605. None of the funds made available by this
2 Act shall be available for any activity or for paying the
3 salary of any Government employee where funding an ac-
4 tivity or paying a salary to a Government employee would
5 result in a decision, determination, rule, regulation, or pol-
6 icy that would prohibit the enforcement of section 307 of
7 the Tariff Act of 1930 (19 U.S.C. 1307).

8 SEC. 606. No funds appropriated pursuant to this
9 Act may be expended by an entity unless the entity agrees
10 that in expending the assistance the entity will comply
11 with chapter 83 of title 41, United States Code.

12 SEC. 607. No funds appropriated or otherwise made
13 available under this Act shall be made available to any
14 person or entity that has been convicted of violating chap-
15 ter 83 of title 41, United States Code.

16 SEC. 608. Except as otherwise provided in this Act,
17 none of the funds provided in this Act, provided by pre-
18 vious appropriations Acts to the agencies or entities fund-
19 ed in this Act that remain available for obligation or ex-
20 penditure in fiscal year 2021, or provided from any ac-
21 counts in the Treasury derived by the collection of fees
22 and available to the agencies funded by this Act, shall be
23 available for obligation or expenditure through a re-
24 programming of funds that: (1) creates a new program;
25 (2) eliminates a program, project, or activity; (3) increases

1 funds or personnel for any program, project, or activity
2 for which funds have been denied or restricted by the Con-
3 gress; (4) proposes to use funds directed for a specific ac-
4 tivity by the Committee on Appropriations of either the
5 House of Representatives or the Senate for a different
6 purpose; (5) augments existing programs, projects, or ac-
7 tivities in excess of \$5,000,000 or 10 percent, whichever
8 is less; (6) reduces existing programs, projects, or activi-
9 ties by \$5,000,000 or 10 percent, whichever is less; or (7)
10 creates or reorganizes offices, programs, or activities un-
11 less prior approval is received from the Committees on Ap-
12 propriations of the House of Representatives and the Sen-
13 ate: *Provided*, That prior to any significant reorganization,
14 restructuring, relocation, or closing of offices, programs,
15 or activities, each agency or entity funded in this Act shall
16 consult with the Committees on Appropriations of the
17 House of Representatives and the Senate: *Provided fur-*
18 *ther*, That not later than 60 days after the date of enact-
19 ment of this Act, each agency funded by this Act shall
20 submit a report to the Committees on Appropriations of
21 the House of Representatives and the Senate to establish
22 the baseline for application of reprogramming and trans-
23 fer authorities for the current fiscal year: *Provided further*,
24 That at a minimum the report shall include: (1) a table
25 for each appropriation, detailing both full-time employee

1 equivalents and budget authority, with separate columns
2 to display the prior year enacted level, the President's
3 budget request, adjustments made by Congress, adjust-
4 ments due to enacted rescissions, if appropriate, and the
5 fiscal year enacted level; (2) a delineation in the table for
6 each appropriation and its respective prior year enacted
7 level by object class and program, project, and activity as
8 detailed in this Act, in the accompanying report, or in the
9 budget appendix for the respective appropriation, which-
10 ever is more detailed, and which shall apply to all items
11 for which a dollar amount is specified and to all programs
12 for which new budget authority is provided, as well as to
13 discretionary grants and discretionary grant allocations;
14 and (3) an identification of items of special congressional
15 interest: *Provided further*, That the amount appropriated
16 or limited for salaries and expenses for an agency shall
17 be reduced by \$100,000 per day for each day after the
18 required date that the report has not been submitted to
19 the Congress.

20 SEC. 609. Except as otherwise specifically provided
21 by law, not to exceed 50 percent of unobligated balances
22 remaining available at the end of fiscal year 2021 from
23 appropriations made available for salaries and expenses
24 for fiscal year 2021 in this Act, shall remain available
25 through September 30, 2022, for each such account for

1 the purposes authorized: *Provided*, That a request shall
2 be submitted to the Committees on Appropriations of the
3 House of Representatives and the Senate for approval
4 prior to the expenditure of such funds: *Provided further*,
5 That these requests shall be made in compliance with re-
6 programming guidelines.

7 SEC. 610. (a) None of the funds made available in
8 this Act may be used by the Executive Office of the Presi-
9 dent to request—

10 (1) any official background investigation report
11 on any individual from the Federal Bureau of Inves-
12 tigation; or

13 (2) a determination with respect to the treat-
14 ment of an organization as described in section
15 501(c) of the Internal Revenue Code of 1986 and
16 exempt from taxation under section 501(a) of such
17 Code from the Department of the Treasury or the
18 Internal Revenue Service.

19 (b) Subsection (a) shall not apply—

20 (1) in the case of an official background inves-
21 tigation report, if such individual has given express
22 written consent for such request not more than 6
23 months prior to the date of such request and during
24 the same presidential administration; or

1 (2) if such request is required due to extraor-
2 dinary circumstances involving national security.

3 SEC. 611. The cost accounting standards promul-
4 gated under chapter 15 of title 41, United States Code
5 shall not apply with respect to a contract under the Fed-
6 eral Employees Health Benefits Program established
7 under chapter 89 of title 5, United States Code.

8 SEC. 612. For the purpose of resolving litigation and
9 implementing any settlement agreements regarding the
10 nonforeign area cost-of-living allowance program, the Of-
11 fice of Personnel Management may accept and utilize
12 (without regard to any restriction on unanticipated travel
13 expenses imposed in an Appropriations Act) funds made
14 available to the Office of Personnel Management pursuant
15 to court approval.

16 SEC. 613. No funds appropriated by this Act shall
17 be available to pay for an abortion, or the administrative
18 expenses in connection with any health plan under the
19 Federal employees health benefits program which provides
20 any benefits or coverage for abortions.

21 SEC. 614. The provision of section 613 shall not
22 apply where the life of the mother would be endangered
23 if the fetus were carried to term, or the pregnancy is the
24 result of an act of rape or incest.

1 SEC. 615. In order to promote Government access to
2 commercial information technology, the restriction on pur-
3 chasing nondomestic articles, materials, and supplies set
4 forth in chapter 83 of title 41, United States Code (popu-
5 larly known as the Buy American Act), shall not apply
6 to the acquisition by the Federal Government of informa-
7 tion technology (as defined in section 11101 of title 40,
8 United States Code), that is a commercial item (as defined
9 in section 103 of title 41, United States Code).

10 SEC. 616. Notwithstanding section 1353 of title 31,
11 United States Code, no officer or employee of any regu-
12 latory agency or commission funded by this Act may ac-
13 cept on behalf of that agency, nor may such agency or
14 commission accept, payment or reimbursement from a
15 non-Federal entity for travel, subsistence, or related ex-
16 penses for the purpose of enabling an officer or employee
17 to attend and participate in any meeting or similar func-
18 tion relating to the official duties of the officer or em-
19 ployee when the entity offering payment or reimbursement
20 is a person or entity subject to regulation by such agency
21 or commission, or represents a person or entity subject
22 to regulation by such agency or commission, unless the
23 person or entity is an organization described in section
24 501(c)(3) of the Internal Revenue Code of 1986 and ex-
25 empt from tax under section 501(a) of such Code.

1 SEC. 617. (a)(1) Notwithstanding any other provision
2 of law, an Executive agency covered by this Act otherwise
3 authorized to enter into contracts for either leases or the
4 construction or alteration of real property for office, meet-
5 ing, storage, or other space must consult with the General
6 Services Administration before issuing a solicitation for of-
7 fers of new leases or construction contracts, and in the
8 case of succeeding leases, before entering into negotiations
9 with the current lessor.

10 (2) Any such agency with authority to enter into an
11 emergency lease may do so during any period declared by
12 the President to require emergency leasing authority with
13 respect to such agency.

14 (b) For purposes of this section, the term “Executive
15 agency covered by this Act” means any Executive agency
16 provided funds by this Act, but does not include the Gen-
17 eral Services Administration or the United States Postal
18 Service.

19 SEC. 618. (a) There are appropriated for the fol-
20 lowing activities the amounts required under current law:

21 (1) Compensation of the President (3 U.S.C.
22 102).

23 (2) Payments to—

24 (A) the Judicial Officers’ Retirement Fund

25 (28 U.S.C. 377(o));

1 (B) the Judicial Survivors' Annuities Fund
2 (28 U.S.C. 376(c)); and

3 (C) the United States Court of Federal
4 Claims Judges' Retirement Fund (28 U.S.C.
5 178(l)).

6 (3) Payment of Government contributions—

7 (A) with respect to the health benefits of
8 retired employees, as authorized by chapter 89
9 of title 5, United States Code, and the Retired
10 Federal Employees Health Benefits Act (74
11 Stat. 849); and

12 (B) with respect to the life insurance bene-
13 fits for employees retiring after December 31,
14 1989 (5 U.S.C. ch. 87).

15 (4) Payment to finance the unfunded liability of
16 new and increased annuity benefits under the Civil
17 Service Retirement and Disability Fund (5 U.S.C.
18 8348).

19 (5) Payment of annuities authorized to be paid
20 from the Civil Service Retirement and Disability
21 Fund by statutory provisions other than subchapter
22 III of chapter 83 or chapter 84 of title 5, United
23 States Code.

24 (b) Nothing in this section may be construed to ex-
25 empt any amount appropriated by this section from any

1 otherwise applicable limitation on the use of funds con-
2 tained in this Act.

3 SEC. 619. None of the funds made available in this
4 Act may be used by the Federal Trade Commission to
5 complete the draft report entitled “Interagency Working
6 Group on Food Marketed to Children: Preliminary Pro-
7 posed Nutrition Principles to Guide Industry Self-Regu-
8 latory Efforts” unless the Interagency Working Group on
9 Food Marketed to Children complies with Executive Order
10 No. 13563.

11 SEC. 620. (a) The head of each executive branch
12 agency funded by this Act shall ensure that the Chief In-
13 formation Officer of the agency has the authority to par-
14 ticipate in decisions regarding the budget planning process
15 related to information technology.

16 (b) Amounts appropriated for any executive branch
17 agency funded by this Act that are available for informa-
18 tion technology shall be allocated within the agency, con-
19 sistent with the provisions of appropriations Acts and
20 budget guidelines and recommendations from the Director
21 of the Office of Management and Budget, in such manner
22 as specified by, or approved by, the Chief Information Of-
23 ficer of the agency in consultation with the Chief Financial
24 Officer of the agency and budget officials.

1 SEC. 621. None of the funds made available in this
2 Act may be used in contravention of chapter 29, 31, or
3 33 of title 44, United States Code.

4 SEC. 622. None of the funds made available in this
5 Act may be used by a governmental entity to require the
6 disclosure by a provider of electronic communication serv-
7 ice to the public or remote computing service of the con-
8 tents of a wire or electronic communication that is in elec-
9 tronic storage with the provider (as such terms are defined
10 in sections 2510 and 2711 of title 18, United States Code)
11 in a manner that violates the Fourth Amendment to the
12 Constitution of the United States.

13 SEC. 623. None of the funds appropriated by this Act
14 may be used by the Federal Communications Commission
15 to modify, amend, or change the rules or regulations of
16 the Commission for universal service high-cost support for
17 competitive eligible telecommunications carriers in a way
18 that is inconsistent with paragraph (e)(5) or (e)(6) of sec-
19 tion 54.307 of title 47, Code of Federal Regulations, as
20 in effect on July 15, 2015: *Provided*, That this section
21 shall not prohibit the Commission from considering, devel-
22 oping, or adopting other support mechanisms as an alter-
23 native to Mobility Fund Phase II.

24 SEC. 624. No funds provided in this Act shall be used
25 to deny an Inspector General funded under this Act timely

1 access to any records, documents, or other materials avail-
2 able to the department or agency over which that Inspec-
3 tor General has responsibilities under the Inspector Gen-
4 eral Act of 1978, or to prevent or impede that Inspector
5 General's access to such records, documents, or other ma-
6 terials, under any provision of law, except a provision of
7 law that expressly refers to the Inspector General and ex-
8 pressly limits the Inspector General's right of access. A
9 department or agency covered by this section shall provide
10 its Inspector General with access to all such records, docu-
11 ments, and other materials in a timely manner. Each In-
12 spector General shall ensure compliance with statutory
13 limitations on disclosure relevant to the information pro-
14 vided by the establishment over which that Inspector Gen-
15 eral has responsibilities under the Inspector General Act
16 of 1978. Each Inspector General covered by this section
17 shall report to the Committees on Appropriations of the
18 House of Representatives and the Senate within 5 cal-
19 endar days any failures to comply with this requirement.

20 SEC. 625. (a) None of the funds made available in
21 this Act may be used to maintain or establish a computer
22 network unless such network blocks the viewing,
23 downloading, and exchanging of pornography.

24 (b) Nothing in subsection (a) shall limit the use of
25 funds necessary for any Federal, State, tribal, or local law

1 enforcement agency or any other entity carrying out crimi-
2 nal investigations, prosecution, adjudication activities, or
3 other law enforcement- or victim assistance-related activ-
4 ity.

5 SEC. 626. None of the funds appropriated or other-
6 wise made available by this Act may be used to pay award
7 or incentive fees for contractors whose performance has
8 been judged to be below satisfactory, behind schedule, over
9 budget, or has failed to meet the basic requirements of
10 a contract, unless the Agency determines that any such
11 deviations are due to unforeseeable events, government-
12 driven scope changes, or are not significant within the
13 overall scope of the project and/or program and unless
14 such awards or incentive fees are consistent with
15 16.401(e)(2) of the Federal Acquisition Regulation.

16 SEC. 627. (a) None of the funds made available under
17 this Act may be used to pay for travel and conference ac-
18 tivities that result in a total cost to an Executive branch
19 department, agency, board or commission funded by this
20 Act of more than \$500,000 at any single conference unless
21 the agency or entity determines that such attendance is
22 in the national interest and advance notice is transmitted
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate that includes the basis of that
25 determination.

1 (b) None of the funds made available under this Act
2 may be used to pay for the travel to or attendance of more
3 than 50 employees, who are stationed in the United
4 States, at any single conference occurring outside the
5 United States unless the agency or entity determines that
6 such attendance is in the national interest and advance
7 notice is transmitted to the Committees on Appropriations
8 of the House of Representatives and the Senate that in-
9 cludes the basis of that determination.

10 SEC. 628. None of the funds made available by this
11 Act may be used for first-class or business-class travel by
12 the employees of executive branch agencies funded by this
13 Act in contravention of sections 301–10.122 through 301–
14 10.125 of title 41, Code of Federal Regulations.

15 SEC. 629. In addition to any amounts appropriated
16 or otherwise made available for expenses related to en-
17 hancements to www.oversight.gov, \$850,000, to remain
18 available until expended, shall be provided for an addi-
19 tional amount for such purpose to the Inspectors General
20 Council Fund established pursuant to section 11(c)(3)(B)
21 of the Inspector General Act of 1978 (5 U.S.C. App.):
22 *Provided*, That these amounts shall be in addition to any
23 amounts or any authority available to the Council of the
24 Inspectors General on Integrity and Efficiency under sec-

1 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
2 App.).

3 SEC. 630. None of the funds made available by this
4 Act may be obligated on contracts in excess of \$5,000 for
5 public relations, as that term is defined in Office and Man-
6 agement and Budget Circular A-87 (revised May 10,
7 2004), unless advance notice of such an obligation is
8 transmitted to the Committees on Appropriations of the
9 House of Representatives and the Senate.

10 SEC. 631. None of the funds made available by this
11 Act shall be used by the Securities and Exchange Commis-
12 sion to finalize, issue, or implement any rule, regulation,
13 or order regarding the disclosure of political contributions,
14 contributions to tax exempt organizations, or dues paid
15 to trade associations.

16 SEC. 632. Federal agencies funded under this Act
17 shall clearly state within the text, audio, or video used for
18 advertising or educational purposes, including emails or
19 Internet postings, that the communication is printed, pub-
20 lished, or produced and disseminated at U.S. taxpayer ex-
21 pense. The funds used by a Federal agency to carry out
22 this requirement shall be derived from amounts made
23 available to the agency for advertising or other commu-
24 nications regarding the programs and activities of the
25 agency.

1 SEC. 633. When issuing statements, press releases,
2 requests for proposals, bid solicitations and other docu-
3 ments describing projects or programs funded in whole or
4 in part with Federal money, all grantees receiving Federal
5 funds included in this act, shall clearly state—

6 (1) the percentage of the total costs of the pro-
7 gram or project which will be financed with Federal
8 money;

9 (2) the dollar amount of Federal funds for the
10 project or program; and

11 (3) percentage and dollar amount of the total
12 costs of the project or program that will be financed
13 by non-governmental sources.

14 SEC. 634. Of the unobligated balances available in
15 the Department of the Treasury, Treasury Forfeiture
16 Fund, established by section 9703 of title 31, United
17 States Code, \$75,000,000 shall be permanently rescinded
18 not later than September 30, 2021.

19 SEC. 635. Not later than 45 days after the last day
20 of each quarter, each agency funded in this Act shall sub-
21 mit to the Committees on Appropriations of the Senate
22 and the House of Representatives a quarterly budget re-
23 port that includes total obligations of the Agency for that
24 quarter for each appropriation, by the source year of the
25 appropriation.

1 TITLE VII
2 GENERAL PROVISIONS—GOVERNMENT-WIDE
3 DEPARTMENTS, AGENCIES, AND CORPORATIONS
4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 701. No department, agency, or instrumentality
6 of the United States receiving appropriated funds under
7 this or any other Act for fiscal year 2021 shall obligate
8 or expend any such funds, unless such department, agen-
9 cy, or instrumentality has in place, and will continue to
10 administer in good faith, a written policy designed to en-
11 sure that all of its workplaces are free from the illegal
12 use, possession, or distribution of controlled substances
13 (as defined in the Controlled Substances Act (21 U.S.C.
14 802)) by the officers and employees of such department,
15 agency, or instrumentality.

16 SEC. 702. Unless otherwise specifically provided, the
17 maximum amount allowable during the current fiscal year
18 in accordance with subsection 1343(c) of title 31, United
19 States Code, for the purchase of any passenger motor ve-
20 hicle (exclusive of buses, ambulances, law enforcement ve-
21 hicles, protective vehicles, and undercover surveillance ve-
22 hicles), is hereby fixed at \$19,947 except station wagons
23 for which the maximum shall be \$19,997: *Provided*, That
24 these limits may be exceeded by not to exceed \$7,250 for
25 police-type vehicles: *Provided further*, That the limits set

1 forth in this section may not be exceeded by more than
2 5 percent for electric or hybrid vehicles purchased for
3 demonstration under the provisions of the Electric and
4 Hybrid Vehicle Research, Development, and Demonstra-
5 tion Act of 1976: *Provided further*, That the limits set
6 forth in this section may be exceeded by the incremental
7 cost of clean alternative fuels vehicles acquired pursuant
8 to Public Law 101–549 over the cost of comparable con-
9 ventionally fueled vehicles: *Provided further*, That the lim-
10 its set forth in this section shall not apply to any vehicle
11 that is a commercial item and which operates on alter-
12 native fuel, including but not limited to electric, plug-in
13 hybrid electric, and hydrogen fuel cell vehicles.

14 SEC. 703. Appropriations of the executive depart-
15 ments and independent establishments for the current fis-
16 cal year available for expenses of travel, or for the ex-
17 penses of the activity concerned, are hereby made available
18 for quarters allowances and cost-of-living allowances, in
19 accordance with 5 U.S.C. 5922–5924.

20 SEC. 704. Unless otherwise specified in law during
21 the current fiscal year, no part of any appropriation con-
22 tained in this or any other Act shall be used to pay the
23 compensation of any officer or employee of the Govern-
24 ment of the United States (including any agency the ma-
25 jority of the stock of which is owned by the Government

1 of the United States) whose post of duty is in the conti-
2 nental United States unless such person: (1) is a citizen
3 of the United States; (2) is a person who is lawfully admit-
4 ted for permanent residence and is seeking citizenship as
5 outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who
6 is admitted as a refugee under 8 U.S.C. 1157 or is grant-
7 ed asylum under 8 U.S.C. 1158 and has filed a declaration
8 of intention to become a lawful permanent resident and
9 then a citizen when eligible; or (4) is a person who owes
10 allegiance to the United States: *Provided*, That for pur-
11 poses of this section, affidavits signed by any such person
12 shall be considered prima facie evidence that the require-
13 ments of this section with respect to his or her status are
14 being complied with: *Provided further*, That for purposes
15 of subsections (2) and (3) such affidavits shall be sub-
16 mitted prior to employment and updated thereafter as nec-
17 essary: *Provided further*, That any person making a false
18 affidavit shall be guilty of a felony, and upon conviction,
19 shall be fined no more than \$4,000 or imprisoned for not
20 more than 1 year, or both: *Provided further*, That the
21 above penal clause shall be in addition to, and not in sub-
22 stitution for, any other provisions of existing law: *Provided*
23 *further*, That any payment made to any officer or em-
24 ployee contrary to the provisions of this section shall be
25 recoverable in action by the Federal Government: *Provided*

1 *further*, That this section shall not apply to any person
2 who is an officer or employee of the Government of the
3 United States on the date of enactment of this Act, or
4 to international broadcasters employed by the Broad-
5 casting Board of Governors, or to temporary employment
6 of translators, or to temporary employment in the field
7 service (not to exceed 60 days) as a result of emergencies:
8 *Provided further*, That this section does not apply to the
9 employment as Wildland firefighters for not more than
10 120 days of nonresident aliens employed by the Depart-
11 ment of the Interior or the USDA Forest Service pursuant
12 to an agreement with another country.

13 SEC. 705. Appropriations available to any depart-
14 ment or agency during the current fiscal year for nec-
15 essary expenses, including maintenance or operating ex-
16 penses, shall also be available for payment to the General
17 Services Administration for charges for space and services
18 and those expenses of renovation and alteration of build-
19 ings and facilities which constitute public improvements
20 performed in accordance with the Public Buildings Act of
21 1959 (73 Stat. 479), the Public Buildings Amendments
22 of 1972 (86 Stat. 216), or other applicable law.

23 SEC. 706. In addition to funds provided in this or
24 any other Act, all Federal agencies are authorized to re-
25 ceive and use funds resulting from the sale of materials,

1 including Federal records disposed of pursuant to a
2 records schedule recovered through recycling or waste pre-
3 vention programs. Such funds shall be available until ex-
4 pended for the following purposes:

5 (1) Acquisition, waste reduction and prevention,
6 and recycling programs as described in Executive
7 Order No. 13834 (May 17, 2018), including any
8 such programs adopted prior to the effective date of
9 the Executive order.

10 (2) Other Federal agency environmental man-
11 agement programs, including, but not limited to, the
12 development and implementation of hazardous waste
13 management and pollution prevention programs.

14 (3) Other employee programs as authorized by
15 law or as deemed appropriate by the head of the
16 Federal agency.

17 SEC. 707. Funds made available by this or any other
18 Act for administrative expenses in the current fiscal year
19 of the corporations and agencies subject to chapter 91 of
20 title 31, United States Code, shall be available, in addition
21 to objects for which such funds are otherwise available,
22 for rent in the District of Columbia; services in accordance
23 with 5 U.S.C. 3109; and the objects specified under this
24 head, all the provisions of which shall be applicable to the
25 expenditure of such funds unless otherwise specified in the

1 Act by which they are made available: *Provided*, That in
2 the event any functions budgeted as administrative ex-
3 penses are subsequently transferred to or paid from other
4 funds, the limitations on administrative expenses shall be
5 correspondingly reduced.

6 SEC. 708. No part of any appropriation contained in
7 this or any other Act shall be available for interagency
8 financing of boards (except Federal Executive Boards),
9 commissions, councils, committees, or similar groups
10 (whether or not they are interagency entities) which do
11 not have a prior and specific statutory approval to receive
12 financial support from more than one agency or instru-
13 mentality.

14 SEC. 709. None of the funds made available pursuant
15 to the provisions of this or any other Act shall be used
16 to implement, administer, or enforce any regulation which
17 has been disapproved pursuant to a joint resolution duly
18 adopted in accordance with the applicable law of the
19 United States.

20 SEC. 710. During the period in which the head of
21 any department or agency, or any other officer or civilian
22 employee of the Federal Government appointed by the
23 President of the United States, holds office, no funds may
24 be obligated or expended in excess of \$5,000 to furnish
25 or redecorate the office of such department head, agency

1 head, officer, or employee, or to purchase furniture or
2 make improvements for any such office, unless advance
3 notice of such furnishing or redecoration is transmitted
4 to the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate. For the purposes of this sec-
6 tion, the term “office” shall include the entire suite of of-
7 fices assigned to the individual, as well as any other space
8 used primarily by the individual or the use of which is
9 directly controlled by the individual.

10 SEC. 711. Notwithstanding 31 U.S.C. 1346, or sec-
11 tion 708 of this Act, funds made available for the current
12 fiscal year by this or any other Act shall be available for
13 the interagency funding of national security and emer-
14 gency preparedness telecommunications initiatives which
15 benefit multiple Federal departments, agencies, or enti-
16 ties, as provided by Executive Order No. 13618 (July 6,
17 2012).

18 SEC. 712. (a) None of the funds made available by
19 this or any other Act may be obligated or expended by
20 any department, agency, or other instrumentality of the
21 Federal Government to pay the salaries or expenses of any
22 individual appointed to a position of a confidential or pol-
23 icy-determining character that is excepted from the com-
24 petitive service under section 3302 of title 5, United
25 States Code, (pursuant to schedule C of subpart C of part

1 213 of title 5 of the Code of Federal Regulations) unless
2 the head of the applicable department, agency, or other
3 instrumentality employing such schedule C individual cer-
4 tifies to the Director of the Office of Personnel Manage-
5 ment that the schedule C position occupied by the indi-
6 vidual was not created solely or primarily in order to detail
7 the individual to the White House.

8 (b) The provisions of this section shall not apply to
9 Federal employees or members of the armed forces de-
10 tailed to or from an element of the intelligence community
11 (as that term is defined under section 3(4) of the National
12 Security Act of 1947 (50 U.S.C. 3003(4))).

13 SEC. 713. No part of any appropriation contained in
14 this or any other Act shall be available for the payment
15 of the salary of any officer or employee of the Federal
16 Government, who—

17 (1) prohibits or prevents, or attempts or threat-
18 ens to prohibit or prevent, any other officer or em-
19 ployee of the Federal Government from having any
20 direct oral or written communication or contact with
21 any Member, committee, or subcommittee of the
22 Congress in connection with any matter pertaining
23 to the employment of such other officer or employee
24 or pertaining to the department or agency of such
25 other officer or employee in any way, irrespective of

1 whether such communication or contact is at the ini-
2 tiative of such other officer or employee or in re-
3 sponse to the request or inquiry of such Member,
4 committee, or subcommittee; or

5 (2) removes, suspends from duty without pay,
6 demotes, reduces in rank, seniority, status, pay, or
7 performance or efficiency rating, denies promotion
8 to, relocates, reassigns, transfers, disciplines, or dis-
9 criminates in regard to any employment right, enti-
10 tlement, or benefit, or any term or condition of em-
11 ployment of, any other officer or employee of the
12 Federal Government, or attempts or threatens to
13 commit any of the foregoing actions with respect to
14 such other officer or employee, by reason of any
15 communication or contact of such other officer or
16 employee with any Member, committee, or sub-
17 committee of the Congress as described in paragraph
18 (1).

19 SEC. 714. (a) None of the funds made available in
20 this or any other Act may be obligated or expended for
21 any employee training that—

22 (1) does not meet identified needs for knowl-
23 edge, skills, and abilities bearing directly upon the
24 performance of official duties;

1 (2) contains elements likely to induce high lev-
2 els of emotional response or psychological stress in
3 some participants;

4 (3) does not require prior employee notification
5 of the content and methods to be used in the train-
6 ing and written end of course evaluation;

7 (4) contains any methods or content associated
8 with religious or quasi-religious belief systems or
9 “new age” belief systems as defined in Equal Em-
10 ployment Opportunity Commission Notice N-
11 915.022, dated September 2, 1988; or

12 (5) is offensive to, or designed to change, par-
13 ticipants’ personal values or lifestyle outside the
14 workplace.

15 (b) Nothing in this section shall prohibit, restrict, or
16 otherwise preclude an agency from conducting training
17 bearing directly upon the performance of official duties.

18 SEC. 715. No part of any funds appropriated in this
19 or any other Act shall be used by an agency of the execu-
20 tive branch, other than for normal and recognized execu-
21 tive-legislative relationships, for publicity or propaganda
22 purposes, and for the preparation, distribution or use of
23 any kit, pamphlet, booklet, publication, radio, television,
24 or film presentation designed to support or defeat legisla-

1 tion pending before the Congress, except in presentation
2 to the Congress itself.

3 SEC. 716. None of the funds appropriated by this or
4 any other Act may be used by an agency to provide a Fed-
5 eral employee's home address to any labor organization
6 except when the employee has authorized such disclosure
7 or when such disclosure has been ordered by a court of
8 competent jurisdiction.

9 SEC. 717. None of the funds made available in this
10 or any other Act may be used to provide any non-public
11 information such as mailing, telephone, or electronic mail-
12 ing lists to any person or any organization outside of the
13 Federal Government without the approval of the Commit-
14 tees on Appropriations of the House of Representatives
15 and the Senate.

16 SEC. 718. No part of any appropriation contained in
17 this or any other Act shall be used directly or indirectly,
18 including by private contractor, for publicity or propa-
19 ganda purposes within the United States not heretofore
20 authorized by Congress.

21 SEC. 719. (a) In this section, the term "agency"—

22 (1) means an Executive agency, as defined
23 under 5 U.S.C. 105; and

24 (2) includes a military department, as defined
25 under section 102 of such title, the United States

1 Postal Service, and the Postal Regulatory Commis-
2 sion.

3 (b) Unless authorized in accordance with law or regu-
4 lations to use such time for other purposes, an employee
5 of an agency shall use official time in an honest effort
6 to perform official duties. An employee not under a leave
7 system, including a Presidential appointee exempted under
8 5 U.S.C. 6301(2), has an obligation to expend an honest
9 effort and a reasonable proportion of such employee's time
10 in the performance of official duties.

11 SEC. 720. Notwithstanding 31 U.S.C. 1346 and sec-
12 tion 708 of this Act, funds made available for the current
13 fiscal year by this or any other Act to any department
14 or agency, which is a member of the Federal Accounting
15 Standards Advisory Board (FASAB), shall be available to
16 finance an appropriate share of FASAB administrative
17 costs.

18 SEC. 721. Notwithstanding 31 U.S.C. 1346 and sec-
19 tion 708 of this Act, the head of each Executive depart-
20 ment and agency is hereby authorized to transfer to or
21 reimburse "General Services Administration, Government-
22 wide Policy" with the approval of the Director of the Of-
23 fice of Management and Budget, funds made available for
24 the current fiscal year by this or any other Act, including
25 rebates from charge card and other contracts: *Provided,*

1 That these funds shall be administered by the Adminis-
2 trator of General Services to support Government-wide
3 and other multi-agency financial, information technology,
4 procurement, and other management innovations, initia-
5 tives, and activities, including improving coordination and
6 reducing duplication, as approved by the Director of the
7 Office of Management and Budget, in consultation with
8 the appropriate interagency and multi-agency groups des-
9 ignated by the Director (including the President's Man-
10 agement Council for overall management improvement ini-
11 tiatives, the Chief Financial Officers Council for financial
12 management initiatives, the Chief Information Officers
13 Council for information technology initiatives, the Chief
14 Human Capital Officers Council for human capital initia-
15 tives, the Chief Acquisition Officers Council for procure-
16 ment initiatives, and the Performance Improvement Coun-
17 cil for performance improvement initiatives): *Provided fur-*
18 *ther*, That the total funds transferred or reimbursed shall
19 not exceed \$15,000,000 to improve coordination, reduce
20 duplication, and for other activities related to Federal
21 Government Priority Goals established by 31 U.S.C. 1120,
22 and not to exceed \$17,000,000 for Government-Wide inno-
23 vations, initiatives, and activities: *Provided further*, That
24 the funds transferred to or for reimbursement of "General
25 Services Administration, Government-wide Policy" during

1 fiscal year 2021 shall remain available for obligation
2 through September 30, 2022: *Provided further*, That such
3 transfers or reimbursements may only be made after 15
4 days following notification of the Committees on Appro-
5 priations of the House of Representatives and the Senate
6 by the Director of the Office of Management and Budget.

7 SEC. 722. Notwithstanding any other provision of
8 law, a woman may breastfeed her child at any location
9 in a Federal building or on Federal property, if the woman
10 and her child are otherwise authorized to be present at
11 the location.

12 SEC. 723. Notwithstanding 31 U.S.C. 1346, or sec-
13 tion 708 of this Act, funds made available for the current
14 fiscal year by this or any other Act shall be available for
15 the interagency funding of specific projects, workshops,
16 studies, and similar efforts to carry out the purposes of
17 the National Science and Technology Council (authorized
18 by Executive Order No. 12881), which benefit multiple
19 Federal departments, agencies, or entities: *Provided*, That
20 the Office of Management and Budget shall provide a re-
21 port describing the budget of and resources connected with
22 the National Science and Technology Council to the Com-
23 mittees on Appropriations, the House Committee on
24 Science, Space, and Technology, and the Senate Com-

1 mittee on Commerce, Science, and Transportation 90 days
2 after enactment of this Act.

3 SEC. 724. Any request for proposals, solicitation,
4 grant application, form, notification, press release, or
5 other publications involving the distribution of Federal
6 funds shall comply with any relevant requirements in part
7 200 of title 2, Code of Federal Regulations: *Provided*,
8 That this section shall apply to direct payments, formula
9 funds, and grants received by a State receiving Federal
10 funds.

11 SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY
12 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
13 the funds made available in this or any other Act may
14 be used by any Federal agency—

15 (1) to collect, review, or create any aggregation
16 of data, derived from any means, that includes any
17 personally identifiable information relating to an in-
18 dividual's access to or use of any Federal Govern-
19 ment Internet site of the agency; or

20 (2) to enter into any agreement with a third
21 party (including another government agency) to col-
22 lect, review, or obtain any aggregation of data, de-
23 rived from any means, that includes any personally
24 identifiable information relating to an individual's

1 access to or use of any nongovernmental Internet
2 site.

3 (b) EXCEPTIONS.—The limitations established in
4 subsection (a) shall not apply to—

5 (1) any record of aggregate data that does not
6 identify particular persons;

7 (2) any voluntary submission of personally iden-
8 tifiable information;

9 (3) any action taken for law enforcement, regu-
10 latory, or supervisory purposes, in accordance with
11 applicable law; or

12 (4) any action described in subsection (a)(1)
13 that is a system security action taken by the oper-
14 ator of an Internet site and is necessarily incident
15 to providing the Internet site services or to pro-
16 tecting the rights or property of the provider of the
17 Internet site.

18 (c) DEFINITIONS.—For the purposes of this section:

19 (1) The term “regulatory” means agency ac-
20 tions to implement, interpret or enforce authorities
21 provided in law.

22 (2) The term “supervisory” means examina-
23 tions of the agency’s supervised institutions, includ-
24 ing assessing safety and soundness, overall financial
25 condition, management practices and policies and

1 compliance with applicable standards as provided in
2 law.

3 SEC. 726. (a) None of the funds appropriated by this
4 Act may be used to enter into or renew a contract which
5 includes a provision providing prescription drug coverage,
6 except where the contract also includes a provision for con-
7 traceptive coverage.

8 (b) Nothing in this section shall apply to a contract
9 with—

10 (1) any of the following religious plans:

11 (A) Personal Care's HMO; and

12 (B) OSF HealthPlans, Inc.; and

13 (2) any existing or future plan, if the carrier
14 for the plan objects to such coverage on the basis of
15 religious beliefs.

16 (c) In implementing this section, any plan that enters
17 into or renews a contract under this section may not sub-
18 ject any individual to discrimination on the basis that the
19 individual refuses to prescribe or otherwise provide for
20 contraceptives because such activities would be contrary
21 to the individual's religious beliefs or moral convictions.

22 (d) Nothing in this section shall be construed to re-
23 quire coverage of abortion or abortion-related services.

24 SEC. 727. The United States is committed to ensur-
25 ing the health of its Olympic, Pan American, and

1 Paralympic athletes, and supports the strict adherence to
2 anti-doping in sport through testing, adjudication, edu-
3 cation, and research as performed by nationally recognized
4 oversight authorities.

5 SEC. 728. Notwithstanding any other provision of
6 law, funds appropriated for official travel to Federal de-
7 partments and agencies may be used by such departments
8 and agencies, if consistent with Office of Management and
9 Budget Circular A-126 regarding official travel for Gov-
10 ernment personnel, to participate in the fractional aircraft
11 ownership pilot program.

12 SEC. 729. Notwithstanding any other provision of
13 law, none of the funds appropriated or made available
14 under this or any other appropriations Act may be used
15 to implement or enforce restrictions or limitations on the
16 Coast Guard Congressional Fellowship Program, or to im-
17 plement the proposed regulations of the Office of Per-
18 sonnel Management to add sections 300.311 through
19 300.316 to part 300 of title 5 of the Code of Federal Reg-
20 ulations, published in the Federal Register, volume 68,
21 number 174, on September 9, 2003 (relating to the detail
22 of executive branch employees to the legislative branch).

23 SEC. 730. Notwithstanding any other provision of
24 law, no executive branch agency shall purchase, construct,
25 or lease any additional facilities, except within or contig-

1 uous to existing locations, to be used for the purpose of
2 conducting Federal law enforcement training without the
3 advance approval of the Committees on Appropriations of
4 the House of Representatives and the Senate, except that
5 the Federal Law Enforcement Training Center is author-
6 ized to obtain the temporary use of additional facilities
7 by lease, contract, or other agreement for training which
8 cannot be accommodated in existing Center facilities.

9 SEC. 731. Unless otherwise authorized by existing
10 law, none of the funds provided in this or any other Act
11 may be used by an executive branch agency to produce
12 any prepackaged news story intended for broadcast or dis-
13 tribution in the United States, unless the story includes
14 a clear notification within the text or audio of the pre-
15 packaged news story that the prepackaged news story was
16 prepared or funded by that executive branch agency.

17 SEC. 732. None of the funds made available in this
18 Act may be used in contravention of section 552a of title
19 5, United States Code (popularly known as the Privacy
20 Act), and regulations implementing that section.

21 SEC. 733. (a) IN GENERAL.—None of the funds ap-
22 propriated or otherwise made available by this or any
23 other Act may be used for any Federal Government con-
24 tract with any foreign incorporated entity which is treated
25 as an inverted domestic corporation under section 835(b)

1 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
2 or any subsidiary of such an entity.

3 (b) WAIVERS.—

4 (1) IN GENERAL.—Any Secretary shall waive
5 subsection (a) with respect to any Federal Govern-
6 ment contract under the authority of such Secretary
7 if the Secretary determines that the waiver is re-
8 quired in the interest of national security.

9 (2) REPORT TO CONGRESS.—Any Secretary
10 issuing a waiver under paragraph (1) shall report
11 such issuance to Congress.

12 (c) EXCEPTION.—This section shall not apply to any
13 Federal Government contract entered into before the date
14 of the enactment of this Act, or to any task order issued
15 pursuant to such contract.

16 SEC. 734. During fiscal year 2021, for each employee
17 who—

18 (1) retires under section 8336(d)(2) or
19 8414(b)(1)(B) of title 5, United States Code; or

20 (2) retires under any other provision of sub-
21 chapter III of chapter 83 or chapter 84 of such title
22 5 and receives a payment as an incentive to sepa-
23 rate, the separating agency shall remit to the Civil
24 Service Retirement and Disability Fund an amount
25 equal to the Office of Personnel Management's aver-

1 age unit cost of processing a retirement claim for
2 the preceding fiscal year. Such amounts shall be
3 available until expended to the Office of Personnel
4 Management and shall be deemed to be an adminis-
5 trative expense under section 8348(a)(1)(B) of title
6 5, United States Code.

7 SEC. 735. (a) None of the funds made available in
8 this or any other Act may be used to recommend or re-
9 quire any entity submitting an offer for a Federal contract
10 to disclose any of the following information as a condition
11 of submitting the offer:

12 (1) Any payment consisting of a contribution,
13 expenditure, independent expenditure, or disburse-
14 ment for an electioneering communication that is
15 made by the entity, its officers or directors, or any
16 of its affiliates or subsidiaries to a candidate for
17 election for Federal office or to a political com-
18 mittee, or that is otherwise made with respect to any
19 election for Federal office.

20 (2) Any disbursement of funds (other than a
21 payment described in paragraph (1)) made by the
22 entity, its officers or directors, or any of its affiliates
23 or subsidiaries to any person with the intent or the
24 reasonable expectation that the person will use the

1 funds to make a payment described in paragraph
2 (1).

3 (b) In this section, each of the terms “contribution”,
4 “expenditure”, “independent expenditure”, “election-
5 eering communication”, “candidate”, “election”, and
6 “Federal office” has the meaning given such term in the
7 Federal Election Campaign Act of 1971 (52 U.S.C. 30101
8 et seq.).

9 SEC. 736. None of the funds made available in this
10 or any other Act may be used to pay for the painting of
11 a portrait of an officer or employee of the Federal Govern-
12 ment, including the President, the Vice President, a mem-
13 ber of Congress (including a Delegate or a Resident Com-
14 missioner to Congress), the head of an executive branch
15 agency (as defined in section 133 of title 41, United States
16 Code), or the head of an office of the legislative branch.

17 SEC. 737. (a)(1) Notwithstanding any other provision
18 of law, and except as otherwise provided in this section,
19 no part of any of the funds appropriated for fiscal year
20 2021, by this or any other Act, may be used to pay any
21 prevailing rate employee described in section
22 5342(a)(2)(A) of title 5, United States Code—

23 (A) during the period from the date of expira-
24 tion of the limitation imposed by the comparable sec-
25 tion for the previous fiscal years until the normal ef-

1 fective date of the applicable wage survey adjust-
2 ment that is to take effect in fiscal year 2021, in an
3 amount that exceeds the rate payable for the appli-
4 cable grade and step of the applicable wage schedule
5 in accordance with such section; and

6 (B) during the period consisting of the remain-
7 der of fiscal year 2021, in an amount that exceeds,
8 as a result of a wage survey adjustment, the rate
9 payable under subparagraph (A) by more than the
10 sum of—

11 (i) the percentage adjustment taking effect
12 in fiscal year 2021 under section 5303 of title
13 5, United States Code, in the rates of pay
14 under the General Schedule; and

15 (ii) the difference between the overall aver-
16 age percentage of the locality-based com-
17 parability payments taking effect in fiscal year
18 2021 under section 5304 of such title (whether
19 by adjustment or otherwise), and the overall av-
20 erage percentage of such payments which was
21 effective in the previous fiscal year under such
22 section.

23 (2) Notwithstanding any other provision of law, no
24 prevailing rate employee described in subparagraph (B) or
25 (C) of section 5342(a)(2) of title 5, United States Code,

1 and no employee covered by section 5348 of such title,
2 may be paid during the periods for which paragraph (1)
3 is in effect at a rate that exceeds the rates that would
4 be payable under paragraph (1) were paragraph (1) appli-
5 cable to such employee.

6 (3) For the purposes of this subsection, the rates pay-
7 able to an employee who is covered by this subsection and
8 who is paid from a schedule not in existence on September
9 30, 2020, shall be determined under regulations pre-
10 scribed by the Office of Personnel Management.

11 (4) Notwithstanding any other provision of law, rates
12 of premium pay for employees subject to this subsection
13 may not be changed from the rates in effect on September
14 30, 2020, except to the extent determined by the Office
15 of Personnel Management to be consistent with the pur-
16 pose of this subsection.

17 (5) This subsection shall apply with respect to pay
18 for service performed after September 30, 2020.

19 (6) For the purpose of administering any provision
20 of law (including any rule or regulation that provides pre-
21 mium pay, retirement, life insurance, or any other em-
22 ployee benefit) that requires any deduction or contribu-
23 tion, or that imposes any requirement or limitation on the
24 basis of a rate of salary or basic pay, the rate of salary

1 or basic pay payable after the application of this sub-
2 section shall be treated as the rate of salary or basic pay.

3 (7) Nothing in this subsection shall be considered to
4 permit or require the payment to any employee covered
5 by this subsection at a rate in excess of the rate that would
6 be payable were this subsection not in effect.

7 (8) The Office of Personnel Management may provide
8 for exceptions to the limitations imposed by this sub-
9 section if the Office determines that such exceptions are
10 necessary to ensure the recruitment or retention of quali-
11 fied employees.

12 (b) Notwithstanding subsection (a), the adjustment
13 in rates of basic pay for the statutory pay systems that
14 take place in fiscal year 2021 under sections 5344 and
15 5348 of title 5, United States Code, shall be—

16 (1) not less than the percentage received by em-
17 ployees in the same location whose rates of basic pay
18 are adjusted pursuant to the statutory pay systems
19 under sections 5303 and 5304 of title 5, United
20 States Code: *Provided*, That prevailing rate employ-
21 ees at locations where there are no employees whose
22 pay is increased pursuant to sections 5303 and 5304
23 of title 5, United States Code, and prevailing rate
24 employees described in section 5343(a)(5) of title 5,
25 United States Code, shall be considered to be located

1 in the pay locality designated as “Rest of United
2 States” pursuant to section 5304 of title 5, United
3 States Code, for purposes of this subsection; and

4 (2) effective as of the first day of the first ap-
5 plicable pay period beginning after September 30,
6 2020.

7 SEC. 738. (a) The head of any Executive branch de-
8 partment, agency, board, commission, or office funded by
9 this or any other appropriations Act shall submit annual
10 reports to the Inspector General or senior ethics official
11 for any entity without an Inspector General, regarding the
12 costs and contracting procedures related to each con-
13 ference held by any such department, agency, board, com-
14 mission, or office during fiscal year 2021 for which the
15 cost to the United States Government was more than
16 \$100,000.

17 (b) Each report submitted shall include, for each con-
18 ference described in subsection (a) held during the applica-
19 ble period—

20 (1) a description of its purpose;

21 (2) the number of participants attending;

22 (3) a detailed statement of the costs to the
23 United States Government, including—

24 (A) the cost of any food or beverages;

25 (B) the cost of any audio-visual services;

1 (C) the cost of employee or contractor
2 travel to and from the conference; and

3 (D) a discussion of the methodology used
4 to determine which costs relate to the con-
5 ference; and

6 (4) a description of the contracting procedures
7 used including—

8 (A) whether contracts were awarded on a
9 competitive basis; and

10 (B) a discussion of any cost comparison
11 conducted by the departmental component or
12 office in evaluating potential contractors for the
13 conference.

14 (c) Within 15 days after the end of a quarter, the
15 head of any such department, agency, board, commission,
16 or office shall notify the Inspector General or senior ethics
17 official for any entity without an Inspector General, of the
18 date, location, and number of employees attending a con-
19 ference held by any Executive branch department, agency,
20 board, commission, or office funded by this or any other
21 appropriations Act during fiscal year 2021 for which the
22 cost to the United States Government was more than
23 \$20,000.

24 (d) A grant or contract funded by amounts appro-
25 priated by this or any other appropriations Act may not

1 be used for the purpose of defraying the costs of a con-
2 ference described in subsection (c) that is not directly and
3 programmatically related to the purpose for which the
4 grant or contract was awarded, such as a conference held
5 in connection with planning, training, assessment, review,
6 or other routine purposes related to a project funded by
7 the grant or contract.

8 (e) None of the funds made available in this or any
9 other appropriations Act may be used for travel and con-
10 ference activities that are not in compliance with Office
11 of Management and Budget Memorandum M-12-12
12 dated May 11, 2012 or any subsequent revisions to that
13 memorandum.

14 SEC. 739. None of the funds made available in this
15 or any other appropriations Act may be used to increase,
16 eliminate, or reduce funding for a program, project, or ac-
17 tivity as proposed in the President's budget request for
18 a fiscal year until such proposed change is subsequently
19 enacted in an appropriation Act, or unless such change
20 is made pursuant to the reprogramming or transfer provi-
21 sions of this or any other appropriations Act.

22 SEC. 740. None of the funds made available by this
23 or any other Act may be used to implement, administer,
24 enforce, or apply the rule entitled "Competitive Area"
25 published by the Office of Personnel Management in the

1 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
2 et seq.).

3 SEC. 741. None of the funds appropriated or other-
4 wise made available by this or any other Act may be used
5 to begin or announce a study or public-private competition
6 regarding the conversion to contractor performance of any
7 function performed by Federal employees pursuant to Of-
8 fice of Management and Budget Circular A-76 or any
9 other administrative regulation, directive, or policy.

10 SEC. 742. (a) None of the funds appropriated or oth-
11 erwise made available by this or any other Act may be
12 available for a contract, grant, or cooperative agreement
13 with an entity that requires employees or contractors of
14 such entity seeking to report fraud, waste, or abuse to sign
15 internal confidentiality agreements or statements prohib-
16 iting or otherwise restricting such employees or contrac-
17 tors from lawfully reporting such waste, fraud, or abuse
18 to a designated investigative or law enforcement represent-
19 ative of a Federal department or agency authorized to re-
20 ceive such information.

21 (b) The limitation in subsection (a) shall not con-
22 travene requirements applicable to Standard Form 312,
23 Form 4414, or any other form issued by a Federal depart-
24 ment or agency governing the nondisclosure of classified
25 information.

1 SEC. 743. (a) No funds appropriated in this or any
2 other Act may be used to implement or enforce the agree-
3 ments in Standard Forms 312 and 4414 of the Govern-
4 ment or any other nondisclosure policy, form, or agree-
5 ment if such policy, form, or agreement does not contain
6 the following provisions: “These provisions are consistent
7 with and do not supersede, conflict with, or otherwise alter
8 the employee obligations, rights, or liabilities created by
9 existing statute or Executive order relating to (1) classi-
10 fied information, (2) communications to Congress, (3) the
11 reporting to an Inspector General of a violation of any
12 law, rule, or regulation, or mismanagement, a gross waste
13 of funds, an abuse of authority, or a substantial and spe-
14 cific danger to public health or safety, or (4) any other
15 whistleblower protection. The definitions, requirements,
16 obligations, rights, sanctions, and liabilities created by
17 controlling Executive orders and statutory provisions are
18 incorporated into this agreement and are controlling.”:
19 *Provided*, That notwithstanding the preceding provision of
20 this section, a nondisclosure policy form or agreement that
21 is to be executed by a person connected with the conduct
22 of an intelligence or intelligence-related activity, other
23 than an employee or officer of the United States Govern-
24 ment, may contain provisions appropriate to the particular
25 activity for which such document is to be used. Such form

1 or agreement shall, at a minimum, require that the person
2 will not disclose any classified information received in the
3 course of such activity unless specifically authorized to do
4 so by the United States Government. Such nondisclosure
5 forms shall also make it clear that they do not bar disclo-
6 sures to Congress, or to an authorized official of an execu-
7 tive agency or the Department of Justice, that are essen-
8 tial to reporting a substantial violation of law.

9 (b) A nondisclosure agreement may continue to be
10 implemented and enforced notwithstanding subsection (a)
11 if it complies with the requirements for such agreement
12 that were in effect when the agreement was entered into.

13 (c) No funds appropriated in this or any other Act
14 may be used to implement or enforce any agreement en-
15 tered into during fiscal year 2014 which does not contain
16 substantially similar language to that required in sub-
17 section (a).

18 SEC. 744. None of the funds made available by this
19 or any other Act may be used to enter into a contract,
20 memorandum of understanding, or cooperative agreement
21 with, make a grant to, or provide a loan or loan guarantee
22 to, any corporation that has any unpaid Federal tax liabil-
23 ity that has been assessed, for which all judicial and ad-
24 ministrative remedies have been exhausted or have lapsed,
25 and that is not being paid in a timely manner pursuant

1 to an agreement with the authority responsible for col-
2 lecting the tax liability, where the awarding agency is
3 aware of the unpaid tax liability, unless a Federal agency
4 has considered suspension or debarment of the corporation
5 and has made a determination that this further action is
6 not necessary to protect the interests of the Government.

7 SEC. 745. None of the funds made available by this
8 or any other Act may be used to enter into a contract,
9 memorandum of understanding, or cooperative agreement
10 with, make a grant to, or provide a loan or loan guarantee
11 to, any corporation that was convicted of a felony criminal
12 violation under any Federal law within the preceding 24
13 months, where the awarding agency is aware of the convic-
14 tion, unless a Federal agency has considered suspension
15 or debarment of the corporation and has made a deter-
16 mination that this further action is not necessary to pro-
17 tect the interests of the Government.

18 SEC. 746. (a) During fiscal year 2021, on the date
19 on which a request is made for a transfer of funds in ac-
20 cordance with section 1017 of Public Law 111–203, the
21 Bureau of Consumer Financial Protection shall notify the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate, the Committee on Financial Serv-
24 ices of the House of Representatives, and the Committee

1 on Banking, Housing, and Urban Affairs of the Senate
2 of such request.

3 (b) Any notification required by this section shall be
4 made available on the Bureau's public website.

5 SEC. 747. If, for fiscal year 2021, new budget author-
6 ity provided in appropriations Acts exceeds the discre-
7 tionary spending limit for any category set forth in section
8 251(c) of the Balanced Budget and Emergency Deficit
9 Control Act of 1985 due to estimating differences with the
10 Congressional Budget Office, an adjustment to the discre-
11 tionary spending limit in such category for fiscal year
12 2021 shall be made by the Director of the Office of Man-
13 agement and Budget in the amount of the excess but the
14 total of all such adjustments shall not exceed 0.2 percent
15 of the sum of the adjusted discretionary spending limits
16 for all categories for that fiscal year.

17 SEC. 748. (a) Notwithstanding any official rate ad-
18 justed under section 104 of title 3, United States Code,
19 the rate payable to the Vice President during calendar
20 year 2021 shall be the rate payable to the Vice President
21 on December 31, 2020, by operation of section 749 of divi-
22 sion C of Public Law 116-93.

23 (b) Notwithstanding any official rate adjusted under
24 section 5318 of title 5, United States Code, or any other
25 provision of law, the payable rate during calendar year

1 2021 for an employee serving in an Executive Schedule
2 position, or in a position for which the rate of pay is fixed
3 by statute at an Executive Schedule rate, shall be the rate
4 payable for the applicable Executive Schedule level on De-
5 cember 31, 2020, by operation of section 749 of division
6 C of Public Law 116–93. Such an employee may not re-
7 ceive a rate increase during calendar year 2021, except
8 as provided in subsection (i).

9 (c) Notwithstanding section 401 of the Foreign Serv-
10 ice Act of 1980 (Public Law 96–465) or any other provi-
11 sion of law, a chief of mission or ambassador at large is
12 subject to subsection (b) in the same manner as other em-
13 ployees who are paid at an Executive Schedule rate.

14 (d)(1) This subsection applies to—

15 (A) a noncareer appointee in the Senior
16 Executive Service paid a rate of basic pay at or
17 above the official rate for level IV of the Execu-
18 tive Schedule; or

19 (B) a limited term appointee or limited
20 emergency appointee in the Senior Executive
21 Service serving under a political appointment
22 and paid a rate of basic pay at or above the of-
23 ficial rate for level IV of the Executive Sched-
24 ule.

1 (2) Notwithstanding sections 5382 and 5383 of
2 title 5, United States Code, an employee described
3 in paragraph (1) may not receive a pay rate increase
4 during calendar year 2021, except as provided in
5 subsection (i).

6 (e) Notwithstanding any other provision of law, any
7 employee paid a rate of basic pay (including any locality-
8 based payments under section 5304 of title 5, United
9 States Code, or similar authority) at or above the official
10 rate for level IV of the Executive Schedule who serves
11 under a political appointment may not receive a pay rate
12 increase during calendar year 2021, except as provided in
13 subsection (i). This subsection does not apply to employees
14 in the General Schedule pay system or the Foreign Service
15 pay system, to employees appointed under section 3161
16 of title 5, United States Code, or to employees in another
17 pay system whose position would be classified at GS-15
18 or below if chapter 51 of title 5, United States Code, ap-
19 plied to them.

20 (f) Nothing in subsections (b) through (e) shall pre-
21 vent employees who do not serve under a political appoint-
22 ment from receiving pay increases as otherwise provided
23 under applicable law.

24 (g) This section does not apply to an individual who
25 makes an election to retain Senior Executive Service basic

1 pay under section 3392(c) of title 5, United States Code,
2 for such time as that election is in effect.

3 (h) This section does not apply to an individual who
4 makes an election to retain Senior Foreign Service pay
5 entitlements under section 302(b) of the Foreign Service
6 Act of 1980 (Public Law 96–465) for such time as that
7 election is in effect.

8 (i) Notwithstanding subsections (b) through (e), an
9 employee in a covered position may receive a pay rate in-
10 crease upon an authorized movement to a different cov-
11 ered position only if that new position has higher-level du-
12 ties and a pre-established level or range of pay higher than
13 the level or range for the position held immediately before
14 the movement. Any such increase must be based on the
15 rates of pay and applicable limitations on payable rates
16 of pay in effect on December 31, 2020, by operation of
17 section 749 of division C of Public Law 116–93.

18 (j) Notwithstanding any other provision of law, for
19 an individual who is newly appointed to a covered position
20 during the period of time subject to this section, the initial
21 pay rate shall be based on the rates of pay and applicable
22 limitations on payable rates of pay in effect on December
23 31, 2020, by operation of section 749 of division C of Pub-
24 lic Law 116–93.

1 (k) If an employee affected by this section is subject
2 to a biweekly pay period that begins in calendar year 2021
3 but ends in calendar year 2022, the bar on the employee's
4 receipt of pay rate increases shall apply through the end
5 of that pay period.

6 (l) For the purpose of this section, the term "covered
7 position" means a position occupied by an employee whose
8 pay is restricted under this section.

9 (m) This section takes effect on the first day of the
10 first applicable pay period beginning on or after January
11 1, 2021.

12 SEC. 749. Except as expressly provided otherwise,
13 any reference to "this Act" contained in any title other
14 than title IV or VIII shall not apply to such title IV or
15 VIII.

1 TITLE VIII
2 GENERAL PROVISIONS—DISTRICT OF
3 COLUMBIA

4 (INCLUDING TRANSFERS OF FUNDS)

5 SEC. 801. There are appropriated from the applicable
6 funds of the District of Columbia such sums as may be
7 necessary for making refunds and for the payment of legal
8 settlements or judgments that have been entered against
9 the District of Columbia government.

10 SEC. 802. None of the Federal funds provided in this
11 Act shall be used for publicity or propaganda purposes or
12 implementation of any policy including boycott designed
13 to support or defeat legislation pending before Congress
14 or any State legislature.

15 SEC. 803. (a) None of the Federal funds provided
16 under this Act to the agencies funded by this Act, both
17 Federal and District government agencies, that remain
18 available for obligation or expenditure in fiscal year 2021,
19 or provided from any accounts in the Treasury of the
20 United States derived by the collection of fees available
21 to the agencies funded by this Act, shall be available for
22 obligation or expenditures for an agency through a re-
23 programming of funds which—

24 (1) creates new programs;

1 (2) eliminates a program, project, or responsi-
2 bility center;

3 (3) establishes or changes allocations specifi-
4 cally denied, limited or increased under this Act;

5 (4) increases funds or personnel by any means
6 for any program, project, or responsibility center for
7 which funds have been denied or restricted;

8 (5) re-establishes any program or project pre-
9 viously deferred through reprogramming;

10 (6) augments any existing program, project, or
11 responsibility center through a reprogramming of
12 funds in excess of \$3,000,000 or 10 percent, which-
13 ever is less; or

14 (7) increases by 20 percent or more personnel
15 assigned to a specific program, project or responsi-
16 bility center, unless prior approval is received from
17 the Committees on Appropriations of the House of
18 Representatives and the Senate.

19 (b) The District of Columbia government is author-
20 ized to approve and execute reprogramming and transfer
21 requests of local funds under this title through November
22 7, 2021.

23 SEC. 804. None of the Federal funds provided in this
24 Act may be used by the District of Columbia to provide
25 for salaries, expenses, or other costs associated with the

1 offices of United States Senator or United States Rep-
2 resentative under section 4(d) of the District of Columbia
3 Statehood Constitutional Convention Initiatives of 1979
4 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

5 SEC. 805. Except as otherwise provided in this sec-
6 tion, none of the funds made available by this Act or by
7 any other Act may be used to provide any officer or em-
8 ployee of the District of Columbia with an official vehicle
9 unless the officer or employee uses the vehicle only in the
10 performance of the officer’s or employee’s official duties.
11 For purposes of this section, the term “official duties”
12 does not include travel between the officer’s or employee’s
13 residence and workplace, except in the case of—

14 (1) an officer or employee of the Metropolitan
15 Police Department who resides in the District of Co-
16 lumbia or is otherwise designated by the Chief of the
17 Department;

18 (2) at the discretion of the Fire Chief, an offi-
19 cer or employee of the District of Columbia Fire and
20 Emergency Medical Services Department who re-
21 sides in the District of Columbia and is on call 24
22 hours a day;

23 (3) at the discretion of the Director of the De-
24 partment of Corrections, an officer or employee of
25 the District of Columbia Department of Corrections

1 who resides in the District of Columbia and is on
2 call 24 hours a day;

3 (4) at the discretion of the Chief Medical Ex-
4 aminer, an officer or employee of the Office of the
5 Chief Medical Examiner who resides in the District
6 of Columbia and is on call 24 hours a day;

7 (5) at the discretion of the Director of the
8 Homeland Security and Emergency Management
9 Agency, an officer or employee of the Homeland Se-
10 curity and Emergency Management Agency who re-
11 sides in the District of Columbia and is on call 24
12 hours a day;

13 (6) the Mayor of the District of Columbia; and

14 (7) the Chairman of the Council of the District
15 of Columbia.

16 SEC. 806. (a) None of the Federal funds contained
17 in this Act may be used by the District of Columbia Attor-
18 ney General or any other officer or entity of the District
19 government to provide assistance for any petition drive or
20 civil action which seeks to require Congress to provide for
21 voting representation in Congress for the District of Co-
22 lumbia.

23 (b) Nothing in this section bars the District of Co-
24 lumbia Attorney General from reviewing or commenting

1 on briefs in private lawsuits, or from consulting with offi-
2 cials of the District government regarding such lawsuits.

3 SEC. 807. None of the Federal funds contained in
4 this Act may be used to distribute any needle or syringe
5 for the purpose of preventing the spread of blood borne
6 pathogens in any location that has been determined by the
7 local public health or local law enforcement authorities to
8 be inappropriate for such distribution.

9 SEC. 808. Nothing in this Act may be construed to
10 prevent the Council or Mayor of the District of Columbia
11 from addressing the issue of the provision of contraceptive
12 coverage by health insurance plans, but it is the intent
13 of Congress that any legislation enacted on such issue
14 should include a “conscience clause” which provides excep-
15 tions for religious beliefs and moral convictions.

16 SEC. 809. (a) None of the Federal funds contained
17 in this Act may be used to enact or carry out any law,
18 rule, or regulation to legalize or otherwise reduce penalties
19 associated with the possession, use, or distribution of any
20 schedule I substance under the Controlled Substances Act
21 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
22 rivative.

23 (b) No funds available for obligation or expenditure
24 by the District of Columbia government under any author-
25 ity may be used to enact any law, rule, or regulation to

1 legalize or otherwise reduce penalties associated with the
2 possession, use, or distribution of any schedule I substance
3 under the Controlled Substances Act (21 U.S.C. 801 et
4 seq.) or any tetrahydrocannabinols derivative for rec-
5 reational purposes.

6 SEC. 810. No funds available for obligation or ex-
7 penditure by the District of Columbia government under
8 any authority shall be expended for any abortion except
9 where the life of the mother would be endangered if the
10 fetus were carried to term or where the pregnancy is the
11 result of an act of rape or incest.

12 SEC. 811. (a) No later than 30 calendar days after
13 the date of the enactment of this Act, the Chief Financial
14 Officer for the District of Columbia shall submit to the
15 appropriate committees of Congress, the Mayor, and the
16 Council of the District of Columbia, a revised appropriated
17 funds operating budget in the format of the budget that
18 the District of Columbia government submitted pursuant
19 to section 442 of the District of Columbia Home Rule Act
20 (D.C. Official Code, sec. 1-204.42), for all agencies of the
21 District of Columbia government for fiscal year 2021 that
22 is in the total amount of the approved appropriation and
23 that realigns all budgeted data for personal services and
24 other-than-personal services, respectively, with anticipated
25 actual expenditures.

1 (b) This section shall apply only to an agency for
2 which the Chief Financial Officer for the District of Co-
3 lumbia certifies that a reallocation is required to address
4 unanticipated changes in program requirements.

5 SEC. 812. No later than 30 calendar days after the
6 date of the enactment of this Act, the Chief Financial Offi-
7 cer for the District of Columbia shall submit to the appro-
8 priate committees of Congress, the Mayor, and the Council
9 for the District of Columbia, a revised appropriated funds
10 operating budget for the District of Columbia Public
11 Schools that aligns schools budgets to actual enrollment.
12 The revised appropriated funds budget shall be in the for-
13 mat of the budget that the District of Columbia govern-
14 ment submitted pursuant to section 442 of the District
15 of Columbia Home Rule Act (D.C. Official Code, sec. 1-
16 204.42).

17 SEC. 813. (a) Amounts appropriated in this Act as
18 operating funds may be transferred to the District of Co-
19 lumbia's enterprise and capital funds and such amounts,
20 once transferred, shall retain appropriation authority con-
21 sistent with the provisions of this Act.

22 (b) The District of Columbia government is author-
23 ized to reprogram or transfer for operating expenses any
24 local funds transferred or reprogrammed in this or the
25 four prior fiscal years from operating funds to capital

1 funds, and such amounts, once transferred or repro-
2 grammed, shall retain appropriation authority consistent
3 with the provisions of this Act.

4 (c) The District of Columbia government may not
5 transfer or reprogram for operating expenses any funds
6 derived from bonds, notes, or other obligations issued for
7 capital projects.

8 SEC. 814. None of the Federal funds appropriated
9 in this Act shall remain available for obligation beyond
10 the current fiscal year, nor may any be transferred to
11 other appropriations, unless expressly so provided herein.

12 SEC. 815. Except as otherwise specifically provided
13 by law or under this Act, not to exceed 50 percent of unob-
14 ligated balances remaining available at the end of fiscal
15 year 2021 from appropriations of Federal funds made
16 available for salaries and expenses for fiscal year 2021 in
17 this Act, shall remain available through September 30,
18 2022, for each such account for the purposes authorized:
19 *Provided*, That a request shall be submitted to the Com-
20 mittees on Appropriations of the House of Representatives
21 and the Senate for approval prior to the expenditure of
22 such funds: *Provided further*, That these requests shall be
23 made in compliance with reprogramming guidelines out-
24 lined in section 803 of this Act.

1 SEC. 816. (a)(1) During fiscal year 2022, during a
2 period in which neither a District of Columbia continuing
3 resolution or a regular District of Columbia appropriation
4 bill is in effect, local funds are appropriated in the amount
5 provided for any project or activity for which local funds
6 are provided in the Act referred to in paragraph (2) (sub-
7 ject to any modifications enacted by the District of Colum-
8 bia as of the beginning of the period during which this
9 subsection is in effect) at the rate set forth by such Act.

10 (2) The Act referred to in this paragraph is the
11 Act of the Council of the District of Columbia pur-
12 suant to which a proposed budget is approved for
13 fiscal year 2022 which (subject to the requirements
14 of the District of Columbia Home Rule Act) will
15 constitute the local portion of the annual budget for
16 the District of Columbia government for fiscal year
17 2022 for purposes of section 446 of the District of
18 Columbia Home Rule Act (sec. 1–204.46, D.C. Offi-
19 cial Code).

20 (b) Appropriations made by subsection (a) shall cease
21 to be available—

22 (1) during any period in which a District of Co-
23 lumbia continuing resolution for fiscal year 2022 is
24 in effect; or

1 (2) upon the enactment into law of the regular
2 District of Columbia appropriation bill for fiscal year
3 2022.

4 (c) An appropriation made by subsection (a) is pro-
5 vided under the authority and conditions as provided
6 under this Act and shall be available to the extent and
7 in the manner that would be provided by this Act.

8 (d) An appropriation made by subsection (a) shall
9 cover all obligations or expenditures incurred for such
10 project or activity during the portion of fiscal year 2022
11 for which this section applies to such project or activity.

12 (e) This section shall not apply to a project or activity
13 during any period of fiscal year 2022 if any other provi-
14 sion of law (other than an authorization of appropria-
15 tions)—

16 (1) makes an appropriation, makes funds avail-
17 able, or grants authority for such project or activity
18 to continue for such period; or

19 (2) specifically provides that no appropriation
20 shall be made, no funds shall be made available, or
21 no authority shall be granted for such project or ac-
22 tivity to continue for such period.

23 (f) Nothing in this section shall be construed to affect
24 obligations of the government of the District of Columbia
25 mandated by other law.

1 SEC. 817. (a) Section 244 of the Revised Statutes
2 of the United States relating to the District of Columbia
3 (sec. 9–1201.03, D.C. Official Code) does not apply with
4 respect to any railroads installed pursuant to the Long
5 Bridge Project.

6 (b) In this section, the term “Long Bridge Project”
7 means the project carried out by the District of Columbia
8 and the Commonwealth of Virginia to construct a new
9 Long Bridge adjacent to the existing Long Bridge over
10 the Potomac River, including related infrastructure and
11 other related projects, to expand commuter and regional
12 passenger rail service and to provide bike and pedestrian
13 access crossings over the Potomac River.

14 SEC. 818. Not later than 45 days after the last day
15 of each quarter, each Federal and District government
16 agency appropriated Federal funds in this Act shall sub-
17 mit to the Committees on Appropriations of the House
18 of Representatives and the Senate a quarterly budget re-
19 port that includes total obligations of the Agency for that
20 quarter for each Federal funds appropriation provided in
21 this Act, by the source year of the appropriation.

22 SEC. 819. Except as expressly provided otherwise,
23 any reference to “this Act” contained in this title or in
24 title IV shall be treated as referring only to the provisions
25 of this title or of title IV.

1 TITLE IX

2 GENERAL PROVISION—EMERGENCY FUNDING

3 SEC. 901. For an additional amount for “Records
4 Center Revolving Fund” for the Federal Record Centers
5 Program, \$50,000,000, to remain available until Sep-
6 tember 30, 2022, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, which shall be
8 for offsetting the loss resulting from the coronavirus pan-
9 demic of the user charges collected by such Fund pursuant
10 to subsection (c) under the heading “Records Center Re-
11 volving Fund” in Public Law 106–58, as amended (44
12 U.S.C. 2901 note): *Provided*, That the amount provided
13 under this section in this Act may be used to reimburse
14 the Fund for obligations incurred for this purpose prior
15 to the date of the enactment of this Act: *Provided further*,
16 That such amount is provided without regard to the limi-
17 tation in subsection (d) under the heading “Records Cen-
18 ter Revolving Fund” in Public Law 106–58, as amended
19 (44 U.S.C. 2901 note): *Provided further*, That the amount
20 provided under this section in this Act may be used to
21 accelerate processing of requests for military service
22 records received during the pandemic: *Provided further*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 This division may be cited as the “Financial Services
4 and General Government Appropriations Act, 2021”.

1 **DIVISION F—DEPARTMENT OF HOME-**
2 **LAND SECURITY APPROPRIATIONS**
3 **ACT, 2021**

4 TITLE I

5 DEPARTMENTAL MANAGEMENT, OPERATIONS,
6 INTELLIGENCE, AND OVERSIGHT

7 OFFICE OF THE SECRETARY AND EXECUTIVE

8 MANAGEMENT

9 OPERATIONS AND SUPPORT

10 For necessary expenses of the Office of the Secretary
11 and for executive management for operations and support,
12 \$180,819,000; of which \$20,000,000 shall be for the Of-
13 fice of the Ombudsman for Immigration Detention, of
14 which \$5,000,000 shall remain available until September
15 30, 2022: *Provided*, That not to exceed \$30,000 shall be
16 for official reception and representation expenses.

17 FEDERAL ASSISTANCE

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses of the Office of the Secretary
20 and for executive management for Federal assistance
21 through grants, contracts, cooperative agreements, and
22 other activities, \$25,000,000, which shall be transferred
23 to the Federal Emergency Management Agency, of which
24 \$20,000,000 shall be for targeted violence and terrorism
25 prevention grants and of which \$5,000,000 shall be for

1 an Alternatives to Detention Case Management pilot pro-
2 gram, to remain available until September 30, 2022: *Pro-*
3 *vided*, That the amounts made available for the pilot pro-
4 gram shall be awarded to nonprofit organizations and local
5 governments and administered by a National Board, which
6 shall be chaired by the Officer for Civil Rights and Civil
7 Liberties, for the purposes of providing case management
8 services, including but not limited to: mental health serv-
9 ices; human and sex trafficking screening; legal orienta-
10 tion programs; cultural orientation programs; connections
11 to social services; and for individuals who will be removed,
12 reintegration services: *Provided further*, That such services
13 shall be provided to each individual enrolled into the U.S.
14 Immigration and Customs Enforcement Alternatives to
15 Detention program in the geographic areas served by the
16 pilot program: *Provided further*, That any such individual
17 may opt out of receiving such services after providing writ-
18 ten informed consent: *Provided further*, That not to exceed
19 \$350,000 shall be for the administrative costs of the De-
20 partment of Homeland Security for the pilot program.

21 MANAGEMENT DIRECTORATE

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the Management Direc-
24 torate for operations and support, \$1,398,162,000: *Pro-*

1 *vided*, That not to exceed \$2,000 shall be for official recep-
2 tion and representation expenses.

3 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

4 For necessary expenses of the Management Direc-
5 torate for procurement, construction, and improvements,
6 \$214,795,000, of which \$159,611,000 shall remain avail-
7 able until September 30, 2023; and of which \$55,184,000
8 shall remain available until September 30, 2025.

9 FEDERAL PROTECTIVE SERVICE

10 The revenues and collections of security fees credited
11 to this account shall be available until expended for nec-
12 essary expenses related to the protection of federally
13 owned and leased buildings and for the operations of the
14 Federal Protective Service.

15 INTELLIGENCE, ANALYSIS, AND OPERATIONS

16 COORDINATION

17 OPERATIONS AND SUPPORT

18 For necessary expenses of the Office of Intelligence
19 and Analysis and the Office of Operations Coordination
20 for operations and support, \$298,500,000, of which
21 \$82,620,000 shall remain available until September 30,
22 2022: *Provided*, That not to exceed \$3,825 shall be for
23 official reception and representation expenses and not to
24 exceed \$2,000,000 is available for facility needs associated

1 with secure space at fusion centers, including improve-
2 ments to buildings.

3 OFFICE OF THE INSPECTOR GENERAL

4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Office of the Inspector
6 General for operations and support, \$190,186,000: *Pro-*
7 *vided*, That not to exceed \$300,000 may be used for cer-
8 tain confidential operational expenses, including the pay-
9 ment of informants, to be expended at the direction of the
10 Inspector General.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 101. (a) The Secretary of Homeland Security
13 shall submit a report not later than October 15, 2021,
14 to the Inspector General of the Department of Homeland
15 Security listing all grants and contracts awarded by any
16 means other than full and open competition during fiscal
17 years 2020 or 2021.

18 (b) The Inspector General shall review the report re-
19 quired by subsection (a) to assess departmental compli-
20 ance with applicable laws and regulations and report the
21 results of that review to the Committees on Appropriations
22 of the Senate and the House of Representatives not later
23 than February 15, 2022.

24 SEC. 102. Not later than 30 days after the last day
25 of each month, the Chief Financial Officer of the Depart-

1 ment of Homeland Security shall submit to the Commit-
2 tees on Appropriations of the Senate and the House of
3 Representatives a monthly budget and staffing report that
4 includes total obligations of the Department for that
5 month and for the fiscal year at the appropriation and
6 program, project, and activity levels, by the source year
7 of the appropriation.

8 SEC. 103. The Secretary of Homeland Security shall
9 require that all contracts of the Department of Homeland
10 Security that provide award fees link such fees to success-
11 ful acquisition outcomes, which shall be specified in terms
12 of cost, schedule, and performance.

13 SEC. 104. (a) The Secretary of Homeland Security,
14 in consultation with the Secretary of the Treasury, shall
15 notify the Committees on Appropriations of the Senate
16 and the House of Representatives of any proposed trans-
17 fers of funds available under section 9705(g)(4)(B) of title
18 31, United States Code, from the Department of the
19 Treasury Forfeiture Fund to any agency within the De-
20 partment of Homeland Security.

21 (b) None of the funds identified for such a transfer
22 may be obligated until the Committees on Appropriations
23 of the Senate and the House of Representatives are noti-
24 fied of the proposed transfer.

1 SEC. 105. All official costs associated with the use
2 of Government aircraft by Department of Homeland Secu-
3 rity personnel to support official travel of the Secretary
4 and the Deputy Secretary shall be paid from amounts
5 made available for the Office of the Secretary.

6 SEC. 106. Section 107 of the Department of Home-
7 land Security Appropriations Act, 2018 (division F of
8 Public Law 115–141), related to visa overstay data and
9 border security metrics, shall apply in fiscal year 2021,
10 except that the reference to “this Act” shall be treated
11 as referring to this Act, and the reference to “2017” shall
12 be treated as referring to “2020”.

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1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 OPERATIONS AND SUPPORT
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of U.S. Customs and Border
8 Protection for operations and support, including the trans-
9 portation of unaccompanied minor aliens; the provision of
10 air and marine support to Federal, State, local, and inter-
11 national agencies in the enforcement or administration of
12 laws enforced by the Department of Homeland Security;
13 at the discretion of the Secretary of Homeland Security,
14 the provision of such support to Federal, State, and local
15 agencies in other law enforcement and emergency humani-
16 tarian efforts; the purchase and lease of up to 7,500
17 (6,500 for replacement only) police-type vehicles; the pur-
18 chase, maintenance, or operation of marine vessels, air-
19 craft, and unmanned aerial systems; and contracting with
20 individuals for personal services abroad; \$12,908,923,000;
21 of which \$3,274,000 shall be derived from the Harbor
22 Maintenance Trust Fund for administrative expenses re-
23 lated to the collection of the Harbor Maintenance Fee pur-
24 suant to section 9505(c)(3) of the Internal Revenue Code
25 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-

1 tion 1511(e)(1) of the Homeland Security Act of 2002 (6
2 U.S.C. 551(e)(1)); of which \$500,000,000 shall be avail-
3 able until September 30, 2022; and of which such sums
4 as become available in the Customs User Fee Account, ex-
5 cept sums subject to section 13031(f)(3) of the Consoli-
6 dated Omnibus Budget Reconciliation Act of 1985 (19
7 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
8 *vided*, That not to exceed \$34,425 shall be for official re-
9 ception and representation expenses: *Provided further*,
10 That not to exceed \$150,000 shall be available for pay-
11 ment for rental space in connection with preclearance op-
12 erations: *Provided further*, That not to exceed \$2,000,000
13 shall be for awards of compensation to informants, to be
14 accounted for solely under the certificate of the Secretary
15 of Homeland Security: *Provided further*, That not to ex-
16 ceed \$5,000,000 may be transferred to the Bureau of In-
17 dian Affairs for the maintenance and repair of roads on
18 Native American reservations used by the U.S. Border Pa-
19 trol.

20 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

21 For necessary expenses of U.S. Customs and Border
22 Protection for procurement, construction, and improve-
23 ments, including procurement of marine vessels, aircraft,
24 and unmanned aerial systems, \$1,839,634,000, of which
25 \$322,235,000 shall remain available until September 30,

1 2023, and of which \$1,517,399,000 shall remain available
2 until September 30, 2025.

3 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
4 OPERATIONS AND SUPPORT

5 For necessary expenses of U.S. Immigration and
6 Customs Enforcement for operations and support, includ-
7 ing the purchase and lease of up to 3,790 (2,350 for re-
8 placement only) police-type vehicles; overseas vetted units;
9 and maintenance, minor construction, and minor leasehold
10 improvements at owned and leased facilities;
11 \$7,875,730,000; of which not less than \$6,000,000 shall
12 remain available until expended for efforts to enforce laws
13 against forced child labor; of which \$46,696,000 shall re-
14 main available until September 30, 2022; of which not less
15 than \$1,500,000 is for paid apprenticeships for partici-
16 pants in the Human Exploitation Rescue Operative Child-
17 Rescue Corps; of which not less than \$15,000,000 shall
18 be available for investigation of intellectual property rights
19 violations, including operation of the National Intellectual
20 Property Rights Coordination Center; and of which not
21 less than \$4,118,902,000 shall be for enforcement, deten-
22 tion, and removal operations, including transportation of
23 unaccompanied minor aliens: *Provided*, That not to exceed
24 \$11,475 shall be for official reception and representation
25 expenses: *Provided further*, That not to exceed

1 \$10,000,000 shall be available until expended for con-
2 ducting special operations under section 3131 of the Cus-
3 toms Enforcement Act of 1986 (19 U.S.C. 2081): *Pro-*
4 *vided further*, That not to exceed \$2,000,000 shall be for
5 awards of compensation to informants, to be accounted
6 for solely under the certificate of the Secretary of Home-
7 land Security: *Provided further*, That not to exceed
8 \$11,216,000 shall be available to fund or reimburse other
9 Federal agencies for the costs associated with the care,
10 maintenance, and repatriation of smuggled aliens unlaw-
11 fully present in the United States.

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of U.S. Immigration and
14 Customs Enforcement for procurement, construction, and
15 improvements, \$97,799,000, of which \$24,538,000 shall
16 remain available until September 30, 2023, and of which
17 \$73,261,000 shall remain available until September 30,
18 2025.

19 TRANSPORTATION SECURITY ADMINISTRATION

20 OPERATIONS AND SUPPORT

21 For necessary expenses of the Transportation Secu-
22 rity Administration for operations and support,
23 \$7,793,715,000, to remain available until September 30,
24 2022: *Provided*, That not to exceed \$7,650 shall be for
25 official reception and representation expenses: *Provided*

1 *further*, That security service fees authorized under section
2 44940 of title 49, United States Code, shall be credited
3 to this appropriation as offsetting collections and shall be
4 available only for aviation security: *Provided further*, That
5 the sum appropriated under this heading from the general
6 fund shall be reduced on a dollar-for-dollar basis as such
7 offsetting collections are received during fiscal year 2021
8 so as to result in a final fiscal year appropriation from
9 the general fund estimated at not more than
10 \$4,853,715,000.

11 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

12 For necessary expenses of the Transportation Secu-
13 rity Administration for procurement, construction, and
14 improvements, \$134,492,000, to remain available until
15 September 30, 2023.

16 RESEARCH AND DEVELOPMENT

17 For necessary expenses of the Transportation Secu-
18 rity Administration for research and development,
19 \$29,524,000, to remain available until September 30,
20 2022.

21 COAST GUARD

22 OPERATIONS AND SUPPORT

23 For necessary expenses of the Coast Guard for oper-
24 ations and support including the Coast Guard Reserve;
25 purchase or lease of not to exceed 25 passenger motor ve-

1 hicles, which shall be for replacement only; purchase or
2 lease of small boats for contingent and emergent require-
3 ments (at a unit cost of not more than \$700,000) and
4 repairs and service-life replacements, not to exceed a total
5 of \$31,000,000; purchase, lease, or improvements of boats
6 necessary for overseas deployments and activities; pay-
7 ments pursuant to section 156 of Public Law 97–377 (42
8 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
9 fare; \$8,485,146,000, of which \$530,000,000 shall be for
10 defense-related activities; of which \$24,500,000 shall be
11 derived from the Oil Spill Liability Trust Fund to carry
12 out the purposes of section 1012(a)(5) of the Oil Pollution
13 Act of 1990 (33 U.S.C. 2712(a)(5)); of which
14 \$11,000,000 shall remain available until September 30,
15 2023; of which \$21,186,000 shall remain available until
16 September 30, 2025, for environmental compliance and
17 restoration; and of which \$70,000,000 shall remain avail-
18 able until September 30, 2022, for vessel depot level main-
19 tenance: *Provided*, That not to exceed \$23,000 shall be
20 for official reception and representation expenses.

21 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

22 For necessary expenses of the Coast Guard for pro-
23 curement, construction, and improvements, including aids
24 to navigation, shore facilities (including facilities at De-
25 partment of Defense installations used by the Coast

1 Guard), and vessels and aircraft, including equipment re-
2 lated thereto, \$2,264,041,000, to remain available until
3 September 30, 2025; of which \$20,000,000 shall be de-
4 rived from the Oil Spill Liability Trust Fund to carry out
5 the purposes of section 1012(a)(5) of the Oil Pollution Act
6 of 1990 (33 U.S.C. 2712(a)(5)).

7 RESEARCH AND DEVELOPMENT

8 For necessary expenses of the Coast Guard for re-
9 search and development; and for maintenance, rehabilita-
10 tion, lease, and operation of facilities and equipment;
11 \$10,276,000, to remain available until September 30,
12 2023, of which \$500,000 shall be derived from the Oil
13 Spill Liability Trust Fund to carry out the purposes of
14 section 1012(a)(5) of the Oil Pollution Act of 1990 (33
15 U.S.C. 2712(a)(5)): *Provided*, That there may be credited
16 to and used for the purposes of this appropriation funds
17 received from State and local governments, other public
18 authorities, private sources, and foreign countries for ex-
19 penses incurred for research, development, testing, and
20 evaluation.

21 RETIRED PAY

22 For retired pay, including the payment of obligations
23 otherwise chargeable to lapsed appropriations for this pur-
24 pose, payments under the Retired Serviceman's Family
25 Protection and Survivor Benefits Plans, payment for ca-

1 reer status bonuses, payment of continuation pay under
2 section 356 of title 37, United States Code, concurrent
3 receipts, combat-related special compensation, and pay-
4 ments for medical care of retired personnel and their de-
5 pendants under chapter 55 of title 10, United States Code,
6 \$1,869,704,000, to remain available until expended.

7 UNITED STATES SECRET SERVICE

8 OPERATIONS AND SUPPORT

9 For necessary expenses of the United States Secret
10 Service for operations and support, including purchase of
11 not to exceed 652 vehicles for police-type use for replace-
12 ment only; hire of passenger motor vehicles; purchase of
13 motorcycles made in the United States; hire of aircraft;
14 rental of buildings in the District of Columbia; fencing,
15 lighting, guard booths, and other facilities on private or
16 other property not in Government ownership or control,
17 as may be necessary to perform protective functions; con-
18 duct of and participation in firearms matches; presen-
19 tation of awards; conduct of behavioral research in sup-
20 port of protective intelligence and operations; payment in
21 advance for commercial accommodations as may be nec-
22 essary to perform protective functions; and payment, with-
23 out regard to section 5702 of title 5, United States Code,
24 of subsistence expenses of employees who are on protective
25 missions, whether at or away from their duty stations;

1 \$2,373,109,000; of which \$41,807,000 shall remain avail-
2 able until September 30, 2022, and of which \$6,000,000
3 shall be for a grant for activities related to investigations
4 of missing and exploited children; and of which up to
5 \$15,000,000 may be for calendar year 2020 premium pay
6 in excess of the annual equivalent of the limitation on the
7 rate of pay contained in section 5547(a) of title 5, United
8 States Code, pursuant to section 2 of the Overtime Pay
9 for Protective Services Act of 2016 (5 U.S.C. 5547 note),
10 as amended by Public Law 115–383: *Provided*, That not
11 to exceed \$19,125 shall be for official reception and rep-
12 resentation expenses: *Provided further*, That not to exceed
13 \$100,000 shall be to provide technical assistance and
14 equipment to foreign law enforcement organizations in
15 criminal investigations within the jurisdiction of the
16 United States Secret Service.

17 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

18 For necessary expenses of the United States Secret
19 Service for procurement, construction, and improvements,
20 \$52,955,000, to remain available until September 30,
21 2023.

22 RESEARCH AND DEVELOPMENT

23 For necessary expenses of the United States Secret
24 Service for research and development, \$11,937,000, to re-
25 main available until September 30, 2022.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 201. Section 201 of the Department of Home-
3 land Security Appropriations Act, 2018 (division F of
4 Public Law 115–141), related to overtime compensation
5 limitations, shall apply with respect to funds made avail-
6 able in this Act in the same manner as such section ap-
7 plied to funds made available in that Act, except that “fis-
8 cal year 2021” shall be substituted for “fiscal year 2018”.

9 SEC. 202. Funding made available under the head-
10 ings “U.S. Customs and Border Protection—Operations
11 and Support” and “U.S. Customs and Border Protec-
12 tion—Procurement, Construction, and Improvements”
13 shall be available for customs expenses when necessary to
14 maintain operations and prevent adverse personnel actions
15 in Puerto Rico and the U.S. Virgin Islands, in addition
16 to funding provided by sections 740 and 1406i of title 48,
17 United States Code.

18 SEC. 203. As authorized by section 601(b) of the
19 United States-Colombia Trade Promotion Agreement Im-
20 plementation Act (Public Law 112–42), fees collected
21 from passengers arriving from Canada, Mexico, or an ad-
22 jacent island pursuant to section 13031(a)(5) of the Con-
23 solidated Omnibus Budget Reconciliation Act of 1985 (19
24 U.S.C. 58c(a)(5)) shall be available until expended.

1 SEC. 204. For an additional amount for “U.S. Cus-
2 toms and Border Protection—Operations and Support”,
3 \$31,000,000, to remain available until expended, to be re-
4 duced by amounts collected and credited to this appropria-
5 tion in fiscal year 2021 from amounts authorized to be
6 collected by section 286(i) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1356(i)), section 10412 of the Farm
8 Security and Rural Investment Act of 2002 (7 U.S.C.
9 8311), and section 817 of the Trade Facilitation and
10 Trade Enforcement Act of 2015 (Public Law 114–25), or
11 other such authorizing language: *Provided*, That to the ex-
12 tent that amounts realized from such collections exceed
13 \$31,000,000, those amounts in excess of \$31,000,000
14 shall be credited to this appropriation, to remain available
15 until expended.

16 SEC. 205. None of the funds made available in this
17 Act for U.S. Customs and Border Protection may be used
18 to prevent an individual not in the business of importing
19 a prescription drug (within the meaning of section 801(g)
20 of the Federal Food, Drug, and Cosmetic Act) from im-
21 porting a prescription drug from Canada that complies
22 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
23 That this section shall apply only to individuals trans-
24 porting on their person a personal-use quantity of the pre-

1 scription drug, not to exceed a 90-day supply: *Provided*
2 *further*, That the prescription drug may not be—

3 (1) a controlled substance, as defined in section
4 102 of the Controlled Substances Act (21 U.S.C.
5 802); or

6 (2) a biological product, as defined in section
7 351 of the Public Health Service Act (42 U.S.C.
8 262).

9 SEC. 206. Notwithstanding any other provision of
10 law, none of the funds provided in this or any other Act
11 shall be used to approve a waiver of the navigation and
12 vessel-inspection laws pursuant to section 501(b) of title
13 46, United States Code, for the transportation of crude
14 oil distributed from and to the Strategic Petroleum Re-
15 serve until the Secretary of Homeland Security, after con-
16 sultation with the Secretaries of the Departments of En-
17 ergy and Transportation and representatives from the
18 United States flag maritime industry, takes adequate
19 measures to ensure the use of United States flag vessels:
20 *Provided*, That the Secretary shall notify the Committees
21 on Appropriations of the Senate and the House of Rep-
22 resentatives, the Committee on Commerce, Science, and
23 Transportation of the Senate, and the Committee on
24 Transportation and Infrastructure of the House of Rep-
25 resentatives within 2 business days of any request for

1 waivers of navigation and vessel-inspection laws pursuant
2 to section 501(b) of title 46, United States Code, with re-
3 spect to such transportation, and the disposition of such
4 requests.

5 SEC. 207. (a) Beginning on the date of enactment
6 of this Act, the Secretary of Homeland Security shall
7 not—

8 (1) establish, collect, or otherwise impose any
9 new border crossing fee on individuals crossing the
10 Southern border or the Northern border at a land
11 port of entry; or

12 (2) conduct any study relating to the imposition
13 of a border crossing fee.

14 (b) In this section, the term “border crossing fee”
15 means a fee that every pedestrian, cyclist, and driver and
16 passenger of a private motor vehicle is required to pay
17 for the privilege of crossing the Southern border or the
18 Northern border at a land port of entry.

19 SEC. 208. Not later than 90 days after the date of
20 enactment of this Act, the Secretary of Homeland Security
21 shall submit an expenditure plan for any amounts made
22 available for “U.S. Customs and Border Protection—Pro-
23 curement, Construction, and Improvements” in this Act
24 and prior Acts to the Committees on Appropriations of
25 the Senate and the House of Representatives: *Provided,*

1 That no such amounts may be obligated prior to the sub-
2 mission of such plan.

3 SEC. 209. Of the total amount made available under
4 “U.S. Customs and Border Protection—Procurement,
5 Construction, and Improvements”, \$464,634,000 shall be
6 available only as follows:

7 (1) \$160,530,000 for the acquisition and de-
8 ployment of border security technologies and trade
9 and travel assets and infrastructure;

10 (2) \$142,399,000 for facility construction and
11 improvements;

12 (3) \$119,076,000 for integrated operations as-
13 sets and infrastructure; and

14 (4) \$42,629,000 for mission support and infra-
15 structure.

16 SEC. 210. Of the total amount made available under
17 “U.S. Customs and Border Protection—Procurement,
18 Construction, and Improvements”, an amount equal to the
19 amount made available in section 209(a)(1) of division D
20 of the Consolidated Appropriations Act, 2020 (Public Law
21 116–93) shall be made available for the same purposes
22 as the amount provided under such section in such Act.

23 SEC. 211. Federal funds may not be made available
24 for the construction of fencing—

25 (1) within the Santa Ana Wildlife Refuge;

1 (2) within the Bentsen-Rio Grande Valley State
2 Park;

3 (3) within La Lomita Historical park;

4 (4) within the National Butterfly Center;

5 (5) within or east of the Vista del Mar Ranch
6 tract of the Lower Rio Grande Valley National Wild-
7 life Refuge; or

8 (6) within historic cemeteries.

9 SEC. 212. Funds made available in this Act may be
10 used to alter operations within the National Targeting
11 Center of U.S. Customs and Border Protection: *Provided*,
12 That none of the funds provided by this Act, provided by
13 previous appropriations Acts that remain available for ob-
14 ligation or expenditure in fiscal year 2021, or provided
15 from any accounts in the Treasury of the United States
16 derived by the collection of fees available to the compo-
17 nents funded by this Act, may be used to reduce antici-
18 pated or planned vetting operations at existing locations
19 unless specifically authorized by a statute enacted after
20 the date of enactment of this Act.

21 SEC. 213. Without regard to the limitation as to time
22 and condition of section 503(d) of this Act, the Secretary
23 may reprogram within and transfer funds to “U.S. Immi-
24 gration and Customs Enforcement—Operations and Sup-

1 port” as necessary to ensure the detention of aliens
2 prioritized for removal.

3 SEC. 214. None of the funds provided under the
4 heading “U.S. Immigration and Customs Enforcement—
5 Operations and Support” may be used to continue a dele-
6 gation of law enforcement authority authorized under sec-
7 tion 287(g) of the Immigration and Nationality Act (8
8 U.S.C. 1357(g)) if the Department of Homeland Security
9 Inspector General determines that the terms of the agree-
10 ment governing the delegation of authority have been ma-
11 terially violated.

12 SEC. 215. (a) None of the funds provided under the
13 heading “U.S. Immigration and Customs Enforcement—
14 Operations and Support” may be used to continue any
15 contract for the provision of detention services if the two
16 most recent overall performance evaluations received by
17 the contracted facility are less than “adequate” or the
18 equivalent median score in any subsequent performance
19 evaluation system.

20 (b) Beginning not later than January 1, 2021, the
21 performance evaluations referenced in subsection (a) shall
22 be conducted by the U.S. Immigration and Customs En-
23 forcement Office of Professional Responsibility.

24 SEC. 216. The reports required to be submitted under
25 section 218 of the Department of Homeland Security Ap-

1 appropriations Act, 2020 (division D of Public Law 116–
2 93) shall continue to be submitted with respect to the pe-
3 riod beginning 15 days after the date of the enactment
4 of this Act and semimonthly thereafter, and each matter
5 required to be included in such report by such section 218
6 shall apply in the same manner and to the same extent
7 during the period described in this section, except that for
8 purposes of reports submitted with respect to such period
9 described, the following additional requirements shall be
10 treated as being included as subparagraphs (H) through
11 (J) of paragraph (1) of such section 218—

12 (1) the average lengths of stay, including aver-
13 age post-determination length of stay in the case of
14 detainees described in subparagraph (F), for individ-
15 uals who remain in detention as of the last date of
16 each such reporting period;

17 (2) the number who have been in detention,
18 disaggregated by the number of detainees described
19 in subparagraph (F), for each of the following—

20 (A) over 2 years;

21 (B) from over 1 year to 2 years;

22 (C) from over 6 months to 1 year; and

23 (D) for less than 6 months; and

24 (3) the number of individuals described in sec-
25 tion 115.5 of title 28, Code of Federal Regulations,

1 including the use and duration of solitary confine-
2 ment for such person.

3 SEC. 217. The terms and conditions of sections 216
4 and 217 of the Department of Homeland Security Appro-
5 priations Act, 2020 (division D of Public Law 116–93)
6 shall apply to this Act.

7 SEC. 218. Members of the United States House of
8 Representatives and the United States Senate, including
9 the leadership; the heads of Federal agencies and commis-
10 sions, including the Secretary, Deputy Secretary, Under
11 Secretaries, and Assistant Secretaries of the Department
12 of Homeland Security; the United States Attorney Gen-
13 eral, Deputy Attorney General, Assistant Attorneys Gen-
14 eral, and the United States Attorneys; and senior mem-
15 bers of the Executive Office of the President, including
16 the Director of the Office of Management and Budget,
17 shall not be exempt from Federal passenger and baggage
18 screening.

19 SEC. 219. Any award by the Transportation Security
20 Administration to deploy explosives detection systems
21 shall be based on risk, the airport’s current reliance on
22 other screening solutions, lobby congestion resulting in in-
23 creased security concerns, high injury rates, airport readi-
24 ness, and increased cost effectiveness.

1 SEC. 220. Notwithstanding section 44923 of title 49,
2 United States Code, for fiscal year 2021, any funds in
3 the Aviation Security Capital Fund established by section
4 44923(h) of title 49, United States Code, may be used
5 for the procurement and installation of explosives detec-
6 tion systems or for the issuance of other transaction agree-
7 ments for the purpose of funding projects described in sec-
8 tion 44923(a) of such title.

9 SEC. 221. None of the funds made available by this
10 or any other Act may be used by the Administrator of
11 the Transportation Security Administration to implement,
12 administer, or enforce, in abrogation of the responsibility
13 described in section 44903(n)(1) of title 49, United States
14 Code, any requirement that airport operators provide air-
15 port-financed staffing to monitor exit points from the ster-
16 ile area of any airport at which the Transportation Secu-
17 rity Administration provided such monitoring as of De-
18 cember 1, 2013.

19 SEC. 222. Not later than 30 days after the submis-
20 sion of the President's budget proposal, the Administrator
21 of the Transportation Security Administration shall sub-
22 mit to the Committees on Appropriations and Commerce,
23 Science, and Transportation of the Senate and the Com-
24 mittees on Appropriations and Homeland Security in the

1 House of Representatives a single report that fulfills the
2 following requirements:

3 (1) a Capital Investment Plan that includes a
4 plan for continuous and sustained capital investment
5 in new, and the replacement of aged, transportation
6 security equipment;

7 (2) the 5-year technology investment plan as re-
8 quired by section 1611 of title XVI of the Homeland
9 Security Act of 2002, as amended by section 3 of
10 the Transportation Security Acquisition Reform Act
11 (Public Law 113–245); and

12 (3) the Advanced Integrated Passenger Screen-
13 ing Technologies report as required by the Senate
14 Report accompanying the Department of Homeland
15 Security Appropriations Act, 2019 (Senate Report
16 115–283).

17 SEC. 223. Section 225 of division A of Public Law
18 116–6 (49 U.S.C. 44901 note; relating to a pilot program
19 for screening outside of an existing primary passenger ter-
20 minal screening area) is amended in subsection (e) by
21 striking “2021” and inserting “2023”.

22 SEC. 224. None of the funds made available by this
23 Act under the heading “Coast Guard—Operations and
24 Support” shall be for expenses incurred for recreational
25 vessels under section 12114 of title 46, United States

1 Code, except to the extent fees are collected from owners
2 of yachts and credited to the appropriation made available
3 by this Act under the heading “Coast Guard—Operations
4 and Support”: *Provided*, That to the extent such fees are
5 insufficient to pay expenses of recreational vessel docu-
6 mentation under such section 12114, and there is a back-
7 log of recreational vessel applications, personnel per-
8 forming non-recreational vessel documentation functions
9 under subchapter II of chapter 121 of title 46, United
10 States Code, may perform documentation under section
11 12114.

12 SEC. 225. Without regard to the limitation as to time
13 and condition of section 503(d) of this Act, after June
14 30, up to \$10,000,000 may be reprogrammed to or from
15 the Military Pay and Allowances funding category within
16 “Coast Guard—Operations and Support” in accordance
17 with subsection (a) of section 503 of this Act.

18 SEC. 226. Notwithstanding any other provision of
19 law, the Commandant of the Coast Guard shall submit
20 to the Committees on Appropriations of the Senate and
21 the House of Representatives a future-years capital invest-
22 ment plan as described in the second proviso under the
23 heading “Coast Guard—Acquisition, Construction, and
24 Improvements” in the Department of Homeland Security
25 Appropriations Act, 2015 (Public Law 114–4), which shall

1 be subject to the requirements in the third and fourth pro-
2 visos under such heading.

3 SEC. 227. Of the funds made available for defense-
4 related activities under the heading “Coast Guard—Oper-
5 ations and Support”, up to \$190,000,000 that are used
6 for enduring overseas missions in support of the global
7 fight against terror may be reallocated by program,
8 project, and activity, notwithstanding section 503 of this
9 Act.

10 SEC. 228. None of the funds in this Act shall be used
11 to reduce the Coast Guard’s Operations Systems Center
12 mission or its government-employed or contract staff lev-
13 els.

14 SEC. 229. None of the funds appropriated by this Act
15 may be used to conduct, or to implement the results of,
16 a competition under Office of Management and Budget
17 Circular A–76 for activities performed with respect to the
18 Coast Guard National Vessel Documentation Center.

19 SEC. 230. Funds made available in this Act may be
20 used to alter operations within the Civil Engineering Pro-
21 gram of the Coast Guard nationwide, including civil engi-
22 neering units, facilities design and construction centers,
23 maintenance and logistics commands, and the Coast
24 Guard Academy, except that none of the funds provided
25 in this Act may be used to reduce operations within any

1 civil engineering unit unless specifically authorized by a
2 statute enacted after the date of enactment of this Act.

3 SEC. 231. Amounts deposited into the Coast Guard
4 Housing Fund in fiscal year 2021 shall be available until
5 expended to carry out the purposes of section 2946 of title
6 14, United States Code, and shall be in addition to funds
7 otherwise available for such purposes.

8 SEC. 232. The United States Secret Service is au-
9 thorized to obligate funds in anticipation of reimburse-
10 ments from executive agencies, as defined in section 105
11 of title 5, United States Code, for personnel receiving
12 training sponsored by the James J. Rowley Training Cen-
13 ter, except that total obligations at the end of the fiscal
14 year shall not exceed total budgetary resources available
15 under the heading “United States Secret Service—Oper-
16 ations and Support” at the end of the fiscal year.

17 SEC. 233. None of the funds made available to the
18 United States Secret Service by this Act or by previous
19 appropriations Acts may be made available for the protec-
20 tion of the head of a Federal agency other than the Sec-
21 retary of Homeland Security: *Provided*, That the Director
22 of the United States Secret Service may enter into agree-
23 ments to provide such protection on a fully reimbursable
24 basis.

1 SEC. 234. For purposes of section 503(a)(3) of this
2 Act, up to \$15,000,000 may be reprogrammed within
3 “United States Secret Service—Operations and Support”.

4 SEC. 235. Funding made available in this Act for
5 “United States Secret Service—Operations and Support”
6 is available for travel of United States Secret Service em-
7 ployees on protective missions without regard to the limi-
8 tations on such expenditures in this or any other Act if
9 the Director of the United States Secret Service or a des-
10 ignee notifies the Committees on Appropriations of the
11 Senate and the House of Representatives 10 or more days
12 in advance, or as early as practicable, prior to such ex-
13 penditures.

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1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY
4 CYBERSECURITY AND INFRASTRUCTURE SECURITY
5 AGENCY
6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Cybersecurity and In-
8 frastructure Security Agency for operations and support,
9 \$1,662,066,000, of which \$22,793,000, shall remain avail-
10 able until September 30, 2022: *Provided*, That not to ex-
11 ceed \$3,825 shall be for official reception and representa-
12 tion expenses.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of the Cybersecurity and In-
15 frastructure Security Agency for procurement, construc-
16 tion, and improvements, \$353,479,000, to remain avail-
17 able until September 30, 2023.

18 RESEARCH AND DEVELOPMENT

19 For necessary expenses of the Cybersecurity and In-
20 frastructure Security Agency for research and develop-
21 ment, \$9,431,000, to remain available until September 30,
22 2022.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY

2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Federal Emergency
4 Management Agency for operations and support,
5 \$1,129,282,000: *Provided*, That not to exceed \$2,250
6 shall be for official reception and representation expenses.

7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For necessary expenses of the Federal Emergency
9 Management Agency for procurement, construction, and
10 improvements, \$105,985,000, of which \$58,387,000 shall
11 remain available until September 30, 2023, and of which
12 \$47,598,000 shall remain available until September 30,
13 2025.

14 FEDERAL ASSISTANCE

15 For activities of the Federal Emergency Management
16 Agency for Federal assistance through grants, contracts,
17 cooperative agreements, and other activities,
18 \$3,294,892,000, which shall be allocated as follows:

19 (1) \$610,000,000 for the State Homeland Secu-
20 rity Grant Program under section 2004 of the
21 Homeland Security Act of 2002 (6 U.S.C. 605), of
22 which \$90,000,000 shall be for Operation
23 Stonegarden, \$15,000,000 shall be for Tribal Home-
24 land Security Grants under section 2005 of the
25 Homeland Security Act of 2002 (6 U.S.C. 606), and

1 \$90,000,000 shall be for organizations (as described
2 under section 501(c)(3) of the Internal Revenue
3 Code of 1986 and exempt from tax under section
4 501(a) of such code) determined by the Secretary of
5 Homeland Security to be at high risk of a terrorist
6 attack: *Provided*, That notwithstanding subsection
7 (c)(4) of such section 2004, for fiscal year 2021, the
8 Commonwealth of Puerto Rico shall make available
9 to local and tribal governments amounts provided to
10 the Commonwealth of Puerto Rico under this para-
11 graph in accordance with subsection (c)(1) of such
12 section 2004.

13 (2) \$705,000,000 for the Urban Area Security
14 Initiative under section 2003 of the Homeland Secu-
15 rity Act of 2002 (6 U.S.C. 604), of which
16 \$90,000,000 shall be for organizations (as described
17 under section 501(c)(3) of the Internal Revenue
18 Code of 1986 and exempt from tax under section
19 501(a) of such code) determined by the Secretary of
20 Homeland Security to be at high risk of a terrorist
21 attack.

22 (3) \$100,000,000 for Public Transportation Se-
23 curity Assistance, Railroad Security Assistance, and
24 Over-the-Road Bus Security Assistance under sec-
25 tions 1406, 1513, and 1532 of the Implementing

1 Recommendations of the 9/11 Commission Act of
2 2007 (6 U.S.C. 1135, 1163, and 1182), of which
3 \$10,000,000 shall be for Amtrak security and
4 \$2,000,000 shall be for Over-the-Road Bus Security:
5 *Provided*, That such public transportation security
6 assistance shall be provided directly to public trans-
7 portation agencies.

8 (4) \$100,000,000 for Port Security Grants in
9 accordance with section 70107 of title 46, United
10 States Code.

11 (5) \$720,000,000, to remain available until
12 September 30, 2022, of which \$360,000,000 shall be
13 for Assistance to Firefighter Grants and
14 \$360,000,000 shall be for Staffing for Adequate
15 Fire and Emergency Response Grants under sec-
16 tions 33 and 34 respectively of the Federal Fire Pre-
17 vention and Control Act of 1974 (15 U.S.C. 2229
18 and 2229a).

19 (6) \$355,000,000 for emergency management
20 performance grants under the National Flood Insur-
21 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
22 ert T. Stafford Disaster Relief and Emergency As-
23 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
24 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-

1 tion 762 of title 6, United States Code, and Reorga-
2 nization Plan No. 3 of 1978 (5 U.S.C. App.).

3 (7) \$263,000,000 for necessary expenses for
4 Flood Hazard Mapping and Risk Analysis, in addi-
5 tion to and to supplement any other sums appro-
6 priated under the National Flood Insurance Fund,
7 and such additional sums as may be provided by
8 States or other political subdivisions for cost-shared
9 mapping activities under section 1360(f)(2) of the
10 National Flood Insurance Act of 1968 (42 U.S.C.
11 4101(f)(2)), to remain available until expended.

12 (8) \$12,000,000 for Regional Catastrophic Pre-
13 paredness Grants.

14 (9) \$12,000,000 for Rehabilitation of High
15 Hazard Potential Dams under section 8A of the Na-
16 tional Dam Safety Program Act (33 U.S.C. 467f-2).

17 (10) \$130,000,000 for the emergency food and
18 shelter program under title III of the McKinney-
19 Vento Homeless Assistance Act (42 U.S.C. 11331),
20 to remain available until expended: *Provided*, That
21 not to exceed 3.5 percent shall be for total adminis-
22 trative costs.

23 (11) \$287,892,000 to sustain current oper-
24 ations for training, exercises, technical assistance,
25 and other programs.

1 DISASTER RELIEF FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses in carrying out the Robert
4 T. Stafford Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5121 et seq.), \$17,142,000,000, to remain
6 available until expended, shall be for major disasters de-
7 clared pursuant to the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
9 and is designated by the Congress as being for disaster
10 relief pursuant to section 251(b)(2)(D) of the Balanced
11 Budget and Emergency Deficit Control Act of 1985: *Pro-*
12 *vided*, That of the amount provided under this heading,
13 up to \$250,000,000 may be transferred to the Disaster
14 Assistance Direct Loan Program Account for the cost of
15 direct loans as authorized under section 417 of the Robert
16 T. Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5184), including loans issued pursuant to sec-
18 tion 311 of this Act, of which \$3,000,000 is for adminis-
19 trative expenses.

20 NATIONAL FLOOD INSURANCE FUND

21 For activities under the National Flood Insurance
22 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
23 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
24 Biggert-Waters Flood Insurance Reform Act of 2012
25 (Public Law 112–141, 126 Stat. 916), and the Home-

1 owner Flood Insurance Affordability Act of 2014 (Public
2 Law 113–89; 128 Stat. 1020), \$204,412,000, to remain
3 available until September 30, 2022, which shall be derived
4 from offsetting amounts collected under section 1308(d)
5 of the National Flood Insurance Act of 1968 (42 U.S.C.
6 4015(d)); of which \$13,906,000 shall be available for mis-
7 sion support associated with flood management; and of
8 which \$190,506,000 shall be available for flood plain man-
9 agement and flood mapping: *Provided*, That any addi-
10 tional fees collected pursuant to section 1308(d) of the
11 National Flood Insurance Act of 1968 (42 U.S.C.
12 4015(d)) shall be credited as offsetting collections to this
13 account, to be available for flood plain management and
14 flood mapping: *Provided further*, That in fiscal year 2021,
15 no funds shall be available from the National Flood Insur-
16 ance Fund under section 1310 of the National Flood In-
17 surance Act of 1968 (42 U.S.C. 4017) in excess of—

18 (1) \$181,021,000 for operating expenses and
19 salaries and expenses associated with flood insurance
20 operations;

21 (2) \$1,164,000,000 for commissions and taxes
22 of agents;

23 (3) such sums as are necessary for interest on
24 Treasury borrowings; and

1 essary expenses of carrying out the competition specified
2 in section 2(e) of Executive Order No. 13870 (May 2,
3 2019), including the provision of monetary and non-mone-
4 tary awards for Federal civilian employees and members
5 of the uniformed services, the necessary expenses for the
6 honorary recognition of any award recipients, and activi-
7 ties to encourage participation in the competition, includ-
8 ing promotional items: *Provided*, That any awards made
9 pursuant to this section shall be of the same type and
10 amount as those authorized under sections 4501 through
11 4505 of title 5, United States Code.

12 SEC. 302. Notwithstanding section 2008(a)(12) of
13 the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12))
14 or any other provision of law, not more than 5 percent
15 of the amount of a grant made available in paragraphs
16 (1) through (4) under “Federal Emergency Management
17 Agency—Federal Assistance”, may be used by the grantee
18 for expenses directly related to administration of the
19 grant.

20 SEC. 303. Applications for grants under the heading
21 “Federal Emergency Management Agency—Federal As-
22 sistance”, for paragraphs (1) through (4), shall be made
23 available to eligible applicants not later than 60 days after
24 the date of enactment of this Act, eligible applicants shall
25 submit applications not later than 80 days after the grant

1 announcement, and the Administrator of the Federal
2 Emergency Management Agency shall act within 65 days
3 after the receipt of an application.

4 SEC. 304. Under the heading “Federal Emergency
5 Management Agency—Federal Assistance”, for grants
6 under paragraphs (1) through (4), (8), and (9), the Ad-
7 ministrator of the Federal Emergency Management Agen-
8 cy shall brief the Committees on Appropriations of the
9 Senate and the House of Representatives 5 full business
10 days in advance of announcing publicly the intention of
11 making an award.

12 SEC. 305. Under the heading “Federal Emergency
13 Management Agency—Federal Assistance”, for grants
14 under paragraphs (1) and (2), the installation of commu-
15 nications towers is not considered construction of a build-
16 ing or other physical facility.

17 SEC. 306. The reporting requirements in paragraphs
18 (1) and (2) under the heading “Federal Emergency Man-
19 agement Agency—Disaster Relief Fund” in the Depart-
20 ment of Homeland Security Appropriations Act, 2015
21 (Public Law 114–4) shall be applied in fiscal year 2021
22 with respect to budget year 2022 and current fiscal year
23 2021, respectively—

24 (1) in paragraph (1) by substituting “fiscal
25 year 2022” for “fiscal year 2016”; and

1 (2) in paragraph (2) by inserting “business”
2 after “fifth”.

3 SEC. 307. In making grants under the heading “Fed-
4 eral Emergency Management Agency—Federal Assist-
5 ance”, for Staffing for Adequate Fire and Emergency Re-
6 sponse grants, the Administrator of the Federal Emer-
7 gency Management Agency may grant waivers from the
8 requirements in subsections (a)(1)(A), (a)(1)(B),
9 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
10 Federal Fire Prevention and Control Act of 1974 (15
11 U.S.C. 2229a).

12 SEC. 308. The aggregate charges assessed during fis-
13 cal year 2021, as authorized in title III of the Depart-
14 ments of Veterans Affairs and Housing and Urban Devel-
15 opment, and Independent Agencies Appropriations Act,
16 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
17 cent of the amounts anticipated by the Department of
18 Homeland Security to be necessary for its Radiological
19 Emergency Preparedness Program for the next fiscal year:
20 *Provided*, That the methodology for assessment and collec-
21 tion of fees shall be fair and equitable and shall reflect
22 costs of providing such services, including administrative
23 costs of collecting such fees: *Provided further*, That such
24 fees shall be deposited in a Radiological Emergency Pre-
25 paredness Program account as offsetting collections and

1 will become available for authorized purposes on October
2 1, 2021, and remain available until expended.

3 SEC. 309. (a) Any balances of funds appropriated in
4 any prior Act for activities funded by National Pre-disaster
5 Mitigation Fund under section 203 of the Robert T. Staf-
6 ford Disaster Relief and Emergency Assistance Act (42
7 U.S.C. 5133) (as in effect on the day before the date of
8 enactment of section 1234 of division D of Public Law
9 115–254) may be transferred to and merged for all pur-
10 poses with the funds set aside pursuant to subsection
11 (i)(1) of section 203 of the Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act (42 U.S.C. 5133),
13 as in effect on the date of the enactment of this section.

14 (b) The transfer authorized in subsection (a) may not
15 occur until the Administrator of the Federal Emergency
16 Management Agency submits to the Committees on Ap-
17 propriations of the Senate and the House of Representa-
18 tives a plan for the obligation of funds pursuant to such
19 subsection (i)(1), including the criteria to be used for
20 awarding grants and a process for tracking the obligation
21 of such transferred funds.

22 SEC. 310. In making grants under the heading “Fed-
23 eral Emergency Management Agency—Federal Assist-
24 ance”, for Assistance to Firefighter Grants, the Adminis-
25 trator of the Federal Emergency Management Agency

1 may waive subsection (k) of section 33 of the Federal Fire
2 Prevention and Control Act of 1974 (15 U.S.C. 2229).

3 SEC. 311. (a) For major disasters declared in 2018
4 pursuant to the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act (42 U.S.C. 5170), a territory
6 or possession of the United States shall be deemed to be
7 a local government for purposes of section 417 of such
8 Act (42 U.S.C. 5184) and section 206.361(a) of title 44,
9 Code of Federal Regulations.

10 (b) Notwithstanding section 206.361(a) of title 44,
11 Code of Federal Regulations, the President may provide
12 a loan until the last day of the fiscal year that is 3 fiscal
13 years after the fiscal year in which the natural disaster
14 described in such subsection occurs.

15 (c) Notwithstanding section 417(b) of such Act and
16 section 206.361(b) of title 44, Code of Federal Regula-
17 tions, the amount of any loan issued to a territory or pos-
18 session may—

19 (1) exceed \$5,000,000; and

20 (2) may be based on the projected loss of tax
21 and other revenues and on projected cash outlays
22 not previously budgeted for a period not to exceed
23 1 year beginning on the date that the major disaster
24 occurred.

699

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TRAINING, AND
3 SERVICES

4 U.S. CITIZENSHIP AND IMMIGRATION SERVICES
5 OPERATIONS AND SUPPORT

6 For necessary expenses of U.S. Citizenship and Im-
7 migration Services for operations and support of the E-
8 Verify Program, \$117,790,000.

9 FEDERAL ASSISTANCE

10 For necessary expenses of U.S. Citizenship and Im-
11 migration Services for Federal assistance for the Citizen-
12 ship and Integration Grant Program, \$10,000,000.

13 FEDERAL LAW ENFORCEMENT TRAINING CENTERS

14 OPERATIONS AND SUPPORT

15 For necessary expenses of the Federal Law Enforce-
16 ment Training Centers for operations and support, includ-
17 ing the purchase of not to exceed 117 vehicles for police-
18 type use and hire of passenger motor vehicles, and services
19 as authorized by section 3109 of title 5, United States
20 Code, \$314,348,000, of which \$61,391,000 shall remain
21 available until September 30, 2022: *Provided*, That not
22 to exceed \$7,180 shall be for official reception and rep-
23 resentation expenses.

700

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Federal Law Enforce-
3 ment Training Centers for procurement, construction, and
4 improvements, \$26,000,000, to remain available until Sep-
5 tember 30, 2025, for acquisition of necessary additional
6 real property and facilities, construction and ongoing
7 maintenance, facility improvements and related expenses
8 of the Federal Law Enforcement Training Centers.

9 SCIENCE AND TECHNOLOGY DIRECTORATE

10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Science and Tech-
12 nology Directorate for operations and support, including
13 the purchase or lease of not to exceed 5 vehicles,
14 \$302,703,000, of which \$180,112,000 shall remain avail-
15 able until September 30, 2022: *Provided*, That not to ex-
16 ceed \$10,000 shall be for official reception and representa-
17 tion expenses.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

19 For necessary expenses of the Science and Tech-
20 nology Directorate for procurement, construction, and im-
21 provements, \$18,927,000, to remain available until Sep-
22 tember 30, 2025.

23 RESEARCH AND DEVELOPMENT

24 For necessary expenses of the Science and Tech-
25 nology Directorate for research and development,

1 \$443,928,000, to remain available until September 30,
2 2023.

3 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE
4 OPERATIONS AND SUPPORT

5 For necessary expenses of the Countering Weapons
6 of Mass Destruction Office for operations and support,
7 \$179,892,000, of which \$20,697,000 shall remain avail-
8 able until September 30, 2022: *Provided*, That not to ex-
9 ceed \$2,250 shall be for official reception and representa-
10 tion expenses.

11 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

12 For necessary expenses of the Countering Weapons
13 of Mass Destruction Office for procurement, construction,
14 and improvements, \$87,413,000, to remain available until
15 September 30, 2023.

16 RESEARCH AND DEVELOPMENT

17 For necessary expenses of the Countering Weapons
18 of Mass Destruction Office for research and development,
19 \$65,309,000, to remain available until September 30,
20 2023.

21 FEDERAL ASSISTANCE

22 For necessary expenses of the Countering Weapons
23 of Mass Destruction Office for Federal assistance through
24 grants, contracts, cooperative agreements, and other ac-

1 tivities, \$69,663,000, to remain available until September
2 30, 2023.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 401. Notwithstanding any other provision of
5 law, funds otherwise made available to U.S. Citizenship
6 and Immigration Services may be used to acquire, operate,
7 equip, and dispose of up to 5 vehicles, for replacement
8 only, for areas where the Administrator of General Serv-
9 ices does not provide vehicles for lease: *Provided*, That the
10 Director of U.S. Citizenship and Immigration Services
11 may authorize employees who are assigned to those areas
12 to use such vehicles to travel between the employees' resi-
13 dences and places of employment.

14 SEC. 402. None of the funds appropriated by this Act
15 may be used to process or approve a competition under
16 Office of Management and Budget Circular A-76 for serv-
17 ices provided by employees (including employees serving
18 on a temporary or term basis) of U.S. Citizenship and Im-
19 migration Services of the Department of Homeland Secu-
20 rity who are known as Immigration Information Officers,
21 Immigration Service Analysts, Contact Representatives,
22 Investigative Assistants, or Immigration Services Officers.

23 SEC. 403. The terms and conditions of section 403
24 of the Department of Homeland Security Appropriations

1 Act, 2020 (division D of Public Law 116–93) shall apply
2 to this Act.

3 SEC. 404. The Director of the Federal Law Enforce-
4 ment Training Centers is authorized to distribute funds
5 to Federal law enforcement agencies for expenses incurred
6 participating in training accreditation.

7 SEC. 405. The Federal Law Enforcement Training
8 Accreditation Board, including representatives from the
9 Federal law enforcement community and non-Federal ac-
10 creditation experts involved in law enforcement training,
11 shall lead the Federal law enforcement training accredita-
12 tion process to continue the implementation of measuring
13 and assessing the quality and effectiveness of Federal law
14 enforcement training programs, facilities, and instructors.

15 SEC. 406. The Director of the Federal Law Enforce-
16 ment Training Centers may accept transfers to its “Pro-
17 curement, Construction, and Improvements” account from
18 Government agencies requesting the construction of spe-
19 cial use facilities, as authorized by the Economy Act (31
20 U.S.C. 1535(b)): *Provided*, That the Federal Law En-
21 forcement Training Centers maintain administrative con-
22 trol and ownership upon completion of such facilities.

23 SEC. 407. The functions of the Federal Law Enforce-
24 ment Training Centers instructor staff shall be classified
25 as inherently governmental for purposes of the Federal

1 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
2 note).

705

1

TITLE V

2

GENERAL PROVISIONS

3

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

4

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

7

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2021, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

24

(1) creates or eliminates a program, project, or

25

activity, or increases funds for any program, project,

1 or activity for which funds have been denied or re-
2 stricted by the Congress;

3 (2) contracts out any function or activity pres-
4 ently performed by Federal employees or any new
5 function or activity proposed to be performed by
6 Federal employees in the President's budget pro-
7 posal for fiscal year 2021 for the Department of
8 Homeland Security;

9 (3) augments funding for existing programs,
10 projects, or activities in excess of \$5,000,000 or 10
11 percent, whichever is less;

12 (4) reduces funding for any program, project,
13 or activity, or numbers of personnel, by 10 percent
14 or more; or

15 (5) results from any general savings from a re-
16 duction in personnel that would result in a change
17 in funding levels for programs, projects, or activities
18 as approved by the Congress.

19 (b) Subsection (a) shall not apply if the Committees
20 on Appropriations of the Senate and the House of Rep-
21 resentatives are notified at least 15 days in advance of
22 such reprogramming.

23 (c) Up to 5 percent of any appropriation made avail-
24 able for the current fiscal year for the Department of
25 Homeland Security by this Act or provided by previous

1 appropriations Acts may be transferred between such ap-
2 propriations if the Committees on Appropriations of the
3 Senate and the House of Representatives are notified at
4 least 30 days in advance of such transfer, but no such
5 appropriation, except as otherwise specifically provided,
6 shall be increased by more than 10 percent by such trans-
7 fer.

8 (d) Notwithstanding subsections (a), (b), and (c), no
9 funds shall be reprogrammed within or transferred be-
10 tween appropriations based upon an initial notification
11 provided after June 30, except in extraordinary cir-
12 cumstances that imminently threaten the safety of human
13 life or the protection of property.

14 (e) The notification thresholds and procedures set
15 forth in subsections (a), (b), (c), and (d) shall apply to
16 any use of deobligated balances of funds provided in pre-
17 vious Department of Homeland Security Appropriations
18 Acts that remain available for obligation in the current
19 year.

20 (f) Notwithstanding subsection (c), the Secretary of
21 Homeland Security may transfer to the fund established
22 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
23 priations available to the Department of Homeland Secu-
24 rity: *Provided*, That the Secretary shall notify the Com-
25 mittees on Appropriations of the Senate and the House

1 of Representatives at least 5 days in advance of such
2 transfer.

3 SEC. 504. Section 504 of the Department of Home-
4 land Security Appropriations Act, 2017 (division F of
5 Public Law 115–31), related to the operations of a work-
6 ing capital fund, shall apply with respect to funds made
7 available in this Act in the same manner as such section
8 applied to funds made available in that Act: *Provided*,
9 That funds from such working capital fund may be obli-
10 gated and expended in anticipation of reimbursements
11 from components of the Department of Homeland Secu-
12 rity.

13 SEC. 505. Except as otherwise specifically provided
14 by law, not to exceed 50 percent of unobligated balances
15 remaining available at the end of fiscal year 2021, as re-
16 corded in the financial records at the time of a reprogram-
17 ming notification, but not later than June 30, 2022, from
18 appropriations for “Operations and Support” for fiscal
19 year 2021 in this Act shall remain available through Sep-
20 tember 30, 2022, in the account and for the purposes for
21 which the appropriations were provided: *Provided*, That
22 prior to the obligation of such funds, a notification shall
23 be submitted to the Committees on Appropriations of the
24 Senate and the House of Representatives in accordance
25 with section 503 of this Act.

1 SEC. 506. Funds made available by this Act for intel-
2 ligence activities are deemed to be specifically authorized
3 by the Congress for purposes of section 504 of the Na-
4 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
5 year 2021 until the enactment of an Act authorizing intel-
6 ligence activities for fiscal year 2021.

7 SEC. 507. (a) The Secretary of Homeland Security,
8 or the designee of the Secretary, shall notify the Commit-
9 tees on Appropriations of the Senate and the House of
10 Representatives at least 3 full business days in advance
11 of—

12 (1) making or awarding a grant allocation or
13 grant in excess of \$1,000,000;

14 (2) making or awarding a contract, other trans-
15 action agreement, or task or delivery order on a De-
16 partment of Homeland Security multiple award con-
17 tract, or to issue a letter of intent totaling in excess
18 of \$4,000,000;

19 (3) awarding a task or delivery order requiring
20 an obligation of funds in an amount greater than
21 \$10,000,000 from multi-year Department of Home-
22 land Security funds;

23 (4) making a sole-source grant award; or

24 (5) announcing publicly the intention to make
25 or award items under paragraph (1), (2), (3), or (4),

1 including a contract covered by the Federal Acquisi-
2 tion Regulation.

3 (b) If the Secretary of Homeland Security determines
4 that compliance with this section would pose a substantial
5 risk to human life, health, or safety, an award may be
6 made without notification, and the Secretary shall notify
7 the Committees on Appropriations of the Senate and the
8 House of Representatives not later than 5 full business
9 days after such an award is made or letter issued.

10 (c) A notification under this section—

11 (1) may not involve funds that are not available
12 for obligation; and

13 (2) shall include the amount of the award; the
14 fiscal year for which the funds for the award were
15 appropriated; the type of contract; and the account
16 from which the funds are being drawn.

17 SEC. 508. Notwithstanding any other provision of
18 law, no agency shall purchase, construct, or lease any ad-
19 ditional facilities, except within or contiguous to existing
20 locations, to be used for the purpose of conducting Federal
21 law enforcement training without advance notification to
22 the Committees on Appropriations of the Senate and the
23 House of Representatives, except that the Federal Law
24 Enforcement Training Centers is authorized to obtain the
25 temporary use of additional facilities by lease, contract,

1 or other agreement for training that cannot be accommo-
2 dated in existing Centers' facilities.

3 SEC. 509. None of the funds appropriated or other-
4 wise made available by this Act may be used for expenses
5 for any construction, repair, alteration, or acquisition
6 project for which a prospectus otherwise required under
7 chapter 33 of title 40, United States Code, has not been
8 approved, except that necessary funds may be expended
9 for each project for required expenses for the development
10 of a proposed prospectus.

11 SEC. 510. Sections 520, 522, and 530 of the Depart-
12 ment of Homeland Security Appropriations Act, 2008 (di-
13 vision E of Public Law 110–161; 121 Stat. 2073 and
14 2074) shall apply with respect to funds made available in
15 this Act in the same manner as such sections applied to
16 funds made available in that Act.

17 SEC. 511. None of the funds made available in this
18 Act may be used in contravention of the applicable provi-
19 sions of the Buy American Act: *Provided*, That for pur-
20 poses of the preceding sentence, the term “Buy American
21 Act” means chapter 83 of title 41, United States Code.

22 SEC. 512. None of the funds made available in this
23 Act may be used to amend the oath of allegiance required
24 by section 337 of the Immigration and Nationality Act
25 (8 U.S.C. 1448).

1 SEC. 513. None of the funds provided or otherwise
2 made available in this Act shall be available to carry out
3 section 872 of the Homeland Security Act of 2002 (6
4 U.S.C. 452) unless explicitly authorized by the Congress.

5 SEC. 514. None of the funds made available in this
6 Act may be used for planning, testing, piloting, or devel-
7 oping a national identification card.

8 SEC. 515. Any official that is required by this Act
9 to report or to certify to the Committees on Appropria-
10 tions of the Senate and the House of Representatives may
11 not delegate such authority to perform that act unless spe-
12 cifically authorized herein.

13 SEC. 516. None of the funds appropriated or other-
14 wise made available in this or any other Act may be used
15 to transfer, release, or assist in the transfer or release to
16 or within the United States, its territories, or possessions
17 Khalid Sheikh Mohammed or any other detainee who—

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

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

23 SEC. 517. None of the funds made available in this
24 Act may be used for first-class travel by the employees
25 of agencies funded by this Act in contravention of sections

1 301–10.122 through 301–10.124 of title 41, Code of Fed-
2 eral Regulations.

3 SEC. 518. None of the funds made available in this
4 Act may be used to employ workers described in section
5 274A(h)(3) of the Immigration and Nationality Act (8
6 U.S.C. 1324a(h)(3)).

7 SEC. 519. Notwithstanding any other provision of
8 this Act, none of the funds appropriated or otherwise
9 made available by this Act may be used to pay award or
10 incentive fees for contractor performance that has been
11 judged to be below satisfactory performance or perform-
12 ance that does not meet the basic requirements of a con-
13 tract.

14 SEC. 520. None of the funds appropriated or other-
15 wise made available by this Act may be used by the De-
16 partment of Homeland Security to enter into any Federal
17 contract unless such contract is entered into in accordance
18 with the requirements of subtitle I of title 41, United
19 States Code, or chapter 137 of title 10, United States
20 Code, and the Federal Acquisition Regulation, unless such
21 contract is otherwise authorized by statute to be entered
22 into without regard to the above referenced statutes.

23 SEC. 521. (a) None of the funds made available in
24 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

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

7 SEC. 522. None of the funds made available in this
8 Act may be used by a Federal law enforcement officer to
9 facilitate the transfer of an operable firearm to an indi-
10 vidual if the Federal law enforcement officer knows or sus-
11 pects that the individual is an agent of a drug cartel unless
12 law enforcement personnel of the United States continu-
13 ously monitor or control the firearm at all times.

14 SEC. 523. None of the funds made available in this
15 Act may be used to pay for the travel to or attendance
16 of more than 50 employees of a single component of the
17 Department of Homeland Security, who are stationed in
18 the United States, at a single international conference un-
19 less the Secretary of Homeland Security, or a designee,
20 determines that such attendance is in the national interest
21 and notifies the Committees on Appropriations of the Sen-
22 ate and the House of Representatives within at least 10
23 days of that determination and the basis for that deter-
24 mination: *Provided*, That for purposes of this section the
25 term “international conference” shall mean a conference

1 occurring outside of the United States attended by rep-
2 resentatives of the United States Government and of for-
3 eign governments, international organizations, or non-
4 governmental organizations: *Provided further*, That the
5 total cost to the Department of Homeland Security of any
6 such conference shall not exceed \$500,000.

7 SEC. 524. None of the funds made available in this
8 Act may be used to reimburse any Federal department
9 or agency for its participation in a National Special Secu-
10 rity Event.

11 SEC. 525. None of the funds made available to the
12 Department of Homeland Security by this or any other
13 Act may be obligated for any structural pay reform that
14 affects more than 100 full-time positions or costs more
15 than \$5,000,000 in a single year before the end of the
16 30-day period beginning on the date on which the Sec-
17 retary of Homeland Security submits to Congress a notifi-
18 cation that includes—

19 (1) the number of full-time positions affected by
20 such change;

21 (2) funding required for such change for the
22 current year and through the Future Years Home-
23 land Security Program;

24 (3) justification for such change; and

1 (4) an analysis of compensation alternatives to
2 such change that were considered by the Depart-
3 ment.

4 SEC. 526. (a) Any agency receiving funds made avail-
5 able in this Act shall, subject to subsections (b) and (c),
6 post on the public website of that agency any report re-
7 quired to be submitted by the Committees on Appropria-
8 tions of the Senate and the House of Representatives in
9 this Act, upon the determination by the head of the agency
10 that it shall serve the national interest.

11 (b) Subsection (a) shall not apply to a report if—

12 (1) the public posting of the report com-
13 promises homeland or national security; or

14 (2) the report contains proprietary information.

15 (c) The head of the agency posting such report shall
16 do so only after such report has been made available to
17 the Committees on Appropriations of the Senate and the
18 House of Representatives for not less than 45 days except
19 as otherwise specified in law.

20 SEC. 527. (a) Funding provided in this Act for “Op-
21 erations and Support” may be used for minor procure-
22 ment, construction, and improvements.

23 (b) For purposes of subsection (a), “minor” refers
24 to end items with a unit cost of \$250,000 or less for per-
25 sonal property, and \$2,000,000 or less for real property.

1 SEC. 528. None of the funds made available by this
2 Act may be obligated or expended to implement the Arms
3 Trade Treaty until the Senate approves a resolution of
4 ratification for the Treaty.

5 SEC. 529. The authority provided by section 532 of
6 the Department of Homeland Security Appropriations
7 Act, 2018 (Public Law 115–141) regarding primary and
8 secondary schooling of dependents shall continue in effect
9 during fiscal year 2021.

10 SEC. 530. (a) For an additional amount for “Federal
11 Emergency Management Agency—Federal Assistance”,
12 \$12,700,000, to remain available until September 30,
13 2022, exclusively for providing reimbursement of extraor-
14 dinary law enforcement or other emergency personnel
15 costs for protection activities directly and demonstrably
16 associated with any residence of the President that is des-
17 ignated or identified to be secured by the United States
18 Secret Service.

19 (b) Subsections (b) through (f) of section 534 of the
20 Department of Homeland Security Appropriations Act,
21 2018 (Public Law 115–141), shall be applied with respect
22 to amounts made available by subsection (a) of this section
23 by substituting “October 1, 2021” for “October 1, 2018”
24 and “October 1, 2020” for “October 1, 2017”.

1 SEC. 531. (a) Section 831 of the Homeland Security
2 Act of 2002 (6 U.S.C. 391) shall be applied—

3 (1) In subsection (a), by substituting “Sep-
4 tember 30, 2021,” for “September 30, 2017,”; and

5 (2) In subsection (c)(1), by substituting “Sep-
6 tember 30, 2021,” for “September 30, 2017”.

7 (b) The Secretary of Homeland Security, under the
8 authority of section 831 of the Homeland Security Act of
9 2002 (6 U.S.C. 391(a)), may carry out prototype projects
10 under section 2371b of title 10, United States Code, and
11 the Secretary shall perform the functions of the Secretary
12 of Defense as prescribed.

13 (c) The Secretary of Homeland Security under sec-
14 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.
15 391(d)) may use the definition of nontraditional govern-
16 ment contractor as defined in section 2371b(e) of title 10,
17 United States Code.

18 SEC. 532. (a) None of the funds appropriated or oth-
19 erwise made available to the Department of Homeland Se-
20 curity by this Act may be used to prevent any of the fol-
21 lowing persons from entering, for the purpose of con-
22 ducting oversight, any facility operated by or for the De-
23 partment of Homeland Security used to detain or other-
24 wise house aliens, or to make any temporary modification
25 at any such facility that in any way alters what is observed

1 by a visiting member of Congress or such designated em-
2 ployee, compared to what would be observed in the absence
3 of such modification:

4 (1) A Member of Congress.

5 (2) An employee of the United States House of
6 Representatives or the United States Senate des-
7 igned by such a Member for the purposes of this
8 section.

9 (b) Nothing in this section may be construed to re-
10 quire a Member of Congress to provide prior notice of the
11 intent to enter a facility described in subsection (a) for
12 the purpose of conducting oversight.

13 (c) With respect to individuals described in subsection
14 (a)(2), the Department of Homeland Security may require
15 that a request be made at least 24 hours in advance of
16 an intent to enter a facility described in subsection (a).

17 SEC. 533. (a) Except as provided in subsection (b),
18 none of the funds made available in this Act may be used
19 to place restraints on a woman in the custody of the De-
20 partment of Homeland Security (including during trans-
21 port, in a detention facility, or at an outside medical facil-
22 ity) who is pregnant or in post-delivery recuperation.

23 (b) Subsection (a) shall not apply with respect to a
24 pregnant woman if—

1 (1) an appropriate official of the Department of
2 Homeland Security makes an individualized deter-
3 mination that the woman—

4 (A) is a serious flight risk, and such risk
5 cannot be prevented by other means; or

6 (B) poses an immediate and serious threat
7 to harm herself or others that cannot be pre-
8 vented by other means; or

9 (2) a medical professional responsible for the
10 care of the pregnant woman determines that the use
11 of therapeutic restraints is appropriate for the med-
12 ical safety of the woman.

13 (c) If a pregnant woman is restrained pursuant to
14 subsection (b), only the safest and least restrictive re-
15 straints, as determined by the appropriate medical profes-
16 sional treating the woman, may be used. In no case may
17 restraints be used on a woman who is in active labor or
18 delivery, and in no case may a pregnant woman be re-
19 strained in a face-down position with four-point restraints,
20 on her back, or in a restraint belt that constricts the area
21 of the pregnancy. A pregnant woman who is immobilized
22 by restraints shall be positioned, to the maximum extent
23 feasible, on her left side.

1 SEC. 534. (a) None of the funds made available by
2 this Act may be used to destroy any document, recording,
3 or other record pertaining to any—

4 (1) death of,

5 (2) potential sexual assault or abuse per-
6 petrated against, or

7 (3) allegation of abuse, criminal activity, or dis-
8 ruption committed by

9 an individual held in the custody of the Department of
10 Homeland Security.

11 (b) The records referred to in subsection (a) shall be
12 made available, in accordance with applicable laws and
13 regulations, and Federal rules governing disclosure in liti-
14 gation, to an individual who has been charged with a
15 crime, been placed into segregation, or otherwise punished
16 as a result of an allegation described in paragraph (3),
17 upon the request of such individual.

18 SEC. 535. Section 519 of division F of Public Law
19 114–113, regarding a prohibition on funding for any posi-
20 tion designated as a Principal Federal Official, shall apply
21 with respect to any Federal funds in the same manner
22 as such section applied to funds made available in that
23 Act.

24 SEC. 536. Within 60 days of any budget submission
25 for the Department of Homeland Security for fiscal year

1 2022 that assumes revenues or proposes a reduction from
2 the previous year based on user fees proposals that have
3 not been enacted into law prior to the submission of the
4 budget, the Secretary of Homeland Security shall provide
5 the Committees on Appropriations of the Senate and the
6 House of Representatives specific reductions in proposed
7 discretionary budget authority commensurate with the
8 revenues assumed in such proposals in the event that they
9 are not enacted prior to October 1, 2021.

10 SEC. 537. (a) Not later than 10 days after the date
11 on which the budget of the President for a fiscal year is
12 submitted to Congress pursuant to section 1105(a) of title
13 31, United States Code, the Secretary of Homeland Secu-
14 rity shall submit to the Committees on Appropriations of
15 the Senate and the House of Representatives a report on
16 the unfunded priorities, for the Department of Homeland
17 Security and separately for each departmental component,
18 for which discretionary funding would be classified as
19 budget function 050.

20 (b) Each report under this section shall specify, for
21 each such unfunded priority—

22 (1) a summary description, including the objec-
23 tives to be achieved if such priority is funded
24 (whether in whole or in part);

1 (2) the description, including the objectives to
2 be achieved if such priority is funded (whether in
3 whole or in part);

4 (3) account information, including the following
5 (as applicable):

6 (A) appropriation account; and

7 (B) program, project, or activity name;

8 and

9 (4) the additional number of full-time or part-
10 time positions to be funded as part of such priority.

11 (c) In this section, the term “unfunded priority”, in
12 the case of a fiscal year, means a requirement that—

13 (1) is not funded in the budget referred to in
14 subsection (a);

15 (2) is necessary to fulfill a requirement associ-
16 ated with an operational or contingency plan for the
17 Department; and

18 (3) would have been recommended for funding
19 through the budget referred to in subsection (a) if—

20 (A) additional resources had been available
21 for the budget to fund the requirement;

22 (B) the requirement has emerged since the
23 budget was formulated; or

24 (C) the requirement is necessary to sustain
25 prior-year investments.

1 (TRANSFER OF FUNDS)

2 SEC. 538. Not later than 30 days after the date of
3 enactment of this Act, \$20,000,000 in unobligated bal-
4 ances from amounts made available in section 212(b) of
5 division D of the Consolidated Appropriations Act, 2020
6 (Public Law 116–93) shall be transferred to “Countering
7 Weapons of Mass Destruction Office—Procurement, Con-
8 struction, and Improvements” for the development of a de-
9 partment-wide electronic health records system, and shall
10 remain available until September 30, 2022, in addition to
11 any amounts otherwise available for such purposes: *Pro-*
12 *vided*, That the amounts transferred pursuant to this sec-
13 tion that were previously designated by the Congress as
14 an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985 are designated by the Con-
17 gress as an emergency requirement pursuant to that sec-
18 tion of that Act.

19 (RESCISSIONS OF FUNDS)

20 SEC. 539. Of the funds appropriated to the Depart-
21 ment of Homeland Security, the following funds are here-
22 by rescinded from the following accounts and programs
23 in the specified amounts: *Provided*, That no amounts may
24 be rescinded from amounts that were designated by the
25 Congress as an emergency requirement pursuant to a con-

1 current resolution on the budget or the Balanced Budget
2 and Emergency Deficit Control Act of 1985 (Public Law
3 99–177):

4 (1) \$27,036,000 from Public Law 115–141
5 under the heading “U.S. Customs and Border Pro-
6 tection—Procurement, Construction, and Improve-
7 ments”.

8 (2) \$15,000,000 from the unobligated balances
9 available in the “U.S. Customs and Border Protec-
10 tion—Border Security, Fencing, Infrastructure, and
11 Technology” account (70 × 0533).

12 (3) \$6,000,000 from the unobligated balances
13 available in the “U.S. Customs and Border Protec-
14 tion—Construction and Facility Improvements” ac-
15 count (70 × 0532).

16 (4) \$3,098,000 from the unobligated balances
17 available in the “U.S. Immigration and Customs En-
18 forcement—Construction” account (70 × 0545).

19 (5) \$658,000 from the unobligated balances
20 available in the “U.S. Immigration and Customs En-
21 forcement—Automation Modernization” account (70
22 × 0543).

23 (6) \$1,718,108 from the unobligated balances
24 available in the “Coast Guard—Alteration of
25 Bridges” account (070 × 0614).

1 (7) \$8,200,000 from Public Law 116–6 under
2 the heading “U.S. Citizenship and Immigration
3 Services—Procurement, Construction, and Improve-
4 ments”.

5 SEC. 540. The following unobligated balances made
6 available to the Department of Homeland Security pursu-
7 ant to section 505 of the Department of Homeland Secu-
8 rity Appropriations Act, 2020 (Public Law 116–93) are
9 rescinded:

10 (1) \$929,550 from “Office of the Secretary and
11 Executive Management—Operations and Support”.

12 (2) \$1,426,980 from “Management Direc-
13 torate—Operations and Support”.

14 (3) \$298,190 from “Intelligence, Analysis, and
15 Operations Coordination—Operations and Support”.

16 (4) \$430,910 from “U.S. Customs and Border
17 Protection—Operations and Support”.

18 (5) \$1,810,393 from “United States Secret
19 Service—Operations and Support”.

20 (6) \$1,574,940 from “Cybersecurity and Infra-
21 structure Security Agency—Operations and Sup-
22 port”.

23 (7) \$690,090 from “Federal Emergency Man-
24 agement Agency—Operations and Support”.

1 (8) \$8,984,690 from “U.S. Citizenship and Im-
2 migration Services—Operations and Support”.

3 (9) \$242,490 from “Federal Law Enforcement
4 Training Centers—Operations and Support”.

5 (10) \$136,570 from “Science and Technology
6 Directorate—Operations and Support”.

7 (11) \$1,103,590 from “Countering Weapons of
8 Mass Destruction Office—Operations and Support”.

9 SEC. 541. For necessary expenses related to pro-
10 viding customs and immigration inspection and pre-in-
11 spection services at, or in support of ports of entry, pursu-
12 ant to section 1356 of title 8, United States Code, and
13 section 58c(f) of title 19, United States Code, and in addi-
14 tion to any other funds made available for this purpose,
15 there is appropriated, out of any money in the Treasury
16 not otherwise appropriated, \$840,000,000, to remain
17 available until September 30, 2021, to offset the loss re-
18 sulting from the coronavirus pandemic of Immigration
19 User Fee receipts collected pursuant to section 286(h) of
20 the Immigration and Nationality Act (8 U.S.C. 1356(h)),
21 and fees for certain customs services collected pursuant
22 to paragraphs 1 through 8 and paragraph 10 of subsection
23 (a) of section 13031 of the Consolidated Omnibus Budget
24 Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1)–(8) and
25 (a)(10)): *Provided*, That notwithstanding any other provi-

1 sion of law, funds made available by this section shall only
2 be used by U.S. Customs and Border Protection, Office
3 of Field Operations: *Provided further*, That such amount
4 is designated by the Congress as being for an emergency
5 requirement pursuant to section 251(b)(2)(A)(i) of the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985.

8 SEC. 542. Not later than 10 days after a determina-
9 tion is made by the President to evaluate and initiate pro-
10 tection under any authority for a former or retired Gov-
11 ernment official or employee, or for an individual who,
12 during the duration of the directed protection, will become
13 a former or retired Government official or employee (re-
14 ferred to in this section as a “covered individual”), the
15 Secretary of Homeland Security shall submit a notifica-
16 tion to congressional leadership and the Committees on
17 Appropriations of the Senate and the House of Represent-
18 atives, the Committees on the Judiciary of the Senate and
19 the House of Representatives, the Committee on Home-
20 land Security and Governmental Affairs of the Senate, the
21 Committee on Homeland Security of the House of Rep-
22 resentatives, and the Committee on Oversight and Reform
23 of the House of Representatives (referred to in this section
24 as the “appropriate congressional committees”): *Provided*,
25 That the notification may be submitted in classified form,

1 if necessary, and in consultation with the Director of Na-
2 tional Intelligence or the Director of the Federal Bureau
3 of Investigation, as appropriate, and shall include the
4 threat assessment, scope of the protection, and the antici-
5 pated cost and duration of such protection: *Provided fur-*
6 *ther*, That not later than 15 days before extending, or 30
7 days before terminating, protection for a covered indi-
8 vidual, the Secretary of Homeland Security shall submit
9 a notification regarding the extension or termination and
10 any change to the threat assessment to the congressional
11 leadership and the appropriate congressional committees:
12 *Provided further*, That not later than 45 days after the
13 date of enactment of this Act, and quarterly thereafter,
14 the Secretary shall submit a report to the congressional
15 leadership and the appropriate congressional committees,
16 which may be submitted in classified form, if necessary,
17 detailing each covered individual, and the scope and asso-
18 ciated cost of protection.

19 This division may be cited as the “Department of
20 Homeland Security Appropriations Act, 2021”.

1 **DIVISION G—DEPARTMENT OF THE INTE-**
2 **RIOR, ENVIRONMENT, AND RELATED**
3 **AGENCIES APPROPRIATIONS ACT, 2021**

4 TITLE I

5 DEPARTMENT OF THE INTERIOR

6 BUREAU OF LAND MANAGEMENT

7 MANAGEMENT OF LANDS AND RESOURCES

8 (INCLUDING RESCISSION OF FUNDS)

9 For necessary expenses for protection, use, improve-
10 ment, development, disposal, cadastral surveying, classi-
11 fication, acquisition of easements and other interests in
12 lands, and performance of other functions, including main-
13 tenance of facilities, as authorized by law, in the manage-
14 ment of lands and their resources under the jurisdiction
15 of the Bureau of Land Management, including the general
16 administration of the Bureau, and assessment of mineral
17 potential of public lands pursuant to section 1010(a) of
18 Public Law 96–487 (16 U.S.C. 3150(a)), \$1,220,555,000,
19 to remain available until September 30, 2022; of which
20 \$77,669,000 for annual and deferred maintenance and
21 \$115,745,000 for the wild horse and burro program, as
22 authorized by Public Law 92–195 (16 U.S.C. 1331 et
23 seq.), shall remain available until expended: *Provided,*
24 That amounts in the fee account of the BLM Permit Proc-
25 essing Improvement Fund may be used for any bureau-

1 related expenses associated with the processing of oil and
2 gas applications for permits to drill and related use of au-
3 thorizations.

4 In addition, \$39,696,000 is for Mining Law Adminis-
5 tration program operations, including the cost of admin-
6 istering the mining claim fee program, to remain available
7 until expended, to be reduced by amounts collected by the
8 Bureau and credited to this appropriation from mining
9 claim maintenance fees and location fees that are hereby
10 authorized for fiscal year 2021, so as to result in a final
11 appropriation estimated at not more than \$1,220,555,000,
12 and \$2,000,000, to remain available until expended, from
13 communication site rental fees established by the Bureau
14 for the cost of administering communication site activities.

15 Of the unobligated balances from amounts made
16 available under this heading in fiscal year 2018 or before,
17 \$13,000,000 is permanently rescinded: *Provided*, That no
18 amounts may be rescinded from amounts that were des-
19 ignated by the Congress as an emergency requirement
20 pursuant to the Concurrent Resolution on the Budget or
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985.

732

1 LAND ACQUISITION

2 (RESCISSION OF FUNDS)

3 Of the unobligated balances from amounts made
4 available for Land Acquisition and derived from the Land
5 and Water Conservation Fund, \$5,400,000 is hereby per-
6 manently rescinded from projects with cost savings or
7 failed or partially failed projects: *Provided*, That no
8 amounts may be rescinded from amounts that were des-
9 ignated by the Congress as an emergency requirement
10 pursuant to the Concurrent Resolution on the Budget or
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985.

13 OREGON AND CALIFORNIA GRANT LANDS

14 For expenses necessary for management, protection,
15 and development of resources and for construction, oper-
16 ation, and maintenance of access roads, reforestation, and
17 other improvements on the revested Oregon and California
18 Railroad grant lands, on other Federal lands in the Or-
19 egon and California land-grant counties of Oregon, and
20 on adjacent rights-of-way; and acquisition of lands or in-
21 terests therein, including existing connecting roads on or
22 adjacent to such grant lands; \$114,783,000, to remain
23 available until expended: *Provided*, That 25 percent of the
24 aggregate of all receipts during the current fiscal year
25 from the revested Oregon and California Railroad grant

1 lands is hereby made a charge against the Oregon and
2 California land-grant fund and shall be transferred to the
3 General Fund in the Treasury in accordance with the sec-
4 ond paragraph of subsection (b) of title II of the Act of
5 August 28, 1937 (43 U.S.C. 2605).

6 RANGE IMPROVEMENTS

7 For rehabilitation, protection, and acquisition of
8 lands and interests therein, and improvement of Federal
9 rangelands pursuant to section 401 of the Federal Land
10 Policy and Management Act of 1976 (43 U.S.C. 1751),
11 notwithstanding any other Act, sums equal to 50 percent
12 of all moneys received during the prior fiscal year under
13 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
14 315b, 315m) and the amount designated for range im-
15 provements from grazing fees and mineral leasing receipts
16 from Bankhead-Jones lands transferred to the Depart-
17 ment of the Interior pursuant to law, but not less than
18 \$10,000,000, to remain available until expended: *Pro-*
19 *vided*, That not to exceed \$600,000 shall be available for
20 administrative expenses.

21 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

22 (INCLUDING RESCISSION OF FUNDS)

23 For administrative expenses and other costs related
24 to processing application documents and other authoriza-
25 tions for use and disposal of public lands and resources,

1 for costs of providing copies of official public land docu-
2 ments, for monitoring construction, operation, and termi-
3 nation of facilities in conjunction with use authorizations,
4 and for rehabilitation of damaged property, such amounts
5 as may be collected under Public Law 94–579 (43 U.S.C.
6 1701 et seq.), and under section 28 of the Mineral Leasing
7 Act (30 U.S.C. 185), to remain available until expended:
8 *Provided*, That notwithstanding any provision to the con-
9 trary of section 305(a) of Public Law 94–579 (43 U.S.C.
10 1735(a)), any moneys that have been or will be received
11 pursuant to that section, whether as a result of forfeiture,
12 compromise, or settlement, if not appropriate for refund
13 pursuant to section 305(c) of that Act (43 U.S.C.
14 1735(c)), shall be available and may be expended under
15 the authority of this Act by the Secretary of the Interior
16 to improve, protect, or rehabilitate any public lands ad-
17 ministered through the Bureau of Land Management
18 which have been damaged by the action of a resource de-
19 veloper, purchaser, permittee, or any unauthorized person,
20 without regard to whether all moneys collected from each
21 such action are used on the exact lands damaged which
22 led to the action: *Provided further*, That any such moneys
23 that are in excess of amounts needed to repair damage
24 to the exact land for which funds were collected may be
25 used to repair other damaged public lands.

1 Of the unobligated balances from amounts collected
2 in fiscal year 2015 or any prior fiscal year, \$20,000,000
3 is permanently rescinded: *Provided*, That no amounts may
4 be rescinded from amounts that were designated by the
5 Congress as an emergency requirement pursuant to the
6 Concurrent Resolution on the Budget or the Balanced
7 Budget and Emergency Deficit Control Act of 1985.

8 MISCELLANEOUS TRUST FUNDS

9 In addition to amounts authorized to be expended
10 under existing laws, there is hereby appropriated such
11 amounts as may be contributed under section 307 of Pub-
12 lic Law 94–579 (43 U.S.C. 1737), and such amounts as
13 may be advanced for administrative costs, surveys, ap-
14 praisals, and costs of making conveyances of omitted lands
15 under section 211(b) of that Act (43 U.S.C. 1721(b)), to
16 remain available until expended.

17 ADMINISTRATIVE PROVISIONS

18 The Bureau of Land Management may carry out the
19 operations funded under this Act by direct expenditure,
20 contracts, grants, cooperative agreements, and reimburs-
21 able agreements with public and private entities, including
22 with States. Appropriations for the Bureau shall be avail-
23 able for purchase, erection, and dismantlement of tem-
24 porary structures, and alteration and maintenance of nec-
25 essary buildings and appurtenant facilities to which the

1 United States has title; up to \$100,000 for payments, at
2 the discretion of the Secretary, for information or evidence
3 concerning violations of laws administered by the Bureau;
4 miscellaneous and emergency expenses of enforcement ac-
5 tivities authorized or approved by the Secretary and to be
6 accounted for solely on the Secretary's certificate, not to
7 exceed \$10,000: *Provided*, That notwithstanding Public
8 Law 90-620 (44 U.S.C. 501), the Bureau may, under co-
9 operative cost-sharing and partnership arrangements au-
10 thorized by law, procure printing services from cooperators
11 in connection with jointly produced publications for which
12 the cooperators share the cost of printing either in cash
13 or in services, and the Bureau determines the cooperator
14 is capable of meeting accepted quality standards: *Provided*
15 *further*, That projects to be funded pursuant to a written
16 commitment by a State government to provide an identi-
17 fied amount of money in support of the project may be
18 carried out by the Bureau on a reimbursable basis.

19 UNITED STATES FISH AND WILDLIFE SERVICE

20 RESOURCE MANAGEMENT

21 For necessary expenses of the United States Fish and
22 Wildlife Service, as authorized by law, and for scientific
23 and economic studies, general administration, and for the
24 performance of other authorized functions related to such
25 resources, \$1,379,828,000, to remain available until Sep-

1 tember 30, 2022: *Provided*, That not to exceed
2 \$20,767,000 shall be used for implementing subsections
3 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
4 cies Act of 1973 (16 U.S.C. 1533) (except for processing
5 petitions, developing and issuing proposed and final regu-
6 lations, and taking any other steps to implement actions
7 described in subsection (c)(2)(A), (c)(2)(B)(i), or
8 (c)(2)(B)(ii)).

9 CONSTRUCTION

10 For construction, improvement, acquisition, or re-
11 moval of buildings and other facilities required in the con-
12 servation, management, investigation, protection, and uti-
13 lization of fish and wildlife resources, and the acquisition
14 of lands and interests therein; \$18,193,000, to remain
15 available until expended.

16 COOPERATIVE ENDANGERED SPECIES CONSERVATION

17 FUND

18 (INCLUDING RESCISSION OF FUNDS)

19 For expenses necessary to carry out section 6 of the
20 Endangered Species Act of 1973 (16 U.S.C. 1535),
21 \$43,340,000, to remain available until expended, of which
22 \$23,702,000 is to be derived from the Cooperative Endan-
23 gered Species Conservation Fund; and of which
24 \$19,638,000 is to be derived from the Land and Water
25 Conservation Fund.

1 Of the unobligated balances made available under
2 this heading, \$12,500,000 is permanently rescinded from
3 projects or from other grant programs with an unobligated
4 carry over balance: *Provided*, That no amounts may be
5 rescinded from amounts that were designated by the Con-
6 gress as an emergency requirement pursuant to the Con-
7 current Resolution on the Budget or the Balanced Budget
8 and Emergency Deficit Control Act of 1985.

9 NATIONAL WILDLIFE REFUGE FUND

10 For expenses necessary to implement the Act of Octo-
11 ber 17, 1978 (16 U.S.C. 715s), \$13,228,000.

12 NORTH AMERICAN WETLANDS CONSERVATION FUND

13 For expenses necessary to carry out the provisions
14 of the North American Wetlands Conservation Act (16
15 U.S.C. 4401 et seq.), \$46,500,000, to remain available
16 until expended.

17 NEOTROPICAL MIGRATORY BIRD CONSERVATION

18 For expenses necessary to carry out the Neotropical
19 Migratory Bird Conservation Act (16 U.S.C. 6101 et
20 seq.), \$4,910,000, to remain available until expended.

21 MULTINATIONAL SPECIES CONSERVATION FUND

22 For expenses necessary to carry out the African Ele-
23 phant Conservation Act (16 U.S.C. 4201 et seq.), the
24 Asian Elephant Conservation Act of 1997 (16 U.S.C.
25 4261 et seq.), the Rhinoceros and Tiger Conservation Act

1 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
2 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
3 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
4 et seq.), \$18,000,000, to remain available until expended.

5 STATE AND TRIBAL WILDLIFE GRANTS

6 For wildlife conservation grants to States and to the
7 District of Columbia, Puerto Rico, Guam, the United
8 States Virgin Islands, the Northern Mariana Islands,
9 American Samoa, and Indian tribes under the provisions
10 of the Fish and Wildlife Act of 1956 and the Fish and
11 Wildlife Coordination Act, for the development and imple-
12 mentation of programs for the benefit of wildlife and their
13 habitat, including species that are not hunted or fished,
14 \$72,362,000, to remain available until expended: *Pro-*
15 *vided*, That of the amount provided herein, \$6,000,000 is
16 for a competitive grant program for Indian tribes not sub-
17 ject to the remaining provisions of this appropriation: *Pro-*
18 *vided further*, That \$7,362,000 is for a competitive grant
19 program to implement approved plans for States, terri-
20 tories, and other jurisdictions and at the discretion of af-
21 fected States, the regional Associations of fish and wildlife
22 agencies, not subject to the remaining provisions of this
23 appropriation: *Provided further*, That the Secretary shall,
24 after deducting \$13,362,000 and administrative expenses,
25 apportion the amount provided herein in the following

1 manner: (1) to the District of Columbia and to the Com-
2 monwealth of Puerto Rico, each a sum equal to not more
3 than one-half of 1 percent thereof; and (2) to Guam,
4 American Samoa, the United States Virgin Islands, and
5 the Commonwealth of the Northern Mariana Islands, each
6 a sum equal to not more than one-fourth of 1 percent
7 thereof: *Provided further*, That the Secretary of the Inte-
8 rior shall apportion the remaining amount in the following
9 manner: (1) one-third of which is based on the ratio to
10 which the land area of such State bears to the total land
11 area of all such States; and (2) two-thirds of which is
12 based on the ratio to which the population of such State
13 bears to the total population of all such States: *Provided*
14 *further*, That the amounts apportioned under this para-
15 graph shall be adjusted equitably so that no State shall
16 be apportioned a sum which is less than 1 percent of the
17 amount available for apportionment under this paragraph
18 for any fiscal year or more than 5 percent of such amount:
19 *Provided further*, That the Federal share of planning
20 grants shall not exceed 75 percent of the total costs of
21 such projects and the Federal share of implementation
22 grants shall not exceed 65 percent of the total costs of
23 such projects: *Provided further*, That the non-Federal
24 share of such projects may not be derived from Federal
25 grant programs: *Provided further*, That any amount ap-

1 portioned in 2021 to any State, territory, or other jurisdic-
2 tion that remains unobligated as of September 30, 2022,
3 shall be reapportioned, together with funds appropriated
4 in 2023, in the manner provided herein.

5 ADMINISTRATIVE PROVISIONS

6 The United States Fish and Wildlife Service may
7 carry out the operations of Service programs by direct ex-
8 penditure, contracts, grants, cooperative agreements and
9 reimbursable agreements with public and private entities.
10 Appropriations and funds available to the United States
11 Fish and Wildlife Service shall be available for repair of
12 damage to public roads within and adjacent to reservation
13 areas caused by operations of the Service; options for the
14 purchase of land at not to exceed one dollar for each op-
15 tion; facilities incident to such public recreational uses on
16 conservation areas as are consistent with their primary
17 purpose; and the maintenance and improvement of aquar-
18 ia, buildings, and other facilities under the jurisdiction of
19 the Service and to which the United States has title, and
20 which are used pursuant to law in connection with man-
21 agement, and investigation of fish and wildlife resources:
22 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
23 ice may, under cooperative cost sharing and partnership
24 arrangements authorized by law, procure printing services
25 from cooperators in connection with jointly produced pub-

1 lications for which the cooperators share at least one-half
2 the cost of printing either in cash or services and the Serv-
3 ice determines the cooperator is capable of meeting accept-
4 ed quality standards: *Provided further*, That the Service
5 may accept donated aircraft as replacements for existing
6 aircraft: *Provided further*, That notwithstanding 31 U.S.C.
7 3302, all fees collected for non-toxic shot review and ap-
8 proval shall be deposited under the heading “United
9 States Fish and Wildlife Service—Resource Management”
10 and shall be available to the Secretary, without further
11 appropriation, to be used for expenses of processing of
12 such non-toxic shot type or coating applications and revis-
13 ing regulations as necessary, and shall remain available
14 until expended: *Provided further*, That obligated balances
15 of funding originally made available under section
16 7060(c)(2)(B) of division K of the Consolidated Appro-
17 priations Act, 2018 (Public Law 115–141) and trans-
18 ferred to the Fish and Wildlife Service to combat the
19 transnational threat of wildlife poaching and trafficking
20 in the Central Africa Regional Program for the Environ-
21 ment shall be distributed to recipients that were awarded
22 grants not later than 60 days after the date of enactment
23 of this Act.

1 NATIONAL PARK SERVICE

2 OPERATION OF THE NATIONAL PARK SYSTEM

3 For expenses necessary for the management, oper-
4 ation, and maintenance of areas and facilities adminis-
5 tered by the National Park Service and for the general
6 administration of the National Park Service,
7 \$2,688,287,000, of which \$10,282,000 for planning and
8 interagency coordination in support of Everglades restora-
9 tion and \$135,980,000 for maintenance, repair, or reha-
10 bilitation projects for constructed assets and
11 \$188,184,000 for cyclic maintenance projects for con-
12 structed assets and cultural resources and \$5,000,000 for
13 uses authorized by section 101122 of title 54, United
14 States Code shall remain available until September 30,
15 2022: *Provided*, That funds appropriated under this head-
16 ing in this Act are available for the purposes of section
17 5 of Public Law 95–348: *Provided further*, That notwith-
18 standing section 9(a) of the United States
19 Semiquincentennial Commission Act of 2016 (Public Law
20 114–196; 130 Stat. 691), \$8,000,000 of the funds made
21 available under this heading shall be provided to the
22 United States Semiquincentennial Commission for the
23 purposes specified by that Act: *Provided further*, That not-
24 withstanding section 9 of the 400 Years of African-Amer-
25 ican History Commission Act (36 U.S.C. note prec. 101;

1 Public Law 115–102), \$3,300,000 of the funds provided
2 under this heading shall be made available for the pur-
3 poses specified by that Act: *Provided further*, That sections
4 (7)(b) and (8) of that Act shall be amended by striking
5 “July 1, 2021” and inserting “July 1, 2022”.

6 In addition, for purposes described in section 2404
7 of Public Law 116–9, an amount equal to the amount de-
8 posited in this fiscal year into the National Park Medical
9 Services Fund established pursuant to such section of
10 such Act, to remain available until expended, shall be de-
11 rived from such Fund.

12 NATIONAL RECREATION AND PRESERVATION

13 For expenses necessary to carry out recreation pro-
14 grams, natural programs, cultural programs, heritage
15 partnership programs, environmental compliance and re-
16 view, international park affairs, and grant administration,
17 not otherwise provided for, \$74,157,000, to remain avail-
18 able until September 30, 2022.

19 HISTORIC PRESERVATION FUND

20 For expenses necessary in carrying out the National
21 Historic Preservation Act (division A of subtitle III of title
22 54, United States Code), \$144,300,000, to be derived
23 from the Historic Preservation Fund and to remain avail-
24 able until September 30, 2022, of which \$25,000,000 shall
25 be for Save America’s Treasures grants for preservation

1 of nationally significant sites, structures and artifacts as
2 authorized by section 7303 of the Omnibus Public Land
3 Management Act of 2009 (54 U.S.C. 3089): *Provided*,
4 That an individual Save America's Treasures grant shall
5 be matched by non-Federal funds: *Provided further*, That
6 individual projects shall only be eligible for one grant: *Pro-*
7 *vided further*, That all projects to be funded shall be ap-
8 proved by the Secretary of the Interior in consultation
9 with the House and Senate Committees on Appropria-
10 tions: *Provided further*, That of the funds provided for the
11 Historic Preservation Fund, \$1,000,000 is for competitive
12 grants for the survey and nomination of properties to the
13 National Register of Historic Places and as National His-
14 toric Landmarks associated with communities currently
15 under-represented, as determined by the Secretary,
16 \$21,125,000 is for competitive grants to preserve the sites
17 and stories of the Civil Rights movement; \$10,000,000 is
18 for grants to Historically Black Colleges and Universities;
19 \$7,500,000 is for competitive grants for the restoration
20 of historic properties of national, State, and local signifi-
21 cance listed on or eligible for inclusion on the National
22 Register of Historic Places, to be made without imposing
23 the usage or direct grant restrictions of section 101(e)(3)
24 (54 U.S.C. 302904) of the National Historical Preserva-
25 tion Act; and \$10,000,000 is for a competitive grant pro-

1 gram to honor the semiquincentennial anniversary of the
2 United States by restoring and preserving state-owned
3 sites and structures listed on the National Register of His-
4 toric Places that commemorate the founding of the nation:
5 *Provided further*, That such competitive grants shall be
6 made without imposing the matching requirements in sec-
7 tion 302902(b)(3) of title 54, United States Code to
8 States and Indian tribes as defined in chapter 3003 of
9 such title, Native Hawaiian organizations, local govern-
10 ments, including Certified Local Governments, and non-
11 profit organizations.

12 CONSTRUCTION

13 For construction, improvements, repair, or replace-
14 ment of physical facilities, and compliance and planning
15 for programs and areas administered by the National
16 Park Service, \$223,907,000, to remain available until ex-
17 pended: *Provided*, That notwithstanding any other provi-
18 sion of law, for any project initially funded in fiscal year
19 2021 with a future phase indicated in the National Park
20 Service 5-Year Line Item Construction Plan, a single pro-
21 curement may be issued which includes the full scope of
22 the project: *Provided further*, That the solicitation and
23 contract shall contain the clause availability of funds
24 found at 48 CFR 52.232-18: *Provided further*, That Na-
25 tional Park Service Donations, Park Concessions Fran-

1 chise Fees, and Recreation Fees may be made available
2 for the cost of adjustments and changes within the origi-
3 nal scope of effort for projects funded by the National
4 Park Service Construction appropriation: *Provided further*,
5 That the Secretary of the Interior shall consult with the
6 Committees on Appropriations, in accordance with current
7 reprogramming thresholds, prior to making any charges
8 authorized by this section.

9 LAND ACQUISITION AND STATE ASSISTANCE

10 (RESCISSION OF FUNDS)

11 Of the unobligated balances from amounts made
12 available for the National Park Service and derived from
13 the Land and Water Conservation Fund in fiscal year
14 2017 or any prior fiscal year, \$23,000,000 is hereby per-
15 manently rescinded from grant programs with an unobli-
16 gated carry over balance: *Provided*, That no amounts may
17 be rescinded from amounts that were designated by the
18 Congress as an emergency requirement pursuant to the
19 Concurrent Resolution on the Budget or the Balanced
20 Budget and Emergency Deficit Control Act of 1985.

21 CENTENNIAL CHALLENGE

22 For expenses necessary to carry out the provisions
23 of section 101701 of title 54, United States Code, relating
24 to challenge cost share agreements, \$15,000,000, to re-
25 main available until expended, for Centennial Challenge

1 projects and programs: *Provided*, That not less than 50
2 percent of the total cost of each project or program shall
3 be derived from non-Federal sources in the form of do-
4 nated cash, assets, or a pledge of donation guaranteed by
5 an irrevocable letter of credit.

6 ADMINISTRATIVE PROVISIONS
7 (INCLUDING TRANSFER OF FUNDS)

8 In addition to other uses set forth in section
9 101917(c)(2) of title 54, United States Code, franchise
10 fees credited to a sub-account shall be available for ex-
11 penditure by the Secretary, without further appropriation,
12 for use at any unit within the National Park System to
13 extinguish or reduce liability for Possessory Interest or
14 leasehold surrender interest. Such funds may only be used
15 for this purpose to the extent that the benefitting unit an-
16 ticipated franchise fee receipts over the term of the con-
17 tract at that unit exceed the amount of funds used to ex-
18 tinguish or reduce liability. Franchise fees at the benefit-
19 ting unit shall be credited to the sub-account of the origi-
20 nating unit over a period not to exceed the term of a single
21 contract at the benefitting unit, in the amount of funds
22 so expended to extinguish or reduce liability.

23 For the costs of administration of the Land and
24 Water Conservation Fund grants authorized by section
25 105(a)(2)(B) of the Gulf of Mexico Energy Security Act

1 of 2006 (Public Law 109–432), the National Park Service
2 may retain up to 3 percent of the amounts which are au-
3 thorized to be disbursed under such section, such retained
4 amounts to remain available until expended.

5 National Park Service funds may be transferred to
6 the Federal Highway Administration (FHWA), Depart-
7 ment of Transportation, for purposes authorized under 23
8 U.S.C. 203. Transfers may include a reasonable amount
9 for FHWA administrative support costs.

10 UNITED STATES GEOLOGICAL SURVEY

11 SURVEYS, INVESTIGATIONS, AND RESEARCH

12 For expenses necessary for the United States Geo-
13 logical Survey to perform surveys, investigations, and re-
14 search covering topography, geology, hydrology, biology,
15 and the mineral and water resources of the United States,
16 its territories and possessions, and other areas as author-
17 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
18 to their mineral and water resources; give engineering su-
19 pervision to power permittees and Federal Energy Regu-
20 latory Commission licensees; administer the minerals ex-
21 ploration program (30 U.S.C. 641); conduct inquiries into
22 the economic conditions affecting mining and materials
23 processing industries (30 U.S.C. 3, 21a, and 1603; 50
24 U.S.C. 98g(a)(1)) and related purposes as authorized by
25 law; and to publish and disseminate data relative to the

1 foregoing activities; \$1,315,527,000, to remain available
2 until September 30, 2022; of which \$84,337,000 shall re-
3 main available until expended for satellite operations; and
4 of which \$74,664,000 shall be available until expended for
5 deferred maintenance and capital improvement projects
6 that exceed \$100,000 in cost: *Provided*, That none of the
7 funds provided for the ecosystem research activity shall
8 be used to conduct new surveys on private property, unless
9 specifically authorized in writing by the property owner:
10 *Provided further*, That no part of this appropriation shall
11 be used to pay more than one-half the cost of topographic
12 mapping or water resources data collection and investiga-
13 tions carried on in cooperation with States and municipali-
14 ties.

15 ADMINISTRATIVE PROVISIONS

16 From within the amount appropriated for activities
17 of the United States Geological Survey such sums as are
18 necessary shall be available for contracting for the fur-
19 nishing of topographic maps and for the making of geo-
20 physical or other specialized surveys when it is administra-
21 tively determined that such procedures are in the public
22 interest; construction and maintenance of necessary build-
23 ings and appurtenant facilities; acquisition of lands for
24 gauging stations, observation wells, and seismic equip-
25 ment; expenses of the United States National Committee

1 for Geological Sciences; and payment of compensation and
2 expenses of persons employed by the Survey duly ap-
3 pointed to represent the United States in the negotiation
4 and administration of interstate compacts: *Provided*, That
5 activities funded by appropriations herein made may be
6 accomplished through the use of contracts, grants, or co-
7 operative agreements as defined in section 6302 of title
8 31, United States Code: *Provided further*, That the United
9 States Geological Survey may enter into contracts or coop-
10 erative agreements directly with individuals or indirectly
11 with institutions or nonprofit organizations, without re-
12 gard to 41 U.S.C. 6101, for the temporary or intermittent
13 services of students or recent graduates, who shall be con-
14 sidered employees for the purpose of chapters 57 and 81
15 of title 5, United States Code, relating to compensation
16 for travel and work injuries, and chapter 171 of title 28,
17 United States Code, relating to tort claims, but shall not
18 be considered to be Federal employees for any other pur-
19 poses.

20 BUREAU OF OCEAN ENERGY MANAGEMENT

21 OCEAN ENERGY MANAGEMENT

22 (INCLUDING RESCISSION OF FUNDS)

23 For expenses necessary for granting and admin-
24 istering leases, easements, rights-of-way, and agreements
25 for use for oil and gas, other minerals, energy, and ma-

1 rine-related purposes on the Outer Continental Shelf and
2 approving operations related thereto, as authorized by law;
3 for environmental studies, as authorized by law; for imple-
4 menting other laws and to the extent provided by Presi-
5 dential or Secretarial delegation; and for matching grants
6 or cooperative agreements, \$192,815,000, of which
7 \$129,760,000 is to remain available until September 30,
8 2022, and of which \$63,055,000 is to remain available
9 until expended: *Provided*, That this total appropriation
10 shall be reduced by amounts collected by the Secretary of
11 the Interior and credited to this appropriation from addi-
12 tions to receipts resulting from increases to lease rental
13 rates in effect on August 5, 1993, and from cost recovery
14 fees from activities conducted by the Bureau of Ocean En-
15 ergy Management pursuant to the Outer Continental Shelf
16 Lands Act, including studies, assessments, analysis, and
17 miscellaneous administrative activities: *Provided further*,
18 That the sum herein appropriated shall be reduced as such
19 collections are received during the fiscal year, so as to re-
20 sult in a final fiscal year 2021 appropriation estimated
21 at not more than \$129,760,000: *Provided further*, That
22 not to exceed \$3,000 shall be available for reasonable ex-
23 penses related to promoting volunteer beach and marine
24 cleanup activities: *Provided further*, That of the unobli-
25 gated balances from amounts made available under this

1 heading, \$2,000,000 is permanently rescinded: *Provided*
2 *further*, That no amounts may be rescinded from amounts
3 that were designated by the Congress as an emergency re-
4 quirement pursuant to the Concurrent Resolution on the
5 Budget or the Balanced Budget and Emergency Deficit
6 Control Act of 1985.

7 BUREAU OF SAFETY AND ENVIRONMENTAL
8 ENFORCEMENT
9 OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT
10 (INCLUDING RESCISSION OF FUNDS)

11 For expenses necessary for the regulation of oper-
12 ations related to leases, easements, rights-of-way, and
13 agreements for use for oil and gas, other minerals, energy,
14 and marine-related purposes on the Outer Continental
15 Shelf, as authorized by law; for enforcing and imple-
16 menting laws and regulations as authorized by law and
17 to the extent provided by Presidential or Secretarial dele-
18 gation; and for matching grants or cooperative agree-
19 ments, \$150,812,000, of which \$120,165,000 is to remain
20 available until September 30, 2022, and of which
21 \$30,647,000 is to remain available until expended: *Pro-*
22 *vided*, That this total appropriation shall be reduced by
23 amounts collected by the Secretary of the Interior and
24 credited to this appropriation from additions to receipts
25 resulting from increases to lease rental rates in effect on

1 August 5, 1993, and from cost recovery fees from activi-
2 ties conducted by the Bureau of Safety and Environmental
3 Enforcement pursuant to the Outer Continental Shelf
4 Lands Act, including studies, assessments, analysis, and
5 miscellaneous administrative activities: *Provided further*,
6 That the sum herein appropriated shall be reduced as such
7 collections are received during the fiscal year, so as to re-
8 sult in a final fiscal year 2021 appropriation estimated
9 at not more than \$120,165,000: *Provided further*, That
10 of the unobligated balances from amounts made available
11 under this heading, \$10,000,000 is permanently re-
12 scinded: *Provided further*, That no amounts may be re-
13 scinded from amounts that were designated by the Con-
14 gress as an emergency requirement pursuant to the Con-
15 current Resolution on the Budget or the Balanced Budget
16 and Emergency Deficit Control Act of 1985.

17 For an additional amount, \$43,000,000, to remain
18 available until expended, to be reduced by amounts col-
19 lected by the Secretary and credited to this appropriation,
20 which shall be derived from non-refundable inspection fees
21 collected in fiscal year 2021, as provided in this Act: *Pro-*
22 *vided*, That to the extent that amounts realized from such
23 inspection fees exceed \$43,000,000, the amounts realized
24 in excess of \$43,000,000 shall be credited to this appro-
25 priation and remain available until expended: *Provided*

1 *further*, That for fiscal year 2021, not less than 50 percent
2 of the inspection fees expended by the Bureau of Safety
3 and Environmental Enforcement will be used to fund per-
4 sonnel and mission-related costs to expand capacity and
5 expedite the orderly development, subject to environmental
6 safeguards, of the Outer Continental Shelf pursuant to the
7 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et
8 seq.), including the review of applications for permits to
9 drill.

10

OIL SPILL RESEARCH

11 For necessary expenses to carry out title I, section
12 1016; title IV, sections 4202 and 4303; title VII; and title
13 VIII, section 8201 of the Oil Pollution Act of 1990,
14 \$14,899,000, which shall be derived from the Oil Spill Li-
15 ability Trust Fund, to remain available until expended.

16

OFFICE OF SURFACE MINING RECLAMATION AND

17

ENFORCEMENT

18

REGULATION AND TECHNOLOGY

19

(INCLUDING RESCISSION OF FUNDS)

20

21 For necessary expenses to carry out the provisions
22 of the Surface Mining Control and Reclamation Act of
23 1977, Public Law 95–87, \$117,768,000, to remain avail-
24 able until September 30, 2022, of which \$68,590,000 shall
25 be available for state and tribal regulatory grants: *Pro-*
vided, That appropriations for the Office of Surface Min-

1 ing Reclamation and Enforcement may provide for the
2 travel and per diem expenses of State and tribal personnel
3 attending Office of Surface Mining Reclamation and En-
4 forcement sponsored training: *Provided further*, That of
5 the unobligated balances from amounts made available
6 under this heading, \$25,000,000 is permanently re-
7 scinded: *Provided further*, That no amounts may be re-
8 scinded from amounts that were designated by the Con-
9 gress as an emergency requirement pursuant to the Con-
10 current Resolution on the Budget or the Balanced Budget
11 and Emergency Deficit Control Act of 1985.

12 In addition, for costs to review, administer, and en-
13 force permits issued by the Office pursuant to section 507
14 of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to re-
15 main available until expended: *Provided*, That fees as-
16 sessed and collected by the Office pursuant to such section
17 507 shall be credited to this account as discretionary off-
18 setting collections, to remain available until expended:
19 *Provided further*, That the sum herein appropriated from
20 the general fund shall be reduced as collections are re-
21 ceived during the fiscal year, so as to result in a fiscal
22 year 2021 appropriation estimated at not more than
23 \$117,768,000.

1 ABANDONED MINE RECLAMATION FUND
2 (INCLUDING RESCISSION OF FUNDS)

3 For necessary expenses to carry out title IV of the
4 Surface Mining Control and Reclamation Act of 1977,
5 Public Law 95–87, \$24,831,000, to be derived from re-
6 ceipts of the Abandoned Mine Reclamation Fund and to
7 remain available until expended: *Provided*, That pursuant
8 to Public Law 97–365, the Department of the Interior is
9 authorized to use up to 20 percent from the recovery of
10 the delinquent debt owed to the United States Government
11 to pay for contracts to collect these debts: *Provided fur-*
12 *ther*, That funds made available under title IV of Public
13 Law 95–87 may be used for any required non-Federal
14 share of the cost of projects funded by the Federal Gov-
15 ernment for the purpose of environmental restoration re-
16 lated to treatment or abatement of acid mine drainage
17 from abandoned mines: *Provided further*, That such
18 projects must be consistent with the purposes and prior-
19 ities of the Surface Mining Control and Reclamation Act:
20 *Provided further*, That amounts provided under this head-
21 ing may be used for the travel and per diem expenses of
22 State and tribal personnel attending Office of Surface
23 Mining Reclamation and Enforcement sponsored training.
24 In addition, \$115,000,000, to remain available until
25 expended, for grants to States and federally recognized In-

1 dian Tribes for reclamation of abandoned mine lands and
2 other related activities in accordance with the terms and
3 conditions described in the explanatory statement de-
4 scribed in section 4 (in the matter preceding division A
5 of this consolidated Act): *Provided*, That such additional
6 amount shall be used for economic and community devel-
7 opment in conjunction with the priorities in section 403(a)
8 of the Surface Mining Control and Reclamation Act of
9 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such
10 additional amount, \$75,000,000 shall be distributed in
11 equal amounts to the three Appalachian States with the
12 greatest amount of unfunded needs to meet the priorities
13 described in paragraphs (1) and (2) of such section,
14 \$30,000,000 shall be distributed in equal amounts to the
15 three Appalachian States with the subsequent greatest
16 amount of unfunded needs to meet such priorities, and
17 \$10,000,000 shall be for grants to federally recognized In-
18 dian Tribes without regard to their status as certified or
19 uncertified under the Surface Mining Control and Rec-
20 lamation Act of 1977 (30 U.S.C. 1233(a)), for reclama-
21 tion of abandoned mine lands and other related activities
22 in accordance with the terms and conditions described in
23 the explanatory statement described in section 4 (in the
24 matter preceding division A of this consolidated Act) and
25 shall be used for economic and community development

1 in conjunction with the priorities in section 403(a) of the
2 Surface Mining Control and Reclamation Act of 1977:
3 *Provided further*, That such additional amount shall be al-
4 located to States and Indian Tribes within 60 days after
5 the date of enactment of this Act.

6 Of the unobligated balances from amounts made
7 available under this heading in fiscal year 2016 or before,
8 \$10,000,000 is permanently rescinded: *Provided*, That no
9 amounts may be rescinded from amounts that were des-
10 ignated by the Congress as an emergency requirement
11 pursuant to the Concurrent Resolution on the Budget or
12 the Balanced Budget and Emergency Deficit Control Act
13 of 1985.

14 INDIAN AFFAIRS

15 BUREAU OF INDIAN AFFAIRS

16 OPERATION OF INDIAN PROGRAMS

17 (INCLUDING TRANSFERS OF FUNDS)

18 For expenses necessary for the operation of Indian
19 programs, as authorized by law, including the Snyder Act
20 of November 2, 1921 (25 U.S.C. 13) and the Indian Self-
21 Determination and Education Assistance Act of 1975 (25
22 U.S.C. 5301 et seq.), \$1,616,532,000, to remain available
23 until September 30, 2022, except as otherwise provided
24 herein; of which not to exceed \$8,500 may be for official
25 reception and representation expenses; of which not to ex-

1 ceed \$78,000,000 shall be for welfare assistance pay-
2 ments: *Provided*, That in cases of designated Federal dis-
3 asters, the Secretary of the Interior may exceed such cap
4 for welfare payments from the amounts provided herein,
5 to provide for disaster relief to Indian communities af-
6 fected by the disaster: *Provided further*, That federally rec-
7 ognized Indian tribes and tribal organizations of federally
8 recognized Indian tribes may use their tribal priority allo-
9 cations for unmet welfare assistance costs: *Provided fur-*
10 *ther*, That not to exceed \$58,492,000 shall remain avail-
11 able until expended for housing improvement, road main-
12 tenance, attorney fees, litigation support, land records im-
13 provement, and the Navajo-Hopi Settlement Program:
14 *Provided further*, That any forestry funds allocated to a
15 federally recognized tribe which remain unobligated as of
16 September 30, 2022, may be transferred during fiscal year
17 2023 to an Indian forest land assistance account estab-
18 lished for the benefit of the holder of the funds within
19 the holder's trust fund account: *Provided further*, That
20 any such unobligated balances not so transferred shall ex-
21 pire on September 30, 2023: *Provided further*, That in
22 order to enhance the safety of Bureau field employees, the
23 Bureau may use funds to purchase uniforms or other iden-
24 tifying articles of clothing for personnel: *Provided further*,
25 That the Bureau of Indian Affairs may accept transfers

1 of funds from United States Customs and Border Protec-
2 tion to supplement any other funding available for recon-
3 struction or repair of roads owned by the Bureau of Indian
4 Affairs as identified on the National Tribal Transpor-
5 tation Facility Inventory, 23 U.S.C. 202(b)(1): *Provided*
6 *further*, That \$1,000,000 made available for Assistant
7 Secretary Support shall not be available for obligation
8 until the Assistant Secretary-Indian Affairs provides the
9 reports requested by the Committees on Appropriations of
10 the House of Representatives and the Senate related to
11 the Tiwahe Initiative.

12 CONTRACT SUPPORT COSTS

13 For payments to tribes and tribal organizations for
14 contract support costs associated with Indian Self-Deter-
15 mination and Education Assistance Act agreements with
16 the Bureau of Indian Affairs and the Bureau of Indian
17 Education for fiscal year 2021, such sums as may be nec-
18 essary, which shall be available for obligation through Sep-
19 tember 30, 2022: *Provided*, That notwithstanding any
20 other provision of law, no amounts made available under
21 this heading shall be available for transfer to another
22 budget account.

23 PAYMENTS FOR TRIBAL LEASES

24 For payments to tribes and tribal organizations for
25 leases pursuant to section 105(l) of the Indian Self-Deter-

1 mination and Education Assistance Act (25 U.S.C.
2 5324(l)) for fiscal year 2021, such sums as may be nec-
3 essary, which shall be available for obligation through Sep-
4 tember 30, 2022: *Provided*, That notwithstanding any
5 other provision of law, no amounts made available under
6 this heading shall be available for transfer to another
7 budget account.

8

CONSTRUCTION

9

(INCLUDING TRANSFER OF FUNDS)

10 For construction, repair, improvement, and mainte-
11 nance of irrigation and power systems, buildings, utilities,
12 and other facilities, including architectural and engineer-
13 ing services by contract; acquisition of lands, and interests
14 in lands; and preparation of lands for farming, and for
15 construction of the Navajo Indian Irrigation Project pur-
16 suant to Public Law 87-483; \$128,818,000, to remain
17 available until expended: *Provided*, That such amounts as
18 may be available for the construction of the Navajo Indian
19 Irrigation Project may be transferred to the Bureau of
20 Reclamation: *Provided further*, That any funds provided
21 for the Safety of Dams program pursuant to the Act of
22 November 2, 1921 (25 U.S.C. 13), shall be made available
23 on a nonreimbursable basis: *Provided further*, That this
24 appropriation may be reimbursed from the Office of the
25 Special Trustee for American Indians appropriation for

1 the appropriate share of construction costs for space ex-
2 pansion needed in agency offices to meet trust reform im-
3 plementation: *Provided further*, That of the funds made
4 available under this heading, \$10,000,000 shall be derived
5 from the Indian Irrigation Fund established by section
6 3211 of the WIIN Act (Public Law 114–322; 130 Stat.
7 1749).

8 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
9 MISCELLANEOUS PAYMENTS TO INDIANS

10 For payments and necessary administrative expenses
11 for implementation of Indian land and water claim settle-
12 ments pursuant to Public Laws 99–264 and 114–322, and
13 for implementation of other land and water rights settle-
14 ments, \$45,644,000, to remain available until expended.

15 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

16 For the cost of guaranteed loans and insured loans,
17 \$11,797,000, of which \$1,593,000 is for administrative
18 expenses, as authorized by the Indian Financing Act of
19 1974: *Provided*, That such costs, including the cost of
20 modifying such loans, shall be as defined in section 502
21 of the Congressional Budget Act of 1974: *Provided fur-*
22 *ther*, That these funds are available to subsidize total loan
23 principal, any part of which is to be guaranteed or insured,
24 not to exceed \$82,886,197.

1 BUREAU OF INDIAN EDUCATION

2 OPERATION OF INDIAN EDUCATION PROGRAMS

3 For expenses necessary for the operation of Indian
4 education programs, as authorized by law, including the
5 Snyder Act of November 2, 1921 (25 U.S.C. 13), the In-
6 dian Self-Determination and Education Assistance Act of
7 1975 (25 U.S.C. 5301 et seq.), the Education Amend-
8 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
9 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
10 \$973,092,000, to remain available until September 30,
11 2022, except as otherwise provided herein: *Provided*, That
12 federally recognized Indian tribes and tribal organizations
13 of federally recognized Indian tribes may use their tribal
14 priority allocations for unmet welfare assistance costs:
15 *Provided further*, That not to exceed \$728,820,000 for
16 school operations costs of Bureau-funded schools and
17 other education programs shall become available on July
18 1, 2021, and shall remain available until September 30,
19 2022: *Provided further*, That notwithstanding any other
20 provision of law, including but not limited to the Indian
21 Self–Determination Act of 1975 (25 U.S.C. 5301 et seq.)
22 and section 1128 of the Education Amendments of 1978
23 (25 U.S.C. 2008), not to exceed \$86,884,000 within and
24 only from such amounts made available for school oper-
25 ations shall be available for administrative cost grants as-

1 sociated with grants approved prior to July 1, 2021: *Pro-*
2 *vided further*, That in order to enhance the safety of Bu-
3 reau field employees, the Bureau may use funds to pur-
4 chase uniforms or other identifying articles of clothing for
5 personnel.

6 EDUCATION CONSTRUCTION

7 For construction, repair, improvement, and mainte-
8 nance of buildings, utilities, and other facilities necessary
9 for the operation of Indian education programs, including
10 architectural and engineering services by contract; acquisi-
11 tion of lands, and interests in lands; \$264,277,000 to re-
12 main available until expended: *Provided*, That in order to
13 ensure timely completion of construction projects, the Sec-
14 retary of the Interior may assume control of a project and
15 all funds related to the project, if, not later than 18
16 months after the date of the enactment of this Act, any
17 Public Law 100–297 (25 U.S.C. 2501, et seq.) grantee
18 receiving funds appropriated in this Act or in any prior
19 Act, has not completed the planning and design phase of
20 the project and commenced construction.

21 ADMINISTRATIVE PROVISIONS

22 The Bureau of Indian Affairs and the Bureau of In-
23 dian Education may carry out the operation of Indian pro-
24 grams by direct expenditure, contracts, cooperative agree-

1 ments, compacts, and grants, either directly or in coopera-
2 tion with States and other organizations.

3 Notwithstanding Public Law 87–279 (25 U.S.C. 15),
4 the Bureau of Indian Affairs may contract for services in
5 support of the management, operation, and maintenance
6 of the Power Division of the San Carlos Irrigation Project.

7 Notwithstanding any other provision of law, no funds
8 available to the Bureau of Indian Affairs or the Bureau
9 of Indian Education for central office oversight and Exec-
10 utive Direction and Administrative Services (except Exec-
11 utive Direction and Administrative Services funding for
12 Tribal Priority Allocations, regional offices, and facilities
13 operations and maintenance) shall be available for con-
14 tracts, grants, compacts, or cooperative agreements with
15 the Bureau of Indian Affairs or the Bureau of Indian
16 Education under the provisions of the Indian Self-Deter-
17 mination Act or the Tribal Self-Governance Act of 1994
18 (Public Law 103–413).

19 In the event any tribe returns appropriations made
20 available by this Act to the Bureau of Indian Affairs or
21 the Bureau of Indian Education, this action shall not di-
22 minish the Federal Government’s trust responsibility to
23 that tribe, or the government-to-government relationship
24 between the United States and that tribe, or that tribe’s
25 ability to access future appropriations.

1 Notwithstanding any other provision of law, no funds
2 available to the Bureau of Indian Education, other than
3 the amounts provided herein for assistance to public
4 schools under 25 U.S.C. 452 et seq., shall be available to
5 support the operation of any elementary or secondary
6 school in the State of Alaska.

7 No funds available to the Bureau of Indian Edu-
8 cation shall be used to support expanded grades for any
9 school or dormitory beyond the grade structure in place
10 or approved by the Secretary of the Interior at each school
11 in the Bureau of Indian Education school system as of
12 October 1, 1995, except that the Secretary of the Interior
13 may waive this prohibition to support expansion of up to
14 one additional grade when the Secretary determines such
15 waiver is needed to support accomplishment of the mission
16 of the Bureau of Indian Education, or more than one
17 grade to expand the elementary grade structure for Bu-
18 reau-funded schools with a K–2 grade structure on Octo-
19 ber 1, 1996. Appropriations made available in this or any
20 prior Act for schools funded by the Bureau shall be avail-
21 able, in accordance with the Bureau’s funding formula,
22 only to the schools in the Bureau school system as of Sep-
23 tember 1, 1996, and to any school or school program that
24 was reinstated in fiscal year 2012. Funds made available
25 under this Act may not be used to establish a charter

1 school at a Bureau-funded school (as that term is defined
2 in section 1141 of the Education Amendments of 1978
3 (25 U.S.C. 2021)), except that a charter school that is
4 in existence on the date of the enactment of this Act and
5 that has operated at a Bureau-funded school before Sep-
6 tember 1, 1999, may continue to operate during that pe-
7 riod, but only if the charter school pays to the Bureau
8 a pro rata share of funds to reimburse the Bureau for
9 the use of the real and personal property (including buses
10 and vans), the funds of the charter school are kept sepa-
11 rate and apart from Bureau funds, and the Bureau does
12 not assume any obligation for charter school programs of
13 the State in which the school is located if the charter
14 school loses such funding. Employees of Bureau-funded
15 schools sharing a campus with a charter school and per-
16 forming functions related to the charter school's operation
17 and employees of a charter school shall not be treated as
18 Federal employees for purposes of chapter 171 of title 28,
19 United States Code.

20 Notwithstanding any other provision of law, including
21 section 113 of title I of appendix C of Public Law 106-
22 113, if in fiscal year 2003 or 2004 a grantee received indi-
23 rect and administrative costs pursuant to a distribution
24 formula based on section 5(f) of Public Law 101-301, the
25 Secretary shall continue to distribute indirect and admin-

1 istrative cost funds to such grantee using the section 5(f)
2 distribution formula.

3 Funds available under this Act may not be used to
4 establish satellite locations of schools in the Bureau school
5 system as of September 1, 1996, except that the Secretary
6 may waive this prohibition in order for an Indian tribe
7 to provide language and cultural immersion educational
8 programs for non-public schools located within the juris-
9 dictional area of the tribal government which exclusively
10 serve tribal members, do not include grades beyond those
11 currently served at the existing Bureau-funded school,
12 provide an educational environment with educator pres-
13 ence and academic facilities comparable to the Bureau-
14 funded school, comply with all applicable Tribal, Federal,
15 or State health and safety standards, and the Americans
16 with Disabilities Act, and demonstrate the benefits of es-
17 tablishing operations at a satellite location in lieu of incur-
18 ring extraordinary costs, such as for transportation or
19 other impacts to students such as those caused by busing
20 students extended distances: *Provided*, That no funds
21 available under this Act may be used to fund operations,
22 maintenance, rehabilitation, construction, or other facili-
23 ties-related costs for such assets that are not owned by
24 the Bureau: *Provided further*, That the term “satellite
25 school” means a school location physically separated from

1 the existing Bureau school by more than 50 miles but that
2 forms part of the existing school in all other respects.

3 Funds made available for Tribal Priority Allocations
4 within Operation of Indian Programs and Operation of In-
5 dian Education Programs may be used to execute re-
6 quested adjustments in tribal priority allocations initiated
7 by an Indian Tribe.

8 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN
9 INDIANS

10 FEDERAL TRUST PROGRAMS

11 (INCLUDING TRANSFER OF FUNDS)

12 For the operation of trust programs for Indians by
13 direct expenditure, contracts, cooperative agreements,
14 compacts, and grants, \$108,399,000, to remain available
15 until expended, of which not to exceed \$17,911,000 from
16 this or any other Act, may be available for historical ac-
17 counting: *Provided*, That funds for trust management im-
18 provements and litigation support may, as needed, be
19 transferred to or merged with the Bureau of Indian Af-
20 fairs, “Operation of Indian Programs” and Bureau of In-
21 dian Education, “Operation of Indian Education Pro-
22 grams” accounts; the Office of the Solicitor, “Salaries and
23 Expenses” account; and the Office of the Secretary, “De-
24 partmental Operations” account: *Provided further*, That
25 funds made available through contracts or grants obli-

1 gated during fiscal year 2021, as authorized by the Indian
2 Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.),
3 shall remain available until expended by the contractor or
4 grantee: *Provided further*, That notwithstanding any other
5 provision of law, the Secretary shall not be required to
6 provide a quarterly statement of performance for any In-
7 dian trust account that has not had activity for at least
8 15 months and has a balance of \$15 or less: *Provided fur-*
9 *ther*, That the Secretary shall issue an annual account
10 statement and maintain a record of any such accounts and
11 shall permit the balance in each such account to be with-
12 drawn upon the express written request of the account
13 holder: *Provided further*, That not to exceed \$50,000 is
14 available for the Secretary to make payments to correct
15 administrative errors of either disbursements from or de-
16 posits to Individual Indian Money or Tribal accounts after
17 September 30, 2002: *Provided further*, That erroneous
18 payments that are recovered shall be credited to and re-
19 main available in this account for this purpose: *Provided*
20 *further*, That the Secretary shall not be required to re-
21 concile Special Deposit Accounts with a balance of less than
22 \$500 unless the Office of the Special Trustee receives
23 proof of ownership from a Special Deposit Accounts claim-
24 ant: *Provided further*, That notwithstanding section 102
25 of the American Indian Trust Fund Management Reform

1 Act of 1994 (Public Law 103–412) or any other provision
2 of law, the Secretary may aggregate the trust accounts
3 of individuals whose whereabouts are unknown for a con-
4 tinuous period of at least 5 years and shall not be required
5 to generate periodic statements of performance for the in-
6 dividual accounts: *Provided further*, That with respect to
7 the eighth proviso, the Secretary shall continue to main-
8 tain sufficient records to determine the balance of the indi-
9 vidual accounts, including any accrued interest and in-
10 come, and such funds shall remain available to the indi-
11 vidual account holders.

12 DEPARTMENTAL OFFICES

13 OFFICE OF THE SECRETARY

14 DEPARTMENTAL OPERATIONS

15 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

16 For necessary expenses for management of the De-
17 partment of the Interior and for grants and cooperative
18 agreements, as authorized by law, \$120,608,000, to re-
19 main available until September 30, 2022; of which no less
20 than \$1,860,000 shall be to assist the Department with
21 its compliance responsibilities under 5 U.S.C. 552; of
22 which not to exceed \$15,000 may be for official reception
23 and representation expenses; of which up to \$1,000,000
24 shall be available for workers compensation payments and
25 unemployment compensation payments associated with the

1 orderly closure of the United States Bureau of Mines; and
2 of which \$11,204,000 for Indian land, mineral, and re-
3 source valuation activities shall remain available until ex-
4 pended: *Provided*, That funds for Indian land, mineral,
5 and resource valuation activities may, as needed, be trans-
6 ferred to and merged with the Bureau of Indian Affairs
7 “Operation of Indian Programs” and Bureau of Indian
8 Education “Operation of Indian Education Programs” ac-
9 counts and the Office of the Special Trustee “Federal
10 Trust Programs” account: *Provided further*, That funds
11 made available through contracts or grants obligated dur-
12 ing fiscal year 2021, as authorized by the Indian Self-De-
13 termination Act of 1975 (25 U.S.C. 5301 et seq.), shall
14 remain available until expended by the contractor or
15 grantee.

16 Of the unobligated balances from amounts made
17 available under this heading in fiscal year 2016 or before,
18 \$17,398,000 is permanently rescinded: *Provided*, That no
19 amounts may be rescinded from amounts that were des-
20 ignated by the Congress as an emergency requirement
21 pursuant to the Concurrent Resolution on the Budget or
22 the Balanced Budget and Emergency Deficit Control Act
23 of 1985.

1 ADMINISTRATIVE PROVISIONS

2 For fiscal year 2021, up to \$400,000 of the payments
3 authorized by chapter 69 of title 31, United States Code,
4 may be retained for administrative expenses of the Pay-
5 ments in Lieu of Taxes Program: *Provided*, That the
6 amounts provided under this Act specifically for the Pay-
7 ments in Lieu of Taxes program are the only amounts
8 available for payments authorized under chapter 69 of
9 title 31, United States Code: *Provided further*, That in the
10 event the sums appropriated for any fiscal year for pay-
11 ments pursuant to this chapter are insufficient to make
12 the full payments authorized by that chapter to all units
13 of local government, then the payment to each local gov-
14 ernment shall be made proportionally: *Provided further*,
15 That the Secretary may make adjustments to payment to
16 individual units of local government to correct for prior
17 overpayments or underpayments: *Provided further*, That
18 no payment shall be made pursuant to that chapter to oth-
19 erwise eligible units of local government if the computed
20 amount of the payment is less than \$100.

21 INSULAR AFFAIRS

22 ASSISTANCE TO TERRITORIES

23 For expenses necessary for assistance to territories
24 under the jurisdiction of the Department of the Interior
25 and other jurisdictions identified in section 104(e) of Pub-

1 lie Law 108–188, \$106,693,000, of which: (1)
2 \$97,140,000 shall remain available until expended for ter-
3 ritorial assistance, including general technical assistance,
4 maintenance assistance, disaster assistance, coral reef ini-
5 tiative and natural resources activities, and brown tree
6 snake control and research; grants to the judiciary in
7 American Samoa for compensation and expenses, as au-
8 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
9 ment of American Samoa, in addition to current local rev-
10 enues, for construction and support of governmental func-
11 tions; grants to the Government of the Virgin Islands, as
12 authorized by law; grants to the Government of Guam,
13 as authorized by law; and grants to the Government of
14 the Northern Mariana Islands, as authorized by law (Pub-
15 lic Law 94–241; 90 Stat. 272); and (2) \$9,553,000 shall
16 be available until September 30, 2022, for salaries and
17 expenses of the Office of Insular Affairs: *Provided*, That
18 all financial transactions of the territorial and local gov-
19 ernments herein provided for, including such transactions
20 of all agencies or instrumentalities established or used by
21 such governments, may be audited by the Government Ac-
22 countability Office, at its discretion, in accordance with
23 chapter 35 of title 31, United States Code: *Provided fur-*
24 *ther*, That Northern Mariana Islands Covenant grant
25 funding shall be provided according to those terms of the

1 Agreement of the Special Representatives on Future
2 United States Financial Assistance for the Northern Mar-
3 iana Islands approved by Public Law 104–134: *Provided*
4 *further*, That the funds for the program of operations and
5 maintenance improvement are appropriated to institu-
6 tionalize routine operations and maintenance improvement
7 of capital infrastructure with territorial participation and
8 cost sharing to be determined by the Secretary based on
9 the grantee’s commitment to timely maintenance of its
10 capital assets: *Provided further*, That any appropriation
11 for disaster assistance under this heading in this Act or
12 previous appropriations Acts may be used as non–Federal
13 matching funds for the purpose of hazard mitigation
14 grants provided pursuant to section 404 of the Robert T.
15 Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5170c).

17 COMPACT OF FREE ASSOCIATION

18 For grants and necessary expenses, \$8,463,000, to
19 remain available until expended, as provided for in sec-
20 tions 221(a)(2) and 233 of the Compact of Free Associa-
21 tion for the Republic of Palau; and section 221(a)(2) of
22 the Compacts of Free Association for the Government of
23 the Republic of the Marshall Islands and the Federated
24 States of Micronesia, as authorized by Public Law 99–
25 658 and Public Law 108–188: *Provided*, That of the funds

1 appropriated under this heading, \$5,000,000 is for deposit
2 into the Compact Trust Fund of the Republic of the Mar-
3 shall Islands as compensation authorized by Public Law
4 108–188 for adverse financial and economic impacts.

5 ADMINISTRATIVE PROVISIONS

6 (INCLUDING TRANSFER OF FUNDS)

7 At the request of the Governor of Guam, the Sec-
8 retary may transfer discretionary funds or mandatory
9 funds provided under section 104(e) of Public Law 108–
10 188 and Public Law 104–134, that are allocated for
11 Guam, to the Secretary of Agriculture for the subsidy cost
12 of direct or guaranteed loans, plus not to exceed three per-
13 cent of the amount of the subsidy transferred for the cost
14 of loan administration, for the purposes authorized by the
15 Rural Electrification Act of 1936 and section 306(a)(1)
16 of the Consolidated Farm and Rural Development Act for
17 construction and repair projects in Guam, and such funds
18 shall remain available until expended: *Provided*, That such
19 costs, including the cost of modifying such loans, shall be
20 as defined in section 502 of the Congressional Budget Act
21 of 1974: *Provided further*, That such loans or loan guaran-
22 tees may be made without regard to the population of the
23 area, credit elsewhere requirements, and restrictions on
24 the types of eligible entities under the Rural Electrifica-
25 tion Act of 1936 and section 306(a)(1) of the Consolidated

1 Farm and Rural Development Act: *Provided further*, That
2 any funds transferred to the Secretary of Agriculture shall
3 be in addition to funds otherwise made available to make
4 or guarantee loans under such authorities.

5 OFFICE OF THE SOLICITOR
6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Solicitor,
8 \$86,813,000.

9 OFFICE OF INSPECTOR GENERAL
10 SALARIES AND EXPENSES

11 For necessary expenses of the Office of Inspector
12 General, \$58,552,000, to remain available until September
13 30, 2022.

14 DEPARTMENT-WIDE PROGRAMS
15 WILDLAND FIRE MANAGEMENT
16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses for fire preparedness, fire
18 suppression operations, fire science and research, emer-
19 gency rehabilitation, fuels management activities, and
20 rural fire assistance by the Department of the Interior,
21 \$992,623,000, to remain available until expended, of
22 which not to exceed \$18,427,000 shall be for the renova-
23 tion or construction of fire facilities: *Provided*, That such
24 funds are also available for repayment of advances to
25 other appropriation accounts from which funds were pre-

1 viously transferred for such purposes: *Provided further,*
2 That of the funds provided \$219,964,000 is for fuels man-
3 agement activities: *Provided further,* That of the funds
4 provided \$20,470,000 is for burned area rehabilitation:
5 *Provided further,* That persons hired pursuant to 43
6 U.S.C. 1469 may be furnished subsistence and lodging
7 without cost from funds available from this appropriation:
8 *Provided further,* That notwithstanding 42 U.S.C. 1856d,
9 sums received by a bureau or office of the Department
10 of the Interior for fire protection rendered pursuant to 42
11 U.S.C. 1856 et seq., protection of United States property,
12 may be credited to the appropriation from which funds
13 were expended to provide that protection, and are avail-
14 able without fiscal year limitation: *Provided further,* That
15 using the amounts designated under this title of this Act,
16 the Secretary of the Interior may enter into procurement
17 contracts, grants, or cooperative agreements, for fuels
18 management activities, and for training and monitoring
19 associated with such fuels management activities on Fed-
20 eral land, or on adjacent non-Federal land for activities
21 that benefit resources on Federal land: *Provided further,*
22 That the costs of implementing any cooperative agreement
23 between the Federal Government and any non-Federal en-
24 tity may be shared, as mutually agreed on by the affected
25 parties: *Provided further,* That notwithstanding require-

1 ments of the Competition in Contracting Act, the Sec-
2 retary, for purposes of fuels management activities, may
3 obtain maximum practicable competition among: (1) local
4 private, nonprofit, or cooperative entities; (2) Youth Con-
5 servation Corps crews, Public Lands Corps (Public Law
6 109–154), or related partnerships with State, local, or
7 nonprofit youth groups; (3) small or micro-businesses; or
8 (4) other entities that will hire or train locally a significant
9 percentage, defined as 50 percent or more, of the project
10 workforce to complete such contracts: *Provided further*,
11 That in implementing this section, the Secretary shall de-
12 velop written guidance to field units to ensure account-
13 ability and consistent application of the authorities pro-
14 vided herein: *Provided further*, That funds appropriated
15 under this heading may be used to reimburse the United
16 States Fish and Wildlife Service and the National Marine
17 Fisheries Service for the costs of carrying out their re-
18 sponsibilities under the Endangered Species Act of 1973
19 (16 U.S.C. 1531 et seq.) to consult and conference, as
20 required by section 7 of such Act, in connection with
21 wildland fire management activities: *Provided further*,
22 That the Secretary of the Interior may use wildland fire
23 appropriations to enter into leases of real property with
24 local governments, at or below fair market value, to con-
25 struct capitalized improvements for fire facilities on such

1 leased properties, including but not limited to fire guard
2 stations, retardant stations, and other initial attack and
3 fire support facilities, and to make advance payments for
4 any such lease or for construction activity associated with
5 the lease: *Provided further*, That the Secretary of the Inte-
6 rior and the Secretary of Agriculture may authorize the
7 transfer of funds appropriated for wildland fire manage-
8 ment, in an aggregate amount not to exceed \$50,000,000
9 between the Departments when such transfers would fa-
10 cilitate and expedite wildland fire management programs
11 and projects: *Provided further*, That funds provided for
12 wildfire suppression shall be available for support of Fed-
13 eral emergency response actions: *Provided further*, That
14 funds appropriated under this heading shall be available
15 for assistance to or through the Department of State in
16 connection with forest and rangeland research, technical
17 information, and assistance in foreign countries, and, with
18 the concurrence of the Secretary of State, shall be avail-
19 able to support forestry, wildland fire management, and
20 related natural resource activities outside the United
21 States and its territories and possessions, including tech-
22 nical assistance, education and training, and cooperation
23 with United States and international organizations: *Pro-*
24 *vided further*, That of the funds provided under this head-
25 ing \$383,657,000 is provided to meet the terms of section

1 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985, as amended.

3 WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND
4 (INCLUDING TRANSFERS OF FUNDS)

5 In addition to the amounts provided under the head-
6 ing “Department of the Interior—Department-Wide Pro-
7 grams—Wildland Fire Management” for wildfire suppres-
8 sion operations, \$310,000,000, to remain available until
9 transferred, is additional new budget authority as speci-
10 fied for purposes of section 251(b)(2)(F) of the Balanced
11 Budget and Emergency Deficit Control Act of 1985: *Pro-*
12 *vided*, That such amounts may be transferred to and
13 merged with amounts made available under the headings
14 “Department of Agriculture—Forest Service—Wildland
15 Fire Management” and “Department of the Interior—De-
16 partment-Wide Programs—Wildland Fire Management”
17 for wildfire suppression operations in the fiscal year in
18 which such amounts are transferred: *Provided further*,
19 That amounts may be transferred to the “Wildland Fire
20 Management” accounts in the Department of Agriculture
21 or the Department of the Interior only upon the notifica-
22 tion of the House and Senate Committees on Appropria-
23 tions that all wildfire suppression operations funds appro-
24 priated under that heading in this and prior appropria-
25 tions Acts to the agency to which the funds will be trans-

1 ferred will be obligated within 30 days: *Provided further*,
2 That the transfer authority provided under this heading
3 is in addition to any other transfer authority provided by
4 law: *Provided further*, That, in determining whether all
5 wildfire suppression operations funds appropriated under
6 the heading “Wildland Fire Management” in this and
7 prior appropriations Acts to either the Department of Ag-
8 riculture or the Department of the Interior will be obli-
9 gated within 30 days pursuant to the previous proviso, any
10 funds transferred or permitted to be transferred pursuant
11 to any other transfer authority provided by law shall be
12 excluded.

13 CENTRAL HAZARDOUS MATERIALS FUND

14 For necessary expenses of the Department of the In-
15 terior and any of its component offices and bureaus for
16 the response action, including associated activities, per-
17 formed pursuant to the Comprehensive Environmental Re-
18 sponse, Compensation, and Liability Act (42 U.S.C. 9601
19 et seq.), \$10,010,000, to remain available until expended.

20 NATURAL RESOURCE DAMAGE ASSESSMENT AND

21 RESTORATION

22 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

23 To conduct natural resource damage assessment, res-
24 toration activities, and onshore oil spill preparedness by
25 the Department of the Interior necessary to carry out the

1 provisions of the Comprehensive Environmental Response,
2 Compensation, and Liability Act (42 U.S.C. 9601 et seq.),
3 the Federal Water Pollution Control Act (33 U.S.C. 1251
4 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
5 et seq.), and 54 U.S.C. 100721 et seq., \$7,767,000, to
6 remain available until expended.

7
8 WORKING CAPITAL FUND

8 For the operation and maintenance of a departmental
9 financial and business management system, information
10 technology improvements of general benefit to the Depart-
11 ment, cybersecurity, and the consolidation of facilities and
12 operations throughout the Department, \$60,735,000, to
13 remain available until expended: *Provided*, That none of
14 the funds appropriated in this Act or any other Act may
15 be used to establish reserves in the Working Capital Fund
16 account other than for accrued annual leave and deprecia-
17 tion of equipment without prior approval of the Commit-
18 tees on Appropriations of the House of Representatives
19 and the Senate: *Provided further*, That the Secretary of
20 the Interior may assess reasonable charges to State, local,
21 and tribal government employees for training services pro-
22 vided by the National Indian Program Training Center,
23 other than training related to Public Law 93–638: *Pro-*
24 *vided further*, That the Secretary may lease or otherwise
25 provide space and related facilities, equipment, or profes-

1 sional services of the National Indian Program Training
2 Center to State, local and tribal government employees or
3 persons or organizations engaged in cultural, educational,
4 or recreational activities (as defined in section 3306(a) of
5 title 40, United States Code) at the prevailing rate for
6 similar space, facilities, equipment, or services in the vicin-
7 ity of the National Indian Program Training Center: *Pro-*
8 *vided further*, That all funds received pursuant to the two
9 preceding provisos shall be credited to this account, shall
10 be available until expended, and shall be used by the Sec-
11 retary for necessary expenses of the National Indian Pro-
12 gram Training Center: *Provided further*, That the Sec-
13 retary may enter into grants and cooperative agreements
14 to support the Office of Natural Resource Revenue's col-
15 lection and disbursement of royalties, fees, and other min-
16 eral revenue proceeds, as authorized by law.

17 ADMINISTRATIVE PROVISION

18 There is hereby authorized for acquisition from avail-
19 able resources within the Working Capital Fund, aircraft
20 which may be obtained by donation, purchase, or through
21 available excess surplus property: *Provided*, That existing
22 aircraft being replaced may be sold, with proceeds derived
23 or trade-in value used to offset the purchase price for the
24 replacement aircraft.

1 OFFICE OF NATURAL RESOURCES REVENUE

2 For necessary expenses for management of the collec-
3 tion and disbursement of royalties, fees, and other mineral
4 revenue proceeds, and for grants and cooperative agree-
5 ments, as authorized by law, \$148,474,000, to remain
6 available until September 30, 2022; of which \$50,651,000
7 shall remain available until expended for the purpose of
8 mineral revenue management activities: *Provided*, That
9 notwithstanding any other provision of law, \$15,000 shall
10 be available for refunds of overpayments in connection
11 with certain Indian leases in which the Secretary of the
12 Interior concurred with the claimed refund due, to pay
13 amounts owed to Indian allottees or tribes, or to correct
14 prior unrecoverable erroneous payments.

15 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

16 (INCLUDING TRANSFERS OF FUNDS)

17 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

18 SEC. 101. Appropriations made in this title shall be
19 available for expenditure or transfer (within each bureau
20 or office), with the approval of the Secretary of the Inte-
21 rior, for the emergency reconstruction, replacement, or re-
22 pair of aircraft, buildings, utilities, or other facilities or
23 equipment damaged or destroyed by fire, flood, storm, or
24 other unavoidable causes: *Provided*, That no funds shall
25 be made available under this authority until funds specifi-

1 cally made available to the Department of the Interior for
2 emergencies shall have been exhausted: *Provided further*,
3 That all funds used pursuant to this section must be re-
4 plenished by a supplemental appropriation, which must be
5 requested as promptly as possible.

6 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

7 SEC. 102. The Secretary of the Interior may author-
8 ize the expenditure or transfer of any no year appropria-
9 tion in this title, in addition to the amounts included in
10 the budget programs of the several agencies, for the sup-
11 pression or emergency prevention of wildland fires on or
12 threatening lands under the jurisdiction of the Depart-
13 ment of the Interior; for the emergency rehabilitation of
14 burned-over lands under its jurisdiction; for emergency ac-
15 tions related to potential or actual earthquakes, floods,
16 volcanoes, storms, or other unavoidable causes; for contin-
17 gency planning subsequent to actual oil spills; for response
18 and natural resource damage assessment activities related
19 to actual oil spills or releases of hazardous substances into
20 the environment; for the prevention, suppression, and con-
21 trol of actual or potential grasshopper and Mormon cricket
22 outbreaks on lands under the jurisdiction of the Secretary,
23 pursuant to the authority in section 417(b) of Public Law
24 106–224 (7 U.S.C. 7717(b)); for emergency reclamation
25 projects under section 410 of Public Law 95–87; and shall

1 transfer, from any no year funds available to the Office
2 of Surface Mining Reclamation and Enforcement, such
3 funds as may be necessary to permit assumption of regu-
4 latory authority in the event a primacy State is not car-
5 rying out the regulatory provisions of the Surface Mining
6 Act: *Provided*, That appropriations made in this title for
7 wildland fire operations shall be available for the payment
8 of obligations incurred during the preceding fiscal year,
9 and for reimbursement to other Federal agencies for de-
10 struction of vehicles, aircraft, or other equipment in con-
11 nection with their use for wildland fire operations, with
12 such reimbursement to be credited to appropriations cur-
13 rently available at the time of receipt thereof: *Provided*
14 *further*, That for wildland fire operations, no funds shall
15 be made available under this authority until the Secretary
16 determines that funds appropriated for “wildland fire sup-
17 pression” shall be exhausted within 30 days: *Provided fur-*
18 *ther*, That all funds used pursuant to this section must
19 be replenished by a supplemental appropriation, which
20 must be requested as promptly as possible: *Provided fur-*
21 *ther*, That such replenishment funds shall be used to reim-
22 burse, on a pro rata basis, accounts from which emergency
23 funds were transferred.

1 AUTHORIZED USE OF FUNDS

2 SEC. 103. Appropriations made to the Department
3 of the Interior in this title shall be available for services
4 as authorized by section 3109 of title 5, United States
5 Code, when authorized by the Secretary of the Interior,
6 in total amount not to exceed \$500,000; purchase and re-
7 placement of motor vehicles, including specially equipped
8 law enforcement vehicles; hire, maintenance, and oper-
9 ation of aircraft; hire of passenger motor vehicles; pur-
10 chase of reprints; payment for telephone service in private
11 residences in the field, when authorized under regulations
12 approved by the Secretary; and the payment of dues, when
13 authorized by the Secretary, for library membership in so-
14 cieties or associations which issue publications to members
15 only or at a price to members lower than to subscribers
16 who are not members.

17 AUTHORIZED USE OF FUNDS, INDIAN TRUST

18 MANAGEMENT

19 SEC. 104. Appropriations made in this Act under the
20 headings Bureau of Indian Affairs and Bureau of Indian
21 Education, and Office of the Special Trustee for American
22 Indians and any unobligated balances from prior appro-
23 priations Acts made under the same headings shall be
24 available for expenditure or transfer for Indian trust man-
25 agement and reform activities. Total funding for historical

1 New York and the State of New Jersey, for the purpose
2 of operating and maintaining facilities in the support of
3 transportation and accommodation of visitors to Ellis,
4 Governors, and Liberty Islands, and of other program and
5 administrative activities, by donation or with appropriated
6 funds, including franchise fees (and other monetary con-
7 sideration), or by exchange; and the Secretary is author-
8 ized to negotiate and enter into leases, subleases, conces-
9 sion contracts, or other agreements for the use of such
10 facilities on such terms and conditions as the Secretary
11 may determine reasonable.

12 OUTER CONTINENTAL SHELF INSPECTION FEES

13 SEC. 107. (a) In fiscal year 2021, the Secretary of
14 the Interior shall collect a nonrefundable inspection fee,
15 which shall be deposited in the “Offshore Safety and Envi-
16 ronmental Enforcement” account, from the designated op-
17 erator for facilities subject to inspection under 43 U.S.C.
18 1348(e).

19 (b) Annual fees shall be collected for facilities that
20 are above the waterline, excluding drilling rigs, and are
21 in place at the start of the fiscal year. Fees for fiscal year
22 2021 shall be—

23 (1) \$10,500 for facilities with no wells, but with
24 processing equipment or gathering lines;

1 (2) \$17,000 for facilities with 1 to 10 wells,
2 with any combination of active or inactive wells; and

3 (3) \$31,500 for facilities with more than 10
4 wells, with any combination of active or inactive
5 wells.

6 (c) Fees for drilling rigs shall be assessed for all in-
7 spections completed in fiscal year 2021. Fees for fiscal
8 year 2021 shall be—

9 (1) \$30,500 per inspection for rigs operating in
10 water depths of 500 feet or more; and

11 (2) \$16,700 per inspection for rigs operating in
12 water depths of less than 500 feet.

13 (d) Fees for inspection of well operations conducted
14 via non-rig units as outlined in title 30 CFR 250 subparts
15 D, E, F, and Q shall be assessed for all inspections com-
16 pleted in fiscal year 2021. Fees for fiscal year 2021 shall
17 be—

18 (1) \$13,260 per inspection for non-rig units op-
19 erating in water depths of 2,500 feet or more;

20 (2) \$11,530 per inspection for non-rig units op-
21 erating in water depths between 500 and 2,499 feet;
22 and

23 (3) \$4,470 per inspection for non-rig units op-
24 erating in water depths of less than 500 feet.

1 (e) The Secretary shall bill designated operators
2 under subsection (b) quarterly, with payment required
3 within 30 days of billing. The Secretary shall bill des-
4 ignated operators under subsection (c) within 30 days of
5 the end of the month in which the inspection occurred,
6 with payment required within 30 days of billing. The Sec-
7 retary shall bill designated operators under subsection (d)
8 with payment required by the end of the following quarter.

9 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND
10 BURRO HOLDING FACILITIES

11 SEC. 108. Notwithstanding any other provision of
12 this Act, the Secretary of the Interior may enter into
13 multiyear cooperative agreements with nonprofit organiza-
14 tions and other appropriate entities, and may enter into
15 multiyear contracts in accordance with the provisions of
16 section 3903 of title 41, United States Code (except that
17 the 5-year term restriction in subsection (a) shall not
18 apply), for the long-term care and maintenance of excess
19 wild free roaming horses and burros by such organizations
20 or entities on private land. Such cooperative agreements
21 and contracts may not exceed 10 years, subject to renewal
22 at the discretion of the Secretary.

23 MASS MARKING OF SALMONIDS

24 SEC. 109. The United States Fish and Wildlife Serv-
25 ice shall, in carrying out its responsibilities to protect

1 threatened and endangered species of salmon, implement
2 a system of mass marking of salmonid stocks, intended
3 for harvest, that are released from federally operated or
4 federally financed hatcheries including but not limited to
5 fish releases of coho, chinook, and steelhead species.
6 Marked fish must have a visible mark that can be readily
7 identified by commercial and recreational fishers.

8 CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

9 SEC. 110. Notwithstanding any other provision of
10 law, during fiscal year 2021, in carrying out work involv-
11 ing cooperation with State, local, and tribal governments
12 or any political subdivision thereof, Indian Affairs may
13 record obligations against accounts receivable from any
14 such entities, except that total obligations at the end of
15 the fiscal year shall not exceed total budgetary resources
16 available at the end of the fiscal year.

17 DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES
18 PROGRAM

19 SEC. 111. (a) Notwithstanding any other provision
20 of law relating to Federal grants and cooperative agree-
21 ments, the Secretary of the Interior is authorized to make
22 grants to, or enter into cooperative agreements with, pri-
23 vate nonprofit organizations designated by the Secretary
24 of Labor under title V of the Older Americans Act of 1965
25 to utilize the talents of older Americans in programs au-

1 thORIZED by other provisions of law administered by the
2 Secretary and consistent with such provisions of law.

3 (b) Prior to awarding any grant or agreement under
4 subsection (a), the Secretary shall ensure that the agree-
5 ment would not—

6 (1) result in the displacement of individuals
7 currently employed by the Department, including
8 partial displacement through reduction of non-over-
9 time hours, wages, or employment benefits;

10 (2) result in the use of an individual under the
11 Department of the Interior Experienced Services
12 Program for a job or function in a case in which a
13 Federal employee is in a layoff status from the same
14 or substantially equivalent job within the Depart-
15 ment; or

16 (3) affect existing contracts for services.

17 OBLIGATION OF FUNDS

18 SEC. 112. Amounts appropriated by this Act to the
19 Department of the Interior shall be available for obligation
20 and expenditure not later than 60 days after the date of
21 enactment of this Act.

22 EXTENSION OF AUTHORITIES

23 SEC. 113. (a) Section 708(a) of division II of Public
24 Law 104–333, as amended by Public Law 110–229 sec-

1 tion 461, is further amended by striking “ \$15,000,000”
2 and inserting “ \$17,000,000”.

3 (b) Section 109(a) of title I of Public Law 106–278
4 is amended by striking “ \$10,000,000” and inserting “
5 \$12,000,000”.

6 SEPARATION OF ACCOUNTS

7 SEC. 114. The Secretary of the Interior, in order to
8 implement an orderly transition to separate accounts of
9 the Bureau of Indian Affairs and the Bureau of Indian
10 Education, may transfer funds among and between the
11 successor offices and bureaus affected by the reorganiza-
12 tion only in conformance with the reprogramming guide-
13 lines described in this Act.

14 PAYMENTS IN LIEU OF TAXES (PILT)

15 SEC. 115. Section 6906 of title 31, United States
16 Code, shall be applied by substituting “fiscal year 2021”
17 for “fiscal year 2019”.

18 SAGE-GROUSE

19 SEC. 116. None of the funds made available by this
20 or any other Act may be used by the Secretary of the Inte-
21 rior to write or issue pursuant to section 4 of the Endan-
22 gered Species Act of 1973 (16 U.S.C. 1533)—

23 (1) a proposed rule for greater sage-grouse
24 (Centrocercus urophasianus);

1 INTERAGENCY MOTOR POOL

2 SEC. 119. Notwithstanding any other provision of law
3 or Federal regulation, federally recognized Indian tribes
4 or authorized tribal organizations that receive Tribally-
5 Controlled School Grants pursuant to Public Law 100-
6 297 may obtain interagency motor vehicles and related
7 services for performance of any activities carried out
8 under such grants to the same extent as if they were con-
9 tracting under the Indian Self-Determination and Edu-
10 cation Assistance Act.

11 LONG BRIDGE PROJECT

12 SEC. 120. (a) AUTHORIZATION OF CONVEYANCE.—

13 On request by the State of Virginia or the District of Co-
14 lumbia for the purpose of the construction of rail and
15 other infrastructure relating to the Long Bridge Project,
16 the Secretary of the Interior may convey to the State or
17 the District of Columbia, as applicable, all right, title, and
18 interest of the United States in and to any portion of the
19 approximately 4.4 acres of National Park Service land de-
20 picted as “Permanent Impact to NPS Land” on the Map
21 dated May 15, 2020, that is identified by the State or
22 the District of Columbia.

23 (b) TERMS AND CONDITIONS.—Such conveyance of
24 the National Park Service land under subsection (a) shall
25 be subject to any terms and conditions that the Secretary

1 may require. If such conveyed land is no longer being used
2 for the purposes specified in this section, the lands or in-
3 terests therein shall revert to the National Park Service
4 after they have been restored or remediated to the satis-
5 faction of the Secretary.

6 (c) CORRECTIONS.—The Secretary and the State or
7 the District of Columbia, as applicable, by mutual agree-
8 ment, may—

9 (1) make minor boundary adjustments to the
10 National Park Service land to be conveyed to the
11 State or the District of Columbia under subsection
12 (a); and

13 (2) correct any minor errors in the Map re-
14 ferred to in subsection (a).

15 (d) DEFINITIONS.—For purposes of this section:

16 (1) LONG BRIDGE PROJECT.—The term “Long
17 Bridge Project” means the rail project, as identified
18 by the Federal Railroad Administration, from
19 Rosslyn (RO) Interlocking in Arlington, Virginia, to
20 L’Enfant (LE) Interlocking in Washington, DC,
21 which includes a bicycle and pedestrian bridge.

22 (2) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior, acting through the Di-
24 rector of the National Park Service.

1 (3) STATE.—The term “State” means the State
2 of Virginia.

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1 TITLE II
2 ENVIRONMENTAL PROTECTION AGENCY
3 SCIENCE AND TECHNOLOGY

4 For science and technology, including research and
5 development activities, which shall include research and
6 development activities under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980; necessary expenses for personnel and related costs
9 and travel expenses; procurement of laboratory equipment
10 and supplies; hire, maintenance, and operation of aircraft;
11 and other operating expenses in support of research and
12 development, \$729,329,000, to remain available until Sep-
13 tember 30, 2022: *Provided*, That of the funds included
14 under this heading, \$7,500,000 shall be for Research: Na-
15 tional Priorities as specified in the explanatory statement
16 described in section 4 (in the matter preceding division
17 A of this consolidated Act).

18 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

19 For environmental programs and management, in-
20 cluding necessary expenses not otherwise provided for, for
21 personnel and related costs and travel expenses; hire of
22 passenger motor vehicles; hire, maintenance, and oper-
23 ation of aircraft; purchase of reprints; library member-
24 ships in societies or associations which issue publications
25 to members only or at a price to members lower than to

1 subscribers who are not members; administrative costs of
2 the brownfields program under the Small Business Liabil-
3 ity Relief and Brownfields Revitalization Act of 2002; im-
4 plementation of a coal combustion residual permit pro-
5 gram under section 2301 of the Water and Waste Act of
6 2016; and not to exceed \$19,000 for official reception and
7 representation expenses, \$2,761,550,000, to remain avail-
8 able until September 30, 2022: *Provided*, That of the
9 funds included under this heading, \$21,700,000 shall be
10 for Environmental Protection: National Priorities as speci-
11 fied in the explanatory statement described in section 4
12 (in the matter preceding division A of this consolidated
13 Act): *Provided further*, That of the funds included under
14 this heading, \$541,972,000 shall be for Geographic Pro-
15 grams specified in the explanatory statement described in
16 section 4 (in the matter preceding division A of this con-
17 solidated Act).

18 In addition, \$5,000,000 to remain available until ex-
19 pended, for necessary expenses of activities described in
20 section 26(b)(1) of the Toxic Substances Control Act (15
21 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursu-
22 ant to that section of that Act and deposited in the “TSCA
23 Service Fee Fund” as discretionary offsetting receipts in
24 fiscal year 2021 shall be retained and used for necessary
25 salaries and expenses in this appropriation and shall re-

1 main available until expended: *Provided further*, That the
2 sum herein appropriated in this paragraph from the gen-
3 eral fund for fiscal year 2021 shall be reduced by the
4 amount of discretionary offsetting receipts received during
5 fiscal year 2021, so as to result in a final fiscal year 2021
6 appropriation from the general fund estimated at not more
7 than \$0: *Provided further*, That to the extent that amounts
8 realized from such receipts exceed \$5,000,000, those
9 amount in excess of \$5,000,000 shall be deposited in the
10 “TSCA Service Fee Fund” as discretionary offsetting re-
11 ceipts in fiscal year 2021, shall be retained and used for
12 necessary salaries and expenses in this account, and shall
13 remain available until expended: *Provided further*, That of
14 the funds included in the first paragraph under this head-
15 ing, the Chemical Risk Review and Reduction program
16 project shall be allocated for this fiscal year, excluding the
17 amount of any fees appropriated, not less than the amount
18 of appropriations for that program project for fiscal year
19 2014.

20 HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM
21 FUND

22 For necessary expenses to carry out section 3024 of
23 the Solid Waste Disposal Act (42 U.S.C. 6939g), includ-
24 ing the development, operation, maintenance, and upgrad-
25 ing of the hazardous waste electronic manifest system es-

1 tablished by such section, \$8,000,000, to remain available
2 until expended: *Provided*, That the sum herein appro-
3 priated from the general fund shall be reduced as offset-
4 ting collections under such section 3024 are received dur-
5 ing fiscal year 2021, which shall remain available until ex-
6 pended and be used for necessary expenses in this appro-
7 priation, so as to result in a final fiscal year 2021 appro-
8 priation from the general fund estimated at not more than
9 \$0: *Provided further*, That to the extent such offsetting
10 collections received in fiscal year 2021 exceed \$8,000,000,
11 those excess amounts shall remain available until ex-
12 pended and be used for necessary expenses in this appro-
13 priation.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, \$43,500,000, to remain available
18 until September 30, 2022.

19 BUILDINGS AND FACILITIES

20 For construction, repair, improvement, extension, al-
21 teration, and purchase of fixed equipment or facilities of,
22 or for use by, the Environmental Protection Agency,
23 \$33,752,000, to remain available until expended.

1 HAZARDOUS SUBSTANCE SUPERFUND
2 (INCLUDING TRANSFERS OF FUNDS)

3 For necessary expenses to carry out the Comprehen-
4 sive Environmental Response, Compensation, and Liabil-
5 ity Act of 1980 (CERCLA), including sections 111(c)(3),
6 (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and hire,
7 maintenance, and operation of aircraft, \$1,205,811,000,
8 to remain available until expended, consisting of such
9 sums as are available in the Trust Fund on September
10 30, 2020, as authorized by section 517(a) of the Super-
11 fund Amendments and Reauthorization Act of 1986
12 (SARA) and up to \$1,205,811,000 as a payment from
13 general revenues to the Hazardous Substance Superfund
14 for purposes as authorized by section 517(b) of SARA:
15 *Provided*, That funds appropriated under this heading
16 may be allocated to other Federal agencies in accordance
17 with section 111(a) of CERCLA: *Provided further*, That
18 of the funds appropriated under this heading,
19 \$11,586,000 shall be paid to the “Office of Inspector Gen-
20 eral” appropriation to remain available until September
21 30, 2022, and \$30,755,000 shall be paid to the “Science
22 and Technology” appropriation to remain available until
23 September 30, 2022.

1 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
2 PROGRAM

3 For necessary expenses to carry out leaking under-
4 ground storage tank cleanup activities authorized by sub-
5 title I of the Solid Waste Disposal Act, \$92,203,000, to
6 remain available until expended, of which \$66,834,000
7 shall be for carrying out leaking underground storage tank
8 cleanup activities authorized by section 9003(h) of the
9 Solid Waste Disposal Act; \$25,369,000 shall be for car-
10 rying out the other provisions of the Solid Waste Disposal
11 Act specified in section 9508(c) of the Internal Revenue
12 Code: *Provided*, That the Administrator is authorized to
13 use appropriations made available under this heading to
14 implement section 9013 of the Solid Waste Disposal Act
15 to provide financial assistance to federally recognized In-
16 dian tribes for the development and implementation of
17 programs to manage underground storage tanks.

18 INLAND OIL SPILL PROGRAMS

19 For expenses necessary to carry out the Environ-
20 mental Protection Agency's responsibilities under the Oil
21 Pollution Act of 1990, including hire, maintenance, and
22 operation of aircraft, \$20,098,000, to be derived from the
23 Oil Spill Liability trust fund, to remain available until ex-
24 pended.

1 STATE AND TRIBAL ASSISTANCE GRANTS

2 For environmental programs and infrastructure as-
3 sistance, including capitalization grants for State revolv-
4 ing funds and performance partnership grants,
5 \$4,313,901,000, to remain available until expended, of
6 which—

7 (1) \$1,638,826,000 shall be for making capital-
8 ization grants for the Clean Water State Revolving
9 Funds under title VI of the Federal Water Pollution
10 Control Act; and of which \$1,126,088,000 shall be
11 for making capitalization grants for the Drinking
12 Water State Revolving Funds under section 1452 of
13 the Safe Drinking Water Act: *Provided*, That for fis-
14 cal year 2021, to the extent there are sufficient eligi-
15 ble project applications and projects are consistent
16 with State Intended Use Plans, not less than 10 per-
17 cent of the funds made available under this title to
18 each State for Clean Water State Revolving Fund
19 capitalization grants shall be used by the State for
20 projects to address green infrastructure, water or
21 energy efficiency improvements, or other environ-
22 mentally innovative activities: *Provided further*, That
23 for fiscal year 2021, funds made available under this
24 title to each State for Drinking Water State Revolv-
25 ing Fund capitalization grants may, at the discretion

1 of each State, be used for projects to address green
2 infrastructure, water or energy efficiency improve-
3 ments, or other environmentally innovative activities:
4 *Provided further,* That notwithstanding section
5 603(d)(7) of the Federal Water Pollution Control
6 Act, the limitation on the amounts in a State water
7 pollution control revolving fund that may be used by
8 a State to administer the fund shall not apply to
9 amounts included as principal in loans made by such
10 fund in fiscal year 2021 and prior years where such
11 amounts represent costs of administering the fund
12 to the extent that such amounts are or were deemed
13 reasonable by the Administrator, accounted for sepa-
14 rately from other assets in the fund, and used for
15 eligible purposes of the fund, including administra-
16 tion: *Provided further,* That for fiscal year 2021,
17 notwithstanding the provisions of subsections (g)(1),
18 (h), and (l) of section 201 of the Federal Water Pol-
19 lution Control Act, grants made under title II of
20 such Act for American Samoa, Guam, the Common-
21 wealth of the Northern Marianas, the United States
22 Virgin Islands, and the District of Columbia may
23 also be made for the purpose of providing assistance:
24 (1) solely for facility plans, design activities, or
25 plans, specifications, and estimates for any proposed

1 project for the construction of treatment works; and
2 (2) for the construction, repair, or replacement of
3 privately owned treatment works serving one or
4 more principal residences or small commercial estab-
5 lishments: *Provided further*, That for fiscal year
6 2021, notwithstanding the provisions of such sub-
7 sections (g)(1), (h), and (l) of section 201 and sec-
8 tion 518(c) of the Federal Water Pollution Control
9 Act, funds reserved by the Administrator for grants
10 under section 518(c) of the Federal Water Pollution
11 Control Act may also be used to provide assistance:
12 (1) solely for facility plans, design activities, or
13 plans, specifications, and estimates for any proposed
14 project for the construction of treatment works; and
15 (2) for the construction, repair, or replacement of
16 privately owned treatment works serving one or
17 more principal residences or small commercial estab-
18 lishments: *Provided further*, That for fiscal year
19 2021, notwithstanding any provision of the Federal
20 Water Pollution Control Act and regulations issued
21 pursuant thereof, up to a total of \$2,000,000 of the
22 funds reserved by the Administrator for grants
23 under section 518(c) of such Act may also be used
24 for grants for training, technical assistance, and
25 educational programs relating to the operation and

1 management of the treatment works specified in sec-
2 tion 518(c) of such Act: *Provided further*, That for
3 fiscal year 2021, funds reserved under section
4 518(c) of such Act shall be available for grants only
5 to Indian tribes, as defined in section 518(h) of such
6 Act and former Indian reservations in Oklahoma (as
7 determined by the Secretary of the Interior) and Na-
8 tive Villages as defined in Public Law 92-203: *Pro-*
9 *vided further*, That for fiscal year 2021, notwith-
10 standing the limitation on amounts in section 518(c)
11 of the Federal Water Pollution Control Act, up to a
12 total of 2 percent of the funds appropriated, or
13 \$30,000,000, whichever is greater, and notwith-
14 standing the limitation on amounts in section
15 1452(i) of the Safe Drinking Water Act, up to a
16 total of 2 percent of the funds appropriated, or
17 \$20,000,000, whichever is greater, for State Revolv-
18 ing Funds under such Acts may be reserved by the
19 Administrator for grants under section 518(c) and
20 section 1452(i) of such Acts: *Provided further*, That
21 for fiscal year 2021, notwithstanding the amounts
22 specified in section 205(c) of the Federal Water Pol-
23 lution Control Act, up to 1.5 percent of the aggre-
24 gate funds appropriated for the Clean Water State
25 Revolving Fund program under the Act less any

1 sums reserved under section 518(c) of the Act, may
2 be reserved by the Administrator for grants made
3 under title II of the Federal Water Pollution Control
4 Act for American Samoa, Guam, the Commonwealth
5 of the Northern Marianas, and United States Virgin
6 Islands: *Provided further*, That for fiscal year 2021,
7 notwithstanding the limitations on amounts specified
8 in section 1452(j) of the Safe Drinking Water Act,
9 up to 1.5 percent of the funds appropriated for the
10 Drinking Water State Revolving Fund programs
11 under the Safe Drinking Water Act may be reserved
12 by the Administrator for grants made under section
13 1452(j) of the Safe Drinking Water Act: *Provided*
14 *further*, That 10 percent of the funds made available
15 under this title to each State for Clean Water State
16 Revolving Fund capitalization grants and 14 percent
17 of the funds made available under this title to each
18 State for Drinking Water State Revolving Fund cap-
19 italization grants shall be used by the State to pro-
20 vide additional subsidy to eligible recipients in the
21 form of forgiveness of principal, negative interest
22 loans, or grants (or any combination of these), and
23 shall be so used by the State only where such funds
24 are provided as initial financing for an eligible re-
25 cipient or to buy, refinance, or restructure the debt

1 obligations of eligible recipients only where such debt
2 was incurred on or after the date of enactment of
3 this Act, or where such debt was incurred prior to
4 the date of enactment of this Act if the State, with
5 concurrence from the Administrator, determines that
6 such funds could be used to help address a threat
7 to public health from heightened exposure to lead in
8 drinking water or if a Federal or State emergency
9 declaration has been issued due to a threat to public
10 health from heightened exposure to lead in a munic-
11 ipal drinking water supply before the date of enact-
12 ment of this Act: *Provided further*, That in a State
13 in which such an emergency declaration has been
14 issued, the State may use more than 14 percent of
15 the funds made available under this title to the
16 State for Drinking Water State Revolving Fund cap-
17 italization grants to provide additional subsidy to eli-
18 gible recipients;

19 (2) \$30,000,000 shall be for architectural, engi-
20 neering, planning, design, construction and related
21 activities in connection with the construction of high
22 priority water and wastewater facilities in the area
23 of the United States-Mexico Border, after consulta-
24 tion with the appropriate border commission: *Pro-*
25 *vided*, That no funds provided by this appropriations

1 Act to address the water, wastewater and other crit-
2 ical infrastructure needs of the colonias in the
3 United States along the United States-Mexico bor-
4 der shall be made available to a county or municipal
5 government unless that government has established
6 an enforceable local ordinance, or other zoning rule,
7 which prevents in that jurisdiction the development
8 or construction of any additional colonia areas, or
9 the development within an existing colonia the con-
10 struction of any new home, business, or other struc-
11 ture which lacks water, wastewater, or other nec-
12 essary infrastructure;

13 (3) \$36,186,000 shall be for grants to the State
14 of Alaska to address drinking water and wastewater
15 infrastructure needs of rural and Alaska Native Vil-
16 lages: *Provided*, That of these funds: (A) the State
17 of Alaska shall provide a match of 25 percent; (B)
18 no more than 5 percent of the funds may be used
19 for administrative and overhead expenses; and (C)
20 the State of Alaska shall make awards consistent
21 with the Statewide priority list established in con-
22 junction with the Agency and the U.S. Department
23 of Agriculture for all water, sewer, waste disposal,
24 and similar projects carried out by the State of Alas-
25 ka that are funded under section 221 of the Federal

1 Water Pollution Control Act (33 U.S.C. 1301) or
2 the Consolidated Farm and Rural Development Act
3 (7 U.S.C. 1921 et seq.) which shall allocate not less
4 than 25 percent of the funds provided for projects
5 in regional hub communities;

6 (4) \$90,982,000 shall be to carry out section
7 104(k) of the Comprehensive Environmental Re-
8 sponse, Compensation, and Liability Act of 1980
9 (CERCLA), including grants, interagency agree-
10 ments, and associated program support costs: *Pro-*
11 *vided*, That at least 10 percent shall be allocated for
12 assistance in persistent poverty counties: *Provided*
13 *further*, That for purposes of this section, the term
14 “persistent poverty counties” means any county that
15 has had 20 percent or more of its population living
16 in poverty over the past 30 years, as measured by
17 the 1990 and 2000 decennial censuses and the most
18 recent Small Area Income and Poverty Estimates, or
19 any territory or possession of the United States;

20 (5) \$90,000,000 shall be for grants under title
21 VII, subtitle G of the Energy Policy Act of 2005;

22 (6) \$59,000,000 shall be for targeted airshed
23 grants in accordance with the terms and conditions
24 in the explanatory statement described in section 4

1 (in the matter preceding division A of this consoli-
2 dated Act);

3 (7) \$4,000,000 shall be to carry out the water
4 quality program authorized in section 5004(d) of the
5 Water Infrastructure Improvements for the Nation
6 Act (Public Law 114–322);

7 (8) \$26,408,000 shall be for grants under sub-
8 sections (a) through (j) of section 1459A of the Safe
9 Drinking Water Act (42 U.S.C. 300j–19a);

10 (9) \$26,500,000 shall be for grants under sec-
11 tion 1464(d) of the Safe Drinking Water Act (42
12 U.S.C. 300j–24(d));

13 (10) \$21,511,000 shall be for grants under sec-
14 tion 1459B of the Safe Drinking Water Act (42
15 U.S.C. 300j–19b);

16 (11) \$4,000,000 shall be for grants under sec-
17 tion 1459A(l) of the Safe Drinking Water Act (42
18 U.S.C. 300j–19a(l));

19 (12) \$18,000,000 shall be for grants under sec-
20 tion 104(b)(8) of the Federal Water Pollution Con-
21 trol Act (33 U.S.C. 1254(b)(8));

22 (13) \$40,000,000 shall be for grants under sec-
23 tion 221 of the Federal Water Pollution Control Act
24 (33 U.S.C. 1301);

1 (14) \$3,000,000 shall be for grants under sec-
2 tion 4304(b) of the America’s Water Infrastructure
3 Act of 2018 (Public Law 115–270); and

4 (15) \$1,099,400,000 shall be for grants, includ-
5 ing associated program support costs, to States, fed-
6 erally recognized tribes, interstate agencies, tribal
7 consortia, and air pollution control agencies for
8 multi-media or single media pollution prevention,
9 control and abatement, and related activities, includ-
10 ing activities pursuant to the provisions set forth
11 under this heading in Public Law 104–134, and for
12 making grants under section 103 of the Clean Air
13 Act for particulate matter monitoring and data col-
14 lection activities subject to terms and conditions
15 specified by the Administrator, and under section
16 2301 of the Water and Waste Act of 2016 to assist
17 States in developing and implementing programs for
18 control of coal combustion residuals, of which:
19 \$46,195,000 shall be for carrying out section 128 of
20 CERCLA; \$9,336,000 shall be for Environmental
21 Information Exchange Network grants, including as-
22 sociated program support costs; \$1,475,000 shall be
23 for grants to States under section 2007(f)(2) of the
24 Solid Waste Disposal Act, which shall be in addition
25 to funds appropriated under the heading “Leaking

1 Underground Storage Tank Trust Fund Program”
2 to carry out the provisions of the Solid Waste Dis-
3 posal Act specified in section 9508(c) of the Internal
4 Revenue Code other than section 9003(h) of the
5 Solid Waste Disposal Act; \$17,924,000 of the funds
6 available for grants under section 106 of the Federal
7 Water Pollution Control Act shall be for State par-
8 ticipation in national- and State-level statistical sur-
9 veys of water resources and enhancements to State
10 monitoring programs; \$10,000,000 shall be for mul-
11 tipurpose grants, including interagency agreements,
12 in accordance with the terms and conditions de-
13 scribed in the explanatory statement described in
14 section 4 (in the matter preceding division A of this
15 consolidated Act).

16 WATER INFRASTRUCTURE FINANCE AND INNOVATION
17 PROGRAM ACCOUNT

18 For the cost of direct loans and for the cost of guar-
19 anteed loans, as authorized by the Water Infrastructure
20 Finance and Innovation Act of 2014, \$59,500,000, to re-
21 main available until expended: *Provided*, That such costs,
22 including the cost of modifying such loans, shall be as de-
23 fined in section 502 of the Congressional Budget Act of
24 1974: *Provided further*, That these funds are available to
25 subsidize gross obligations for the principal amount of di-

1 rect loans, including capitalized interest, and total loan
2 principal, including capitalized interest, any part of which
3 is to be guaranteed, not to exceed \$12,500,000,000: *Pro-*
4 *vided further*, That of the funds made available under this
5 heading, \$5,000,000 shall be used solely for the cost of
6 direct loans and for the cost of guaranteed loans for
7 projects described in section 5026(9) of the Water Infra-
8 structure Finance and Innovation Act of 2014 to State
9 infrastructure financing authorities, as authorized by sec-
10 tion 5033(e) of such Act: *Provided further*, That the use
11 of direct loans or loan guarantee authority under this
12 heading for direct loans or commitments to guarantee
13 loans for any project shall be in accordance with the cri-
14 teria published in the Federal Register on June 30, 2020
15 (85 FR 39189) pursuant to the fourth proviso under the
16 heading “Water Infrastructure Finance and Innovation
17 Program Account” in division D of the Further Consoli-
18 dated Appropriations Act, 2020 (Public Law 116–94):
19 *Provided further*, That none of the direct loans or loan
20 guarantee authority made available under this heading
21 shall be available for any project unless the Administrator
22 and the Director of the Office of Management and Budget
23 have certified in advance in writing that the direct loan
24 or loan guarantee, as applicable, and the project comply
25 with the criteria referenced in the previous proviso: *Pro-*

1 *vided further*, That, for the purposes of carrying out the
2 Congressional Budget Act of 1974, the Director of the
3 Congressional Budget Office may request, and the Admin-
4 istrator shall promptly provide, documentation and infor-
5 mation relating to a project identified in a Letter of Inter-
6 est submitted to the Administrator pursuant to a Notice
7 of Funding Availability for applications for credit assist-
8 ance under the Water Infrastructure Finance and Innova-
9 tion Act Program, including with respect to a project that
10 was initiated or completed before the date of enactment
11 of this Act.

12 In addition, fees authorized to be collected pursuant
13 to sections 5029 and 5030 of the Water Infrastructure
14 Finance and Innovation Act of 2014 shall be deposited
15 in this account, to remain available until expended.

16 In addition, for administrative expenses to carry out
17 the direct and guaranteed loan programs, notwithstanding
18 section 5033 of the Water Infrastructure Finance and In-
19 novation Act of 2014, \$5,500,000, to remain available
20 until September 30, 2022.

21 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL

22 PROTECTION AGENCY

23 (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

24 For fiscal year 2021, notwithstanding 31 U.S.C.
25 6303(1) and 6305(1), the Administrator of the Environ-

1 mental Protection Agency, in carrying out the Agency's
2 function to implement directly Federal environmental pro-
3 grams required or authorized by law in the absence of an
4 acceptable tribal program, may award cooperative agree-
5 ments to federally recognized Indian tribes or Intertribal
6 consortia, if authorized by their member tribes, to assist
7 the Administrator in implementing Federal environmental
8 programs for Indian tribes required or authorized by law,
9 except that no such cooperative agreements may be award-
10 ed from funds designated for State financial assistance
11 agreements.

12 The Administrator of the Environmental Protection
13 Agency is authorized to collect and obligate pesticide reg-
14 istration service fees in accordance with section 33 of the
15 Federal Insecticide, Fungicide, and Rodenticide Act (7
16 U.S.C. 136w-8).

17 Notwithstanding section 33(d)(2) of the Federal In-
18 secticide, Fungicide, and Rodenticide Act (FIFRA) (7
19 U.S.C. 136w-8(d)(2)), the Administrator of the Environ-
20 mental Protection Agency may assess fees under section
21 33 of FIFRA (7 U.S.C. 136w-8) for fiscal year 2021.

22 The Administrator is authorized to transfer up to
23 \$330,000,000 of the funds appropriated for the Great
24 Lakes Restoration Initiative under the heading "Environ-
25 mental Programs and Management" to the head of any

1 Federal department or agency, with the concurrence of
2 such head, to carry out activities that would support the
3 Great Lakes Restoration Initiative and Great Lakes
4 Water Quality Agreement programs, projects, or activities;
5 to enter into an interagency agreement with the head of
6 such Federal department or agency to carry out these ac-
7 tivities; and to make grants to governmental entities, non-
8 profit organizations, institutions, and individuals for plan-
9 ning, research, monitoring, outreach, and implementation
10 in furtherance of the Great Lakes Restoration Initiative
11 and the Great Lakes Water Quality Agreement.

12 The Science and Technology, Environmental Pro-
13 grams and Management, Office of Inspector General, Haz-
14 ardous Substance Superfund, and Leaking Underground
15 Storage Tank Trust Fund Program Accounts, are avail-
16 able for the construction, alteration, repair, rehabilitation,
17 and renovation of facilities, provided that the cost does
18 not exceed \$150,000 per project.

19 For fiscal year 2021, and notwithstanding section
20 518(f) of the Federal Water Pollution Control Act (33
21 U.S.C. 1377(f)), the Administrator is authorized to use
22 the amounts appropriated for any fiscal year under section
23 319 of the Act to make grants to Indian tribes pursuant
24 to sections 319(h) and 518(e) of that Act.

1 The Administrator is authorized to use the amounts
2 appropriated under the heading “Environmental Pro-
3 grams and Management” for fiscal year 2021 to provide
4 grants to implement the Southeastern New England Wa-
5 tershed Restoration Program.

6 Notwithstanding the limitations on amounts in sec-
7 tion 320(i)(2)(B) of the Federal Water Pollution Control
8 Act, not less than \$1,500,000 of the funds made available
9 under this title for the National Estuary Program shall
10 be for making competitive awards described in section
11 320(g)(4).

12 For fiscal year 2021, the Office of Chemical Safety
13 and Pollution Prevention and the Office of Water may,
14 using funds appropriated under the headings “Environ-
15 mental Programs and Management” and “Science and
16 Technology”, contract directly with individuals or indi-
17 rectly with institutions or nonprofit organizations, without
18 regard to 41 U.S.C. 5, for the temporary or intermittent
19 personal services of students or recent graduates, who
20 shall be considered employees for the purposes of chapters
21 57 and 81 of title 5, United States Code, relating to com-
22 pensation for travel and work injuries, and chapter 171
23 of title 28, United States Code, relating to tort claims,
24 but shall not be considered to be Federal employees for
25 any other purpose: *Provided*, That amounts used for this

1 purpose by the Office of Chemical Safety and Pollution
2 Prevention and the Office of Water collectively may not
3 exceed \$2,000,000.

4 Of the unobligated balances available for the “State
5 and Tribal Assistance Grants” account, \$27,991,000 are
6 hereby permanently rescinded: *Provided*, That no amounts
7 may be rescinded from amounts that were designated by
8 the Congress as an emergency requirement pursuant to
9 the Concurrent Resolution on the Budget or the Balanced
10 Budget and Emergency Deficit Control Act of 1985.

824

1 TITLE III
2 RELATED AGENCIES
3 DEPARTMENT OF AGRICULTURE
4 OFFICE OF THE UNDER SECRETARY FOR NATURAL
5 RESOURCES AND ENVIRONMENT

6 For necessary expenses of the Office of the Under
7 Secretary for Natural Resources and Environment,
8 \$875,000: *Provided*, That funds made available by this
9 Act to any agency in the Natural Resources and Environ-
10 ment mission area for salaries and expenses are available
11 to fund up to one administrative support staff for the of-
12 fice.

13 FOREST SERVICE
14 FOREST SERVICE OPERATIONS
15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of the Forest Service, not
17 otherwise provided for, \$1,026,163,000, to remain avail-
18 able through September 30, 2024: *Provided*, That a por-
19 tion of the funds made available under this heading shall
20 be for the base salary and expenses of employees in the
21 Chief's Office, the Work Environment and Performance
22 Office, the Business Operations Deputy Area, and the
23 Chief Financial Officer's Office to carry out administra-
24 tive and general management support functions: *Provided*
25 *further*, That funds provided under this heading shall be

1 available for the costs of facility maintenance, repairs, and
2 leases for buildings and sites where these support func-
3 tions take place; the costs of all utility and telecommuni-
4 cation expenses of the Forest Service, as well as business
5 services; and, for information technology, including cyber
6 security requirements: *Provided further*, That funds pro-
7 vided under this heading may be used for necessary ad-
8 ministrative support function expenses of the Forest Serv-
9 ice not otherwise provided for and necessary for its oper-
10 ation.

11 FOREST AND RANGELAND RESEARCH

12 For necessary expenses of forest and rangeland re-
13 search as authorized by law, \$258,760,000, to remain
14 available through September 30, 2024: *Provided*, That of
15 the funds provided, \$17,621,000 is for the forest inventory
16 and analysis program: *Provided further*, That all authori-
17 ties for the use of funds, including the use of contracts,
18 grants, and cooperative agreements, available to execute
19 the Forest and Rangeland Research appropriation, are
20 also available in the utilization of these funds for Fire
21 Science Research.

22 STATE AND PRIVATE FORESTRY

23 (INCLUDING RESCISSION OF FUNDS)

24 For necessary expenses of cooperating with and pro-
25 viding technical and financial assistance to States, terri-

1 tories, possessions, and others, and for forest health man-
2 agement, and conducting an international program and
3 trade compliance activities as authorized, \$267,180,000,
4 to remain available through September 30, 2024, as au-
5 thorized by law.

6 Of the unobligated balances from amounts made
7 available for the Forest Legacy Program and derived from
8 the Land and Water Conservation Fund, \$5,809,000 is
9 hereby permanently rescinded from projects with cost sav-
10 ings or failed or partially failed projects: *Provided*, That
11 no amounts may be rescinded from amounts that were
12 designated by the Congress as an emergency requirement
13 pursuant to the Concurrent Resolution on the Budget or
14 the Balanced Budget and Emergency Deficit Control Act
15 of 1985.

16 NATIONAL FOREST SYSTEM

17 For necessary expenses of the Forest Service, not
18 otherwise provided for, for management, protection, im-
19 provement, and utilization of the National Forest System,
20 and for hazardous fuels management on or adjacent to
21 such lands, \$1,786,870,000, to remain available through
22 September 30, 2024: *Provided*, That of the funds pro-
23 vided, \$13,787,000 shall be deposited in the Collaborative
24 Forest Landscape Restoration Fund for ecological restora-
25 tion treatments as authorized by 16 U.S.C. 7303(f): *Pro-*

1 *vided further*, That of the funds provided, \$37,017,000
2 shall be for forest products: *Provided further*, That of the
3 funds provided, \$180,388,000 shall be for hazardous fuels
4 management activities, of which not to exceed
5 \$12,454,000 may be used to make grants, using any au-
6 thorities available to the Forest Service under the “State
7 and Private Forestry” appropriation, for the purpose of
8 creating incentives for increased use of biomass from Na-
9 tional Forest System lands: *Provided further*, That
10 \$20,000,000 may be used by the Secretary of Agriculture
11 to enter into procurement contracts or cooperative agree-
12 ments or to issue grants for hazardous fuels management
13 activities, and for training or monitoring associated with
14 such hazardous fuels management activities on Federal
15 land, or on non-Federal land if the Secretary determines
16 such activities benefit resources on Federal land: *Provided*
17 *further*, That funds made available to implement the Com-
18 munity Forestry Restoration Act, Public Law 106–393,
19 title VI, shall be available for use on non-Federal lands
20 in accordance with authorities made available to the For-
21 est Service under the “State and Private Forestry” appro-
22 priations: *Provided further*, That notwithstanding section
23 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C.
24 1012), the Secretary of Agriculture, in calculating a fee
25 for grazing on a National Grassland, may provide a credit

1 of up to 50 percent of the calculated fee to a Grazing As-
2 sociation or direct permittee for a conservation practice
3 approved by the Secretary in advance of the fiscal year
4 in which the cost of the conservation practice is incurred,
5 and that the amount credited shall remain available to the
6 Grazing Association or the direct permittee, as appro-
7 priate, in the fiscal year in which the credit is made and
8 each fiscal year thereafter for use on the project for con-
9 servation practices approved by the Secretary: *Provided*
10 *further*, That funds appropriated to this account shall be
11 available for the base salary and expenses of employees
12 that carry out the functions funded by the “Capital Im-
13 provement and Maintenance” account, the “Range Better-
14 ment Fund” account, and the “Management of National
15 Forests for Subsistence Uses” account.

16 CAPITAL IMPROVEMENT AND MAINTENANCE

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of the Forest Service, not
19 otherwise provided for, \$140,371,000, to remain available
20 through September 30, 2024, for construction, capital im-
21 provement, maintenance, and acquisition of buildings and
22 other facilities and infrastructure; and for construction,
23 reconstruction, decommissioning of roads that are no
24 longer needed, including unauthorized roads that are not
25 part of the transportation system, and maintenance of for-

1 est roads and trails by the Forest Service as authorized
2 by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Pro-*
3 *vided*, That funds becoming available in fiscal year 2021
4 under the Act of March 4, 1913 (16 U.S.C. 501) shall
5 be transferred to the General Fund of the Treasury and
6 shall not be available for transfer or obligation for any
7 other purpose unless the funds are appropriated.

8 LAND ACQUISITION
9 (RESCISSION OF FUNDS)

10 Of the unobligated balances from amounts made
11 available for Land Acquisition and derived from the Land
12 and Water Conservation Fund, \$5,619,000 is hereby per-
13 manently rescinded from projects with cost savings or
14 failed or partially failed projects: *Provided*, That no
15 amounts may be rescinded from amounts that were des-
16 igned by the Congress as an emergency requirement
17 pursuant to the Concurrent Resolution on the Budget or
18 the Balanced Budget and Emergency Deficit Control Act
19 of 1985.

20 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
21 ACTS

22 For acquisition of lands within the exterior bound-
23 aries of the Cache, Uinta, and Wasatch National Forests,
24 Utah; the Toiyabe National Forest, Nevada; and the An-
25 geles, San Bernardino, Sequoia, and Cleveland National

1 Forests, California; and the Ozark-St. Francis and
2 Ouachita National Forests, Arkansas; as authorized by
3 law, \$664,000, to be derived from forest receipts.

4 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

5 For acquisition of lands, such sums, to be derived
6 from funds deposited by State, county, or municipal gov-
7 ernments, public school districts, or other public school au-
8 thorities, and for authorized expenditures from funds de-
9 posited by non-Federal parties pursuant to Land Sale and
10 Exchange Acts, pursuant to the Act of December 4, 1967
11 (16 U.S.C. 484a), to remain available through September
12 30, 2024, (16 U.S.C. 516–617a, 555a; Public Law 96–
13 586; Public Law 76–589, 76–591; and Public Law 78–
14 310).

15 RANGE BETTERMENT FUND

16 For necessary expenses of range rehabilitation, pro-
17 tection, and improvement, 50 percent of all moneys re-
18 ceived during the prior fiscal year, as fees for grazing do-
19 mestic livestock on lands in National Forests in the 16
20 Western States, pursuant to section 401(b)(1) of Public
21 Law 94–579, to remain available through September 30,
22 2024, of which not to exceed 6 percent shall be available
23 for administrative expenses associated with on-the-ground
24 range rehabilitation, protection, and improvements.

1 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
2 RANGELAND RESEARCH

3 For expenses authorized by 16 U.S.C. 1643(b),
4 \$45,000, to remain available through September 30, 2024,
5 to be derived from the fund established pursuant to the
6 above Act.

7 MANAGEMENT OF NATIONAL FOREST LANDS FOR
8 SUBSISTENCE USES

9 For necessary expenses of the Forest Service to man-
10 age Federal lands in Alaska for subsistence uses under
11 title VIII of the Alaska National Interest Lands Conserva-
12 tion Act (16 U.S.C. 3111 et seq.), \$1,099,000, to remain
13 available through September 30, 2024.

14 WILDLAND FIRE MANAGEMENT
15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses for forest fire presuppression
17 activities on National Forest System lands, for emergency
18 wildland fire suppression on or adjacent to such lands or
19 other lands under fire protection agreement, and for emer-
20 gency rehabilitation of burned-over National Forest Sys-
21 tem lands and water, \$1,927,241,000, to remain available
22 until expended: *Provided*, That such funds including unob-
23 ligated balances under this heading, are available for re-
24 payment of advances from other appropriations accounts
25 previously transferred for such purposes: *Provided further*,

1 That any unobligated funds appropriated in a previous fis-
2 cal year for hazardous fuels management may be trans-
3 ferred to the “National Forest System” account: *Provided*
4 *further*, That such funds shall be available to reimburse
5 State and other cooperating entities for services provided
6 in response to wildfire and other emergencies or disasters
7 to the extent such reimbursements by the Forest Service
8 for non-fire emergencies are fully repaid by the responsible
9 emergency management agency: *Provided further*, That
10 funds provided shall be available for support to Federal
11 emergency response: *Provided further*, That the costs of
12 implementing any cooperative agreement between the Fed-
13 eral Government and any non-Federal entity may be
14 shared, as mutually agreed on by the affected parties: *Pro-*
15 *vided further*, That of the funds provided under this head-
16 ing, \$1,011,000,000 shall be available for wildfire suppres-
17 sion operations, and is provided to the meet the terms of
18 section 251(b)(2)(F)(ii)(I) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985, as amended.

20 WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

21 (INCLUDING TRANSFERS OF FUNDS)

22 In addition to the amounts provided under the head-
23 ing “Department of Agriculture—Forest Service—
24 Wildland Fire Management” for wildfire suppression oper-
25 ations, \$2,040,000,000, to remain available until trans-

1 ferred, is additional new budget authority as specified for
2 purposes of section 251(b)(2)(F) of the Balanced Budget
3 and Emergency Deficit Control Act of 1985: *Provided*,
4 That such amounts may be transferred to and merged
5 with amounts made available under the headings “Depart-
6 ment of the Interior—Department-Wide Programs—
7 Wildland Fire Management” and “Department of Agri-
8 culture—Forest Service—Wildland Fire Management” for
9 wildfire suppression operations in the fiscal year in which
10 such amounts are transferred: *Provided further*, That
11 amounts may be transferred to the “Wildland Fire Man-
12 agement” accounts in the Department of the Interior or
13 the Department of Agriculture only upon the notification
14 of the House and Senate Committees on Appropriations
15 that all wildfire suppression operations funds appropriated
16 under that heading in this and prior appropriations Acts
17 to the agency to which the funds will be transferred will
18 be obligated within 30 days: *Provided further*, That the
19 transfer authority provided under this heading is in addi-
20 tion to any other transfer authority provided by law: *Pro-*
21 *vided further*, That, in determining whether all wildfire
22 suppression operations funds appropriated under the
23 heading “Wildland Fire Management” in this and prior
24 appropriations Acts to either the Department of Agri-
25 culture or the Department of the Interior will be obligated

1 within 30 days pursuant to the previous proviso, any funds
2 transferred or permitted to be transferred pursuant to any
3 other transfer authority provided by law shall be excluded.

4 COMMUNICATIONS SITE ADMINISTRATION
5 (INCLUDING TRANSFER OF FUNDS)

6 Amounts collected in this fiscal year pursuant to sec-
7 tion 8705(f)(2) of the Agriculture Improvement Act of
8 2018 (Public Law 115–334), shall be deposited in the spe-
9 cial account established by section 8705(f)(1) of such Act,
10 shall be available to cover the costs described in subsection
11 (c)(3) of such section of such Act, and shall remain avail-
12 able until expended: *Provided*, That such amounts shall
13 be transferred to the “National Forest System” account.

14 ADMINISTRATIVE PROVISIONS—FOREST SERVICE
15 (INCLUDING TRANSFERS OF FUNDS)

16 Appropriations to the Forest Service for the current
17 fiscal year shall be available for: (1) purchase of passenger
18 motor vehicles; acquisition of passenger motor vehicles
19 from excess sources, and hire of such vehicles; purchase,
20 lease, operation, maintenance, and acquisition of aircraft
21 to maintain the operable fleet for use in Forest Service
22 wildland fire programs and other Forest Service programs;
23 notwithstanding other provisions of law, existing aircraft
24 being replaced may be sold, with proceeds derived or
25 trade-in value used to offset the purchase price for the

1 replacement aircraft; (2) services pursuant to 7 U.S.C.
2 2225, and not to exceed \$100,000 for employment under
3 5 U.S.C. 3109; (3) purchase, erection, and alteration of
4 buildings and other public improvements (7 U.S.C. 2250);
5 (4) acquisition of land, waters, and interests therein pur-
6 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
7 Volunteers in the National Forest Act of 1972 (16 U.S.C.
8 558a, 558d, and 558a note); (6) the cost of uniforms as
9 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
10 lection contracts in accordance with 31 U.S.C. 3718(c).

11 Funds made available to the Forest Service in this
12 Act may be transferred between accounts affected by the
13 Forest Service budget restructure outlined in section 435
14 of division D of the Further Consolidated Appropriations
15 Act, 2020 (Public Law 116–94): *Provided*, That any
16 transfer of funds pursuant to this paragraph shall not in-
17 crease or decrease the funds appropriated to any account
18 in this fiscal year by more than ten percent: *Provided fur-*
19 *ther*, That such transfer authority is in addition to any
20 other transfer authority provided by law.

21 Any appropriations or funds available to the Forest
22 Service may be transferred to the Wildland Fire Manage-
23 ment appropriation for forest firefighting, emergency re-
24 habilitation of burned-over or damaged lands or waters
25 under its jurisdiction, and fire preparedness due to severe

1 burning conditions upon the Secretary of Agriculture’s no-
2 tification of the House and Senate Committees on Appro-
3 priations that all fire suppression funds appropriated
4 under the heading “Wildland Fire Management” will be
5 obligated within 30 days: *Provided*, That all funds used
6 pursuant to this paragraph must be replenished by a sup-
7 plemental appropriation which must be requested as
8 promptly as possible.

9 Not more than \$50,000,000 of funds appropriated to
10 the Forest Service shall be available for expenditure or
11 transfer to the Department of the Interior for wildland
12 fire management, hazardous fuels management, and State
13 fire assistance when such transfers would facilitate and
14 expedite wildland fire management programs and projects.

15 Notwithstanding any other provision of this Act, the
16 Forest Service may transfer unobligated balances of dis-
17 cretionary funds appropriated to the Forest Service by
18 this Act to or within the National Forest System Account,
19 or reprogram funds to be used for the purposes of haz-
20 ardous fuels management and urgent rehabilitation of
21 burned-over National Forest System lands and water,
22 such transferred funds shall remain available through Sep-
23 tember 30, 2024: *Provided*, That none of the funds trans-
24 ferred pursuant to this section shall be available for obli-
25 gation without written notification to and the prior ap-

1 proval of the Committees on Appropriations of both
2 Houses of Congress.

3 Funds appropriated to the Forest Service shall be
4 available for assistance to or through the Agency for Inter-
5 national Development in connection with forest and range-
6 land research, technical information, and assistance in for-
7 eign countries, and shall be available to support forestry
8 and related natural resource activities outside the United
9 States and its territories and possessions, including tech-
10 nical assistance, education and training, and cooperation
11 with U.S., private, and international organizations. The
12 Forest Service, acting for the International Program, may
13 sign direct funding agreements with foreign governments
14 and institutions as well as other domestic agencies (includ-
15 ing the U.S. Agency for International Development, the
16 Department of State, and the Millennium Challenge Cor-
17 poration), U.S. private sector firms, institutions and orga-
18 nizations to provide technical assistance and training pro-
19 grams overseas on forestry and rangeland management.

20 Funds appropriated to the Forest Service shall be
21 available for expenditure or transfer to the Department
22 of the Interior, Bureau of Land Management, for removal,
23 preparation, and adoption of excess wild horses and burros
24 from National Forest System lands, and for the perform-

1 ance of cadastral surveys to designate the boundaries of
2 such lands.

3 None of the funds made available to the Forest Serv-
4 ice in this Act or any other Act with respect to any fiscal
5 year shall be subject to transfer under the provisions of
6 section 702(b) of the Department of Agriculture Organic
7 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
8 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
9 Law 107–171 (7 U.S.C. 8316(b)).

10 Not more than \$82,000,000 of funds available to the
11 Forest Service shall be transferred to the Working Capital
12 Fund of the Department of Agriculture and not more than
13 \$14,500,000 of funds available to the Forest Service shall
14 be transferred to the Department of Agriculture for De-
15 partment Reimbursable Programs, commonly referred to
16 as Greenbook charges. Nothing in this paragraph shall
17 prohibit or limit the use of reimbursable agreements re-
18 quested by the Forest Service in order to obtain informa-
19 tion technology services, including telecommunications and
20 system modifications or enhancements, from the Working
21 Capital Fund of the Department of Agriculture.

22 Of the funds available to the Forest Service, up to
23 \$5,000,000 shall be available for priority projects within
24 the scope of the approved budget, which shall be carried
25 out by the Youth Conservation Corps and shall be carried

1 out under the authority of the Public Lands Corps Act
2 of 1993 (16 U.S.C. 1721 et seq.).

3 Of the funds available to the Forest Service, \$4,000
4 is available to the Chief of the Forest Service for official
5 reception and representation expenses.

6 Pursuant to sections 405(b) and 410(b) of Public
7 Law 101–593, of the funds available to the Forest Service,
8 up to \$3,000,000 may be advanced in a lump sum to the
9 National Forest Foundation to aid conservation partner-
10 ship projects in support of the Forest Service mission,
11 without regard to when the Foundation incurs expenses,
12 for projects on or benefitting National Forest System
13 lands or related to Forest Service programs: *Provided*,
14 That of the Federal funds made available to the Founda-
15 tion, no more than \$300,000 shall be available for admin-
16 istrative expenses: *Provided further*, That the Foundation
17 shall obtain, by the end of the period of Federal financial
18 assistance, private contributions to match funds made
19 available by the Forest Service on at least a one-for-one
20 basis: *Provided further*, That the Foundation may transfer
21 Federal funds to a Federal or a non-Federal recipient for
22 a project at the same rate that the recipient has obtained
23 the non-Federal matching funds.

24 Pursuant to section 2(b)(2) of Public Law 98–244,
25 up to \$3,000,000 of the funds available to the Forest

1 Service may be advanced to the National Fish and Wildlife
2 Foundation in a lump sum to aid cost-share conservation
3 projects, without regard to when expenses are incurred,
4 on or benefitting National Forest System lands or related
5 to Forest Service programs: *Provided*, That such funds
6 shall be matched on at least a one-for-one basis by the
7 Foundation or its sub-recipients: *Provided further*, That
8 the Foundation may transfer Federal funds to a Federal
9 or non-Federal recipient for a project at the same rate
10 that the recipient has obtained the non-Federal matching
11 funds.

12 Funds appropriated to the Forest Service shall be
13 available for interactions with and providing technical as-
14 sistance to rural communities and natural resource-based
15 businesses for sustainable rural development purposes.

16 Funds appropriated to the Forest Service shall be
17 available for payments to counties within the Columbia
18 River Gorge National Scenic Area, pursuant to section
19 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
20 663.

21 Any funds appropriated to the Forest Service may
22 be used to meet the non-Federal share requirement in sec-
23 tion 502(c) of the Older Americans Act of 1965 (42
24 U.S.C. 3056(c)(2)).

1 The Forest Service shall not assess funds for the pur-
2 pose of performing fire, administrative, and other facilities
3 maintenance and decommissioning.

4 Notwithstanding any other provision of law, of any
5 appropriations or funds available to the Forest Service,
6 not to exceed \$500,000 may be used to reimburse the Of-
7 fice of the General Counsel (OGC), Department of Agri-
8 culture, for travel and related expenses incurred as a re-
9 sult of OGC assistance or participation requested by the
10 Forest Service at meetings, training sessions, management
11 reviews, land purchase negotiations, and similar matters
12 unrelated to civil litigation. Future budget justifications
13 for both the Forest Service and the Department of Agri-
14 culture should clearly display the sums previously trans-
15 ferred and the sums requested for transfer.

16 An eligible individual who is employed in any project
17 funded under title V of the Older Americans Act of 1965
18 (42 U.S.C. 3056 et seq.) and administered by the Forest
19 Service shall be considered to be a Federal employee for
20 purposes of chapter 171 of title 28, United States Code.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES

5 For expenses necessary to carry out the Act of Au-
6 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
7 tion and Education Assistance Act, the Indian Health
8 Care Improvement Act, and titles II and III of the Public
9 Health Service Act with respect to the Indian Health Serv-
10 ice, \$4,301,391,000 to remain available until September
11 30, 2022, except as otherwise provided herein, together
12 with payments received during the fiscal year pursuant to
13 sections 231(b) and 233 of the Public Health Service Act
14 (42 U.S.C. 238(b) and 238b), for services furnished by
15 the Indian Health Service: *Provided*, That funds made
16 available to tribes and tribal organizations through con-
17 tracts, grant agreements, or any other agreements or com-
18 pacts authorized by the Indian Self-Determination and
19 Education Assistance Act of 1975 (25 U.S.C. 450), shall
20 be deemed to be obligated at the time of the grant or con-
21 tract award and thereafter shall remain available to the
22 tribe or tribal organization without fiscal year limitation:
23 *Provided further*, That \$2,500,000 shall be available for
24 grants or contracts with public or private institutions to
25 provide alcohol or drug treatment services to Indians, in-

1 cluding alcohol detoxification services: Provided further,
2 That \$975,856,000 for Purchased/Referred Care, includ-
3 ing \$53,000,000 for the Indian Catastrophic Health
4 Emergency Fund, shall remain available until expended:
5 Provided further, That of the funds provided, up to
6 \$41,000,000 shall remain available until expended for im-
7 plementation of the loan repayment program under section
8 108 of the Indian Health Care Improvement Act: *Provided*
9 *further*, That of the funds provided, \$58,000,000 shall be
10 for costs related to or resulting from accreditation emer-
11 gencies, including supplementing activities funded under
12 the heading “Indian Health Facilities,” of which up to
13 \$4,000,000 may be used to supplement amounts otherwise
14 available for Purchased/Referred Care: *Provided further*,
15 That the amounts collected by the Federal Government
16 as authorized by sections 104 and 108 of the Indian
17 Health Care Improvement Act (25 U.S.C. 1613a and
18 1616a) during the preceding fiscal year for breach of con-
19 tracts shall be deposited in the Fund authorized by section
20 108A of that Act (25 U.S.C. 1616a–1) and shall remain
21 available until expended and, notwithstanding section
22 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall
23 be available to make new awards under the loan repay-
24 ment and scholarship programs under sections 104 and
25 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided*

1 *further*, That the amounts made available within this ac-
2 count for the Substance Abuse and Suicide Prevention
3 Program, for Opioid Prevention, Treatment and Recovery
4 Services, for the Domestic Violence Prevention Program,
5 for the Zero Suicide Initiative, for the housing subsidy au-
6 thority for civilian employees, for Aftercare Pilot Pro-
7 grams at Youth Regional Treatment Centers, for trans-
8 formation and modernization costs of the Indian Health
9 Service Electronic Health Record system, for national
10 quality and oversight activities, to improve collections from
11 public and private insurance at Indian Health Service and
12 tribally operated facilities, for an initiative to treat or re-
13 duce the transmission of HIV and HCV, for a maternal
14 health initiative, for the Telebehaviorial Health Center of
15 Excellence, for Alzheimer's grants, for Village Built Clin-
16 ics and for accreditation emergencies shall be allocated at
17 the discretion of the Director of the Indian Health Service
18 and shall remain available until expended: *Provided fur-*
19 *ther*, That funds provided in this Act may be used for an-
20 nual contracts and grants that fall within 2 fiscal years,
21 provided the total obligation is recorded in the year the
22 funds are appropriated: *Provided further*, That the
23 amounts collected by the Secretary of Health and Human
24 Services under the authority of title IV of the Indian
25 Health Care Improvement Act (25 U.S.C. 1613) shall re-

1 main available until expended for the purpose of achieving
2 compliance with the applicable conditions and require-
3 ments of titles XVIII and XIX of the Social Security Act,
4 except for those related to the planning, design, or con-
5 struction of new facilities: *Provided further*, That funding
6 contained herein for scholarship programs under the In-
7 dian Health Care Improvement Act (25 U.S.C. 1613)
8 shall remain available until expended: *Provided further*,
9 That amounts received by tribes and tribal organizations
10 under title IV of the Indian Health Care Improvement Act
11 shall be reported and accounted for and available to the
12 receiving tribes and tribal organizations until expended:
13 *Provided further*, That the Bureau of Indian Affairs may
14 collect from the Indian Health Service, and from tribes
15 and tribal organizations operating health facilities pursu-
16 ant to Public Law 93-638, such individually identifiable
17 health information relating to disabled children as may be
18 necessary for the purpose of carrying out its functions
19 under the Individuals with Disabilities Education Act (20
20 U.S.C. 1400 et seq.): *Provided further*, That of the funds
21 provided, \$72,280,000 is for the Indian Health Care Im-
22 provement Fund and may be used, as needed, to carry
23 out activities typically funded under the Indian Health Fa-
24 cilities account: *Provided further*, That none of the funds
25 appropriated by this Act, or any other Act, to the Indian

1 Health Service for the Electronic Health Record system
2 shall be available for obligation or expenditure for the se-
3 lection or implementation of a new Information Tech-
4 nology infrastructure system, unless the Committees on
5 Appropriations of the House of Representatives and the
6 Senate are consulted 90 days in advance of such obliga-
7 tion: *Provided further*, That none of the amounts made
8 available under this heading to the Indian Health Service
9 for the Electronic Health Record system shall be available
10 for obligation or expenditure for the selection or imple-
11 mentation of a new Information Technology Infrastruc-
12 ture system until the report and directive is received by
13 the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate in accordance with the explan-
15 atory statement described in section 4 (in the matter pre-
16 ceding division A of this consolidated Act).

17 CONTRACT SUPPORT COSTS

18 For payments to tribes and tribal organizations for
19 contract support costs associated with Indian Self-Deter-
20 mination and Education Assistance Act agreements with
21 the Indian Health Service for fiscal year 2021, such sums
22 as may be necessary: *Provided*, That notwithstanding any
23 other provision of law, no amounts made available under
24 this heading shall be available for transfer to another
25 budget account: *Provided further*, That amounts obligated

1 but not expended by a tribe or tribal organization for con-
2 tract support costs for such agreements for the current
3 fiscal year shall be applied to contract support costs due
4 for such agreements for subsequent fiscal years.

5 PAYMENTS FOR TRIBAL LEASES

6 For payments to tribes and tribal organizations for
7 leases pursuant to section 105(l) of the Indian Self-Deter-
8 mination and Education Assistance Act (25 U.S.C.
9 5324(l)) for fiscal year 2021, such sums as may be nec-
10 essary, which shall be available for obligation through Sep-
11 tember 30, 2022: *Provided*, That notwithstanding any
12 other provision of law, no amounts made available under
13 this heading shall be available for transfer to another
14 budget account.

15 INDIAN HEALTH FACILITIES

16 For construction, repair, maintenance, demolition,
17 improvement, and equipment of health and related auxil-
18 iary facilities, including quarters for personnel; prepara-
19 tion of plans, specifications, and drawings; acquisition of
20 sites, purchase and erection of modular buildings, and
21 purchases of trailers; and for provision of domestic and
22 community sanitation facilities for Indians, as authorized
23 by section 7 of the Act of August 5, 1954 (42 U.S.C.
24 2004a), the Indian Self-Determination Act, and the In-
25 dian Health Care Improvement Act, and for expenses nec-

1 essary to carry out such Acts and titles II and III of the
2 Public Health Service Act with respect to environmental
3 health and facilities support activities of the Indian Health
4 Service, \$917,888,000 to remain available until expended:
5 *Provided*, That notwithstanding any other provision of
6 law, funds appropriated for the planning, design, construc-
7 tion, renovation, or expansion of health facilities for the
8 benefit of an Indian tribe or tribes may be used to pur-
9 chase land on which such facilities will be located: *Pro-*
10 *vided further*, That not to exceed \$500,000 may be used
11 by the Indian Health Service to purchase TRANSAM
12 equipment from the Department of Defense for distribu-
13 tion to the Indian Health Service and tribal facilities: *Pro-*
14 *vided further*, That none of the funds appropriated to the
15 Indian Health Service may be used for sanitation facilities
16 construction for new homes funded with grants by the
17 housing programs of the United States Department of
18 Housing and Urban Development.

19 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

20 Appropriations provided in this Act to the Indian
21 Health Service shall be available for services as authorized
22 by 5 U.S.C. 3109 at rates not to exceed the per diem rate
23 equivalent to the maximum rate payable for senior-level
24 positions under 5 U.S.C. 5376; hire of passenger motor
25 vehicles and aircraft; purchase of medical equipment; pur-

1 chase of reprints; purchase, renovation, and erection of
2 modular buildings and renovation of existing facilities;
3 payments for telephone service in private residences in the
4 field, when authorized under regulations approved by the
5 Secretary of Health and Human Services; uniforms, or al-
6 lowances therefor as authorized by 5 U.S.C. 5901–5902;
7 and for expenses of attendance at meetings that relate to
8 the functions or activities of the Indian Health Service:
9 *Provided*, That in accordance with the provisions of the
10 Indian Health Care Improvement Act, non-Indian patients
11 may be extended health care at all tribally administered
12 or Indian Health Service facilities, subject to charges, and
13 the proceeds along with funds recovered under the Federal
14 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
15 be credited to the account of the facility providing the
16 service and shall be available without fiscal year limitation:
17 *Provided further*, That notwithstanding any other law or
18 regulation, funds transferred from the Department of
19 Housing and Urban Development to the Indian Health
20 Service shall be administered under Public Law 86–121,
21 the Indian Sanitation Facilities Act and Public Law 93–
22 638: *Provided further*, That funds appropriated to the In-
23 dian Health Service in this Act, except those used for ad-
24 ministrative and program direction purposes, shall not be
25 subject to limitations directed at curtailing Federal travel

1 and transportation: *Provided further*, That none of the
2 funds made available to the Indian Health Service in this
3 Act shall be used for any assessments or charges by the
4 Department of Health and Human Services unless identi-
5 fied in the budget justification and provided in this Act,
6 or approved by the House and Senate Committees on Ap-
7 propriations through the reprogramming process: *Pro-*
8 *vided further*, That notwithstanding any other provision
9 of law, funds previously or herein made available to a tribe
10 or tribal organization through a contract, grant, or agree-
11 ment authorized by title I or title V of the Indian Self-
12 Determination and Education Assistance Act of 1975 (25
13 U.S.C. 450 et seq.), may be deobligated and reobligated
14 to a self-determination contract under title I, or a self-
15 governance agreement under title V of such Act and there-
16 after shall remain available to the tribe or tribal organiza-
17 tion without fiscal year limitation: *Provided further*, That
18 none of the funds made available to the Indian Health
19 Service in this Act shall be used to implement the final
20 rule published in the Federal Register on September 16,
21 1987, by the Department of Health and Human Services,
22 relating to the eligibility for the health care services of
23 the Indian Health Service until the Indian Health Service
24 has submitted a budget request reflecting the increased
25 costs associated with the proposed final rule, and such re-

1 quest has been included in an appropriations Act and en-
2 acted into law: *Provided further*, That with respect to func-
3 tions transferred by the Indian Health Service to tribes
4 or tribal organizations, the Indian Health Service is au-
5 thorized to provide goods and services to those entities on
6 a reimbursable basis, including payments in advance with
7 subsequent adjustment, and the reimbursements received
8 therefrom, along with the funds received from those enti-
9 ties pursuant to the Indian Self-Determination Act, may
10 be credited to the same or subsequent appropriation ac-
11 count from which the funds were originally derived, with
12 such amounts to remain available until expended: *Provided*
13 *further*, That reimbursements for training, technical as-
14 sistance, or services provided by the Indian Health Service
15 will contain total costs, including direct, administrative,
16 and overhead costs associated with the provision of goods,
17 services, or technical assistance: *Provided further*, That
18 the Indian Health Service may provide to civilian medical
19 personnel serving in hospitals operated by the Indian
20 Health Service housing allowances equivalent to those that
21 would be provided to members of the Commissioned Corps
22 of the United States Public Health Service serving in simi-
23 lar positions at such hospitals: *Provided further*, That the
24 appropriation structure for the Indian Health Service may

1 not be altered without advance notification to the House
2 and Senate Committees on Appropriations.

3 NATIONAL INSTITUTES OF HEALTH

4 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
5 SCIENCES

6 For necessary expenses for the National Institute of
7 Environmental Health Sciences in carrying out activities
8 set forth in section 311(a) of the Comprehensive Environ-
9 mental Response, Compensation, and Liability Act of
10 1980 (42 U.S.C. 9660(a)) and section 126(g) of the
11 Superfund Amendments and Reauthorization Act of 1986,
12 \$81,500,000.

13 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

14 REGISTRY

15 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
16 HEALTH

17 For necessary expenses for the Agency for Toxic Sub-
18 stances and Disease Registry (ATSDR) in carrying out
19 activities set forth in sections 104(i) and 111(c)(4) of the
20 Comprehensive Environmental Response, Compensation,
21 and Liability Act of 1980 (CERCLA) and section 3019
22 of the Solid Waste Disposal Act, \$78,000,000: *Provided,*
23 That notwithstanding any other provision of law, in lieu
24 of performing a health assessment under section 104(i)(6)
25 of CERCLA, the Administrator of ATSDR may conduct

1 other appropriate health studies, evaluations, or activities,
2 including, without limitation, biomedical testing, clinical
3 evaluations, medical monitoring, and referral to accredited
4 healthcare providers: *Provided further*, That in performing
5 any such health assessment or health study, evaluation,
6 or activity, the Administrator of ATSDR shall not be
7 bound by the deadlines in section 104(i)(6)(A) of
8 CERCLA: *Provided further*, That none of the funds appro-
9 priated under this heading shall be available for ATSDR
10 to issue in excess of 40 toxicological profiles pursuant to
11 section 104(i) of CERCLA during fiscal year 2021, and
12 existing profiles may be updated as necessary.

13 OTHER RELATED AGENCIES

14 EXECUTIVE OFFICE OF THE PRESIDENT

15 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

16 ENVIRONMENTAL QUALITY

17 For necessary expenses to continue functions as-
18 signed to the Council on Environmental Quality and Office
19 of Environmental Quality pursuant to the National Envi-
20 ronmental Policy Act of 1969, the Environmental Quality
21 Improvement Act of 1970, and Reorganization Plan No.
22 1 of 1977, and not to exceed \$750 for official reception
23 and representation expenses, \$3,500,000: *Provided*, That
24 notwithstanding section 202 of the National Environ-
25 mental Policy Act of 1970, the Council shall consist of

1 one member, appointed by the President, by and with the
2 advice and consent of the Senate, serving as chairman and
3 exercising all powers, functions, and duties of the Council.

4 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
5 SALARIES AND EXPENSES

6 For necessary expenses in carrying out activities pur-
7 suant to section 112(r)(6) of the Clean Air Act, including
8 hire of passenger vehicles, uniforms or allowances there-
9 for, as authorized by 5 U.S.C. 5901–5902, and for serv-
10 ices authorized by 5 U.S.C. 3109 but at rates for individ-
11 uals not to exceed the per diem equivalent to the maximum
12 rate payable for senior level positions under 5 U.S.C.
13 5376, \$12,000,000: *Provided*, That the Chemical Safety
14 and Hazard Investigation Board (Board) shall have not
15 more than three career Senior Executive Service positions:
16 *Provided further*, That notwithstanding any other provi-
17 sion of law, the individual appointed to the position of In-
18 spector General of the Environmental Protection Agency
19 (EPA) shall, by virtue of such appointment, also hold the
20 position of Inspector General of the Board: *Provided fur-*
21 *ther*, That notwithstanding any other provision of law, the
22 Inspector General of the Board shall utilize personnel of
23 the Office of Inspector General of EPA in performing the
24 duties of the Inspector General of the Board, and shall
25 not appoint any individuals to positions within the Board.

1 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Navajo and
4 Hopi Indian Relocation as authorized by Public Law 93–
5 531, \$4,000,000, to remain available until expended: *Pro-*
6 *vided*, That funds provided in this or any other appropria-
7 tions Act are to be used to relocate eligible individuals and
8 groups including evictees from District 6, Hopi-partitioned
9 lands residents, those in significantly substandard hous-
10 ing, and all others certified as eligible and not included
11 in the preceding categories: *Provided further*, That none
12 of the funds contained in this or any other Act may be
13 used by the Office of Navajo and Hopi Indian Relocation
14 to evict any single Navajo or Navajo family who, as of
15 November 30, 1985, was physically domiciled on the lands
16 partitioned to the Hopi Tribe unless a new or replacement
17 home is provided for such household: *Provided further*,
18 That no relocatee will be provided with more than one new
19 or replacement home: *Provided further*, That the Office
20 shall relocate any certified eligible relocatees who have se-
21 lected and received an approved homesite on the Navajo
22 reservation or selected a replacement residence off the
23 Navajo reservation or on the land acquired pursuant to
24 section 11 of Public Law 93–531 (88 Stat. 1716).

1 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
2 CULTURE AND ARTS DEVELOPMENT
3 PAYMENT TO THE INSTITUTE

4 For payment to the Institute of American Indian and
5 Alaska Native Culture and Arts Development, as author-
6 ized by part A of title XV of Public Law 99–498 (20
7 U.S.C. 4411 et seq.), \$10,772,000, which shall become
8 available on July 1, 2021, and shall remain available until
9 September 30, 2022.

10 SMITHSONIAN INSTITUTION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Smithsonian Institu-
13 tion, as authorized by law, including research in the fields
14 of art, science, and history; development, preservation, and
15 documentation of the National Collections; presentation of
16 public exhibits and performances; collection, preparation,
17 dissemination, and exchange of information and publica-
18 tions; conduct of education, training, and museum assist-
19 ance programs; maintenance, alteration, operation, lease
20 agreements of no more than 30 years, and protection of
21 buildings, facilities, and approaches; not to exceed
22 \$100,000 for services as authorized by 5 U.S.C. 3109; and
23 purchase, rental, repair, and cleaning of uniforms for em-
24 ployees, \$818,192,000, to remain available until Sep-
25 tember 30, 2022, except as otherwise provided herein; of

1 which not to exceed \$6,957,000 for the instrumentation
2 program, collections acquisition, exhibition reinstallation,
3 and the repatriation of skeletal remains program shall re-
4 main available until expended; and including such funds
5 as may be necessary to support American overseas re-
6 search centers: *Provided*, That funds appropriated herein
7 are available for advance payments to independent con-
8 tractors performing research services or participating in
9 official Smithsonian presentations: *Provided further*, That
10 the Smithsonian Institution may expend Federal appro-
11 priations designated in this Act for lease or rent payments,
12 as rent payable to the Smithsonian Institution, and such
13 rent payments may be deposited into the general trust
14 funds of the Institution to be available as trust funds for
15 expenses associated with the purchase of a portion of the
16 building at 600 Maryland Avenue, SW, Washington, DC,
17 to the extent that federally supported activities will be
18 housed there: *Provided further*, That the use of such
19 amounts in the general trust funds of the Institution for
20 such purpose shall not be construed as Federal debt serv-
21 ice for, a Federal guarantee of, a transfer of risk to, or
22 an obligation of the Federal Government: *Provided further*,
23 That no appropriated funds may be used directly to serv-
24 ice debt which is incurred to finance the costs of acquiring
25 a portion of the building at 600 Maryland Avenue, SW,

1 Washington, DC, or of planning, designing, and con-
2 structing improvements to such building: *Provided further*,
3 That any agreement entered into by the Smithsonian In-
4 stitution for the sale of its ownership interest, or any por-
5 tion thereof, in such building so acquired may not take
6 effect until the expiration of a 30 day period which begins
7 on the date on which the Secretary of the Smithsonian
8 submits to the Committees on Appropriations of the
9 House of Representatives and Senate, the Committees on
10 House Administration and Transportation and Infrastruc-
11 ture of the House of Representatives, and the Committee
12 on Rules and Administration of the Senate a report, as
13 outlined in the explanatory statement described in section
14 4 of the Further Consolidated Appropriations Act, 2020
15 (Public Law 116–94; 133 Stat. 2536) on the intended
16 sale.

17 FACILITIES CAPITAL

18 For necessary expenses of repair, revitalization, and
19 alteration of facilities owned or occupied by the Smithso-
20 nian Institution, by contract or otherwise, as authorized
21 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
22 and for construction, including necessary personnel,
23 \$214,530,000, to remain available until expended, of
24 which not to exceed \$10,000 shall be for services as au-
25 thorized by 5 U.S.C. 3109.

1 NATIONAL GALLERY OF ART

2 SALARIES AND EXPENSES

3 For the upkeep and operations of the National Gal-
4 lery of Art, the protection and care of the works of art
5 therein, and administrative expenses incident thereto, as
6 authorized by the Act of March 24, 1937 (50 Stat. 51),
7 as amended by the public resolution of April 13, 1939
8 (Public Resolution 9, 76th Congress), including services
9 as authorized by 5 U.S.C. 3109; payment in advance when
10 authorized by the treasurer of the Gallery for membership
11 in library, museum, and art associations or societies whose
12 publications or services are available to members only, or
13 to members at a price lower than to the general public;
14 purchase, repair, and cleaning of uniforms for guards, and
15 uniforms, or allowances therefor, for other employees as
16 authorized by law (5 U.S.C. 5901–5902); purchase or
17 rental of devices and services for protecting buildings and
18 contents thereof, and maintenance, alteration, improve-
19 ment, and repair of buildings, approaches, and grounds;
20 and purchase of services for restoration and repair of
21 works of art for the National Gallery of Art by contracts
22 made, without advertising, with individuals, firms, or or-
23 ganizations at such rates or prices and under such terms
24 and conditions as the Gallery may deem proper,
25 \$153,242,000, to remain available until September 30,

1 2022, of which not to exceed \$3,700,000 for the special
2 exhibition program shall remain available until expended.

3 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

4 For necessary expenses of repair, restoration, and
5 renovation of buildings, grounds and facilities owned or
6 occupied by the National Gallery of Art, by contract or
7 otherwise, for operating lease agreements of no more than
8 10 years, with no extensions or renewals beyond the 10
9 years, that address space needs created by the ongoing
10 renovations in the Master Facilities Plan, as authorized,
11 \$23,203,000, to remain available until expended: *Pro-*
12 *vided*, That of this amount, \$1,510,000 shall be available
13 for design of an off-site art storage facility in partnership
14 with the Smithsonian Institution: *Provided further*, That
15 contracts awarded for environmental systems, protection
16 systems, and exterior repair or renovation of buildings of
17 the National Gallery of Art may be negotiated with se-
18 lected contractors and awarded on the basis of contractor
19 qualifications as well as price.

20 JOHN F. KENNEDY CENTER FOR THE PERFORMING

21 ARTS

22 OPERATIONS AND MAINTENANCE

23 For necessary expenses for the operation, mainte-
24 nance, and security of the John F. Kennedy Center for

1 the Performing Arts, \$26,400,000, to remain available
2 until September, 30, 2022.

3 CAPITAL REPAIR AND RESTORATION

4 For necessary expenses for capital repair and restora-
5 tion of the existing features of the building and site of
6 the John F. Kennedy Center for the Performing Arts,
7 \$14,000,000, to remain available until expended.

8 WOODROW WILSON INTERNATIONAL CENTER FOR
9 SCHOLARS

10 SALARIES AND EXPENSES

11 For expenses necessary in carrying out the provisions
12 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
13 1356) including hire of passenger vehicles and services as
14 authorized by 5 U.S.C. 3109, \$14,000,000, to remain
15 available until September 30, 2022.

16 NATIONAL FOUNDATION ON THE ARTS AND THE
17 HUMANITIES

18 NATIONAL ENDOWMENT FOR THE ARTS

19 GRANTS AND ADMINISTRATION

20 For necessary expenses to carry out the National
21 Foundation on the Arts and the Humanities Act of 1965,
22 \$167,500,000 shall be available to the National Endow-
23 ment for the Arts for the support of projects and produc-
24 tions in the arts, including arts education and public out-
25 reach activities, through assistance to organizations and

1 individuals pursuant to section 5 of the Act, for program
2 support, and for administering the functions of the Act,
3 to remain available until expended.

4 NATIONAL ENDOWMENT FOR THE HUMANITIES
5 GRANTS AND ADMINISTRATION

6 For necessary expenses to carry out the National
7 Foundation on the Arts and the Humanities Act of 1965,
8 \$167,500,000 to remain available until expended, of which
9 \$152,500,000 shall be available for support of activities
10 in the humanities, pursuant to section 7(c) of the Act and
11 for administering the functions of the Act; and
12 \$15,000,000 shall be available to carry out the matching
13 grants program pursuant to section 10(a)(2) of the Act,
14 including \$13,000,000 for the purposes of section 7(h):
15 *Provided*, That appropriations for carrying out section
16 10(a)(2) shall be available for obligation only in such
17 amounts as may be equal to the total amounts of gifts,
18 bequests, devises of money, and other property accepted
19 by the chairman or by grantees of the National Endow-
20 ment for the Humanities under the provisions of sections
21 11(a)(2)(B) and 11(a)(3)(B) during the current and pre-
22 ceding fiscal years for which equal amounts have not pre-
23 viously been appropriated.

1 ADMINISTRATIVE PROVISIONS

2 None of the funds appropriated to the National
3 Foundation on the Arts and the Humanities may be used
4 to process any grant or contract documents which do not
5 include the text of 18 U.S.C. 1913: *Provided*, That none
6 of the funds appropriated to the National Foundation on
7 the Arts and the Humanities may be used for official re-
8 ception and representation expenses: *Provided further*,
9 That funds from nonappropriated sources may be used as
10 necessary for official reception and representation ex-
11 penses: *Provided further*, That the Chairperson of the Na-
12 tional Endowment for the Arts may approve grants of up
13 to \$10,000, if in the aggregate the amount of such grants
14 does not exceed 5 percent of the sums appropriated for
15 grantmaking purposes per year: *Provided further*, That
16 such small grant actions are taken pursuant to the terms
17 of an expressed and direct delegation of authority from
18 the National Council on the Arts to the Chairperson.

19 COMMISSION OF FINE ARTS

20 SALARIES AND EXPENSES

21 For expenses of the Commission of Fine Arts under
22 chapter 91 of title 40, United States Code, \$3,240,000:
23 *Provided*, That the Commission is authorized to charge
24 fees to cover the full costs of its publications, and such
25 fees shall be credited to this account as an offsetting col-

1 lection, to remain available until expended without further
2 appropriation: *Provided further*, That the Commission is
3 authorized to accept gifts, including objects, papers, art-
4 work, drawings and artifacts, that pertain to the history
5 and design of the Nation's Capital or the history and ac-
6 tivities of the Commission of Fine Arts, for the purpose
7 of artistic display, study, or education: *Provided further*,
8 That one-tenth of one percent of the funds provided under
9 this heading may be used for official reception and rep-
10 resentation expenses.

11 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

12 For necessary expenses as authorized by Public Law
13 99–190 (20 U.S.C. 956a), \$5,000,000.

14 ADVISORY COUNCIL ON HISTORIC PRESERVATION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Advisory Council on
17 Historic Preservation (Public Law 89–665), \$7,400,000.

18 NATIONAL CAPITAL PLANNING COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses of the National Capital Plan-
21 ning Commission under chapter 87 of title 40, United
22 States Code, including services as authorized by 5 U.S.C.
23 3109, \$8,124,000: *Provided*, That one-quarter of 1 per-
24 cent of the funds provided under this heading may be used
25 for official reception and representational expenses associ-

1 ated with hosting international visitors engaged in the
2 planning and physical development of world capitals.

3 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

4 HOLOCAUST MEMORIAL MUSEUM

5 For expenses of the Holocaust Memorial Museum, as
6 authorized by Public Law 106–292 (36 U.S.C. 2301–
7 2310), \$61,388,000, of which \$715,000 shall remain
8 available until September 30, 2023, for the Museum’s
9 equipment replacement program; and of which \$3,000,000
10 for the Museum’s repair and rehabilitation program and
11 \$1,264,000 for the Museum’s outreach initiatives program
12 shall remain available until expended.

13 PRESIDIO TRUST

14 The Presidio Trust is authorized to issue obligations
15 to the Secretary of the Treasury pursuant to section
16 104(d)(3) of the Omnibus Parks and Public Lands Man-
17 agement Act of 1996 (Public Law 104–333), in an
18 amount not to exceed \$20,000,000.

19 DWIGHT D. EISENHOWER MEMORIAL COMMISSION

20 SALARIES AND EXPENSES

21 For necessary expenses of the Dwight D. Eisenhower
22 Memorial Commission, \$1,000,000, to remain available
23 until expended.

1 WORLD WAR I CENTENNIAL COMMISSION

2 SALARIES AND EXPENSES

3 Notwithstanding section 9 of the World War I Cen-
4 tennial Commission Act, as authorized by the World War
5 I Centennial Commission Act (Public Law 112–272) and
6 the Carl Levin and Howard P. “Buck” McKeon National
7 Defense Authorization Act for Fiscal Year 2015 (Public
8 Law 113–291), for necessary expenses of the World War
9 I Centennial Commission, \$7,000,000, to remain available
10 until September 30, 2022: *Provided*, That in addition to
11 the authority provided by section 6(g) of such Act, the
12 World War I Commission may accept money, in-kind per-
13 sonnel services, contractual support, or any appropriate
14 support from any executive branch agency for activities
15 of the Commission.

16 ALYCE SPOTTED BEAR AND WALTER SOBOLEFF

17 COMMISSION ON NATIVE CHILDREN

18 For necessary expenses of the Alyce Spotted Bear
19 and Walter Soboleff Commission on Native Children (re-
20 ferred to in this paragraph as the “Commission”),
21 \$500,000, to remain available until September 30, 2022:
22 *Provided*, That in addition to the authority provided by
23 section 3(g)(5) and 3(h) of Public Law 114–244, the Com-
24 mission may hereafter accept in-kind personnel services,

- 1 contractual support, or any appropriate support from any
- 2 executive branch agency for activities of the Commission.

1 TITLE IV
2 GENERAL PROVISIONS
3 (INCLUDING TRANSFERS OF FUNDS)
4 RESTRICTION ON USE OF FUNDS

5 SEC. 401. No part of any appropriation contained in
6 this Act shall be available for any activity or the publica-
7 tion or distribution of literature that in any way tends to
8 promote public support or opposition to any legislative
9 proposal on which Congressional action is not complete
10 other than to communicate to Members of Congress as
11 described in 18 U.S.C. 1913.

12 OBLIGATION OF APPROPRIATIONS

13 SEC. 402. No part of any appropriation contained in
14 this Act shall remain available for obligation beyond the
15 current fiscal year unless expressly so provided herein.

16 DISCLOSURE OF ADMINISTRATIVE EXPENSES

17 SEC. 403. The amount and basis of estimated over-
18 head charges, deductions, reserves, or holdbacks, including
19 working capital fund and cost pool charges, from pro-
20 grams, projects, activities and subactivities to support gov-
21 ernment-wide, departmental, agency, or bureau adminis-
22 trative functions or headquarters, regional, or central op-
23 erations shall be presented in annual budget justifications
24 and subject to approval by the Committees on Appropria-
25 tions of the House of Representatives and the Senate.

1 Changes to such estimates shall be presented to the Com-
2 mittees on Appropriations for approval.

3 MINING APPLICATIONS

4 SEC. 404. (a) LIMITATION OF FUNDS.—None of the
5 funds appropriated or otherwise made available pursuant
6 to this Act shall be obligated or expended to accept or
7 process applications for a patent for any mining or mill
8 site claim located under the general mining laws.

9 (b) EXCEPTIONS.—Subsection (a) shall not apply if
10 the Secretary of the Interior determines that, for the claim
11 concerned: (1) a patent application was filed with the Sec-
12 retary on or before September 30, 1994; and (2) all re-
13 quirements established under sections 2325 and 2326 of
14 the Revised Statutes (30 U.S.C. 29 and 30) for vein or
15 lode claims, sections 2329, 2330, 2331, and 2333 of the
16 Revised Statutes (30 U.S.C. 35, 36, and 37) for placer
17 claims, and section 2337 of the Revised Statutes (30
18 U.S.C. 42) for mill site claims, as the case may be, were
19 fully complied with by the applicant by that date.

20 (c) REPORT.—On September 30, 2022, the Secretary
21 of the Interior shall file with the House and Senate Com-
22 mittees on Appropriations and the Committee on Natural
23 Resources of the House and the Committee on Energy and
24 Natural Resources of the Senate a report on actions taken
25 by the Department under the plan submitted pursuant to

1 section 314(c) of the Department of the Interior and Re-
2 lated Agencies Appropriations Act, 1997 (Public Law
3 104–208).

4 (d) MINERAL EXAMINATIONS.—In order to process
5 patent applications in a timely and responsible manner,
6 upon the request of a patent applicant, the Secretary of
7 the Interior shall allow the applicant to fund a qualified
8 third-party contractor to be selected by the Director of the
9 Bureau of Land Management to conduct a mineral exam-
10 ination of the mining claims or mill sites contained in a
11 patent application as set forth in subsection (b). The Bu-
12 reau of Land Management shall have the sole responsi-
13 bility to choose and pay the third-party contractor in ac-
14 cordance with the standard procedures employed by the
15 Bureau of Land Management in the retention of third-
16 party contractors.

17 CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

18 SEC. 405. Sections 405 and 406 of division F of the
19 Consolidated and Further Continuing Appropriations Act,
20 2015 (Public Law 113–235) shall continue in effect in fis-
21 cal year 2021.

22 CONTRACT SUPPORT COSTS, FISCAL YEAR 2021

23 LIMITATION

24 SEC. 406. Amounts provided by this Act for fiscal
25 year 2021 under the headings “Department of Health and

1 Human Services, Indian Health Service, Contract Support
2 Costs” and “Department of the Interior, Bureau of Indian
3 Affairs and Bureau of Indian Education, Contract Sup-
4 port Costs” are the only amounts available for contract
5 support costs arising out of self-determination or self-gov-
6 ernance contracts, grants, compacts, or annual funding
7 agreements for fiscal year 2021 with the Bureau of Indian
8 Affairs, Bureau of Indian Education, and the Indian
9 Health Service: *Provided*, That such amounts provided by
10 this Act are not available for payment of claims for con-
11 tract support costs for prior years, or for repayments of
12 payments for settlements or judgments awarding contract
13 support costs for prior years.

14 FOREST MANAGEMENT PLANS

15 SEC. 407. The Secretary of Agriculture shall not be
16 considered to be in violation of subparagraph 6(f)(5)(A)
17 of the Forest and Rangeland Renewable Resources Plan-
18 ning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because
19 more than 15 years have passed without revision of the
20 plan for a unit of the National Forest System. Nothing
21 in this section exempts the Secretary from any other re-
22 quirement of the Forest and Rangeland Renewable Re-
23 sources Planning Act (16 U.S.C. 1600 et seq.) or any
24 other law: *Provided*, That if the Secretary is not acting
25 expeditiously and in good faith, within the funding avail-

1 able, to revise a plan for a unit of the National Forest
2 System, this section shall be void with respect to such plan
3 and a court of proper jurisdiction may order completion
4 of the plan on an accelerated basis.

5 PROHIBITION WITHIN NATIONAL MONUMENTS

6 SEC. 408. No funds provided in this Act may be ex-
7 pended to conduct preleasing, leasing and related activities
8 under either the Mineral Leasing Act (30 U.S.C. 181 et
9 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
10 1331 et seq.) within the boundaries of a National Monu-
11 ment established pursuant to the Act of June 8, 1906 (16
12 U.S.C. 431 et seq.) as such boundary existed on January
13 20, 2001, except where such activities are allowed under
14 the Presidential proclamation establishing such monu-
15 ment.

16 LIMITATION ON TAKINGS

17 SEC. 409. Unless otherwise provided herein, no funds
18 appropriated in this Act for the acquisition of lands or
19 interests in lands may be expended for the filing of dec-
20 larations of taking or complaints in condemnation without
21 the approval of the House and Senate Committees on Ap-
22 propriations: *Provided*, That this provision shall not apply
23 to funds appropriated to implement the Everglades Na-
24 tional Park Protection and Expansion Act of 1989, or to
25 funds appropriated for Federal assistance to the State of

1 Florida to acquire lands for Everglades restoration pur-
2 poses.

3 PROHIBITION ON NO-BID CONTRACTS

4 SEC. 410. None of the funds appropriated or other-
5 wise made available by this Act to executive branch agen-
6 cies may be used to enter into any Federal contract unless
7 such contract is entered into in accordance with the re-
8 quirements of Chapter 33 of title 41, United States Code,
9 or Chapter 137 of title 10, United States Code, and the
10 Federal Acquisition Regulation, unless—

11 (1) Federal law specifically authorizes a con-
12 tract to be entered into without regard for these re-
13 quirements, including formula grants for States, or
14 federally recognized Indian tribes;

15 (2) such contract is authorized by the Indian
16 Self-Determination and Education Assistance Act
17 (Public Law 93–638, 25 U.S.C. 450 et seq.) or by
18 any other Federal laws that specifically authorize a
19 contract within an Indian tribe as defined in section
20 4(e) of that Act (25 U.S.C. 450b(e)); or

21 (3) such contract was awarded prior to the date
22 of enactment of this Act.

23 POSTING OF REPORTS

24 SEC. 411. (a) Any agency receiving funds made avail-
25 able in this Act, shall, subject to subsections (b) and (c),

1 post on the public website of that agency any report re-
2 quired to be submitted by the Congress in this or any
3 other Act, upon the determination by the head of the agen-
4 cy that it shall serve the national interest.

5 (b) Subsection (a) shall not apply to a report if—

6 (1) the public posting of the report com-
7 promises national security; or

8 (2) the report contains proprietary information.

9 (c) The head of the agency posting such report shall
10 do so only after such report has been made available to
11 the requesting Committee or Committees of Congress for
12 no less than 45 days.

13 NATIONAL ENDOWMENT FOR THE ARTS GRANT

14 GUIDELINES

15 SEC. 412. Of the funds provided to the National En-
16 dowment for the Arts—

17 (1) The Chairperson shall only award a grant
18 to an individual if such grant is awarded to such in-
19 dividual for a literature fellowship, National Herit-
20 age Fellowship, or American Jazz Masters Fellow-
21 ship.

22 (2) The Chairperson shall establish procedures
23 to ensure that no funding provided through a grant,
24 except a grant made to a State or local arts agency,
25 or regional group, may be used to make a grant to

1 any other organization or individual to conduct ac-
2 tivity independent of the direct grant recipient.
3 Nothing in this subsection shall prohibit payments
4 made in exchange for goods and services.

5 (3) No grant shall be used for seasonal support
6 to a group, unless the application is specific to the
7 contents of the season, including identified programs
8 or projects.

9 NATIONAL ENDOWMENT FOR THE ARTS PROGRAM

10 PRIORITIES

11 SEC. 413. (a) In providing services or awarding fi-
12 nancial assistance under the National Foundation on the
13 Arts and the Humanities Act of 1965 from funds appro-
14 priated under this Act, the Chairperson of the National
15 Endowment for the Arts shall ensure that priority is given
16 to providing services or awarding financial assistance for
17 projects, productions, workshops, or programs that serve
18 underserved populations.

19 (b) In this section:

20 (1) The term “underserved population” means
21 a population of individuals, including urban minori-
22 ties, who have historically been outside the purview
23 of arts and humanities programs due to factors such
24 as a high incidence of income below the poverty line
25 or to geographic isolation.

1 (2) The term “poverty line” means the poverty
2 line (as defined by the Office of Management and
3 Budget, and revised annually in accordance with sec-
4 tion 673(2) of the Community Services Block Grant
5 Act (42 U.S.C. 9902(2))) applicable to a family of
6 the size involved.

7 (c) In providing services and awarding financial as-
8 sistance under the National Foundation on the Arts and
9 Humanities Act of 1965 with funds appropriated by this
10 Act, the Chairperson of the National Endowment for the
11 Arts shall ensure that priority is given to providing serv-
12 ices or awarding financial assistance for projects, produc-
13 tions, workshops, or programs that will encourage public
14 knowledge, education, understanding, and appreciation of
15 the arts.

16 (d) With funds appropriated by this Act to carry out
17 section 5 of the National Foundation on the Arts and Hu-
18 manities Act of 1965—

19 (1) the Chairperson shall establish a grant cat-
20 egory for projects, productions, workshops, or pro-
21 grams that are of national impact or availability or
22 are able to tour several States;

23 (2) the Chairperson shall not make grants ex-
24 ceeding 15 percent, in the aggregate, of such funds

1 to any single State, excluding grants made under the
2 authority of paragraph (1);

3 (3) the Chairperson shall report to the Con-
4 gress annually and by State, on grants awarded by
5 the Chairperson in each grant category under sec-
6 tion 5 of such Act; and

7 (4) the Chairperson shall encourage the use of
8 grants to improve and support community-based
9 music performance and education.

10 NATIONAL ENDOWMENT FOR THE ARTS WAIVERS

11 SEC. 414. Notwithstanding any other provision of
12 law, funds made available under the heading “National
13 Foundation on the Arts and the Humanities—National
14 Endowment for the Arts—Grants and Administration” of
15 this Act and under such heading for fiscal years 2019 and
16 2020 for grants for the purposes described in section 5(c)
17 of the National Foundation on the Arts and Humanities
18 Act of 1965 (20 U.S.C. 954(c)) may also be used by the
19 recipients of such grants for purposes of the general oper-
20 ations of such recipients.

21 NATIONAL ENDOWMENT FOR THE HUMANITIES WAIVERS

22 SEC. 415. Notwithstanding any other provision of
23 law, funds made available under the heading “National
24 Foundation on the Arts and the Humanities—National
25 Endowment for the Humanities—Grants and Administra-

1 tion” of this Act and under such heading for fiscal years
2 2019 and 2020 for grants for the purposes described in
3 section 7(c) and 7(h)(1) of the National Foundation on
4 the Arts and Humanities Act of 1965 may also be used
5 by the recipients of such grants for purposes of the general
6 operations of such recipients.

7 STATUS OF BALANCES OF APPROPRIATIONS

8 SEC. 416. The Department of the Interior, the Envi-
9 ronmental Protection Agency, the Forest Service, and the
10 Indian Health Service shall provide the Committees on
11 Appropriations of the House of Representatives and Sen-
12 ate quarterly reports on the status of balances of appro-
13 priations including all uncommitted, committed, and unob-
14 ligated funds in each program and activity within 60 days
15 of enactment of this Act.

16 EXTENSION OF GRAZING PERMITS

17 SEC. 417. The terms and conditions of section 325
18 of Public Law 108–108 (117 Stat. 1307), regarding graz-
19 ing permits issued by the Forest Service on any lands not
20 subject to administration under section 402 of the Federal
21 Lands Policy and Management Act (43 U.S.C. 1752),
22 shall remain in effect for fiscal year 2021.

23 FUNDING PROHIBITION

24 SEC. 418. (a) None of the funds made available in
25 this Act may be used to maintain or establish a computer

1 network unless such network is designed to block access
2 to pornography websites.

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

7 HUMANE TRANSFER AND TREATMENT OF ANIMALS

8 SEC. 419. (a) Notwithstanding any other provision
9 of law, the Secretary of the Interior, with respect to land
10 administered by the Bureau of Land Management, or the
11 Secretary of Agriculture, with respect to land adminis-
12 tered by the Forest Service (referred to in this section as
13 the “Secretary concerned”), may transfer excess wild
14 horses and burros that have been removed from land ad-
15 ministered by the Secretary concerned to other Federal,
16 State, and local government agencies for use as work ani-
17 mals.

18 (b) The Secretary concerned may make a transfer
19 under subsection (a) immediately on the request of a Fed-
20 eral, State, or local government agency.

21 (c) An excess wild horse or burro transferred under
22 subsection (a) shall lose status as a wild free-roaming
23 horse or burro (as defined in section 2 of Public Law 92-
24 195 (commonly known as the “Wild Free-Roaming Horses
25 and Burros Act”) (16 U.S.C. 1332)).

1 (d) A Federal, State, or local government agency re-
2 ceiving an excess wild horse or burro pursuant to sub-
3 section (a) shall not—

4 (1) destroy the horse or burro in a manner that
5 results in the destruction of the horse or burro into
6 a commercial product;

7 (2) sell or otherwise transfer the horse or burro
8 in a manner that results in the destruction of the
9 horse or burro for processing into a commercial
10 product; or

11 (3) euthanize the horse or burro, except on the
12 recommendation of a licensed veterinarian in a case
13 of severe injury, illness, or advanced age.

14 (e) Amounts appropriated by this Act shall not be
15 available for—

16 (1) the destruction of any healthy, unadopted,
17 and wild horse or burro under the jurisdiction of the
18 Secretary concerned (including a contractor); or

19 (2) the sale of a wild horse or burro that results
20 in the destruction of the wild horse or burro for
21 processing into a commercial product.

1 FOREST SERVICE FACILITY REALIGNMENT AND
2 ENHANCEMENT AUTHORIZATION EXTENSION

3 SEC. 420. Section 503(f) of Public Law 109–54 (16
4 U.S.C. 580d note) shall be applied by substituting “Sep-
5 tember 30, 2021” for “September 30, 2019”.

6 USE OF AMERICAN IRON AND STEEL

7 SEC. 421. (a)(1) None of the funds made available
8 by a State water pollution control revolving fund as au-
9 thorized by section 1452 of the Safe Drinking Water Act
10 (42 U.S.C. 300j–12) shall be used for a project for the
11 construction, alteration, maintenance, or repair of a public
12 water system or treatment works unless all of the iron and
13 steel products used in the project are produced in the
14 United States.

15 (2) In this section, the term “iron and steel” products
16 means the following products made primarily of iron or
17 steel: lined or unlined pipes and fittings, manhole covers
18 and other municipal castings, hydrants, tanks, flanges,
19 pipe clamps and restraints, valves, structural steel, rein-
20 forced precast concrete, and construction materials.

21 (b) Subsection (a) shall not apply in any case or cat-
22 egory of cases in which the Administrator of the Environ-
23 mental Protection Agency (in this section referred to as
24 the “Administrator”) finds that—

1 (1) applying subsection (a) would be incon-
2 sistent with the public interest;

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

6 (3) inclusion of iron and steel products pro-
7 duced in the United States will increase the cost of
8 the overall project by more than 25 percent.

9 (c) If the Administrator receives a request for a waiv-
10 er under this section, the Administrator shall make avail-
11 able to the public on an informal basis a copy of the re-
12 quest and information available to the Administrator con-
13 cerning the request, and shall allow for informal public
14 input on the request for at least 15 days prior to making
15 a finding based on the request. The Administrator shall
16 make the request and accompanying information available
17 by electronic means, including on the official public Inter-
18 net Web site of the Environmental Protection Agency.

19 (d) This section shall be applied in a manner con-
20 sistent with United States obligations under international
21 agreements.

22 (e) The Administrator may retain up to 0.25 percent
23 of the funds appropriated in this Act for the Clean and
24 Drinking Water State Revolving Funds for carrying out

1 the provisions described in subsection (a)(1) for manage-
2 ment and oversight of the requirements of this section.

3 LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANS-
4 FERS OF EXCESS EQUIPMENT AND SUPPLIES FOR
5 WILDFIRES

6 SEC. 422. The Secretary of the Interior is authorized
7 to enter into grants and cooperative agreements with vol-
8 unteer fire departments, rural fire departments, rangeland
9 fire protection associations, and similar organizations to
10 provide for wildland fire training and equipment, including
11 supplies and communication devices. Notwithstanding sec-
12 tion 121(c) of title 40, United States Code, or section 521
13 of title 40, United States Code, the Secretary is further
14 authorized to transfer title to excess Department of the
15 Interior firefighting equipment no longer needed to carry
16 out the functions of the Department's wildland fire man-
17 agement program to such organizations.

18 RECREATION FEES

19 SEC. 423. Section 810 of the Federal Lands Recre-
20 ation Enhancement Act (16 U.S.C. 6809) shall be applied
21 by substituting "October 1, 2022" for "September 30,
22 2019".

23 REPROGRAMMING GUIDELINES

24 SEC. 424. None of the funds made available in this
25 Act, in this and prior fiscal years, may be reprogrammed

1 without the advance approval of the House and Senate
2 Committees on Appropriations in accordance with the re-
3 programming procedures contained in the explanatory
4 statement described in section 4 of the Further Consoli-
5 dated Appropriations Act, 2020 (Public Law 116–94; 133
6 Stat. 2536).

7 LOCAL CONTRACTORS

8 SEC. 425. Section 412 of division E of Public Law
9 112–74 shall be applied by substituting “fiscal year 2021”
10 for “fiscal year 2019”.

11 SHASTA-TRINITY MARINA FEE AUTHORITY

12 AUTHORIZATION EXTENSION

13 SEC. 426. Section 422 of division F of Public Law
14 110–161 (121 Stat 1844), as amended, shall be applied
15 by substituting “fiscal year 2021” for “fiscal year 2019”.

16 INTERPRETIVE ASSOCIATION AUTHORIZATION EXTENSION

17 SEC. 427. Section 426 of division G of Public Law
18 113–76 (16 U.S.C. 565a–1 note) shall be applied by sub-
19 stituting “September 30, 2021” for “September 30,
20 2019”.

21 PUERTO RICO SCHOOLING AUTHORIZATION EXTENSION

22 SEC. 428. The authority provided by the 19th un-
23 numbered paragraph under heading “Administrative Pro-
24 visions, Forest Service” in title III of Public Law 109–

1 54, as amended, shall be applied by substituting “fiscal
2 year 2021” for “fiscal year 2019”.

3 FOREST BOTANICAL PRODUCTS FEE COLLECTION

4 AUTHORIZATION EXTENSION

5 SEC. 429. Section 339 of the Department of the Inte-
6 rior and Related Agencies Appropriations Act, 2000 (as
7 enacted into law by Public Law 106–113; 16 U.S.C. 528
8 note), as amended by section 335(6) of Public Law 108–
9 108 and section 432 of Public Law 113–76, shall be ap-
10 plied by substituting “fiscal year 2021” for “fiscal year
11 2019”.

12 CHACO CANYON

13 SEC. 430. None of the funds made available by this
14 Act may be used to accept a nomination for oil and gas
15 leasing under 43 CFR 3120.3 et seq, or to offer for oil
16 and gas leasing, any Federal lands within the withdrawal
17 area identified on the map of the Chaco Culture National
18 Historical Park prepared by the Bureau of Land Manage-
19 ment and dated April 2, 2019, prior to the completion of
20 the cultural resources investigation identified in the ex-
21 planatory statement described in section 4 (in the matter
22 preceding division A of this consolidated Act).

23 TRIBAL LEASES

24 SEC. 431. (a) Notwithstanding any other provision
25 of law, in the case of any lease under section 105(l) of

1 the Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5324(l)), the initial lease term shall com-
3 mence no earlier than the date of receipt of the lease pro-
4 posal.

5 (b) The Secretaries of the Interior and Health and
6 Human Services shall, jointly or separately, during fiscal
7 year 2021 consult with tribes and tribal organizations
8 through public solicitation and other means regarding the
9 requirements for leases under section 105(l) of the Indian
10 Self-Determination and Education Assistance Act (25
11 U.S.C. 5324(l)) on how to implement a consistent and
12 transparent process for the payment of such leases.

13 RESOURCE STUDY OF SPRINGFIELD RACE RIOT

14 SEC. 432. (a) DEFINITIONS.—In this section:

15 (1) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (2) STUDY AREA.—The term “Study Area”
18 means the archeological site near Madison Street
19 and the 10th Street Rail Corridor, and other sites
20 in Springfield, Illinois associated with the 1908
21 Springfield Race Riot.

22 (b) SPECIAL RESOURCE STUDY.—

23 (1) STUDY.—The Secretary shall conduct a spe-
24 cial resource study of the study area.

1 (2) CONTENTS.—In conducting the study under
2 paragraph (1), the Secretary shall—

3 (A) evaluate the national significance of
4 the study area;

5 (B) determine the suitability and feasibility
6 of designating the study area as a unit of the
7 National Park System;

8 (C) consider other alternatives for preser-
9 vation, protection, and interpretation of the
10 study area by the Federal Government, State or
11 local government entities, or private and non-
12 profit organizations;

13 (D) consult with interested Federal agen-
14 cies, State or local governmental entities, pri-
15 vate and nonprofit organizations, or any other
16 interested individuals; and

17 (E) identify cost estimates for any Federal
18 acquisition, development, interpretation, oper-
19 ation, and maintenance associated with the al-
20 ternatives.

21 (3) APPLICABLE LAW.—The study required
22 under paragraph (1) shall be conducted in accord-
23 ance with section 100507 of title 54, United States
24 Code.

1 (4) REPORT.—Not later than 3 years after the
2 date on which funds are first made available for the
3 study under paragraph (1), the Secretary shall sub-
4 mit to the Committee on Natural Resources of the
5 House of Representatives and the Committee on En-
6 ergy and Natural Resources of the Senate a report
7 that describes—

8 (A) the results of the study; and

9 (B) any conclusions and recommendations
10 of the Secretary.

11 FOREST ECOSYSTEM RECOVERY AND HEALTH FUND

12 SEC. 433. The authority provided under the heading
13 “Forest Ecosystem Health and Recovery Fund” in title
14 I of Public Law 111–88, as amended by section 117 of
15 division F of Public Law 113–235, shall be applied by sub-
16 stituting “fiscal year 2021” for “fiscal year 2020” each
17 place it appears.

18 ALLOCATION OF PROJECTS

19 SEC. 434. (a)(1) Within 45 days of enactment of this
20 Act, the Secretary of the Interior shall allocate amounts
21 available from the National Parks and Public Land Leg-
22 acy Restoration Fund for fiscal year 2021 pursuant to
23 subsection (c) of section 200402 of title 54, United States
24 Code, and as provided in subsection (e) of such section
25 of such title, to the agencies of the Department of the

1 Interior and the Department of Agriculture specified, in
2 the amounts specified, and for the projects and activities
3 specified in the table titled “Allocation of Funds from the
4 National Parks and Public Land Legacy Restoration
5 Fund—Fiscal Year 2021” in the explanatory statement
6 described in section 4 (in the matter preceding division
7 A of this consolidated Act).

8 (2) Within 30 days of enactment of this Act, the Sec-
9 retary of the Interior shall submit to the Committees on
10 Appropriations of the House of Representatives and the
11 Senate project data sheets in the same format and con-
12 taining the same level of detailed information that is found
13 on such sheets in the Budget Justifications annually sub-
14 mitted by the Department of the Interior with the Presi-
15 dent’s Budget for the Department of the Interior projects
16 specified pursuant to the allocation in subsection (a)(1)
17 and, only 45 days after submission of such sheets, shall
18 the Secretary of the Interior be permitted to obligate
19 amounts that are allocated pursuant to subsection (a)(1).

20 (3) Within 30 days of enactment of this Act, the Sec-
21 retary of Agriculture shall submit to the Committees on
22 Appropriations of the House of Representatives and the
23 Senate full detailed project lists that must include a
24 project description, as well as information on region, forest
25 or grassland name, project name, State, Congressional

1 district, fiscal year 2021 non-transportation needed funds,
2 fiscal year 2021 transportation needed funds, and asset
3 type for the Department of Agriculture projects specified
4 pursuant to the allocation in subsection (a)(1) and, only
5 45 days after submission of such lists, shall the Secretary
6 of Agriculture be permitted to obligate amounts that are
7 allocated pursuant to subsection (a)(1).

8 (b)(1) Within 45 days of enactment of this Act, the
9 Secretary of the Interior and the Secretary of Agriculture,
10 as appropriate, shall allocate amounts made available for
11 expenditure from the Land and Water Conservation Fund
12 for fiscal year 2021 pursuant to subsection (a) of section
13 200303 of title 54, United States Code, to the agencies
14 and accounts specified, in the amounts specified, and for
15 the projects and activities specified in the table titled “Al-
16 location of Funds from the Land and Water Conservation
17 Fund—Fiscal Year 2021” in the explanatory statement
18 described in section 4 (in the matter preceding division
19 A of this consolidated Act).

20 (2) Within 30 days of enactment of this Act, the Sec-
21 retary of the Interior and the Secretary of Agriculture
22 shall each submit to the Committees on Appropriations of
23 the House of Representatives and the Senate project data
24 sheets in the same format and containing the same level
25 of detailed information that is found on such sheets as

1 submitted to the Committees pursuant to section 427 of
2 division D of the Further Consolidated Appropriations
3 Act, 2020 (Public Law 116-94) for the projects specified
4 pursuant to the allocation in subsection (b)(1) and, only
5 45 days after submission of such sheets, shall the Sec-
6 retary of the Interior and the Secretary of Agriculture,
7 as appropriate, be permitted to obligate amounts that are
8 allocated pursuant to subsection (b)(1).

9 (c)(1) Neither the President nor his designee may al-
10 locate any amounts that are made available for any fiscal
11 year under subsection (c) of section 200402 of title 54,
12 United States Code, or subsection (a) of section 200303
13 of title 54, United States Code, other than amounts that
14 are allocated by subsections (a) and (b) of this section of
15 this Act.

16 (2) If any funds made available by section 200402(c)
17 or section 200303(a) of title 54, United States Code, were
18 allocated or obligated in advance of the enactment of a
19 fiscal year 2021 Act making full-year appropriations for
20 the Department of the Interior, Environment, and Related
21 Agencies, then within 30 days of enactment of this Act,
22 the Office of Management and Budget, in consultation
23 with the Department of the Interior and the Department
24 of Agriculture, shall submit to the Committees on Appro-
25 priations of the House of Representatives and the Senate

1 a report from the General Counsel analyzing how the au-
2 thority in section 200402 and in section 200303 of title
3 54, United States Code, permitted the Administration to
4 allocate funding for projects for a fiscal year pursuant
5 those sections, particularly the language in sections
6 200402(i) and 200303(c)(2), in advance of the date of en-
7 actment of such fiscal year 2021 Act.

8 (d)(1) Concurrent with the annual budget submission
9 of the President for fiscal year 2022, the Secretary of the
10 Interior and the Secretary of Agriculture shall each sub-
11 mit to the Committees on Appropriations of the House
12 of Representatives and the Senate a list of supplementary
13 allocations for Federal land acquisition and Forest Legacy
14 projects at the National Park Service, the U.S. Fish and
15 Wildlife Service, the Bureau of Land Management, and
16 the U.S. Forest Service that are in addition to the “Sub-
17 mission of Cost Estimates” required by section
18 200303(c)(1) of title 54, United States Code, that are
19 prioritized and detailed by account, program, and project,
20 and that total no less than half the full amount allocated
21 to each account for that land management Agency under
22 the allocations submitted under section 200303(c)(1) of
23 title 54, United States Code.

24 (2) The Federal land acquisition and Forest Legacy
25 projects in the “Submission of Cost Estimates” required

1 by section 200303(c)(1) of title 54, United States Code,
2 and on the list of supplementary allocations required by
3 paragraph (1) shall be comprised only of projects for
4 which a willing seller has been identified and for which
5 an appraisal or market research has been initiated.

6 (3) Concurrent with the annual budget submission of
7 the President for fiscal year 2022, the Secretary of the
8 Interior and the Secretary of Agriculture shall each sub-
9 mit to the Committees on Appropriations of the House
10 of Representatives and the Senate project data sheets in
11 the same format and containing the same level of detailed
12 information that is found on such sheets in the Budget
13 Justifications annually submitted by the Department of
14 the Interior with the President's Budget for the projects
15 in the "Submission of Cost Estimates" required by section
16 200303(c)(1) of title 54, United States Code, and in the
17 same format and containing the same level of detailed in-
18 formation that is found on such sheets submitted to the
19 Committees pursuant to section 427 of division D of the
20 Further Consolidated Appropriations Act, 2020 (Public
21 Law 116-94) for the list of supplementary allocations re-
22 quired by paragraph (1), and for the projects in the "Sub-
23 mission of Annual List of Projects to Congress" required
24 by section 200402(h) of title 54, United States Code.

1 (e) The Department of the Interior and the Depart-
2 ment of Agriculture shall provide the Committees on Ap-
3 propriations of the House of Representatives and Senate
4 quarterly reports on the status of balances for amounts
5 allocated pursuant to subsections (a)(1) and (b)(1) of this
6 section, including all uncommitted, committed, and unobli-
7 gated funds.

8 (f) Expenditures made or obligations incurred under
9 the heading “United States Fish and Wildlife Service—
10 Land Acquisition” and for the Appraisal and Valuation
11 Services Office under the heading “Departmental Of-
12 fices—Office of the Secretary—Departmental Operations”
13 pursuant to the Continuing Appropriations Act, 2021
14 (Public Law 116–159) shall be charged to the applicable
15 appropriation, account allocation, fund, or authorization
16 pursuant to section 200303 of title 54, United States
17 Code.

18 TIMBER SALE REQUIREMENTS

19 SEC. 435. No timber sale in Alaska’s Region 10 shall
20 be advertised if the indicated rate is deficit (defined as
21 the value of the timber is not sufficient to cover all logging
22 and stumpage costs and provide a normal profit and risk
23 allowance under the Forest Service’s appraisal process)
24 when appraised using a residual value appraisal. The west-
25 ern red cedar timber from those sales which is surplus

1 to the needs of the domestic processors in Alaska, shall
2 be made available to domestic processors in the contiguous
3 48 United States at prevailing domestic prices. All addi-
4 tional western red cedar volume not sold to Alaska or con-
5 tiguous 48 United States domestic processors may be ex-
6 ported to foreign markets at the election of the timber sale
7 holder. All Alaska yellow cedar may be sold at prevailing
8 export prices at the election of the timber sale holder.

9 PROHIBITION ON USE OF FUNDS

10 SEC. 436. Notwithstanding any other provision of
11 law, none of the funds made available in this Act or any
12 other Act may be used to promulgate or implement any
13 regulation requiring the issuance of permits under title V
14 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon
15 dioxide, nitrous oxide, water vapor, or methane emissions
16 resulting from biological processes associated with live-
17 stock production.

18 GREENHOUSE GAS REPORTING RESTRICTIONS

19 SEC. 437. Notwithstanding any other provision of
20 law, none of the funds made available in this or any other
21 Act may be used to implement any provision in a rule,
22 if that provision requires mandatory reporting of green-
23 house gas emissions from manure management systems.

1 energy source, provided the use of forest bio-
2 mass for energy production does not cause con-
3 version of forests to non-forest use;

4 (B) encourage private investment through-
5 out the forest biomass supply chain, including
6 in—

7 (i) working forests;

8 (ii) harvesting operations;

9 (iii) forest improvement operations;

10 (iv) forest bioenergy production;

11 (v) wood products manufacturing; or

12 (vi) paper manufacturing;

13 (C) encourage forest management to im-
14 prove forest health; and

15 (D) recognize State initiatives to produce
16 and use forest biomass.

17 SMALL REMOTE INCINERATORS

18 SEC. 440. None of the funds made available in this
19 Act may be used to implement or enforce the regulation
20 issued on March 21, 2011 at 40 CFR part 60 subparts
21 CCCC and DDDD with respect to units in the State of
22 Alaska that are defined as “small, remote incinerator”
23 units in those regulations and, until a subsequent regula-
24 tion is issued, the Administrator shall implement the law
25 and regulations in effect prior to such date.

1 This division may be cited as the “Department of the
2 Interior, Environment, and Related Agencies Appropria-
3 tions Act, 2021”.

1 **DIVISION H—DEPARTMENTS OF LABOR,**
2 **HEALTH AND HUMAN SERVICES, AND**
3 **EDUCATION, AND RELATED AGENCIES**
4 **APPROPRIATIONS ACT, 2021**

5 TITLE I

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For necessary expenses of the Workforce Innovation
10 and Opportunity Act (referred to in this Act as “WIOA”)
11 and the National Apprenticeship Act, \$3,663,200,000,
12 plus reimbursements, shall be available. Of the amounts
13 provided:

14 (1) for grants to States for adult employment
15 and training activities, youth activities, and dis-
16 located worker employment and training activities,
17 \$2,845,332,000 as follows:

18 (A) \$862,649,000 for adult employment
19 and training activities, of which \$150,649,000
20 shall be available for the period July 1, 2021
21 through June 30, 2022, and of which
22 \$712,000,000 shall be available for the period
23 October 1, 2021 through June 30, 2022;

900

1 (B) \$921,130,000 for youth activities,
2 which shall be available for the period April 1,
3 2021 through June 30, 2022; and

4 (C) \$1,061,553,000 for dislocated worker
5 employment and training activities, of which
6 \$201,553,000 shall be available for the period
7 July 1, 2021 through June 30, 2022, and of
8 which \$860,000,000 shall be available for the
9 period October 1, 2021 through June 30, 2022:

10 *Provided*, That the funds available for allotment to
11 outlying areas to carry out subtitle B of title I of the
12 WIOA shall not be subject to the requirements of
13 section 127(b)(1)(B)(ii) of such Act; and

14 (2) for national programs, \$817,868,000 as fol-
15 lows:

16 (A) \$280,859,000 for the dislocated work-
17 ers assistance national reserve, of which
18 \$80,859,000 shall be available for the period
19 July 1, 2021 through September 30, 2022, and
20 of which \$200,000,000 shall be available for the
21 period October 1, 2021 through September 30,
22 2022: *Provided*, That funds provided to carry
23 out section 132(a)(2)(A) of the WIOA may be
24 used to provide assistance to a State for state-
25 wide or local use in order to address cases

1 where there have been worker dislocations
2 across multiple sectors or across multiple local
3 areas and such workers remain dislocated; co-
4 ordinate the State workforce development plan
5 with emerging economic development needs; and
6 train such eligible dislocated workers: *Provided*
7 *further*, That funds provided to carry out sec-
8 tions 168(b) and 169(c) of the WIOA may be
9 used for technical assistance and demonstration
10 projects, respectively, that provide assistance to
11 new entrants in the workforce and incumbent
12 workers: *Provided further*, That notwithstanding
13 section 168(b) of the WIOA, of the funds pro-
14 vided under this subparagraph, the Secretary of
15 Labor (referred to in this title as “Secretary”)
16 may reserve not more than 10 percent of such
17 funds to provide technical assistance and carry
18 out additional activities related to the transition
19 to the WIOA: *Provided further*, That of the
20 funds provided under this subparagraph,
21 \$80,000,000 shall be for training and employ-
22 ment assistance under sections 168(b), 169(c)
23 (notwithstanding the 10 percent limitation in
24 such section) and 170 of the WIOA as follows:

1 (i) \$35,000,000 shall be for workers
2 in the Appalachian region, as defined by
3 40 U.S.C. 14102(a)(1) and workers in the
4 Lower Mississippi, as defined in section
5 4(2) of the Delta Development Act (Public
6 Law 100–460, 102 Stat. 2246; 7 U.S.C.
7 2009aa(2));

8 (ii) \$45,000,000 shall be for the pur-
9 pose of developing, offering, or improving
10 educational or career training programs at
11 community colleges, defined as public insti-
12 tutions of higher education, as described in
13 section 101(a) of the Higher Education
14 Act of 1965 and at which the associate’s
15 degree is primarily the highest degree
16 awarded, with other eligible institutions of
17 higher education, as defined in section
18 101(a) of the Higher Education Act of
19 1965, eligible to participate through con-
20 sortia, with community colleges as the lead
21 grantee: *Provided*, That the Secretary shall
22 follow the requirements for the program in
23 House Report 116–62 and in the explana-
24 tory statement accompanying this Act:
25 *Provided further*, That any grant funds

1 used for apprenticeships shall be used to
2 support only apprenticeship programs reg-
3 istered under the National Apprenticeship
4 Act and as referred to in section 3(7)(B)
5 of the WIOA;

6 (B) \$55,500,000 for Native American pro-
7 grams under section 166 of the WIOA, which
8 shall be available for the period July 1, 2021
9 through June 30, 2022;

10 (C) \$93,896,000 for migrant and seasonal
11 farmworker programs under section 167 of the
12 WIOA, including \$87,083,000 for formula
13 grants (of which not less than 70 percent shall
14 be for employment and training services),
15 \$6,256,000 for migrant and seasonal housing
16 (of which not less than 70 percent shall be for
17 permanent housing), and \$557,000 for other
18 discretionary purposes, which shall be available
19 for the period April 1, 2021 through June 30,
20 2022: *Provided*, That notwithstanding any
21 other provision of law or related regulation, the
22 Department of Labor shall take no action lim-
23 iting the number or proportion of eligible par-
24 ticipants receiving related assistance services or
25 discouraging grantees from providing such serv-

1 ices: *Provided further*, That notwithstanding the
2 definition of “eligible seasonal farmworker” in
3 section 167(i)(3)(A) of the WIOA relating to an
4 individual being “low-income”, an individual is
5 eligible for migrant and seasonal farmworker
6 programs under section 167 of the WIOA under
7 that definition if, in addition to meeting the re-
8 quirements of clauses (i) and (ii) of section
9 167(i)(3)(A), such individual is a member of a
10 family with a total family income equal to or
11 less than 150 percent of the poverty line;

12 (D) \$96,534,000 for YouthBuild activities
13 as described in section 171 of the WIOA, which
14 shall be available for the period April 1, 2021
15 through June 30, 2022;

16 (E) \$100,079,000 for ex-offender activi-
17 ties, under the authority of section 169 of the
18 WIOA, which shall be available for the period
19 April 1, 2021 through June 30, 2022: *Provided*,
20 That of this amount, \$25,000,000 shall be for
21 competitive grants to national and regional
22 intermediaries for activities that prepare for
23 employment young adults with criminal records,
24 young adults who have been justice system-in-
25 volved, or young adults who have dropped out

1 of school or other educational programs, with a
2 priority for projects serving high-crime, high-
3 poverty areas;

4 (F) \$6,000,000 for the Workforce Data
5 Quality Initiative, under the authority of section
6 169 of the WIOA, which shall be available for
7 the period July 1, 2021 through June 30,
8 2022; and

9 (G) \$185,000,000 to expand opportunities
10 through apprenticeships only registered under
11 the National Apprenticeship Act and as referred
12 to in section 3(7)(B) of the WIOA, to be avail-
13 able to the Secretary to carry out activities
14 through grants, cooperative agreements, con-
15 tracts and other arrangements, with States and
16 other appropriate entities, including equity
17 intermediaries and business and labor industry
18 partner intermediaries, which shall be available
19 for the period July 1, 2021 through June 30,
20 2022.

21 JOB CORPS

22 (INCLUDING TRANSFER OF FUNDS)

23 To carry out subtitle C of title I of the WIOA, includ-
24 ing Federal administrative expenses, the purchase and
25 hire of passenger motor vehicles, the construction, alter-

1 ation, and repairs of buildings and other facilities, and the
2 purchase of real property for training centers as author-
3 ized by the WIOA, \$1,748,655,000, plus reimbursements,
4 as follows:

5 (1) \$1,603,325,000 for Job Corps Operations,
6 which shall be available for the period July 1, 2021
7 through June 30, 2022;

8 (2) \$113,000,000 for construction, rehabilita-
9 tion and acquisition of Job Corps Centers, which
10 shall be available for the period July 1, 2021
11 through June 30, 2024, and which may include the
12 acquisition, maintenance, and repair of major items
13 of equipment: *Provided*, That the Secretary may
14 transfer up to 15 percent of such funds to meet the
15 operational needs of such centers or to achieve ad-
16 ministrative efficiencies: *Provided further*, That any
17 funds transferred pursuant to the preceding provi-
18 sion shall not be available for obligation after June
19 30, 2022: *Provided further*, That the Committees on
20 Appropriations of the House of Representatives and
21 the Senate are notified at least 15 days in advance
22 of any transfer; and

23 (3) \$32,330,000 for necessary expenses of Job
24 Corps, which shall be available for obligation for the

1 period October 1, 2020 through September 30,
2 2021:

3 *Provided*, That no funds from any other appropriation
4 shall be used to provide meal services at or for Job Corps
5 centers.

6 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

7 AMERICANS

8 To carry out title V of the Older Americans Act of
9 1965 (referred to in this Act as “OAA”), \$405,000,000,
10 which shall be available for the period April 1, 2021
11 through June 30, 2022, and may be recaptured and reobli-
12 gated in accordance with section 517(c) of the OAA.

13 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

14 For payments during fiscal year 2021 of trade ad-
15 justment benefit payments and allowances under part I
16 of subchapter B of chapter 2 of title II of the Trade Act
17 of 1974, and section 246 of that Act; and for training,
18 employment and case management services, allowances for
19 job search and relocation, and related State administrative
20 expenses under part II of subchapter B of chapter 2 of
21 title II of the Trade Act of 1974, and including benefit
22 payments, allowances, training, employment and case
23 management services, and related State administration
24 provided pursuant to section 231(a) of the Trade Adjust-
25 ment Assistance Extension Act of 2011 and section 405(a)

1 of the Trade Preferences Extension Act of 2015,
2 \$633,600,000 together with such amounts as may be nec-
3 essary to be charged to the subsequent appropriation for
4 payments for any period subsequent to September 15,
5 2021: *Provided*, That notwithstanding section 502 of this
6 Act, any part of the appropriation provided under this
7 heading may remain available for obligation beyond the
8 current fiscal year pursuant to the authorities of section
9 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

10 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

11 SERVICE OPERATIONS

12 For authorized administrative expenses,
13 \$84,066,000, together with not to exceed \$3,332,583,000
14 which may be expended from the Employment Security
15 Administration Account in the Unemployment Trust Fund
16 (“the Trust Fund”), of which—

17 (1) \$2,565,816,000 from the Trust Fund is for
18 grants to States for the administration of State un-
19 employment insurance laws as authorized under title
20 III of the Social Security Act (including not less
21 than \$200,000,000 to carry out reemployment serv-
22 ices and eligibility assessments under section 306 of
23 such Act, any claimants of regular compensation, as
24 defined in such section, including those who are
25 profiled as most likely to exhaust their benefits, may

1 be eligible for such services and assessments: *Pro-*
2 *vided*, That of such amount, \$117,000,000 is speci-
3 fied for grants under section 306 of the Social Secu-
4 rity Act and is provided to meet the terms of section
5 251(b)(2)(E)(ii) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985, as amended, and
7 \$83,000,000 is additional new budget authority
8 specified for purposes of section 251(b)(2)(E)(i)(II)
9 of such Act; and \$9,000,000 for continued support
10 of the Unemployment Insurance Integrity Center of
11 Excellence), the administration of unemployment in-
12 surance for Federal employees and for ex-service
13 members as authorized under 5 U.S.C. 8501–8523,
14 and the administration of trade readjustment allow-
15 ances, reemployment trade adjustment assistance,
16 and alternative trade adjustment assistance under
17 the Trade Act of 1974 and under section 231(a) of
18 the Trade Adjustment Assistance Extension Act of
19 2011 and section 405(a) of the Trade Preferences
20 Extension Act of 2015, and shall be available for ob-
21 ligation by the States through December 31, 2021,
22 except that funds used for automation shall be avail-
23 able for Federal obligation through December 31,
24 2021, and for State obligation through September
25 30, 2023, or, if the automation is being carried out

1 through consortia of States, for State obligation
2 through September 30, 2027, and for expenditure
3 through September 30, 2028, and funds for competi-
4 tive grants awarded to States for improved oper-
5 ations and to conduct in-person reemployment and
6 eligibility assessments and unemployment insurance
7 improper payment reviews and provide reemploy-
8 ment services and referrals to training, as appro-
9 priate, shall be available for Federal obligation
10 through December 31, 2021, and for obligation by
11 the States through September 30, 2023, and funds
12 for the Unemployment Insurance Integrity Center of
13 Excellence shall be available for obligation by the
14 State through September 30, 2022, and funds used
15 for unemployment insurance workloads experienced
16 through September 30, 2021 shall be available for
17 Federal obligation through December 31, 2021;

18 (2) \$18,000,000 from the Trust Fund is for na-
19 tional activities necessary to support the administra-
20 tion of the Federal-State unemployment insurance
21 system;

22 (3) \$648,639,000 from the Trust Fund, to-
23 gether with \$21,413,000 from the General Fund of
24 the Treasury, is for grants to States in accordance
25 with section 6 of the Wagner-Peyser Act, and shall

1 be available for Federal obligation for the period
2 July 1, 2021 through June 30, 2022;

3 (4) \$22,318,000 from the Trust Fund is for na-
4 tional activities of the Employment Service, includ-
5 ing administration of the work opportunity tax cred-
6 it under section 51 of the Internal Revenue Code of
7 1986 (including assisting States in adopting or mod-
8 ernizing information technology for use in the proc-
9 essing of certification requests), and the provision of
10 technical assistance and staff training under the
11 Wagner-Peyser Act;

12 (5) \$77,810,000 from the Trust Fund is for the
13 administration of foreign labor certifications and re-
14 lated activities under the Immigration and Nation-
15 ality Act and related laws, of which \$57,528,000
16 shall be available for the Federal administration of
17 such activities, and \$20,282,000 shall be available
18 for grants to States for the administration of such
19 activities; and

20 (6) \$62,653,000 from the General Fund is to
21 provide workforce information, national electronic
22 tools, and one-stop system building under the Wag-
23 ner-Peyser Act and shall be available for Federal ob-
24 ligation for the period July 1, 2021 through June
25 30, 2022:

1 *Provided*, That to the extent that the Average Weekly In-
2 sured Unemployment (“AWIU”) for fiscal year 2021 is
3 projected by the Department of Labor to exceed
4 1,728,000, an additional \$28,600,000 from the Trust
5 Fund shall be available for obligation for every 100,000
6 increase in the AWIU level (including a pro rata amount
7 for any increment less than 100,000) to carry out title
8 III of the Social Security Act: *Provided further*, That
9 funds appropriated in this Act that are allotted to a State
10 to carry out activities under title III of the Social Security
11 Act may be used by such State to assist other States in
12 carrying out activities under such title III if the other
13 States include areas that have suffered a major disaster
14 declared by the President under the Robert T. Stafford
15 Disaster Relief and Emergency Assistance Act: *Provided*
16 *further*, That the Secretary may use funds appropriated
17 for grants to States under title III of the Social Security
18 Act to make payments on behalf of States for the use of
19 the National Directory of New Hires under section
20 453(j)(8) of such Act: *Provided further*, That the Sec-
21 retary may use funds appropriated for grants to States
22 under title III of the Social Security Act to make pay-
23 ments on behalf of States to the entity operating the State
24 Information Data Exchange System: *Provided further*,
25 That funds appropriated in this Act which are used to es-

1 tablish a national one-stop career center system, or which
2 are used to support the national activities of the Federal-
3 State unemployment insurance, employment service, or
4 immigration programs, may be obligated in contracts,
5 grants, or agreements with States and non-State entities:
6 *Provided further*, That States awarded competitive grants
7 for improved operations under title III of the Social Secu-
8 rity Act, or awarded grants to support the national activi-
9 ties of the Federal-State unemployment insurance system,
10 may award subgrants to other States and non-State enti-
11 ties under such grants, subject to the conditions applicable
12 to the grants: *Provided further*, That funds appropriated
13 under this Act for activities authorized under title III of
14 the Social Security Act and the Wagner-Peyser Act may
15 be used by States to fund integrated Unemployment In-
16 surance and Employment Service automation efforts, not-
17 withstanding cost allocation principles prescribed under
18 the final rule entitled “Uniform Administrative Require-
19 ments, Cost Principles, and Audit Requirements for Fed-
20 eral Awards” at part 200 of title 2, Code of Federal Regu-
21 lations: *Provided further*, That the Secretary, at the re-
22 quest of a State participating in a consortium with other
23 States, may reallocate funds allotted to such State under title
24 III of the Social Security Act to other States participating
25 in the consortium or to the entity operating the Unemploy-

1 Fund as authorized by 5 U.S.C. 8509, and to the “Federal
2 Unemployment Benefits and Allowances” account, such
3 sums as may be necessary, which shall be available for
4 obligation through September 30, 2022.

5 PROGRAM ADMINISTRATION

6 For expenses of administering employment and train-
7 ing programs, \$108,674,000, together with not to exceed
8 \$49,982,000 which may be expended from the Employ-
9 ment Security Administration Account in the Unemploy-
10 ment Trust Fund.

11 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses for the Employee Benefits
14 Security Administration, \$181,000,000, of which up to
15 \$3,000,000 shall be made available through September 30,
16 2022, for the procurement of expert witnesses for enforce-
17 ment litigation.

18 PENSION BENEFIT GUARANTY CORPORATION

19 PENSION BENEFIT GUARANTY CORPORATION FUND

20 The Pension Benefit Guaranty Corporation (“Cor-
21 poration”) is authorized to make such expenditures, in-
22 cluding financial assistance authorized by subtitle E of
23 title IV of the Employee Retirement Income Security Act
24 of 1974, within limits of funds and borrowing authority
25 available to the Corporation, and in accord with law, and

1 to make such contracts and commitments without regard
2 to fiscal year limitations, as provided by 31 U.S.C. 9104,
3 as may be necessary in carrying out the program, includ-
4 ing associated administrative expenses, through Sep-
5 tember 30, 2021, for the Corporation: *Provided*, That
6 none of the funds available to the Corporation for fiscal
7 year 2021 shall be available for obligations for administra-
8 tive expenses in excess of \$465,289,000: *Provided further*,
9 That to the extent that the number of new plan partici-
10 pants in plans terminated by the Corporation exceeds
11 100,000 in fiscal year 2021, an amount not to exceed an
12 additional \$9,200,000 shall be available through Sep-
13 tember 30, 2025, for obligations for administrative ex-
14 penses for every 20,000 additional terminated partici-
15 pants: *Provided further*, That obligations in excess of the
16 amounts provided for administrative expenses in this para-
17 graph may be incurred and shall be available through Sep-
18 tember 30, 2025 for obligation for unforeseen and extraor-
19 dinary pre-termination or termination expenses or extraor-
20 dinary multiemployer program related expenses after ap-
21 proval by the Office of Management and Budget and noti-
22 fication of the Committees on Appropriations of the House
23 of Representatives and the Senate: *Provided further*, That
24 an additional amount shall be available for obligation
25 through September 30, 2025 to the extent the Corpora-

1 tion's costs exceed \$250,000 for the provision of credit or
2 identity monitoring to affected individuals upon suffering
3 a security incident or privacy breach, not to exceed an ad-
4 ditional \$100 per affected individual.

5 WAGE AND HOUR DIVISION

6 SALARIES AND EXPENSES

7 For necessary expenses for the Wage and Hour Divi-
8 sion, including reimbursement to State, Federal, and local
9 agencies and their employees for inspection services ren-
10 dered, \$246,000,000.

11 OFFICE OF LABOR-MANAGEMENT STANDARDS

12 SALARIES AND EXPENSES

13 For necessary expenses for the Office of Labor-Man-
14 agement Standards, \$44,437,000.

15 OFFICE OF FEDERAL CONTRACT COMPLIANCE

16 PROGRAMS

17 SALARIES AND EXPENSES

18 For necessary expenses for the Office of Federal Con-
19 tract Compliance Programs, \$105,976,000.

20 OFFICE OF WORKERS' COMPENSATION PROGRAMS

21 SALARIES AND EXPENSES

22 For necessary expenses for the Office of Workers'
23 Compensation Programs, \$115,424,000, together with
24 \$2,177,000 which may be expended from the Special Fund

1 in accordance with sections 39(c), 44(d), and 44(j) of the
2 Longshore and Harbor Workers' Compensation Act.

3 SPECIAL BENEFITS

4 (INCLUDING TRANSFER OF FUNDS)

5 For the payment of compensation, benefits, and ex-
6 penses (except administrative expenses) accruing during
7 the current or any prior fiscal year authorized by 5 U.S.C.
8 81; continuation of benefits as provided for under the
9 heading "Civilian War Benefits" in the Federal Security
10 Agency Appropriation Act, 1947; the Employees' Com-
11 pensation Commission Appropriation Act, 1944; section
12 5(f) of the War Claims Act (50 U.S.C. App. 2012); obliga-
13 tions incurred under the War Hazards Compensation Act
14 (42 U.S.C. 1701 et seq.); and 50 percent of the additional
15 compensation and benefits required by section 10(h) of the
16 Longshore and Harbor Workers' Compensation Act,
17 \$239,000,000, together with such amounts as may be nec-
18 essary to be charged to the subsequent year appropriation
19 for the payment of compensation and other benefits for
20 any period subsequent to August 15 of the current year,
21 for deposit into and to assume the attributes of the Em-
22 ployees' Compensation Fund established under 5 U.S.C.
23 8147(a): *Provided*, That amounts appropriated may be
24 used under 5 U.S.C. 8104 by the Secretary to reimburse
25 an employer, who is not the employer at the time of injury,

1 for portions of the salary of a re-employed, disabled bene-
2 ficiary: *Provided further*, That balances of reimbursements
3 unobligated on September 30, 2020, shall remain available
4 until expended for the payment of compensation, benefits,
5 and expenses: *Provided further*, That in addition there
6 shall be transferred to this appropriation from the Postal
7 Service and from any other corporation or instrumentality
8 required under 5 U.S.C. 8147(c) to pay an amount for
9 its fair share of the cost of administration, such sums as
10 the Secretary determines to be the cost of administration
11 for employees of such fair share entities through Sep-
12 tember 30, 2021: *Provided further*, That of those funds
13 transferred to this account from the fair share entities to
14 pay the cost of administration of the Federal Employees'
15 Compensation Act, \$80,257,000 shall be made available
16 to the Secretary as follows:

17 (1) For enhancement and maintenance of auto-
18 mated data processing systems operations and tele-
19 communications systems, \$27,220,000;

20 (2) For automated workload processing oper-
21 ations, including document imaging, centralized mail
22 intake, and medical bill processing, \$25,647,000;

23 (3) For periodic roll disability management and
24 medical review, \$25,648,000;

25 (4) For program integrity, \$1,742,000; and

1 (5) The remaining funds shall be paid into the
2 Treasury as miscellaneous receipts:

3 *Provided further*, That the Secretary may require that any
4 person filing a notice of injury or a claim for benefits
5 under 5 U.S.C. 81, or the Longshore and Harbor Work-
6 ers' Compensation Act, provide as part of such notice and
7 claim, such identifying information (including Social Secu-
8 rity account number) as such regulations may prescribe.

9 SPECIAL BENEFITS FOR DISABLED COAL MINERS

10 For carrying out title IV of the Federal Mine Safety
11 and Health Act of 1977, as amended by Public Law 107-
12 275, \$40,970,000, to remain available until expended.

13 For making after July 31 of the current fiscal year,
14 benefit payments to individuals under title IV of such Act,
15 for costs incurred in the current fiscal year, such amounts
16 as may be necessary.

17 For making benefit payments under title IV for the
18 first quarter of fiscal year 2022, \$14,000,000, to remain
19 available until expended.

20 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

21 OCCUPATIONAL ILLNESS COMPENSATION FUND

22 For necessary expenses to administer the Energy
23 Employees Occupational Illness Compensation Program
24 Act, \$62,507,000, to remain available until expended: *Pro-*
25 *vided*, That the Secretary may require that any person fil-

1 ing a claim for benefits under the Act provide as part of
2 such claim such identifying information (including Social
3 Security account number) as may be prescribed.

4 BLACK LUNG DISABILITY TRUST FUND
5 (INCLUDING TRANSFER OF FUNDS)

6 Such sums as may be necessary from the Black Lung
7 Disability Trust Fund (the “Fund”), to remain available
8 until expended, for payment of all benefits authorized by
9 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
10 enue Code of 1986; and repayment of, and payment of
11 interest on advances, as authorized by section 9501(d)(4)
12 of that Act. In addition, the following amounts may be
13 expended from the Fund for fiscal year 2021 for expenses
14 of operation and administration of the Black Lung Bene-
15 fits program, as authorized by section 9501(d)(5): not to
16 exceed \$40,643,000 for transfer to the Office of Workers’
17 Compensation Programs, “Salaries and Expenses”; not to
18 exceed \$33,033,000 for transfer to Departmental Manage-
19 ment, “Salaries and Expenses”; not to exceed \$333,000
20 for transfer to Departmental Management, “Office of In-
21 spector General”; and not to exceed \$356,000 for pay-
22 ments into miscellaneous receipts for the expenses of the
23 Department of the Treasury.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Occupational Safety
4 and Health Administration, \$591,787,000, including not
5 to exceed \$110,075,000 which shall be the maximum
6 amount available for grants to States under section 23(g)
7 of the Occupational Safety and Health Act (the “Act”),
8 which grants shall be no less than 50 percent of the costs
9 of State occupational safety and health programs required
10 to be incurred under plans approved by the Secretary
11 under section 18 of the Act; and, in addition, notwith-
12 standing 31 U.S.C. 3302, the Occupational Safety and
13 Health Administration may retain up to \$499,000 per fis-
14 cal year of training institute course tuition and fees, other-
15 wise authorized by law to be collected, and may utilize
16 such sums for occupational safety and health training and
17 education: *Provided*, That notwithstanding 31 U.S.C.
18 3302, the Secretary is authorized, during the fiscal year
19 ending September 30, 2021, to collect and retain fees for
20 services provided to Nationally Recognized Testing Lab-
21 oratories, and may utilize such sums, in accordance with
22 the provisions of 29 U.S.C. 9a, to administer national and
23 international laboratory recognition programs that ensure
24 the safety of equipment and products used by workers in
25 the workplace: *Provided further*, That none of the funds

1 appropriated under this paragraph shall be obligated or
2 expended to prescribe, issue, administer, or enforce any
3 standard, rule, regulation, or order under the Act which
4 is applicable to any person who is engaged in a farming
5 operation which does not maintain a temporary labor
6 camp and employs 10 or fewer employees: *Provided fur-*
7 *ther*, That no funds appropriated under this paragraph
8 shall be obligated or expended to administer or enforce
9 any standard, rule, regulation, or order under the Act with
10 respect to any employer of 10 or fewer employees who is
11 included within a category having a Days Away, Re-
12 stricted, or Transferred (“DART”) occupational injury
13 and illness rate, at the most precise industrial classifica-
14 tion code for which such data are published, less than the
15 national average rate as such rates are most recently pub-
16 lished by the Secretary, acting through the Bureau of
17 Labor Statistics, in accordance with section 24 of the Act,
18 except—

19 (1) to provide, as authorized by the Act, con-
20 sultation, technical assistance, educational and train-
21 ing services, and to conduct surveys and studies;

22 (2) to conduct an inspection or investigation in
23 response to an employee complaint, to issue a cita-
24 tion for violations found during such inspection, and
25 to assess a penalty for violations which are not cor-

1 rected within a reasonable abatement period and for
2 any willful violations found;

3 (3) to take any action authorized by the Act
4 with respect to imminent dangers;

5 (4) to take any action authorized by the Act
6 with respect to health hazards;

7 (5) to take any action authorized by the Act
8 with respect to a report of an employment accident
9 which is fatal to one or more employees or which re-
10 sults in hospitalization of two or more employees,
11 and to take any action pursuant to such investiga-
12 tion authorized by the Act; and

13 (6) to take any action authorized by the Act
14 with respect to complaints of discrimination against
15 employees for exercising rights under the Act:

16 *Provided further*, That the foregoing proviso shall not
17 apply to any person who is engaged in a farming operation
18 which does not maintain a temporary labor camp and em-
19 ploys 10 or fewer employees: *Provided further*, That
20 \$11,787,000 shall be available for Susan Harwood train-
21 ing grants, of which not less than \$4,500,000 is for Susan
22 Harwood Training Capacity Building Developmental
23 grants, as described in Funding Opportunity Number
24 SHTG-FY-16-02 (referenced in the notice of availability
25 of funds published in the Federal Register on May 3, 2016

1 (81 Fed. Reg. 30568)) for program activities starting not
2 later than September 30, 2021 and lasting for a period
3 of 12 months: *Provided further*, That not less than
4 \$3,500,000 shall be for Voluntary Protection Programs.

5 MINE SAFETY AND HEALTH ADMINISTRATION

6 SALARIES AND EXPENSES

7 For necessary expenses for the Mine Safety and
8 Health Administration, \$379,816,000, including purchase
9 and bestowal of certificates and trophies in connection
10 with mine rescue and first-aid work, and the hire of pas-
11 senger motor vehicles, including up to \$2,000,000 for
12 mine rescue and recovery activities and not less than
13 \$10,537,000 for State assistance grants: *Provided*, That
14 notwithstanding 31 U.S.C. 3302, not to exceed \$750,000
15 may be collected by the National Mine Health and Safety
16 Academy for room, board, tuition, and the sale of training
17 materials, otherwise authorized by law to be collected, to
18 be available for mine safety and health education and
19 training activities: *Provided further*, That notwithstanding
20 31 U.S.C. 3302, the Mine Safety and Health Administra-
21 tion is authorized to collect and retain up to \$2,499,000
22 from fees collected for the approval and certification of
23 equipment, materials, and explosives for use in mines, and
24 may utilize such sums for such activities: *Provided further*,
25 That the Secretary is authorized to accept lands, build-

1 ings, equipment, and other contributions from public and
2 private sources and to prosecute projects in cooperation
3 with other agencies, Federal, State, or private: *Provided*
4 *further*, That the Mine Safety and Health Administration
5 is authorized to promote health and safety education and
6 training in the mining community through cooperative
7 programs with States, industry, and safety associations:
8 *Provided further*, That the Secretary is authorized to rec-
9 ognize the Joseph A. Holmes Safety Association as a prin-
10 cipal safety association and, notwithstanding any other
11 provision of law, may provide funds and, with or without
12 reimbursement, personnel, including service of Mine Safe-
13 ty and Health Administration officials as officers in local
14 chapters or in the national organization: *Provided further*,
15 That any funds available to the Department of Labor may
16 be used, with the approval of the Secretary, to provide
17 for the costs of mine rescue and survival operations in the
18 event of a major disaster.

19 BUREAU OF LABOR STATISTICS

20 SALARIES AND EXPENSES

21 For necessary expenses for the Bureau of Labor Sta-
22 tistics, including advances or reimbursements to State,
23 Federal, and local agencies and their employees for serv-
24 ices rendered, \$587,000,000, together with not to exceed
25 \$68,000,000 which may be expended from the Employ-

1 ment Security Administration account in the Unemploy-
2 ment Trust Fund.

3 Within this amount, \$13,000,000 to remain available
4 until September 30, 2024, for costs associated with the
5 physical move of the Bureau of Labor Statistics' head-
6 quarters, including replication of space, furniture, fix-
7 tures, equipment, and related costs, as well as relocation
8 of the data center to a shared facility.

9 OFFICE OF DISABILITY EMPLOYMENT POLICY

10 SALARIES AND EXPENSES

11 For necessary expenses for the Office of Disability
12 Employment Policy to provide leadership, develop policy
13 and initiatives, and award grants furthering the objective
14 of eliminating barriers to the training and employment of
15 people with disabilities, \$38,500,000.

16 DEPARTMENTAL MANAGEMENT

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses for Departmental Manage-
20 ment, including the hire of three passenger motor vehicles,
21 \$349,056,000, together with not to exceed \$308,000,
22 which may be expended from the Employment Security
23 Administration account in the Unemployment Trust
24 Fund: *Provided*, That \$67,325,000 for the Bureau of
25 International Labor Affairs shall be available for obliga-

1 tion through December 31, 2021: *Provided further*, That
2 funds available to the Bureau of International Labor Af-
3 fairs may be used to administer or operate international
4 labor activities, bilateral and multilateral technical assist-
5 ance, and microfinance programs, by or through contracts,
6 grants, subgrants and other arrangements: *Provided fur-*
7 *ther*, That not more than \$53,825,000 shall be for pro-
8 grams to combat exploitative child labor internationally
9 and not less than \$13,500,000 shall be used to implement
10 model programs that address worker rights issues through
11 technical assistance in countries with which the United
12 States has free trade agreements or trade preference pro-
13 grams: *Provided further*, That \$8,040,000 shall be used
14 for program evaluation and shall be available for obliga-
15 tion through September 30, 2022: *Provided further*, That
16 funds available for program evaluation may be used to ad-
17 minister grants for the purpose of evaluation: *Provided*
18 *further*, That grants made for the purpose of evaluation
19 shall be awarded through fair and open competition: *Pro-*
20 *vided further*, That funds available for program evaluation
21 may be transferred to any other appropriate account in
22 the Department for such purpose: *Provided further*, That
23 the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate are notified at least 15 days
25 in advance of any transfer: *Provided further*, That the

1 funds available to the Women's Bureau may be used for
2 grants to serve and promote the interests of women in the
3 workforce: *Provided further*, That of the amounts made
4 available to the Women's Bureau, not less than
5 \$1,794,000 shall be used for grants authorized by the
6 Women in Apprenticeship and Nontraditional Occupations
7 Act.

8 VETERANS' EMPLOYMENT AND TRAINING

9 Not to exceed \$258,841,000 may be derived from the
10 Employment Security Administration account in the Un-
11 employment Trust Fund to carry out the provisions of
12 chapters 41, 42, and 43 of title 38, United States Code,
13 of which—

14 (1) \$180,000,000 is for Jobs for Veterans State
15 grants under 38 U.S.C. 4102A(b)(5) to support dis-
16 abled veterans' outreach program specialists under
17 section 4103A of such title and local veterans' em-
18 ployment representatives under section 4104(b) of
19 such title, and for the expenses described in section
20 4102A(b)(5)(C), which shall be available for expend-
21 iture by the States through September 30, 2023,
22 and not to exceed 3 percent for the necessary Fed-
23 eral expenditures for data systems and contract sup-
24 port to allow for the tracking of participant and per-
25 formance information: *Provided*, That, in addition,

1 such funds may be used to support such specialists
2 and representatives in the provision of services to
3 transitioning members of the Armed Forces who
4 have participated in the Transition Assistance Pro-
5 gram and have been identified as in need of inten-
6 sive services, to members of the Armed Forces who
7 are wounded, ill, or injured and receiving treatment
8 in military treatment facilities or warrior transition
9 units, and to the spouses or other family caregivers
10 of such wounded, ill, or injured members;

11 (2) \$31,379,000 is for carrying out the Transi-
12 tion Assistance Program under 38 U.S.C. 4113 and
13 10 U.S.C. 1144;

14 (3) \$44,048,000 is for Federal administration
15 of chapters 41, 42, and 43 of title 38, and sections
16 2021, 2021A and 2023 of title 38, United States
17 Code: *Provided*, That, up to \$500,000 may be used
18 to carry out the Hire VETS Act (division O of Pub-
19 lic Law 115–31); and

20 (4) \$3,414,000 is for the National Veterans'
21 Employment and Training Services Institute under
22 38 U.S.C. 4109:

23 *Provided*, That the Secretary may reallocate among the
24 appropriations provided under paragraphs (1) through (4)

1 above an amount not to exceed 3 percent of the appropria-
2 tion from which such reallocation is made.

3 In addition, from the General Fund of the Treasury,
4 \$57,500,000 is for carrying out programs to assist home-
5 less veterans and veterans at risk of homelessness who are
6 transitioning from certain institutions under sections
7 2021, 2021A, and 2023 of title 38, United States Code:
8 *Provided*, That notwithstanding subsections (c)(3) and (d)
9 of section 2023, the Secretary may award grants through
10 September 30, 2021, to provide services under such sec-
11 tion: *Provided further*, That services provided under sec-
12 tions 2021 or under 2021A may include, in addition to
13 services to homeless veterans described in section
14 2002(a)(1), services to veterans who were homeless at
15 some point within the 60 days prior to program entry or
16 veterans who are at risk of homelessness within the next
17 60 days, and that services provided under section 2023
18 may include, in addition to services to the individuals de-
19 scribed in subsection (e) of such section, services to vet-
20 erans recently released from incarceration who are at risk
21 of homelessness: *Provided further*, That notwithstanding
22 paragraph (3) under this heading, funds appropriated in
23 this paragraph may be used for data systems and contract
24 support to allow for the tracking of participant and per-
25 formance information: *Provided further*, That notwith-

1 standing sections 2021(e)(2) and 2021A(f)(2) of title 38,
2 United States Code, such funds shall be available for ex-
3 penditure pursuant to 31 U.S.C. 1553.

4 In addition, fees may be assessed and deposited in
5 the HIRE Vets Medallion Award Fund pursuant to sec-
6 tion 5(b) of the HIRE Vets Act, and such amounts shall
7 be available to the Secretary to carry out the HIRE Vets
8 Medallion Award Program, as authorized by such Act, and
9 shall remain available until expended: *Provided*, That such
10 sums shall be in addition to any other funds available for
11 such purposes, including funds available under paragraph
12 (3) of this heading: *Provided further*, That section 2(d)
13 of division O of the Consolidated Appropriations Act, 2017
14 (Public Law 115–31; 38 U.S.C. 4100 note) shall not
15 apply.

16 IT MODERNIZATION

17 For necessary expenses for Department of Labor cen-
18 tralized infrastructure technology investment activities re-
19 lated to support systems and modernization, \$27,269,000,
20 which shall be available through September 30, 2022.

21 OFFICE OF INSPECTOR GENERAL

22 For salaries and expenses of the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, \$85,187,000, together with not to
25 exceed \$5,660,000 which may be expended from the Em-

1 available pursuant to this Act shall be obligated or ex-
2 pended for the procurement of goods mined, produced,
3 manufactured, or harvested or services rendered, in whole
4 or in part, by forced or indentured child labor in industries
5 and host countries already identified by the United States
6 Department of Labor prior to enactment of this Act.

7 SEC. 104. Except as otherwise provided in this sec-
8 tion, none of the funds made available to the Department
9 of Labor for grants under section 414(c) of the American
10 Competitiveness and Workforce Improvement Act of 1998
11 (29 U.S.C. 2916a) may be used for any purpose other
12 than competitive grants for training individuals who are
13 older than 16 years of age and are not currently enrolled
14 in school within a local educational agency in the occupa-
15 tions and industries for which employers are using H-1B
16 visas to hire foreign workers, and the related activities
17 necessary to support such training.

18 SEC. 105. None of the funds made available by this
19 Act under the heading “Employment and Training Ad-
20 ministration” shall be used by a recipient or subrecipient
21 of such funds to pay the salary and bonuses of an indi-
22 vidual, either as direct costs or indirect costs, at a rate
23 in excess of Executive Level II. This limitation shall not
24 apply to vendors providing goods and services as defined
25 in Office of Management and Budget Circular A-133.

1 Where States are recipients of such funds, States may es-
2 tablish a lower limit for salaries and bonuses of those re-
3 ceiving salaries and bonuses from subrecipients of such
4 funds, taking into account factors including the relative
5 cost-of-living in the State, the compensation levels for
6 comparable State or local government employees, and the
7 size of the organizations that administer Federal pro-
8 grams involved including Employment and Training Ad-
9 ministration programs.

10 (TRANSFER OF FUNDS)

11 SEC. 106. (a) Notwithstanding section 102, the Sec-
12 retary may transfer funds made available to the Employ-
13 ment and Training Administration by this Act, either di-
14 rectly or through a set-aside, for technical assistance serv-
15 ices to grantees to “Program Administration” when it is
16 determined that those services will be more efficiently per-
17 formed by Federal employees: *Provided*, That this section
18 shall not apply to section 171 of the WIOA.

19 (b) Notwithstanding section 102, the Secretary may
20 transfer not more than 0.5 percent of each discretionary
21 appropriation made available to the Employment and
22 Training Administration by this Act to “Program Admin-
23 istration” in order to carry out program integrity activities
24 relating to any of the programs or activities that are fund-
25 ed under any such discretionary appropriations: *Provided*,

1 That notwithstanding section 102 and the preceding pro-
2 viso, the Secretary may transfer not more than 0.5 percent
3 of funds made available in paragraphs (1) and (2) of the
4 “Office of Job Corps” account to paragraph (3) of such
5 account to carry out program integrity activities related
6 to the Job Corps program: *Provided further*, That funds
7 transferred under the authority provided by this sub-
8 section shall be available for obligation through September
9 30, 2022.

10 (TRANSFER OF FUNDS)

11 SEC. 107. (a) The Secretary may reserve not more
12 than 0.75 percent from each appropriation made available
13 in this Act identified in subsection (b) in order to carry
14 out evaluations of any of the programs or activities that
15 are funded under such accounts. Any funds reserved under
16 this section shall be transferred to “Departmental Man-
17 agement” for use by the Office of the Chief Evaluation
18 Officer within the Department of Labor, and shall be
19 available for obligation through September 30, 2022: *Pro-*
20 *vided*, That such funds shall only be available if the Chief
21 Evaluation Officer of the Department of Labor submits
22 a plan to the Committees on Appropriations of the House
23 of Representatives and the Senate describing the evalua-
24 tions to be carried out 15 days in advance of any transfer.

1 (b) The accounts referred to in subsection (a) are:
2 “Training and Employment Services”, “Job Corps”,
3 “Community Service Employment for Older Americans”,
4 “State Unemployment Insurance and Employment Service
5 Operations”, “Employee Benefits Security Administra-
6 tion”, “Office of Workers’ Compensation Programs”,
7 “Wage and Hour Division”, “Office of Federal Contract
8 Compliance Programs”, “Office of Labor Management
9 Standards”, “Occupational Safety and Health Adminis-
10 tration”, “Mine Safety and Health Administration”, “Of-
11 fice of Disability Employment Policy”, funding made
12 available to the “Bureau of International Labor Affairs”
13 and “Women’s Bureau” within the “Departmental Man-
14 agement, Salaries and Expenses” account, and “Veterans’
15 Employment and Training”.

16 SEC. 108. (a) Section 7 of the Fair Labor Standards
17 Act of 1938 (29 U.S.C. 207) shall be applied as if the
18 following text is part of such section:

19 “(s)(1) The provisions of this section shall not apply
20 for a period of 2 years after the occurrence of a major
21 disaster to any employee—

22 “(A) employed to adjust or evaluate claims
23 resulting from or relating to such major dis-
24 aster, by an employer not engaged, directly or
25 through an affiliate, in underwriting, selling, or

1 marketing property, casualty, or liability insur-
2 ance policies or contracts;

3 “(B) who receives from such employer on
4 average weekly compensation of not less than
5 \$591.00 per week or any minimum weekly
6 amount established by the Secretary, whichever
7 is greater, for the number of weeks such em-
8 ployee is engaged in any of the activities de-
9 scribed in subparagraph (C); and

10 “(C) whose duties include any of the fol-
11 lowing:

12 “(i) interviewing insured individuals,
13 individuals who suffered injuries or other
14 damages or losses arising from or relating
15 to a disaster, witnesses, or physicians;

16 “(ii) inspecting property damage or
17 reviewing factual information to prepare
18 damage estimates;

19 “(iii) evaluating and making rec-
20 ommendations regarding coverage or com-
21 pensability of claims or determining liabil-
22 ity or value aspects of claims;

23 “(iv) negotiating settlements; or

24 “(v) making recommendations regard-
25 ing litigation.

1 “(2) The exemption in this subsection shall not
2 affect the exemption provided by section 13(a)(1).

3 “(3) For purposes of this subsection—

4 “(A) the term ‘major disaster’ means any
5 disaster or catastrophe declared or designated
6 by any State or Federal agency or department;

7 “(B) the term ‘employee employed to ad-
8 just or evaluate claims resulting from or relat-
9 ing to such major disaster’ means an individual
10 who timely secured or secures a license required
11 by applicable law to engage in and perform the
12 activities described in clauses (i) through (v) of
13 paragraph (1)(C) relating to a major disaster,
14 and is employed by an employer that maintains
15 worker compensation insurance coverage or pro-
16 tection for its employees, if required by applica-
17 ble law, and withholds applicable Federal,
18 State, and local income and payroll taxes from
19 the wages, salaries and any benefits of such em-
20 ployees; and

21 “(C) the term ‘affiliate’ means a company
22 that, by reason of ownership or control of 25
23 percent or more of the outstanding shares of
24 any class of voting securities of one or more
25 companies, directly or indirectly, controls, is

1 controlled by, or is under common control with,
2 another company.”.

3 (b) This section shall be effective on the date of en-
4 actment of this Act.

5 SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE
6 CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE
7 SEAFOOD INDUSTRY.—

8 (1) IN GENERAL.—Subject to paragraph (2), if
9 a petition for H-2B nonimmigrants filed by an em-
10 ployer in the seafood industry is granted, the em-
11 ployer may bring the nonimmigrants described in
12 the petition into the United States at any time dur-
13 ing the 120-day period beginning on the start date
14 for which the employer is seeking the services of the
15 nonimmigrants without filing another petition.

16 (2) REQUIREMENTS FOR CROSSINGS AFTER
17 90TH DAY.—An employer in the seafood industry
18 may not bring H-2B nonimmigrants into the United
19 States after the date that is 90 days after the start
20 date for which the employer is seeking the services
21 of the nonimmigrants unless the employer—

22 (A) completes a new assessment of the
23 local labor market by—

24 (i) listing job orders in local news-
25 papers on 2 separate Sundays; and

1 (ii) posting the job opportunity on the
2 appropriate Department of Labor Elec-
3 tronic Job Registry and at the employer’s
4 place of employment; and

5 (B) offers the job to an equally or better
6 qualified United States worker who—

7 (i) applies for the job; and

8 (ii) will be available at the time and
9 place of need.

10 (3) EXEMPTION FROM RULES WITH RESPECT
11 TO STAGGERING.—The Secretary of Labor shall not
12 consider an employer in the seafood industry who
13 brings H–2B nonimmigrants into the United States
14 during the 120-day period specified in paragraph (1)
15 to be staggering the date of need in violation of sec-
16 tion 655.20(d) of title 20, Code of Federal Regula-
17 tions, or any other applicable provision of law.

18 (b) H–2B NONIMMIGRANTS DEFINED.—In this sec-
19 tion, the term “H–2B nonimmigrants” means aliens ad-
20 mitted to the United States pursuant to section
21 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
22 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

23 SEC. 110. The determination of prevailing wage for
24 the purposes of the H–2B program shall be the greater
25 of—(1) the actual wage level paid by the employer to other

1 employees with similar experience and qualifications for
2 such position in the same location; or (2) the prevailing
3 wage level for the occupational classification of the posi-
4 tion in the geographic area in which the H-2B non-
5 immigrant will be employed, based on the best information
6 available at the time of filing the petition. In the deter-
7 mination of prevailing wage for the purposes of the H-
8 2B program, the Secretary shall accept private wage sur-
9 veys even in instances where Occupational Employment
10 Statistics survey data are available unless the Secretary
11 determines that the methodology and data in the provided
12 survey are not statistically supported.

13 SEC. 111. None of the funds in this Act shall be used
14 to enforce the definition of corresponding employment
15 found in 20 CFR 655.5 or the three-fourths guarantee
16 rule definition found in 20 CFR 655.20, or any references
17 thereto. Further, for the purpose of regulating admission
18 of temporary workers under the H-2B program, the defi-
19 nition of temporary need shall be that provided in 8 CFR
20 214.2(h)(6)(ii)(B).

21 SEC. 112. Notwithstanding any other provision of
22 law, the Secretary may furnish through grants, coopera-
23 tive agreements, contracts, and other arrangements, up to
24 \$2,000,000 of excess personal property, at a value deter-

1 mined by the Secretary, to apprenticeship programs for
2 the purpose of training apprentices in those programs.

3 SEC. 113. (a) The Act entitled “An Act to create a
4 Department of Labor”, approved March 4, 1913 (37 Stat.
5 736, chapter 141) shall be applied as if the following text
6 is part of such Act:

7 **“SEC. 12. SECURITY DETAIL.**

8 “(a) IN GENERAL.—The Secretary of Labor is au-
9 thorized to employ law enforcement officers or special
10 agents to—

11 “(1) provide protection for the Secretary of
12 Labor during the workday of the Secretary and dur-
13 ing any activity that is preliminary or postliminary
14 to the performance of official duties by the Sec-
15 retary;

16 “(2) provide protection, incidental to the protec-
17 tion provided to the Secretary, to a member of the
18 immediate family of the Secretary who is partici-
19 pating in an activity or event relating to the official
20 duties of the Secretary;

21 “(3) provide continuous protection to the Sec-
22 retary (including during periods not described in
23 paragraph (1)) and to the members of the imme-
24 diate family of the Secretary if there is a unique and

1 articulable threat of physical harm, in accordance
2 with guidelines established by the Secretary; and

3 “(4) provide protection to the Deputy Secretary
4 of Labor or another senior officer representing the
5 Secretary of Labor at a public event if there is a
6 unique and articulable threat of physical harm, in
7 accordance with guidelines established by the Sec-
8 retary.

9 “(b) **AUTHORITIES.**—The Secretary of Labor may
10 authorize a law enforcement officer or special agent em-
11 ployed under subsection (a), for the purpose of performing
12 the duties authorized under subsection (a), to—

13 “(1) carry firearms;

14 “(2) make arrests without a warrant for any of-
15 fense against the United States committed in the
16 presence of such officer or special agent;

17 “(3) perform protective intelligence work, in-
18 cluding identifying and mitigating potential threats
19 and conducting advance work to review security mat-
20 ters relating to sites and events;

21 “(4) coordinate with local law enforcement
22 agencies; and

23 “(5) initiate criminal and other investigations
24 into potential threats to the security of the Sec-

1 retary, in coordination with the Inspector General of
2 the Department of Labor.

3 “(c) COMPLIANCE WITH GUIDELINES.—A law en-
4 forcement officer or special agent employed under sub-
5 section (a) shall exercise any authority provided under this
6 section in accordance with any—

7 “(1) guidelines issued by the Attorney General;
8 and

9 “(2) guidelines prescribed by the Secretary of
10 Labor.”.

11 (b) This section shall be effective on the date of en-
12 actment of this Act.

13 SEC. 114. The Secretary is authorized to dispose of
14 or divest, by any means the Secretary determines appro-
15 priate, including an agreement or partnership to construct
16 a new Job Corps center, all or a portion of the real prop-
17 erty on which the Treasure Island Job Corps Center is
18 situated. Any sale or other disposition will not be subject
19 to any requirement of any Federal law or regulation relat-
20 ing to the disposition of Federal real property, including
21 but not limited to subchapter III of chapter 5 of title 40
22 of the United States Code and subchapter V of chapter
23 119 of title 42 of the United States Code. The net pro-
24 ceeds of such a sale shall be transferred to the Secretary,

1 which shall be available until expended to carry out the
2 Job Corps Program on Treasure Island.

3 (RESCISSION)

4 SEC. 115. (a) Of the unobligated funds available
5 under section 286(s) of the Immigration and Nationality
6 Act (8 U.S.C. 1356(s)) in an amount that is equal to the
7 amount that became available on October 1, 2020, pursu-
8 ant to the temporary rescission in section 115 of division
9 A of the Further Consolidated Appropriations Act, 2020
10 (Public Law 116–94), \$150,000,000 are hereby perma-
11 nently rescinded, as follows: \$75,000,000 from the unobli-
12 gated funds available under section 286(s)(2) of such Act;
13 \$45,000,000 from the unobligated funds available under
14 section 286(s)(3) of such Act; \$15,000,000 from the unob-
15 ligated funds available under section 286(s)(4) of such
16 Act; \$7,500,000 from the unobligated funds available
17 under section 286(s)(5) of such Act; and \$7,500,000 from
18 the unobligated funds available under section 286(s)(6) of
19 such Act.

20 (b) Of the unobligated funds available under section
21 286(s)(2) of the Immigration and Nationality Act (8
22 U.S.C. 1356(s)(2)), and in addition to the amounts re-
23 scinded in subsection (a), \$285,000,000 are hereby perma-
24 nently rescinded not later than September 30, 2021.

1 SEC. 116. None of the funds made available by this
2 Act may be used to—

3 (1) alter or terminate the Interagency Agree-
4 ment between the United States Department of
5 Labor and the United States Department of Agri-
6 culture; or

7 (2) close any of the Civilian Conservation Cen-
8 ters, except if such closure is necessary to prevent
9 the endangerment of the health and safety of the
10 students, the capacity of the program is retained,
11 and the requirements of section 159(j) of the WIOA
12 are met.

13 SEC. 117. Paragraph (1) under the heading “Depart-
14 ment of Labor—Veterans Employment and Training” of
15 title I of division A of Public Law 116–94 is amended
16 by striking “obligation by the States through December
17 31, 2020” and inserting “expenditure by the States
18 through September 30, 2022”.

19 SEC. 118. The amounts provided by the first proviso
20 following paragraph (6) under the heading “Department
21 of Labor—Employment and Training Administration—
22 State Unemployment Insurance and Employment Service
23 Operations” in title I of this Act are designated by the
24 Congress as being for an emergency requirement pursuant

1 to section 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 This title may be cited as the “Department of Labor
4 Appropriations Act, 2021”.

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1 TITLE II
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 HEALTH RESOURCES AND SERVICES ADMINISTRATION
5 PRIMARY HEALTH CARE

6 For carrying out titles II and III of the Public Health
7 Service Act (referred to in this Act as the “PHS Act”) *with respect to primary health care and the Native Hawai-
8 ian Health Care Act of 1988, \$1,683,772,000: Provided,*
9 *That no more than \$1,000,000 shall be available until ex-
10 pended for carrying out the provisions of section 224(o)*
11 *of the PHS Act: Provided further, That no more than*
12 *\$120,000,000 shall be available until expended for car-
13 rying out subsections (g) through (n) and (q) of section*
14 *224 of the PHS Act, and for expenses incurred by the*
15 *Department of Health and Human Services (referred to*
16 *in this Act as “HHS”) pertaining to administrative claims*
17 *made under such law.*

19 HEALTH WORKFORCE

20 For carrying out titles III, VII, and VIII of the PHS
21 Act with respect to the health workforce, sections 1128E
22 and 1921 of the Social Security Act, and the Health Care
23 Quality Improvement Act of 1986, \$1,224,006,000: *Pro-
24 vided, That sections 751(j)(2) and 762(k) of the PHS Act*
25 *and the proportional funding amounts in paragraphs (1)*

1 through (4) of section 756(f) of the PHS Act shall not
2 apply to funds made available under this heading: *Pro-*
3 *vided further*, That for any program operating under sec-
4 tion 751 of the PHS Act on or before January 1, 2009,
5 the Secretary of Health and Human Services (referred to
6 in this title as the “Secretary”) may hereafter waive any
7 of the requirements contained in sections 751(d)(2)(A)
8 and 751(d)(2)(B) of such Act for the full project period
9 of a grant under such section: *Provided further*, That no
10 funds shall be available for section 340G–1 of the PHS
11 Act: *Provided further*, That fees collected for the disclosure
12 of information under section 427(b) of the Health Care
13 Quality Improvement Act of 1986 and sections
14 1128E(d)(2) and 1921 of the Social Security Act shall be
15 sufficient to recover the full costs of operating the pro-
16 grams authorized by such sections and shall remain avail-
17 able until expended for the National Practitioner Data
18 Bank: *Provided further*, That funds transferred to this ac-
19 count to carry out section 846 and subpart 3 of part D
20 of title III of the PHS Act may be used to make prior
21 year adjustments to awards made under such section and
22 subpart: *Provided further*, That \$120,000,000 shall re-
23 main available until expended for the purposes of pro-
24 viding primary health services, assigning National Health
25 Service Corps (“NHSC”) members to expand the delivery

1 of substance use disorder treatment services, notwith-
2 standing the assignment priorities and limitations under
3 sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of
4 the PHS Act, and making payments under the NHSC
5 Loan Repayment Program under section 338B of such
6 Act: *Provided further*, That, within the amount made
7 available in the previous proviso, \$15,000,000 shall re-
8 main available until expended for the purposes of making
9 payments under the NHSC Loan Repayment Program
10 under section 338B of the PHS Act to individuals partici-
11 pating in such program who provide primary health serv-
12 ices in Indian Health Service facilities, Tribally-Operated
13 638 Health Programs, and Urban Indian Health Pro-
14 grams (as those terms are defined by the Secretary), not-
15 withstanding the assignment priorities and limitations
16 under section 333(b) of such Act: *Provided further*, That
17 for purposes of the previous two provisos, section
18 331(a)(3)(D) of the PHS Act shall be applied as if the
19 term “primary health services” includes clinical substance
20 use disorder treatment services, including those provided
21 by masters level, licensed substance use disorder treat-
22 ment counselors: *Provided further*, That of the funds made
23 available under this heading, \$5,000,000 shall be available
24 to make grants to establish or expand optional commu-
25 nity-based nurse practitioner fellowship programs that are

1 accredited or in the accreditation process, with a pref-
2 erence for those in Federally Qualified Health Centers, for
3 practicing postgraduate nurse practitioners in primary
4 care or behavioral health.

5 Of the funds made available under this heading,
6 \$50,000,000 shall remain available until expended for
7 grants to public institutions of higher education to expand
8 or support graduate education for physicians provided by
9 such institutions: *Provided*, That, in awarding such
10 grants, the Secretary shall give priority to public institu-
11 tions of higher education located in States with a projected
12 primary care provider shortage in 2025, as determined by
13 the Secretary: *Provided further*, That grants so awarded
14 are limited to such public institutions of higher education
15 in States in the top quintile of States with a projected
16 primary care provider shortage in 2025, as determined by
17 the Secretary: *Provided further*, That the minimum
18 amount of a grant so awarded to such an institution shall
19 be not less than \$1,000,000 per year: *Provided further*,
20 That such a grant may be awarded for a period not to
21 exceed 5 years: *Provided further*, That amounts made
22 available in this paragraph shall be awarded as supple-
23 mental grants to recipients of grants awarded for this pur-
24 pose in fiscal years 2019 and 2020, pursuant to the terms
25 and conditions of each institution's initial grant agree-

1 ment, in an amount for each institution that will result
2 in every institution being awarded the same total grant
3 amount over fiscal years 2019 through 2021, provided the
4 institution can justify the expenditure of such funds: *Pro-*
5 *vided further*, That such a grant awarded with respect to
6 a year to such an institution shall be subject to a matching
7 requirement of non-Federal funds in an amount that is
8 not less than 10 percent of the total amount of Federal
9 funds provided in the grant to such institution with re-
10 spect to such year.

11 MATERNAL AND CHILD HEALTH

12 For carrying out titles III, XI, XII, and XIX of the
13 PHS Act with respect to maternal and child health and
14 title V of the Social Security Act, \$975,284,000: *Provided*,
15 That notwithstanding sections 502(a)(1) and 502(b)(1) of
16 the Social Security Act, not more than \$139,116,000 shall
17 be available for carrying out special projects of regional
18 and national significance pursuant to section 501(a)(2) of
19 such Act and \$10,276,000 shall be available for projects
20 described in subparagraphs (A) through (F) of section
21 501(a)(3) of such Act.

22 RYAN WHITE HIV/AIDS PROGRAM

23 For carrying out title XXVI of the PHS Act with
24 respect to the Ryan White HIV/AIDS program,
25 \$2,423,781,000, of which \$1,970,881,000 shall remain

1 available to the Secretary through September 30, 2023,
2 for parts A and B of title XXVI of the PHS Act, and
3 of which not less than \$900,313,000 shall be for State
4 AIDS Drug Assistance Programs under the authority of
5 section 2616 or 311(c) of such Act; and of which
6 \$105,000,000, to remain available until expended, shall be
7 available to the Secretary for carrying out a program of
8 grants and contracts under title XXVI or section 311(c)
9 of such Act focused on ending the nationwide HIV/AIDS
10 epidemic, with any grants issued under such section
11 311(c) administered in conjunction with title XXVI of the
12 PHS Act, including the limitation on administrative ex-
13 penses.

14 HEALTH CARE SYSTEMS

15 For carrying out titles III and XII of the PHS Act
16 with respect to health care systems, and the Stem Cell
17 Therapeutic and Research Act of 2005, \$129,093,000, of
18 which \$122,000 shall be available until expended for facili-
19 ties renovations at the Gillis W. Long Hansen's Disease
20 Center.

21 RURAL HEALTH

22 For carrying out titles III and IV of the PHS Act
23 with respect to rural health, section 427(a) of the Federal
24 Coal Mine Health and Safety Act of 1969, and sections
25 711 and 1820 of the Social Security Act, \$329,519,000,

1 of which \$55,609,000 from general revenues, notwith-
2 standing section 1820(j) of the Social Security Act, shall
3 be available for carrying out the Medicare rural hospital
4 flexibility grants program: *Provided*, That of the funds
5 made available under this heading for Medicare rural hos-
6 pital flexibility grants, \$20,942,000 shall be available for
7 the Small Rural Hospital Improvement Grant Program
8 for quality improvement and adoption of health informa-
9 tion technology and up to \$1,000,000 shall be to carry
10 out section 1820(g)(6) of the Social Security Act, with
11 funds provided for grants under section 1820(g)(6) avail-
12 able for the purchase and implementation of telehealth
13 services, including pilots and demonstrations on the use
14 of electronic health records to coordinate rural veterans
15 care between rural providers and the Department of Vet-
16 erans Affairs electronic health record system: *Provided*
17 *further*, That notwithstanding section 338J(k) of the PHS
18 Act, \$12,500,000 shall be available for State Offices of
19 Rural Health: *Provided further*, That \$10,500,000 shall
20 remain available through September 30, 2023, to support
21 the Rural Residency Development Program: *Provided fur-*
22 *ther*, That \$110,000,000 shall be for the Rural Commu-
23 nities Opioids Response Program.

1 FAMILY PLANNING

2 For carrying out the program under title X of the
3 PHS Act to provide for voluntary family planning
4 projects, \$286,479,000: *Provided*, That amounts provided
5 to said projects under such title shall not be expended for
6 abortions, that all pregnancy counseling shall be nondirec-
7 tive, and that such amounts shall not be expended for any
8 activity (including the publication or distribution of lit-
9 erature) that in any way tends to promote public support
10 or opposition to any legislative proposal or candidate for
11 public office.

12 PROGRAM MANAGEMENT

13 For program support in the Health Resources and
14 Services Administration, \$155,300,000: *Provided*, That
15 funds made available under this heading may be used to
16 supplement program support funding provided under the
17 headings “Primary Health Care”, “Health Workforce”,
18 “Maternal and Child Health”, “Ryan White HIV/AIDS
19 Program”, “Health Care Systems”, and “Rural Health”.

20 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

21 For payments from the Vaccine Injury Compensation
22 Program Trust Fund (the “Trust Fund”), such sums as
23 may be necessary for claims associated with vaccine-re-
24 lated injury or death with respect to vaccines administered
25 after September 30, 1988, pursuant to subtitle 2 of title

1 XXI of the PHS Act, to remain available until expended:
2 *Provided*, That for necessary administrative expenses, not
3 to exceed \$11,200,000 shall be available from the Trust
4 Fund to the Secretary.

5 CENTERS FOR DISEASE CONTROL AND PREVENTION
6 IMMUNIZATION AND RESPIRATORY DISEASES

7 For carrying out titles II, III, XVII, and XXI, and
8 section 2821 of the PHS Act, titles II and IV of the Immi-
9 gration and Nationality Act, and section 501 of the Ref-
10 ugee Education Assistance Act, with respect to immuniza-
11 tion and respiratory diseases, \$448,805,000.

12 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED
13 DISEASES, AND TUBERCULOSIS PREVENTION

14 For carrying out titles II, III, XVII, and XXIII of
15 the PHS Act with respect to HIV/AIDS, viral hepatitis,
16 sexually transmitted diseases, and tuberculosis prevention,
17 \$1,314,056,000.

18 EMERGING AND ZOO NOTIC INFECTIOUS DISEASES

19 For carrying out titles II, III, and XVII, and section
20 2821 of the PHS Act, titles II and IV of the Immigration
21 and Nationality Act, and section 501 of the Refugee Edu-
22 cation Assistance Act, with respect to emerging and
23 zoonotic infectious diseases, \$596,272,000: *Provided*, That
24 of the amounts made available under this heading, up to
25 \$1,000,000 shall remain available until expended to pay

1 PUBLIC HEALTH SCIENTIFIC SERVICES

2 For carrying out titles II, III, and XVII of the PHS
3 Act with respect to health statistics, surveillance, health
4 informatics, and workforce development, \$591,997,000.

5 ENVIRONMENTAL HEALTH

6 For carrying out titles II, III, and XVII of the PHS
7 Act with respect to environmental health, \$205,850,000.

8 INJURY PREVENTION AND CONTROL

9 For carrying out titles II, III, and XVII of the PHS
10 Act with respect to injury prevention and control,
11 \$682,879,000.

12 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND

13 HEALTH

14 For carrying out titles II, III, and XVII of the PHS
15 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
16 of the Federal Mine Safety and Health Act, section 13
17 of the Mine Improvement and New Emergency Response
18 Act, and sections 20, 21, and 22 of the Occupational Safe-
19 ty and Health Act, with respect to occupational safety and
20 health, \$345,300,000.

21 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

22 COMPENSATION PROGRAM

23 For necessary expenses to administer the Energy
24 Employees Occupational Illness Compensation Program
25 Act, \$55,358,000, to remain available until expended: *Pro-*

1 *vided*, That this amount shall be available consistent with
2 the provision regarding administrative expenses in section
3 151(b) of division B, title I of Public Law 106–554.

4 GLOBAL HEALTH

5 For carrying out titles II, III, and XVII of the PHS
6 Act with respect to global health, \$592,843,000, of which:
7 (1) \$128,421,000 shall remain available through Sep-
8 tember 30, 2022 for international HIV/AIDS; and (2)
9 \$193,400,000 shall remain available through September
10 30, 2023 for global disease detection and emergency re-
11 sponse: *Provided*, That funds may be used for purchase
12 and insurance of official motor vehicles in foreign coun-
13 tries.

14 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

15 For carrying out titles II, III, and XVII of the PHS
16 Act with respect to public health preparedness and re-
17 sponse, and for expenses necessary to support activities
18 related to countering potential biological, nuclear, radio-
19 logical, and chemical threats to civilian populations,
20 \$842,200,000: *Provided*, That the Director of the Centers
21 for Disease Control and Prevention (referred to in this
22 title as “CDC”) or the Administrator of the Agency for
23 Toxic Substances and Disease Registry may detail staff
24 without reimbursement to support an activation of the
25 CDC Emergency Operations Center, so long as the Direc-

1 tor or Administrator, as applicable, provides a notice to
2 the Committees on Appropriations of the House of Rep-
3 resentatives and the Senate within 15 days of the use of
4 this authority, a full report within 30 days after use of
5 this authority which includes the number of staff and
6 funding level broken down by the originating center and
7 number of days detailed, and an update of such report
8 every 180 days until staff are no longer on detail without
9 reimbursement to the CDC Emergency Operations Center.

10

BUILDINGS AND FACILITIES

11

(INCLUDING TRANSFER OF FUNDS)

12 For acquisition of real property, equipment, construc-
13 tion, installation, demolition, and renovation of facilities,
14 \$30,000,000, which shall remain available until September
15 30, 2025: *Provided*, That funds made available to this ac-
16 count in this or any prior Act that are available for the
17 acquisition of real property or for construction or improve-
18 ment of facilities shall be available to make improvements
19 on non-federally owned property, provided that any im-
20 provements that are not adjacent to federally owned prop-
21 erty do not exceed \$2,500,000, and that the primary ben-
22 efit of such improvements accrues to CDC: *Provided fur-*
23 *ther*, That funds previously set-aside by CDC for repair
24 and upgrade of the Lake Lynn Experimental Mine and
25 Laboratory shall be used to acquire a replacement mine

1 safety research facility: *Provided further*, That in addition,
2 the prior year unobligated balance of any amounts as-
3 signed to former employees in accounts of CDC made
4 available for Individual Learning Accounts shall be cred-
5 ited to and merged with the amounts made available under
6 this heading to support the replacement of the mine safety
7 research facility.

8 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
9 (INCLUDING TRANSFER OF FUNDS)

10 For carrying out titles II, III, XVII and XIX, and
11 section 2821 of the PHS Act and for cross-cutting activi-
12 ties and program support for activities funded in other
13 appropriations included in this Act for the Centers for
14 Disease Control and Prevention, \$123,570,000: *Provided*,
15 That paragraphs (1) through (3) of subsection (b) of sec-
16 tion 2821 of the PHS Act shall not apply to funds appro-
17 priated under this heading and in all other accounts of
18 the CDC: *Provided further*, That of the amounts made
19 available under this heading, \$10,000,000, to remain
20 available until expended, shall be available to the Director
21 of the CDC for deposit in the Infectious Diseases Rapid
22 Response Reserve Fund established by section 231 of divi-
23 sion B of Public Law 115–245: *Provided further*, That
24 funds appropriated under this heading may be used to
25 support a contract for the operation and maintenance of

1 an aircraft in direct support of activities throughout CDC
2 to ensure the agency is prepared to address public health
3 preparedness emergencies: *Provided further*, That employ-
4 ees of CDC or the Public Health Service, both civilian and
5 commissioned officers, detailed to States, municipalities,
6 or other organizations under authority of section 214 of
7 the PHS Act, or in overseas assignments, shall be treated
8 as non-Federal employees for reporting purposes only and
9 shall not be included within any personnel ceiling applica-
10 ble to the Agency, Service, or HHS during the period of
11 detail or assignment: *Provided further*, That CDC may use
12 up to \$10,000 from amounts appropriated to CDC in this
13 Act for official reception and representation expenses
14 when specifically approved by the Director of CDC: *Pro-*
15 *vided further*, That in addition, such sums as may be de-
16 rived from authorized user fees, which shall be credited
17 to the appropriation charged with the cost thereof: *Pro-*
18 *vided further*, That with respect to the previous proviso,
19 authorized user fees from the Vessel Sanitation Program
20 and the Respirator Certification Program shall be avail-
21 able through September 30, 2022.

22 NATIONAL INSTITUTES OF HEALTH

23 NATIONAL CANCER INSTITUTE

24 For carrying out section 301 and title IV of the PHS
25 Act with respect to cancer, \$6,364,852,000, of which up

1 to \$30,000,000 may be used for facilities repairs and im-
2 provements at the National Cancer Institute—Frederick
3 Federally Funded Research and Development Center in
4 Frederick, Maryland.

5 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

6 For carrying out section 301 and title IV of the PHS
7 Act with respect to cardiovascular, lung, and blood dis-
8 eases, and blood and blood products, \$3,664,811,000.

9 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
10 RESEARCH

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to dental and craniofacial diseases,
13 \$484,867,000.

14 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
15 KIDNEY DISEASES

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to diabetes and digestive and kidney dis-
18 ease, \$2,131,975,000.

19 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
20 AND STROKE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to neurological disorders and stroke,
23 \$2,463,393,000.

965

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
2 DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to allergy and infectious diseases,
5 \$6,069,619,000.

6 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to general medical sciences,
9 \$2,991,417,000, of which \$1,271,505,000 shall be from
10 funds available under section 241 of the PHS Act: *Pro-*
11 *vided*, That not less than \$396,573,000 is provided for
12 the Institutional Development Awards program.

13 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
14 CHILD HEALTH AND HUMAN DEVELOPMENT

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to child health and human development,
17 \$1,590,337,000.

18 NATIONAL EYE INSTITUTE

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to eye diseases and visual disorders,
21 \$835,714,000.

966

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to environmental health sciences,
5 \$814,675,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to aging, \$3,899,227,000.

9 NATIONAL INSTITUTE OF ARTHRITIS AND
10 MUSCULOSKELETAL AND SKIN DISEASES

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to arthritis and musculoskeletal and skin
13 diseases, \$634,292,000.

14 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
15 COMMUNICATION DISORDERS

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to deafness and other communication dis-
18 orders, \$498,076,000.

19 NATIONAL INSTITUTE OF NURSING RESEARCH

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to nursing research, \$174,957,000.

967

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to alcohol abuse and alcoholism,
5 \$554,923,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to drug abuse, \$1,479,660,000.

9 NATIONAL INSTITUTE OF MENTAL HEALTH

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to mental health, \$2,053,708,000.

12 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to human genome research,
15 \$615,780,000.

16 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
17 BIOENGINEERING

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to biomedical imaging and bioengineering
20 research, \$410,728,000.

21 NATIONAL CENTER FOR COMPLEMENTARY AND
22 INTEGRATIVE HEALTH

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to complementary and integrative health,
25 \$154,162,000.

1 NATIONAL INSTITUTE ON MINORITY HEALTH AND
2 HEALTH DISPARITIES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to minority health and health disparities
5 research, \$390,865,000: *Provided*, That funds may be
6 used to implement a reorganization that is presented to
7 an advisory council in a public meeting and for which the
8 Committees on Appropriations of the House of Represent-
9 atives and the Senate have been notified 30 days in ad-
10 vance.

11 JOHN E. FOGARTY INTERNATIONAL CENTER

12 For carrying out the activities of the John E. Fogarty
13 International Center (described in subpart 2 of part E of
14 title IV of the PHS Act), \$84,044,000.

15 NATIONAL LIBRARY OF MEDICINE

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to health information communications,
18 \$463,787,000: *Provided*, That of the amounts available for
19 improvement of information systems, \$4,000,000 shall be
20 available until September 30, 2022: *Provided further*, That
21 in fiscal year 2021, the National Library of Medicine may
22 enter into personal services contracts for the provision of
23 services in facilities owned, operated, or constructed under
24 the jurisdiction of the National Institutes of Health (re-
25 ferred to in this title as “NIH”).

1 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to translational sciences, \$855,421,000:
5 *Provided*, That up to \$60,000,000 shall be available to im-
6 plement section 480 of the PHS Act, relating to the Cures
7 Acceleration Network: *Provided further*, That at least
8 \$586,841,000 is provided to the Clinical and Translational
9 Sciences Awards program.

10 OFFICE OF THE DIRECTOR
11 (INCLUDING TRANSFER OF FUNDS)

12 For carrying out the responsibilities of the Office of
13 the Director, NIH, \$2,411,110,000: *Provided*, That fund-
14 ing shall be available for the purchase of not to exceed
15 29 passenger motor vehicles for replacement only: *Pro-*
16 *vided further*, That all funds credited to the NIH Manage-
17 ment Fund shall remain available for one fiscal year after
18 the fiscal year in which they are deposited: *Provided fur-*
19 *ther*, That \$180,000,000 shall be for the Environmental
20 Influences on Child Health Outcomes study: *Provided fur-*
21 *ther*, That \$635,939,000 shall be available for the Com-
22 mon Fund established under section 402A(c)(1) of the
23 PHS Act: *Provided further*, That of the funds provided,
24 \$10,000 shall be for official reception and representation
25 expenses when specifically approved by the Director of the

1 NIH: *Provided further*, That the Office of AIDS Research
2 within the Office of the Director of the NIH may spend
3 up to \$8,000,000 to make grants for construction or ren-
4 ovation of facilities as provided for in section
5 2354(a)(5)(B) of the PHS Act: *Provided further*, That
6 \$50,000,000 shall be used to carry out section 404I of
7 the PHS Act (42 U.S.C. 283K), relating to biomedical and
8 behavioral research facilities: *Provided further*, That
9 \$5,000,000 shall be transferred to and merged with the
10 appropriation for the “Office of Inspector General” for
11 oversight of grant programs and operations of the NIH,
12 including agency efforts to ensure the integrity of its grant
13 application evaluation and selection processes, and shall
14 be in addition to funds otherwise made available for over-
15 sight of the NIH: *Provided further*, That the funds pro-
16 vided in the previous proviso may be transferred from one
17 specified activity to another with 15 days prior approval
18 of the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate: *Provided further*, That the In-
20 spector General shall consult with the Committees on Ap-
21 propriations of the House of Representatives and the Sen-
22 ate before submitting to the Committees an audit plan for
23 fiscal years 2021 and 2022 no later than 30 days after
24 the date of enactment of this Act.

1 In addition to other funds appropriated for the Com-
2 mon Fund established under section 402A(c) of the PHS
3 Act, \$12,600,000 is appropriated to the Common Fund
4 from the 10-year Pediatric Research Initiative Fund de-
5 scribed in section 9008 of title 26, United States Code,
6 for the purpose of carrying out section 402(b)(7)(B)(ii)
7 of the PHS Act (relating to pediatric research), as author-
8 ized in the Gabriella Miller Kids First Research Act.

9 BUILDINGS AND FACILITIES

10 For the study of, construction of, demolition of, ren-
11 ovation of, and acquisition of equipment for, facilities of
12 or used by NIH, including the acquisition of real property,
13 \$200,000,000, to remain available through September 30,
14 2025.

15 NIH INNOVATION ACCOUNT, CURES ACT

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to carry out the purposes de-
18 scribed in section 1001(b)(4) of the 21st Century Cures
19 Act, in addition to amounts available for such purposes
20 in the appropriations provided to the NIH in this Act,
21 \$404,000,000, to remain available until expended: *Pro-*
22 *vided*, That such amounts are appropriated pursuant to
23 section 1001(b)(3) of such Act, are to be derived from
24 amounts transferred under section 1001(b)(2)(A) of such
25 Act, and may be transferred by the Director of the Na-

1 tional Institutes of Health to other accounts of the Na-
2 tional Institutes of Health solely for the purposes provided
3 in such Act: *Provided further*, That upon a determination
4 by the Director that funds transferred pursuant to the
5 previous proviso are not necessary for the purposes pro-
6 vided, such amounts may be transferred back to the Ac-
7 count: *Provided further*, That the transfer authority pro-
8 vided under this heading is in addition to any other trans-
9 fer authority provided by law.

10 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

11 ADMINISTRATION

12 MENTAL HEALTH

13 For carrying out titles III, V, and XIX of the PHS
14 Act with respect to mental health, and the Protection and
15 Advocacy for Individuals with Mental Illness Act,
16 \$1,759,236,000: *Provided*, That of the funds made avail-
17 able under this heading, \$71,887,000 shall be for the Na-
18 tional Child Traumatic Stress Initiative: *Provided further*,
19 That notwithstanding section 520A(f)(2) of the PHS Act,
20 no funds appropriated for carrying out section 520A shall
21 be available for carrying out section 1971 of the PHS Act:
22 *Provided further*, That in addition to amounts provided
23 herein, \$21,039,000 shall be available under section 241
24 of the PHS Act to carry out subpart I of part B of title
25 XIX of the PHS Act to fund section 1920(b) technical

1 assistance, national data, data collection and evaluation
2 activities, and further that the total available under this
3 Act for section 1920(b) activities shall not exceed 5 per-
4 cent of the amounts appropriated for subpart I of part
5 B of title XIX: *Provided further*, That of the funds made
6 available under this heading for subpart I of part B of
7 title XIX of the PHS Act, \$35,000,000 shall be available
8 to support evidence-based crisis systems: *Provided further*,
9 That up to 10 percent of the amounts made available to
10 carry out the Children’s Mental Health Services program
11 may be used to carry out demonstration grants or con-
12 tracts for early interventions with persons not more than
13 25 years of age at clinical high risk of developing a first
14 episode of psychosis: *Provided further*, That section
15 520E(b)(2) of the PHS Act shall not apply to funds ap-
16 propriated in this Act for fiscal year 2021: *Provided fur-*
17 *ther*, That States shall expend at least 10 percent of the
18 amount each receives for carrying out section 1911 of the
19 PHS Act to support evidence-based programs that address
20 the needs of individuals with early serious mental illness,
21 including psychotic disorders, regardless of the age of the
22 individual at onset: *Provided further*, That \$250,000,000
23 shall be available until September 30, 2023 for grants to
24 communities and community organizations who meet cri-
25 teria for Certified Community Behavioral Health Clinics

1 pursuant to section 223(a) of Public Law 113–93: *Pro-*
2 *vided further*, That none of the funds provided for section
3 1911 of the PHS Act shall be subject to section 241 of
4 such Act: *Provided further*, That of the funds made avail-
5 able under this heading, \$21,000,000 shall be to carry out
6 section 224 of the Protecting Access to Medicare Act of
7 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

8 SUBSTANCE ABUSE TREATMENT

9 For carrying out titles III and V of the PHS Act
10 with respect to substance abuse treatment and title XIX
11 of such Act with respect to substance abuse treatment and
12 prevention, and the SUPPORT for Patients and Commu-
13 nities Act, \$3,773,556,000: *Provided*, That
14 \$1,500,000,000 shall be for State Opioid Response Grants
15 for carrying out activities pertaining to opioids and stimu-
16 lants undertaken by the State agency responsible for ad-
17 ministering the substance abuse prevention and treatment
18 block grant under subpart II of part B of title XIX of
19 the PHS Act (42 U.S.C. 300x–21 et seq.): *Provided fur-*
20 *ther*, That of such amount \$50,000,000 shall be made
21 available to Indian Tribes or tribal organizations: *Provided*
22 *further*, That 15 percent of the remaining amount shall
23 be for the States with the highest mortality rate related
24 to opioid use disorders: *Provided further*, That of the
25 amounts provided for State Opioid Response Grants not

1 more than 2 percent shall be available for Federal admin-
2 istrative expenses, training, technical assistance, and eval-
3 uation: *Provided further*, That of the amount not reserved
4 by the previous three provisos, the Secretary shall make
5 allocations to States, territories, and the District of Co-
6 lumbia according to a formula using national survey re-
7 sults that the Secretary determines are the most objective
8 and reliable measure of drug use and drug-related deaths:
9 *Provided further*, That the Secretary shall submit the for-
10 mula methodology to the Committees on Appropriations
11 of the House of Representatives and the Senate not less
12 than 15 days prior to publishing a Funding Opportunity
13 Announcement: *Provided further*, That prevention and
14 treatment activities funded through such grants may in-
15 clude education, treatment (including the provision of
16 medication), behavioral health services for individuals in
17 treatment programs, referral to treatment services, recov-
18 ery support, and medical screening associated with such
19 treatment: *Provided further*, That each State, as well as
20 the District of Columbia, shall receive not less than
21 \$4,000,000: *Provided further*, That in addition to amounts
22 provided herein, the following amounts shall be available
23 under section 241 of the PHS Act: (1) \$79,200,000 to
24 carry out subpart II of part B of title XIX of the PHS
25 Act to fund section 1935(b) technical assistance, national

1 data, data collection and evaluation activities, and further
2 that the total available under this Act for section 1935(b)
3 activities shall not exceed 5 percent of the amounts appro-
4 priated for subpart II of part B of title XIX; and (2)
5 \$2,000,000 to evaluate substance abuse treatment pro-
6 grams: *Provided further*, That none of the funds provided
7 for section 1921 of the PHS Act or State Opioid Response
8 Grants shall be subject to section 241 of such Act.

9 SUBSTANCE ABUSE PREVENTION

10 For carrying out titles III and V of the PHS Act
11 with respect to substance abuse prevention, \$208,219,000.

12 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

13 For program support and cross-cutting activities that
14 supplement activities funded under the headings “Mental
15 Health”, “Substance Abuse Treatment”, and “Substance
16 Abuse Prevention” in carrying out titles III, V, and XIX
17 of the PHS Act and the Protection and Advocacy for Indi-
18 viduals with Mental Illness Act in the Substance Abuse
19 and Mental Health Services Administration,
20 \$128,830,000: *Provided*, That in addition to amounts pro-
21 vided herein, \$31,428,000 shall be available under section
22 241 of the PHS Act to supplement funds available to
23 carry out national surveys on drug abuse and mental
24 health, to collect and analyze program data, and to con-
25 duct public awareness and technical assistance activities:

1 *Provided further*, That, in addition, fees may be collected
2 for the costs of publications, data, data tabulations, and
3 data analysis completed under title V of the PHS Act and
4 provided to a public or private entity upon request, which
5 shall be credited to this appropriation and shall remain
6 available until expended for such purposes: *Provided fur-*
7 *ther*, That amounts made available in this Act for carrying
8 out section 501(o) of the PHS Act shall remain available
9 through September 30, 2022: *Provided further*, That
10 funds made available under this heading may be used to
11 supplement program support funding provided under the
12 headings “Mental Health”, “Substance Abuse Treat-
13 ment”, and “Substance Abuse Prevention”.

14 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

15 HEALTHCARE RESEARCH AND QUALITY

16 For carrying out titles III and IX of the PHS Act,
17 part A of title XI of the Social Security Act, and section
18 1013 of the Medicare Prescription Drug, Improvement,
19 and Modernization Act of 2003, \$338,000,000: *Provided*,
20 That section 947(c) of the PHS Act shall not apply in
21 fiscal year 2021: *Provided further*, That in addition,
22 amounts received from Freedom of Information Act fees,
23 reimbursable and interagency agreements, and the sale of
24 data shall be credited to this appropriation and shall re-
25 main available until September 30, 2022.

1 CENTERS FOR MEDICARE & MEDICAID SERVICES

2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, \$313,904,098,000,
5 to remain available until expended.

6 For making, after May 31, 2021, payments to States
7 under title XIX or in the case of section 1928 on behalf
8 of States under title XIX of the Social Security Act for
9 the last quarter of fiscal year 2021 for unanticipated costs
10 incurred for the current fiscal year, such sums as may be
11 necessary.

12 For making payments to States or in the case of sec-
13 tion 1928 on behalf of States under title XIX of the Social
14 Security Act for the first quarter of fiscal year 2022,
15 \$148,732,315,000, to remain available until expended.

16 Payment under such title XIX may be made for any
17 quarter with respect to a State plan or plan amendment
18 in effect during such quarter, if submitted in or prior to
19 such quarter and approved in that or any subsequent
20 quarter.

21 PAYMENTS TO THE HEALTH CARE TRUST FUNDS

22 For payment to the Federal Hospital Insurance
23 Trust Fund and the Federal Supplementary Medical In-
24 surance Trust Fund, as provided under sections 217(g),
25 1844, and 1860D–16 of the Social Security Act, sections

1 103(c) and 111(d) of the Social Security Amendments of
2 1965, section 278(d)(3) of Public Law 97–248, and for
3 administrative expenses incurred pursuant to section
4 201(g) of the Social Security Act, \$439,514,000,000.

5 In addition, for making matching payments under
6 section 1844 and benefit payments under section 1860D–
7 16 of the Social Security Act that were not anticipated
8 in budget estimates, such sums as may be necessary.

9 PROGRAM MANAGEMENT

10 For carrying out, except as otherwise provided, titles
11 XI, XVIII, XIX, and XXI of the Social Security Act, titles
12 XIII and XXVII of the PHS Act, the Clinical Laboratory
13 Improvement Amendments of 1988, and other responsibil-
14 ities of the Centers for Medicare & Medicaid Services, not
15 to exceed \$3,669,744,000, to be transferred from the Fed-
16 eral Hospital Insurance Trust Fund and the Federal Sup-
17 plementary Medical Insurance Trust Fund, as authorized
18 by section 201(g) of the Social Security Act; together with
19 all funds collected in accordance with section 353 of the
20 PHS Act and section 1857(e)(2) of the Social Security
21 Act, funds retained by the Secretary pursuant to section
22 1893(h) of the Social Security Act, and such sums as may
23 be collected from authorized user fees and the sale of data,
24 which shall be credited to this account and remain avail-
25 able until expended: *Provided*, That all funds derived in

1 accordance with 31 U.S.C. 9701 from organizations estab-
2 lished under title XIII of the PHS Act shall be credited
3 to and available for carrying out the purposes of this ap-
4 propriation: *Provided further*, That the Secretary is di-
5 rected to collect fees in fiscal year 2021 from Medicare
6 Advantage organizations pursuant to section 1857(e)(2)
7 of the Social Security Act and from eligible organizations
8 with risk-sharing contracts under section 1876 of that Act
9 pursuant to section 1876(k)(4)(D) of that Act: *Provided*
10 *further*, That of the amount made available under this
11 heading, \$397,334,000 shall remain available until Sep-
12 tember 30, 2022, and shall be available for the Survey
13 and Certification Program: *Provided further*, That
14 amounts available under this heading to support quality
15 improvement organizations (as defined in section 1152 of
16 the Social Security Act) shall not exceed the amount spe-
17 cifically provided for such purpose under this heading in
18 division H of the Consolidated Appropriations Act, 2018
19 (Public Law 115–141).

20 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

21 In addition to amounts otherwise available for pro-
22 gram integrity and program management, \$807,000,000,
23 to remain available through September 30, 2022, to be
24 transferred from the Federal Hospital Insurance Trust
25 Fund and the Federal Supplementary Medical Insurance

1 Trust Fund, as authorized by section 201(g) of the Social
2 Security Act, of which \$616,000,000 shall be for the Cen-
3 ters for Medicare & Medicaid Services program integrity
4 activities, of which \$99,000,000 shall be for the Depart-
5 ment of Health and Human Services Office of Inspector
6 General to carry out fraud and abuse activities authorized
7 by section 1817(k)(3) of such Act, and of which
8 \$92,000,000 shall be for the Department of Justice to
9 carry out fraud and abuse activities authorized by section
10 1817(k)(3) of such Act: *Provided*, That the report re-
11 quired by section 1817(k)(5) of the Social Security Act
12 for fiscal year 2021 shall include measures of the oper-
13 ational efficiency and impact on fraud, waste, and abuse
14 in the Medicare, Medicaid, and CHIP programs for the
15 funds provided by this appropriation: *Provided further*,
16 That of the amount provided under this heading,
17 \$311,000,000 is provided to meet the terms of section
18 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985, as amended, and
20 \$496,000,000 is additional new budget authority specified
21 for purposes of section 251(b)(2)(C) of such Act: *Provided*
22 *further*, That the Secretary shall provide not less than
23 \$20,000,000 from amounts made available under this
24 heading and amounts made available for fiscal year 2021
25 under section 1817(k)(3)(A) of the Social Security Act for

1 the Senior Medicare Patrol program to combat health care
2 fraud and abuse.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 PAYMENTS TO STATES FOR CHILD SUPPORT

5 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

6 For carrying out, except as otherwise provided, titles
7 I, IV–D, X, XI, XIV, and XVI of the Social Security Act
8 and the Act of July 5, 1960, \$3,039,000,000, to remain
9 available until expended; and for such purposes for the
10 first quarter of fiscal year 2022, \$1,400,000,000, to re-
11 main available until expended.

12 For carrying out, after May 31 of the current fiscal
13 year, except as otherwise provided, titles I, IV–D, X, XI,
14 XIV, and XVI of the Social Security Act and the Act of
15 July 5, 1960, for the last 3 months of the current fiscal
16 year for unanticipated costs, incurred for the current fiscal
17 year, such sums as may be necessary.

18 LOW INCOME HOME ENERGY ASSISTANCE

19 For making payments under subsections (b) and (d)
20 of section 2602 of the Low-Income Home Energy Assist-
21 ance Act of 1981 (42 U.S.C. 8621 et seq.),
22 \$3,750,304,000: *Provided*, That notwithstanding section
23 2609A(a) of such Act, not more than \$3,500,000 may be
24 reserved by the Secretary of Health and Human Services
25 for technical assistance, training, and monitoring of pro-

1 gram activities for compliance with internal controls, poli-
2 cies and procedures and the Secretary may, in addition
3 to the authorities provided in section 2609A(a)(1), use
4 such funds through contracts with private entities that do
5 not qualify as nonprofit organizations: *Provided further,*
6 That all but \$760,000,000 of the amount appropriated
7 under this heading shall be allocated as though the total
8 appropriation for such payments for fiscal year 2021 was
9 less than \$1,975,000,000: *Provided further,* That, after
10 applying all applicable provisions of section 2604 of such
11 Act and the previous proviso, each State or territory that
12 would otherwise receive an allocation that is less than 97
13 percent of the amount that it received under this heading
14 for fiscal year 2020 from amounts appropriated in Public
15 Law 116–94 shall have its allocation increased to that 97
16 percent level, with the portions of other States’ and terri-
17 tories’ allocations that would exceed 100 percent of the
18 amounts they respectively received in such fashion for fis-
19 cal year 2020 being ratably reduced.

20 REFUGEE AND ENTRANT ASSISTANCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for refugee and entrant as-
23 sistance activities authorized by section 414 of the Immi-
24 gration and Nationality Act and section 501 of the Ref-
25 ugee Education Assistance Act of 1980, and for carrying

1 out section 462 of the Homeland Security Act of 2002,
2 section 235 of the William Wilberforce Trafficking Victims
3 Protection Reauthorization Act of 2008, the Trafficking
4 Victims Protection Act of 2000 (“TVPA”), and the Tor-
5 ture Victims Relief Act of 1998, \$1,910,201,000, of which
6 \$1,864,446,000 shall remain available through September
7 30, 2023 for carrying out such sections 414, 501, 462,
8 and 235: *Provided*, That amounts available under this
9 heading to carry out the TVPA shall also be available for
10 research and evaluation with respect to activities under
11 such Act: *Provided further*, That the limitation in section
12 205 of this Act regarding transfers increasing any appro-
13 priation shall apply to transfers to appropriations under
14 this heading by substituting “15 percent” for “3 percent”:
15 *Provided further*, That the contribution of funds require-
16 ment under section 235(c)(6)(C)(iii) of the William Wil-
17 berforce Trafficking Victims Protection Reauthorization
18 Act of 2008 shall not apply to funds made available under
19 this heading.

20 PAYMENTS TO STATES FOR THE CHILD CARE AND
21 DEVELOPMENT BLOCK GRANT

22 For carrying out the Child Care and Development
23 Block Grant Act of 1990 (“CCDBG Act”),
24 \$5,911,000,000 shall be used to supplement, not supplant
25 State general revenue funds for child care assistance for

1 low-income families: *Provided*, That technical assistance
2 under section 658I(a)(3) of such Act may be provided di-
3 rectly, or through the use of contracts, grants, cooperative
4 agreements, or interagency agreements: *Provided further*,
5 That all funds made available to carry out section 418
6 of the Social Security Act (42 U.S.C. 618), including
7 funds appropriated for that purpose in such section 418
8 or any other provision of law, shall be subject to the res-
9 ervation of funds authority in paragraphs (4) and (5) of
10 section 658O(a) of the CCDBG Act: *Provided further*,
11 That in addition to the amounts required to be reserved
12 by the Secretary under section 658O(a)(2)(A) of such Act,
13 \$177,330,000 shall be for Indian tribes and tribal organi-
14 zations.

15 SOCIAL SERVICES BLOCK GRANT

16 For making grants to States pursuant to section
17 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
18 *vided*, That notwithstanding subparagraph (B) of section
19 404(d)(2) of such Act, the applicable percent specified
20 under such subparagraph for a State to carry out State
21 programs pursuant to title XX–A of such Act shall be 10
22 percent.

23 CHILDREN AND FAMILIES SERVICES PROGRAMS

24 For carrying out, except as otherwise provided, the
25 Runaway and Homeless Youth Act, the Head Start Act,

1 the Every Student Succeeds Act, the Child Abuse Preven-
2 tion and Treatment Act, sections 303 and 313 of the
3 Family Violence Prevention and Services Act, the Native
4 American Programs Act of 1974, title II of the Child
5 Abuse Prevention and Treatment and Adoption Reform
6 Act of 1978 (adoption opportunities), part B–1 of title IV
7 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
8 of the Social Security Act, and the Community Services
9 Block Grant Act (“CSBG Act”); and for necessary admin-
10 istrative expenses to carry out titles I, IV, V, X, XI, XIV,
11 XVI, and XX–A of the Social Security Act, the Act of
12 July 5, 1960, the Low-Income Home Energy Assistance
13 Act of 1981, the Child Care and Development Block Grant
14 Act of 1990, the Assets for Independence Act, title IV of
15 the Immigration and Nationality Act, and section 501 of
16 the Refugee Education Assistance Act of 1980,
17 \$13,040,511,000, of which \$75,000,000, to remain avail-
18 able through September 30, 2022, shall be for grants to
19 States for adoption and legal guardianship incentive pay-
20 ments, as defined by section 473A of the Social Security
21 Act and may be made for adoptions and legal
22 guardianships completed before September 30, 2021: *Pro-*
23 *vided*, That \$10,748,095,000 shall be for making pay-
24 ments under the Head Start Act, including for Early Head

1 Start-Child Care Partnerships, and, of which, notwith-
2 standing section 640 of such Act:

3 (1) \$123,000,000 shall be available for a cost
4 of living adjustment, and with respect to any con-
5 tinuing appropriations act, funding available for a
6 cost of living adjustment shall not be construed as
7 an authority or condition under this Act;

8 (2) \$25,000,000 shall be available for allocation
9 by the Secretary to supplement activities described
10 in paragraphs (7)(B) and (9) of section 641(c) of
11 the Head Start Act under the Designation Renewal
12 System, established under the authority of sections
13 641(c)(7), 645A(b)(12), and 645A(d) of such Act,
14 and such funds shall not be included in the calcula-
15 tion of “base grant” in subsequent fiscal years, as
16 such term is used in section 640(a)(7)(A) of such
17 Act;

18 (3) \$10,000,000 shall be available to migrant
19 and seasonal Head Start programs, in addition to
20 funds made available for migrant and seasonal Head
21 Start programs under section 640(a) of the Head
22 Start Act, for the purposes of quality improvement
23 consistent with section 640(a)(5) of such Act except
24 that any amount of the funds may be used on any
25 of the activities in such section 640(a)(5): *Provided*

1 *further*, That funds derived from a migrant and sea-
2 sonal Head Start program held by the Secretary as
3 a result of recapturing, withholding, or reducing a
4 base grant that were unable to be redistributed con-
5 sistent with section 641A(h)(6)(A)(ii) of such Act
6 shall be added to the amount in this paragraph;

7 (4) \$4,000,000 shall be available for the pur-
8 poses of maintaining the Tribal Colleges and Univer-
9 sities Head Start Partnership Program consistent
10 with section 648(g) of such Act; and

11 (5) \$21,000,000 shall be available to supple-
12 ment funding otherwise available for research, eval-
13 uation, and Federal administrative costs:

14 *Provided further*, That the Secretary may reduce the res-
15 ervation of funds under section 640(a)(2)(C) of such Act
16 in lieu of reducing the reservation of funds under sections
17 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such
18 Act: *Provided further*, That \$275,000,000 shall be avail-
19 able until December 31, 2021 for carrying out sections
20 9212 and 9213 of the Every Student Succeeds Act: *Pro-*
21 *vided further*, That up to 3 percent of the funds in the
22 preceding proviso shall be available for technical assist-
23 ance and evaluation related to grants awarded under such
24 section 9212: *Provided further*, That \$775,383,000 shall
25 be for making payments under the CSBG Act: *Provided*

1 *further*, That \$30,383,000 shall be for section 680 of the
2 CSBG Act, of which not less than \$20,383,000 shall be
3 for section 680(a)(2) and not less than \$10,000,000 shall
4 be for section 680(a)(3)(B) of such Act: *Provided further*,
5 That, notwithstanding section 675C(a)(3) of the CSBG
6 Act, to the extent Community Services Block Grant funds
7 are distributed as grant funds by a State to an eligible
8 entity as provided under such Act, and have not been ex-
9 pended by such entity, they shall remain with such entity
10 for carryover into the next fiscal year for expenditure by
11 such entity consistent with program purposes: *Provided*
12 *further*, That the Secretary shall establish procedures re-
13 garding the disposition of intangible assets and program
14 income that permit such assets acquired with, and pro-
15 gram income derived from, grant funds authorized under
16 section 680 of the CSBG Act to become the sole property
17 of such grantees after a period of not more than 12 years
18 after the end of the grant period for any activity consistent
19 with section 680(a)(2)(A) of the CSBG Act: *Provided fur-*
20 *ther*, That intangible assets in the form of loans, equity
21 investments and other debt instruments, and program in-
22 come may be used by grantees for any eligible purpose
23 consistent with section 680(a)(2)(A) of the CSBG Act:
24 *Provided further*, That these procedures shall apply to
25 such grant funds made available after November 29, 1999:

1 *Provided further*, That funds appropriated for section
2 680(a)(2) of the CSBG Act shall be available for financing
3 construction and rehabilitation and loans or investments
4 in private business enterprises owned by community devel-
5 opment corporations: *Provided further*, That
6 \$182,500,000 shall be for carrying out section 303(a) of
7 the Family Violence Prevention and Services Act, of which
8 \$7,000,000 shall be allocated notwithstanding section
9 303(a)(2) of such Act for carrying out section 309 of such
10 Act: *Provided further*, That the percentages specified in
11 section 112(a)(2) of the Child Abuse Prevention and
12 Treatment Act shall not apply to funds appropriated
13 under this heading: *Provided further*, That \$1,864,000
14 shall be for a human services case management system
15 for federally declared disasters, to include a comprehensive
16 national case management contract and Federal costs of
17 administering the system: *Provided further*, That up to
18 \$2,000,000 shall be for improving the Public Assistance
19 Reporting Information System, including grants to States
20 to support data collection for a study of the system's effec-
21 tiveness.

22 PROMOTING SAFE AND STABLE FAMILIES

23 For carrying out, except as otherwise provided, sec-
24 tion 436 of the Social Security Act, \$345,000,000 and,
25 for carrying out, except as otherwise provided, section 437

1 of such Act, \$82,515,000: *Provided*, That of the funds
2 available to carry out section 437, \$59,765,000 shall be
3 allocated consistent with subsections (b) through (d) of
4 such section: *Provided further*, That of the funds available
5 to carry out section 437, to assist in meeting the require-
6 ments described in section 471(e)(4)(C), \$20,000,000
7 shall be for grants to each State, territory, and Indian
8 tribe operating title IV–E plans for developing, enhancing,
9 or evaluating kinship navigator programs, as described in
10 section 427(a)(1) of such Act and \$2,750,000, in addition
11 to funds otherwise appropriated in section 476 for such
12 purposes, shall be for the Family First Clearinghouse:
13 *Provided further*, That section 437(b)(1) shall be applied
14 to amounts in the previous proviso by substituting “5 per-
15 cent” for “3.3 percent”, and notwithstanding section
16 436(b)(1), such reserved amounts may be used for identi-
17 fying, establishing, and disseminating practices to meet
18 the criteria specified in section 471(e)(4)(C): *Provided fur-*
19 *ther*, That the reservation in section 437(b)(2) and the
20 limitations in section 437(d) shall not apply to funds spec-
21 ified in the second proviso: *Provided further*, That the min-
22 imum grant award for kinship navigator programs in the
23 case of States and territories shall be \$200,000, and, in
24 the case of tribes, shall be \$25,000.

1 PAYMENTS FOR FOSTER CARE AND PERMANENCY

2 For carrying out, except as otherwise provided, title
3 IV–E of the Social Security Act, \$7,012,000,000.

4 For carrying out, except as otherwise provided, title
5 IV–E of the Social Security Act, for the first quarter of
6 fiscal year 2022, \$3,000,000,000.

7 For carrying out, after May 31 of the current fiscal
8 year, except as otherwise provided, section 474 of title IV–
9 E of the Social Security Act, for the last 3 months of the
10 current fiscal year for unanticipated costs, incurred for the
11 current fiscal year, such sums as may be necessary.

12 ADMINISTRATION FOR COMMUNITY LIVING

13 AGING AND DISABILITY SERVICES PROGRAMS

14 (INCLUDING TRANSFER OF FUNDS)

15 For carrying out, to the extent not otherwise pro-
16 vided, the Older Americans Act of 1965 (“OAA”), the
17 RAISE Family Caregivers Act, the Supporting Grand-
18 parents Raising Grandchildren Act, titles III and XXIX
19 of the PHS Act, sections 1252 and 1253 of the PHS Act,
20 section 119 of the Medicare Improvements for Patients
21 and Providers Act of 2008, title XX–B of the Social Secu-
22 rity Act, the Developmental Disabilities Assistance and
23 Bill of Rights Act, parts 2 and 5 of subtitle D of title
24 II of the Help America Vote Act of 2002, the Assistive
25 Technology Act of 1998, titles II and VII (and section

1 14 with respect to such titles) of the Rehabilitation Act
2 of 1973, and for Department-wide coordination of policy
3 and program activities that assist individuals with disabili-
4 ties, \$2,206,000,000, together with \$52,115,000 to be
5 transferred from the Federal Hospital Insurance Trust
6 Fund and the Federal Supplementary Medical Insurance
7 Trust Fund to carry out section 4360 of the Omnibus
8 Budget Reconciliation Act of 1990: *Provided*, That
9 amounts appropriated under this heading may be used for
10 grants to States under section 361 of the OAA only for
11 disease prevention and health promotion programs and ac-
12 tivities which have been demonstrated through rigorous
13 evaluation to be evidence-based and effective: *Provided*
14 *further*, That of amounts made available under this head-
15 ing to carry out sections 311, 331, and 336 of the OAA,
16 up to one percent of such amounts shall be available for
17 developing and implementing evidence-based practices for
18 enhancing senior nutrition, including medically-tailored
19 meals: *Provided further*, That notwithstanding any other
20 provision of this Act, funds made available under this
21 heading to carry out section 311 of the OAA may be trans-
22 ferred to the Secretary of Agriculture in accordance with
23 such section: *Provided further*, That \$2,000,000 shall be
24 for competitive grants to support alternative financing
25 programs that provide for the purchase of assistive tech-

1 nology devices, such as a low-interest loan fund; an inter-
2 est buy-down program; a revolving loan fund; a loan guar-
3 antee; or an insurance program: *Provided further*, That
4 applicants shall provide an assurance that, and informa-
5 tion describing the manner in which, the alternative fi-
6 nancing program will expand and emphasize consumer
7 choice and control: *Provided further*, That State agencies
8 and community-based disability organizations that are di-
9 rected by and operated for individuals with disabilities
10 shall be eligible to compete: *Provided further*, That none
11 of the funds made available under this heading may be
12 used by an eligible system (as defined in section 102 of
13 the Protection and Advocacy for Individuals with Mental
14 Illness Act (42 U.S.C. 10802)) to continue to pursue any
15 legal action in a Federal or State court on behalf of an
16 individual or group of individuals with a developmental
17 disability (as defined in section 102(8)(A) of the Develop-
18 mental Disabilities and Assistance and Bill of Rights Act
19 of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to
20 a mental impairment (or a combination of mental and
21 physical impairments), that has as the requested remedy
22 the closure of State operated intermediate care facilities
23 for people with intellectual or developmental disabilities,
24 unless reasonable public notice of the action has been pro-
25 vided to such individuals (or, in the case of mental inca-

1 pacitation, the legal guardians who have been specifically
2 awarded authority by the courts to make healthcare and
3 residential decisions on behalf of such individuals) who are
4 affected by such action, within 90 days of instituting such
5 legal action, which informs such individuals (or such legal
6 guardians) of their legal rights and how to exercise such
7 rights consistent with current Federal Rules of Civil Pro-
8 cedure: *Provided further*, That the limitations in the imme-
9 diately preceding proviso shall not apply in the case of an
10 individual who is neither competent to consent nor has a
11 legal guardian, nor shall the proviso apply in the case of
12 individuals who are a ward of the State or subject to pub-
13 lic guardianship.

14 OFFICE OF THE SECRETARY

15 GENERAL DEPARTMENTAL MANAGEMENT

16 For necessary expenses, not otherwise provided, for
17 general departmental management, including hire of six
18 passenger motor vehicles, and for carrying out titles III,
19 XVII, XXI, and section 229 of the PHS Act, the United
20 States-Mexico Border Health Commission Act, and re-
21 search studies under section 1110 of the Social Security
22 Act, \$485,794,000, together with \$64,828,000 from the
23 amounts available under section 241 of the PHS Act to
24 carry out national health or human services research and
25 evaluation activities: *Provided*, That of this amount,

1 \$55,400,000 shall be for minority AIDS prevention and
2 treatment activities: *Provided further*, That of the funds
3 made available under this heading, \$101,000,000 shall be
4 for making competitive contracts and grants to public and
5 private entities to fund medically accurate and age appro-
6 priate programs that reduce teen pregnancy and for the
7 Federal costs associated with administering and evalu-
8 ating such contracts and grants, of which not more than
9 10 percent of the available funds shall be for training and
10 technical assistance, evaluation, outreach, and additional
11 program support activities, and of the remaining amount
12 75 percent shall be for replicating programs that have
13 been proven effective through rigorous evaluation to re-
14 duce teenage pregnancy, behavioral risk factors underlying
15 teenage pregnancy, or other associated risk factors, and
16 25 percent shall be available for research and demonstra-
17 tion grants to develop, replicate, refine, and test additional
18 models and innovative strategies for preventing teenage
19 pregnancy: *Provided further*, That of the amounts pro-
20 vided under this heading from amounts available under
21 section 241 of the PHS Act, \$6,800,000 shall be available
22 to carry out evaluations (including longitudinal evalua-
23 tions) of teenage pregnancy prevention approaches: *Pro-*
24 *vided further*, That of the funds made available under this
25 heading, \$35,000,000 shall be for making competitive

1 grants which exclusively implement education in sexual
2 risk avoidance (defined as voluntarily refraining from non-
3 marital sexual activity): *Provided further*, That funding for
4 such competitive grants for sexual risk avoidance shall use
5 medically accurate information referenced to peer-re-
6 viewed publications by educational, scientific, govern-
7 mental, or health organizations; implement an evidence-
8 based approach integrating research findings with prac-
9 tical implementation that aligns with the needs and de-
10 sired outcomes for the intended audience; and teach the
11 benefits associated with self-regulation, success sequene-
12 ing for poverty prevention, healthy relationships, goal set-
13 ting, and resisting sexual coercion, dating violence, and
14 other youth risk behaviors such as underage drinking or
15 illicit drug use without normalizing teen sexual activity:
16 *Provided further*, That no more than 10 percent of the
17 funding for such competitive grants for sexual risk avoid-
18 ance shall be available for technical assistance and admin-
19 istrative costs of such programs: *Provided further*, That
20 funds provided in this Act for embryo adoption activities
21 may be used to provide to individuals adopting embryos,
22 through grants and other mechanisms, medical and ad-
23 ministrative services deemed necessary for such adoptions:
24 *Provided further*, That such services shall be provided con-
25 sistent with 42 CFR 59.5(a)(4): *Provided further*, That

1 of the funds made available under this heading,
2 \$5,000,000 shall be for carrying out prize competitions
3 sponsored by the Office of the Secretary to accelerate in-
4 novation in the prevention, diagnosis, and treatment of
5 kidney diseases (as authorized by section 24 of the Steven-
6 son-Wydler Technology Innovation Act of 1980 (15 U.S.C.
7 3719)).

8 MEDICARE HEARINGS AND APPEALS

9 For expenses necessary for Medicare hearings and
10 appeals in the Office of the Secretary, \$191,881,000 shall
11 remain available until September 30, 2022, to be trans-
12 ferred in appropriate part from the Federal Hospital In-
13 surance Trust Fund and the Federal Supplementary Med-
14 ical Insurance Trust Fund.

15 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
16 INFORMATION TECHNOLOGY

17 For expenses necessary for the Office of the National
18 Coordinator for Health Information Technology, including
19 grants, contracts, and cooperative agreements for the de-
20 velopment and advancement of interoperable health infor-
21 mation technology, \$62,367,000.

22 OFFICE OF INSPECTOR GENERAL

23 For expenses necessary for the Office of Inspector
24 General, including the hire of passenger motor vehicles for
25 investigations, in carrying out the provisions of the Inspec-

1 tor General Act of 1978, \$80,000,000: *Provided*, That of
2 such amount, necessary sums shall be available for pro-
3 viding protective services to the Secretary and inves-
4 tigating non-payment of child support cases for which non-
5 payment is a Federal offense under 18 U.S.C. 228.

6 OFFICE FOR CIVIL RIGHTS

7 For expenses necessary for the Office for Civil
8 Rights, \$38,798,000.

9 RETIREMENT PAY AND MEDICAL BENEFITS FOR
10 COMMISSIONED OFFICERS

11 For retirement pay and medical benefits of Public
12 Health Service Commissioned Officers as authorized by
13 law, for payments under the Retired Serviceman's Family
14 Protection Plan and Survivor Benefit Plan, and for med-
15 ical care of dependents and retired personnel under the
16 Dependents' Medical Care Act, such amounts as may be
17 required during the current fiscal year.

18 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

19 FUND

20 For expenses necessary to support activities related
21 to countering potential biological, nuclear, radiological,
22 chemical, and cybersecurity threats to civilian populations,
23 and for other public health emergencies, \$1,085,458,000,
24 of which \$596,700,000 shall remain available through
25 September 30, 2022, for expenses necessary to support

1000

1 advanced research and development pursuant to section
2 319L of the PHS Act and other administrative expenses
3 of the Biomedical Advanced Research and Development
4 Authority: *Provided*, That funds provided under this head-
5 ing for the purpose of acquisition of security counter-
6 measures shall be in addition to any other funds available
7 for such purpose: *Provided further*, That products pur-
8 chased with funds provided under this heading may, at
9 the discretion of the Secretary, be deposited in the Stra-
10 tegic National Stockpile pursuant to section 319F-2 of
11 the PHS Act: *Provided further*, That \$5,000,000 of the
12 amounts made available to support emergency operations
13 shall remain available through September 30, 2023.

14 For expenses necessary for procuring security coun-
15 termeasures (as defined in section 319F-2(c)(1)(B) of the
16 PHS Act), \$770,000,000, to remain available until ex-
17 pended.

18 For expenses necessary to carry out section 319F-
19 2(a) of the PHS Act, \$705,000,000, to remain available
20 until expended.

21 For an additional amount for expenses necessary to
22 prepare for or respond to an influenza pandemic,
23 \$287,000,000; of which \$252,000,000 shall be available
24 until expended, for activities including the development
25 and purchase of vaccine, antivirals, necessary medical sup-

1 plies, diagnostics, and other surveillance tools: *Provided*,
2 That notwithstanding section 496(b) of the PHS Act,
3 funds may be used for the construction or renovation of
4 privately owned facilities for the production of pandemic
5 influenza vaccines and other biologics, if the Secretary
6 finds such construction or renovation necessary to secure
7 sufficient supplies of such vaccines or biologics.

8 GENERAL PROVISIONS

9 SEC. 201. Funds appropriated in this title shall be
10 available for not to exceed \$50,000 for official reception
11 and representation expenses when specifically approved by
12 the Secretary.

13 SEC. 202. None of the funds appropriated in this title
14 shall be used to pay the salary of an individual, through
15 a grant or other extramural mechanism, at a rate in excess
16 of Executive Level II: *Provided*, That none of the funds
17 appropriated in this title shall be used to prevent the NIH
18 from paying up to 100 percent of the salary of an indi-
19 vidual at this rate.

20 SEC. 203. None of the funds appropriated in this Act
21 may be expended pursuant to section 241 of the PHS Act,
22 except for funds specifically provided for in this Act, or
23 for other taps and assessments made by any office located
24 in HHS, prior to the preparation and submission of a re-
25 port by the Secretary to the Committees on Appropria-

1 tions of the House of Representatives and the Senate de-
2 tailing the planned uses of such funds.

3 SEC. 204. Notwithstanding section 241(a) of the
4 PHS Act, such portion as the Secretary shall determine,
5 but not more than 2.5 percent, of any amounts appro-
6 priated for programs authorized under such Act shall be
7 made available for the evaluation (directly, or by grants
8 or contracts) and the implementation and effectiveness of
9 programs funded in this title.

10 (TRANSFER OF FUNDS)

11 SEC. 205. Not to exceed 1 percent of any discre-
12 tionary funds (pursuant to the Balanced Budget and
13 Emergency Deficit Control Act of 1985) which are appro-
14 priated for the current fiscal year for HHS in this Act
15 may be transferred between appropriations, but no such
16 appropriation shall be increased by more than 3 percent
17 by any such transfer: *Provided*, That the transfer author-
18 ity granted by this section shall not be used to create any
19 new program or to fund any project or activity for which
20 no funds are provided in this Act: *Provided further*, That
21 the Committees on Appropriations of the House of Rep-
22 resentatives and the Senate are notified at least 15 days
23 in advance of any transfer.

24 SEC. 206. In lieu of the timeframe specified in section
25 338E(c)(2) of the PHS Act, terminations described in

1 such section may occur up to 60 days after the effective
2 date of a contract awarded in fiscal year 2021 under sec-
3 tion 338B of such Act, or at any time if the individual
4 who has been awarded such contract has not received
5 funds due under the contract.

6 SEC. 207. None of the funds appropriated in this Act
7 may be made available to any entity under title X of the
8 PHS Act unless the applicant for the award certifies to
9 the Secretary that it encourages family participation in
10 the decision of minors to seek family planning services and
11 that it provides counseling to minors on how to resist at-
12 tempts to coerce minors into engaging in sexual activities.

13 SEC. 208. Notwithstanding any other provision of
14 law, no provider of services under title X of the PHS Act
15 shall be exempt from any State law requiring notification
16 or the reporting of child abuse, child molestation, sexual
17 abuse, rape, or incest.

18 SEC. 209. None of the funds appropriated by this Act
19 (including funds appropriated to any trust fund) may be
20 used to carry out the Medicare Advantage program if the
21 Secretary denies participation in such program to an oth-
22 erwise eligible entity (including a Provider Sponsored Or-
23 ganization) because the entity informs the Secretary that
24 it will not provide, pay for, provide coverage of, or provide
25 referrals for abortions: *Provided*, That the Secretary shall

1 make appropriate prospective adjustments to the capita-
2 tion payment to such an entity (based on an actuarially
3 sound estimate of the expected costs of providing the serv-
4 ice to such entity's enrollees): *Provided further*, That noth-
5 ing in this section shall be construed to change the Medi-
6 care program's coverage for such services and a Medicare
7 Advantage organization described in this section shall be
8 responsible for informing enrollees where to obtain infor-
9 mation about all Medicare covered services.

10 SEC. 210. None of the funds made available in this
11 title may be used, in whole or in part, to advocate or pro-
12 mote gun control.

13 SEC. 211. The Secretary shall make available through
14 assignment not more than 60 employees of the Public
15 Health Service to assist in child survival activities and to
16 work in AIDS programs through and with funds provided
17 by the Agency for International Development, the United
18 Nations International Children's Emergency Fund or the
19 World Health Organization.

20 SEC. 212. In order for HHS to carry out inter-
21 national health activities, including HIV/AIDS and other
22 infectious disease, chronic and environmental disease, and
23 other health activities abroad during fiscal year 2021:

24 (1) The Secretary may exercise authority equiv-
25 alent to that available to the Secretary of State in

1 section 2(c) of the State Department Basic Authori-
2 ties Act of 1956. The Secretary shall consult with
3 the Secretary of State and relevant Chief of Mission
4 to ensure that the authority provided in this section
5 is exercised in a manner consistent with section 207
6 of the Foreign Service Act of 1980 and other appli-
7 cable statutes administered by the Department of
8 State.

9 (2) The Secretary is authorized to provide such
10 funds by advance or reimbursement to the Secretary
11 of State as may be necessary to pay the costs of ac-
12 quisition, lease, alteration, renovation, and manage-
13 ment of facilities outside of the United States for
14 the use of HHS. The Department of State shall co-
15 operate fully with the Secretary to ensure that HHS
16 has secure, safe, functional facilities that comply
17 with applicable regulation governing location, set-
18 back, and other facilities requirements and serve the
19 purposes established by this Act. The Secretary is
20 authorized, in consultation with the Secretary of
21 State, through grant or cooperative agreement, to
22 make available to public or nonprofit private institu-
23 tions or agencies in participating foreign countries,
24 funds to acquire, lease, alter, or renovate facilities in
25 those countries as necessary to conduct programs of

1 assistance for international health activities, includ-
2 ing activities relating to HIV/AIDS and other infec-
3 tious diseases, chronic and environmental diseases,
4 and other health activities abroad.

5 (3) The Secretary is authorized to provide to
6 personnel appointed or assigned by the Secretary to
7 serve abroad, allowances and benefits similar to
8 those provided under chapter 9 of title I of the For-
9 eign Service Act of 1980, and 22 U.S.C. 4081
10 through 4086 and subject to such regulations pre-
11 scribed by the Secretary. The Secretary is further
12 authorized to provide locality-based comparability
13 payments (stated as a percentage) up to the amount
14 of the locality-based comparability payment (stated
15 as a percentage) that would be payable to such per-
16 sonnel under section 5304 of title 5, United States
17 Code if such personnel's official duty station were in
18 the District of Columbia. Leaves of absence for per-
19 sonnel under this subsection shall be on the same
20 basis as that provided under subchapter I of chapter
21 63 of title 5, United States Code, or section 903 of
22 the Foreign Service Act of 1980, to individuals serv-
23 ing in the Foreign Service.

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1 (TRANSFER OF FUNDS)

2 SEC. 213. The Director of the NIH, jointly with the
3 Director of the Office of AIDS Research, may transfer up
4 to 3 percent among institutes and centers from the total
5 amounts identified by these two Directors as funding for
6 research pertaining to the human immunodeficiency virus:
7 *Provided*, That the Committees on Appropriations of the
8 House of Representatives and the Senate are notified at
9 least 15 days in advance of any transfer.

10 (TRANSFER OF FUNDS)

11 SEC. 214. Of the amounts made available in this Act
12 for NIH, the amount for research related to the human
13 immunodeficiency virus, as jointly determined by the Di-
14 rector of NIH and the Director of the Office of AIDS Re-
15 search, shall be made available to the “Office of AIDS
16 Research” account. The Director of the Office of AIDS
17 Research shall transfer from such account amounts nec-
18 essary to carry out section 2353(d)(3) of the PHS Act.

19 SEC. 215. (a) AUTHORITY.—Notwithstanding any
20 other provision of law, the Director of NIH (“Director”)
21 may use funds authorized under section 402(b)(12) of the
22 PHS Act to enter into transactions (other than contracts,
23 cooperative agreements, or grants) to carry out research
24 identified pursuant to or research and activities described
25 in such section 402(b)(12).

1 (b) PEER REVIEW.—In entering into transactions
2 under subsection (a), the Director may utilize such peer
3 review procedures (including consultation with appropriate
4 scientific experts) as the Director determines to be appro-
5 priate to obtain assessments of scientific and technical
6 merit. Such procedures shall apply to such transactions
7 in lieu of the peer review and advisory council review pro-
8 cedures that would otherwise be required under sections
9 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
10 and 494 of the PHS Act.

11 SEC. 216. Not to exceed \$45,000,000 of funds appro-
12 priated by this Act to the institutes and centers of the
13 National Institutes of Health may be used for alteration,
14 repair, or improvement of facilities, as necessary for the
15 proper and efficient conduct of the activities authorized
16 herein, at not to exceed \$3,500,000 per project.

17 (TRANSFER OF FUNDS)

18 SEC. 217. Of the amounts made available for NIH,
19 1 percent of the amount made available for National Re-
20 search Service Awards (“NRSA”) shall be made available
21 to the Administrator of the Health Resources and Services
22 Administration to make NRSA awards for research in pri-
23 mary medical care to individuals affiliated with entities
24 who have received grants or contracts under sections 736,
25 739, or 747 of the PHS Act, and 1 percent of the amount

1 made available for NRSA shall be made available to the
2 Director of the Agency for Healthcare Research and Qual-
3 ity to make NRSA awards for health service research.

4 SEC. 218. (a) The Biomedical Advanced Research
5 and Development Authority (“BARDA”) may enter into
6 a contract, for more than one but no more than 10 pro-
7 gram years, for purchase of research services or of security
8 countermeasures, as that term is defined in section 319F-
9 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d-6b(c)(1)(B)),
10 if—

11 (1) funds are available and obligated—

12 (A) for the full period of the contract or
13 for the first fiscal year in which the contract is
14 in effect; and

15 (B) for the estimated costs associated with
16 a necessary termination of the contract; and

17 (2) the Secretary determines that a multi-year
18 contract will serve the best interests of the Federal
19 Government by encouraging full and open competi-
20 tion or promoting economy in administration, per-
21 formance, and operation of BARDA’s programs.

22 (b) A contract entered into under this section—

23 (1) shall include a termination clause as de-
24 scribed by subsection (c) of section 3903 of title 41,
25 United States Code; and

1 (2) shall be subject to the congressional notice
2 requirement stated in subsection (d) of such section.

3 SEC. 219. (a) The Secretary shall publish in the fiscal
4 year 2022 budget justification and on Departmental Web
5 sites information concerning the employment of full-time
6 equivalent Federal employees or contractors for the pur-
7 poses of implementing, administering, enforcing, or other-
8 wise carrying out the provisions of the ACA, and the
9 amendments made by that Act, in the proposed fiscal year
10 and each fiscal year since the enactment of the ACA.

11 (b) With respect to employees or contractors sup-
12 ported by all funds appropriated for purposes of carrying
13 out the ACA (and the amendments made by that Act),
14 the Secretary shall include, at a minimum, the following
15 information:

16 (1) For each such fiscal year, the section of
17 such Act under which such funds were appropriated,
18 a statement indicating the program, project, or ac-
19 tivity receiving such funds, the Federal operating di-
20 vision or office that administers such program, and
21 the amount of funding received in discretionary or
22 mandatory appropriations.

23 (2) For each such fiscal year, the number of
24 full-time equivalent employees or contracted employ-

1 ees assigned to each authorized and funded provision
2 detailed in accordance with paragraph (1).

3 (c) In carrying out this section, the Secretary may
4 exclude from the report employees or contractors who—

5 (1) are supported through appropriations en-
6 acted in laws other than the ACA and work on pro-
7 grams that existed prior to the passage of the ACA;

8 (2) spend less than 50 percent of their time on
9 activities funded by or newly authorized in the ACA;
10 or

11 (3) work on contracts for which FTE reporting
12 is not a requirement of their contract, such as fixed-
13 price contracts.

14 SEC. 220. The Secretary shall publish, as part of the
15 fiscal year 2022 budget of the President submitted under
16 section 1105(a) of title 31, United States Code, informa-
17 tion that details the uses of all funds used by the Centers
18 for Medicare & Medicaid Services specifically for Health
19 Insurance Exchanges for each fiscal year since the enact-
20 ment of the ACA and the proposed uses for such funds
21 for fiscal year 2022. Such information shall include, for
22 each such fiscal year, the amount of funds used for each
23 activity specified under the heading “Health Insurance
24 Exchange Transparency” in the explanatory statement de-

1 scribed in section 4 (in the matter preceding division A
2 of this consolidated Act).

3 SEC. 221. None of the funds made available by this
4 Act from the Federal Hospital Insurance Trust Fund or
5 the Federal Supplemental Medical Insurance Trust Fund,
6 or transferred from other accounts funded by this Act to
7 the “Centers for Medicare & Medicaid Services—Program
8 Management” account, may be used for payments under
9 section 1342(b)(1) of Public Law 111–148 (relating to
10 risk corridors).

11 (TRANSFER OF FUNDS)

12 SEC. 222. (a) Within 45 days of enactment of this
13 Act, the Secretary shall transfer funds appropriated under
14 section 4002 of the ACA to the accounts specified, in the
15 amounts specified, and for the activities specified under
16 the heading “Prevention and Public Health Fund” in the
17 explanatory statement described in section 4 (in the mat-
18 ter preceding division A of this consolidated Act).

19 (b) Notwithstanding section 4002(c) of the ACA, the
20 Secretary may not further transfer these amounts.

21 (c) Funds transferred for activities authorized under
22 section 2821 of the PHS Act shall be made available with-
23 out reference to section 2821(b) of such Act.

24 SEC. 223. Effective during the period beginning on
25 November 1, 2015 and ending January 1, 2023, any pro-

1 vision of law that refers (including through cross-reference
2 to another provision of law) to the current recommenda-
3 tions of the United States Preventive Services Task Force
4 with respect to breast cancer screening, mammography,
5 and prevention shall be administered by the Secretary in-
6 volved as if—

7 (1) such reference to such current recommenda-
8 tions were a reference to the recommendations of
9 such Task Force with respect to breast cancer
10 screening, mammography, and prevention last issued
11 before 2009; and

12 (2) such recommendations last issued before
13 2009 applied to any screening mammography modal-
14 ity under section 1861(jj) of the Social Security Act
15 (42 U.S.C. 1395x(jj)).

16 SEC. 224. In making Federal financial assistance, the
17 provisions relating to indirect costs in part 75 of title 45,
18 Code of Federal Regulations, including with respect to the
19 approval of deviations from negotiated rates, shall con-
20 tinue to apply to the National Institutes of Health to the
21 same extent and in the same manner as such provisions
22 were applied in the third quarter of fiscal year 2017. None
23 of the funds appropriated in this or prior Acts or otherwise
24 made available to the Department of Health and Human
25 Services or to any department or agency may be used to

1 develop or implement a modified approach to such provi-
2 sions, or to intentionally or substantially expand the fiscal
3 effect of the approval of such deviations from negotiated
4 rates beyond the proportional effect of such approvals in
5 such quarter.

6 (TRANSFER OF FUNDS)

7 SEC. 225. The NIH Director may transfer funds for
8 opioid addiction, opioid alternatives, stimulant misuse and
9 addiction, pain management, and addiction treatment to
10 other Institutes and Centers of the NIH to be used for
11 the same purpose 15 days after notifying the Committees
12 on Appropriations of the House of Representatives and the
13 Senate: *Provided*, That the transfer authority provided in
14 the previous proviso is in addition to any other transfer
15 authority provided by law.

16 SEC. 226. (a) The Secretary shall provide to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate:

19 (1) Detailed monthly enrollment figures from
20 the Exchanges established under the Patient Protec-
21 tion and Affordable Care Act of 2010 pertaining to
22 enrollments during the open enrollment period; and

23 (2) Notification of any new or competitive grant
24 awards, including supplements, authorized under
25 section 330 of the Public Health Service Act.

1 (b) The Committees on Appropriations of the House
2 and Senate must be notified at least 2 business days in
3 advance of any public release of enrollment information
4 or the award of such grants.

5 SEC. 227. In addition to the amounts otherwise avail-
6 able for “Centers for Medicare & Medicaid Services, Pro-
7 gram Management”, the Secretary of Health and Human
8 Services may transfer up to \$305,000,000 to such account
9 from the Federal Hospital Insurance Trust Fund and the
10 Federal Supplementary Medical Insurance Trust Fund to
11 support program management activity related to the Medi-
12 care Program: *Provided*, That except for the foregoing
13 purpose, such funds may not be used to support any provi-
14 sion of Public Law 111–148 or Public Law 111–152 (or
15 any amendment made by either such Public Law) or to
16 supplant any other amounts within such account.

17 SEC. 228. The Department of Health and Human
18 Services shall provide the Committees on Appropriations
19 of the House of Representatives and Senate a biannual
20 report 30 days after enactment of this Act on staffing de-
21 scribed in the explanatory statement described in section
22 4 (in the matter preceding division A of this consolidated
23 Act).

24 SEC. 229. Funds appropriated in this Act that are
25 available for salaries and expenses of employees of the De-

1 partment of Health and Human Services shall also be
2 available to pay travel and related expenses of such an
3 employee or of a member of his or her family, when such
4 employee is assigned to duty, in the United States or in
5 a U.S. territory, during a period and in a location that
6 are the subject of a determination of a public health emer-
7 gency under section 319 of the Public Health Service Act
8 and such travel is necessary to obtain medical care for
9 an illness, injury, or medical condition that cannot be ade-
10 quately addressed in that location at that time. For pur-
11 poses of this section, the term “U.S. territory” means
12 Guam, the Commonwealth of Puerto Rico, the Northern
13 Mariana Islands, the Virgin Islands, American Samoa, or
14 the Trust Territory of the Pacific Islands.

15 SEC. 230. The Department of Health and Human
16 Services may accept donations from the private sector,
17 nongovernmental organizations, and other groups inde-
18 pendent of the Federal Government for the care of unac-
19 companied alien children (as defined in section 462(g)(2)
20 of the Homeland Security Act of 2002 (6 U.S.C.
21 279(g)(2))) in the care of the Office of Refugee Resettle-
22 ment of the Administration for Children and Families, in-
23 cluding medical goods and services, which may include
24 early childhood developmental screenings, school supplies,

1 toys, clothing, and any other items intended to promote
2 the wellbeing of such children.

3 SEC. 231. (a) None of the funds provided by this or
4 any prior appropriations Act may be used to reverse
5 changes in procedures made by operational directives
6 issued to providers by the Office of Refugee Resettlement
7 on December 18, 2018, March 23, 2019, and June 10,
8 2019 regarding the Memorandum of Agreement on Infor-
9 mation Sharing executed April 13, 2018.

10 (b) Notwithstanding subsection (a), the Secretary
11 may make changes to such operational directives upon
12 making a determination that such changes are necessary
13 to prevent unaccompanied alien children from being placed
14 in danger, and the Secretary shall provide a written jus-
15 tification to Congress and the Inspector General of the
16 Department of Health and Human Services in advance of
17 implementing such changes.

18 (c) Within 15 days of the Secretary's communication
19 of the justification, the Inspector General of the Depart-
20 ment of Health and Human Services shall provide an as-
21 sessment, in writing, to the Secretary and to the Commit-
22 tees on Appropriations of the House of Representatives
23 and the Senate of whether such changes to operational
24 directives are necessary to prevent unaccompanied chil-
25 dren from being placed in danger.

1 SEC. 232. None of the funds made available in this
2 Act under the heading “Department of Health and
3 Human Services—Administration for Children and Fami-
4 lies—Refugee and Entrant Assistance” may be obligated
5 to a grantee or contractor to house unaccompanied alien
6 children (as such term is defined in section 462(g)(2) of
7 the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))
8 in any facility that is not State-licensed for the care of
9 unaccompanied alien children, except in the case that the
10 Secretary determines that housing unaccompanied alien
11 children in such a facility is necessary on a temporary
12 basis due to an influx of such children or an emergency,
13 provided that—

14 (1) the terms of the grant or contract for the
15 operations of any such facility that remains in oper-
16 ation for more than six consecutive months shall re-
17 quire compliance with—

18 (A) the same requirements as licensed
19 placements, as listed in Exhibit 1 of the Flores
20 Settlement Agreement that the Secretary deter-
21 mines are applicable to non-State licensed facili-
22 ties; and

23 (B) staffing ratios of one (1) on-duty
24 Youth Care Worker for every eight (8) children
25 or youth during waking hours, one (1) on-duty

1 Youth Care Worker for every sixteen (16) chil-
2 dren or youth during sleeping hours, and clini-
3 cian ratios to children (including mental health
4 providers) as required in grantee cooperative
5 agreements;

6 (2) the Secretary may grant a 60-day waiver
7 for a contractor's or grantee's non-compliance with
8 paragraph (1) if the Secretary certifies and provides
9 a report to Congress on the contractor's or grantee's
10 good-faith efforts and progress towards compliance;

11 (3) not more than four consecutive waivers
12 under paragraph (2) may be granted to a contractor
13 or grantee with respect to a specific facility;

14 (4) ORR shall ensure full adherence to the
15 monitoring requirements set forth in section 5.5 of
16 its Policies and Procedures Guide as of May 15,
17 2019;

18 (5) for any such unlicensed facility in operation
19 for more than three consecutive months, ORR shall
20 conduct a minimum of one comprehensive moni-
21 toring visit during the first three months of oper-
22 ation, with quarterly monitoring visits thereafter;
23 and

24 (6) not later than 60 days after the date of en-
25 actment of this Act, ORR shall brief the Committees

1 on Appropriations of the House of Representatives
2 and the Senate outlining the requirements of ORR
3 for influx facilities including any requirement listed
4 in paragraph (1)(A) that the Secretary has deter-
5 mined are not applicable to non-State licensed facili-
6 ties.

7 SEC. 233. In addition to the existing Congressional
8 notification for formal site assessments of potential influx
9 facilities, the Secretary shall notify the Committees on Ap-
10 propriations of the House of Representatives and the Sen-
11 ate at least 15 days before operationalizing an unlicensed
12 facility, and shall (1) specify whether the facility is hard-
13 sided or soft-sided, and (2) provide analysis that indicates
14 that, in the absence of the influx facility, the likely out-
15 come is that unaccompanied alien children will remain in
16 the custody of the Department of Homeland Security for
17 longer than 72 hours or that unaccompanied alien children
18 will be otherwise placed in danger. Within 60 days of
19 bringing such a facility online, and monthly thereafter, the
20 Secretary shall provide to the Committees on Appropria-
21 tions of the House of Representatives and the Senate a
22 report detailing the total number of children in care at
23 the facility, the average length of stay and average length
24 of care of children at the facility, and, for any child that

1 has been at the facility for more than 60 days, their length
2 of stay and reason for delay in release.

3 SEC. 234. None of the funds made available in this
4 Act may be used to prevent a United States Senator or
5 Member of the House of Representatives from entering,
6 for the purpose of conducting oversight, any facility in the
7 United States used for the purpose of maintaining custody
8 of, or otherwise housing, unaccompanied alien children (as
9 defined in section 462(g)(2) of the Homeland Security Act
10 of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator
11 or Member has coordinated the oversight visit with the
12 Office of Refugee Resettlement not less than two business
13 days in advance to ensure that such visit would not inter-
14 fere with the operations (including child welfare and child
15 safety operations) of such facility.

16 SEC. 235. Not later than 14 days after the date of
17 enactment of this Act, and monthly thereafter, the Sec-
18 retary shall submit to the Committees on Appropriations
19 of the House of Representatives and the Senate, and make
20 publicly available online, a report with respect to children
21 who were separated from their parents or legal guardians
22 by the Department of Homeland Security (DHS) (regard-
23 less of whether or not such separation was pursuant to
24 an option selected by the children, parents, or guardians),
25 subsequently classified as unaccompanied alien children,

1 and transferred to the care and custody of ORR during
2 the previous month. Each report shall contain the fol-
3 lowing information:

4 (1) the number and ages of children so sepa-
5 rated subsequent to apprehension at or between
6 ports of entry, to be reported by sector where sepa-
7 ration occurred; and

8 (2) the documented cause of separation, as re-
9 ported by DHS when each child was referred.

10 SEC. 236. Funds appropriated in this Act that are
11 available for salaries and expenses of employees of the
12 Centers for Disease Control and Prevention shall also be
13 available for the primary and secondary schooling of eligi-
14 ble dependents of personnel stationed in a U.S. territory
15 as defined in section 229 of this Act at costs not in excess
16 of those paid for or reimbursed by the Department of De-
17 fense.

18 SEC. 237. Of the unobligated balances available in
19 fiscal year 2021 in the “Nonrecurring Expenses Fund”
20 established in section 223 of division G of Public Law
21 110–161, \$225,000,000, in addition to any funds other-
22 wise made available for such purposes in this, prior, or
23 subsequent fiscal years, shall be available during the pe-
24 riod of availability of the Fund for the study of, construc-
25 tion of, demolition of, renovation of, and acquisition of

1 equipment for, facilities of or used by the National Insti-
2 tutes of Health, including the acquisition of real property.

3 (RESCISSION)

4 SEC. 238. Of the unobligated balances in the “Non-
5 recurring Expenses Fund” established in section 223 of
6 division G of Public Law 110–161, \$375,000,000 are
7 hereby rescinded not later than September 30, 2021.

8 SEC. 239. (a) The Chamblee Research Support
9 Building (Building 108) at the Centers for Disease Con-
10 trol and Prevention is hereby renamed as the Johnny Isak-
11 son Public Health Research Building.

12 (b) Section 238 of division A of the Further Consoli-
13 dated Appropriations Act, 2020 (Public Law 116–94) is
14 amended by inserting “during the period of availability of
15 the Fund” after “shall be available” and by inserting
16 “moving expenses,” after “renovation of facilities,”.

17 This title may be cited as the “Department of Health
18 and Human Services Appropriations Act, 2021”.

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1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED

4 For carrying out title I and subpart 2 of part B of
5 title II of the Elementary and Secondary Education Act
6 of 1965 (referred to in this Act as “ESEA”) and section
7 418A of the Higher Education Act of 1965 (referred to
8 in this Act as “HEA”), \$17,226,790,000, of which
9 \$6,306,490,000 shall become available on July 1, 2021,
10 and shall remain available through September 30, 2022,
11 and of which \$10,841,177,000 shall become available on
12 October 1, 2021, and shall remain available through Sep-
13 tember 30, 2022, for academic year 2021–2022: *Provided*,
14 That \$6,459,401,000 shall be for basic grants under sec-
15 tion 1124 of the ESEA: *Provided further*, That up to
16 \$5,000,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2020, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$4,357,550,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$4,357,550,000 shall be for education finance incentive

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1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$220,000,000 shall be for carrying out subpart
3 2 of part B of title II: *Provided further*, That \$46,123,000
4 shall be for carrying out section 418A of the HEA.

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VII of the
8 ESEA, \$1,501,112,000, of which \$1,354,242,000 shall be
9 for basic support payments under section 7003(b),
10 \$48,316,000 shall be for payments for children with dis-
11 abilities under section 7003(d), \$17,406,000, to remain
12 available through September 30, 2022, shall be for con-
13 struction under section 7007(b), \$76,313,000 shall be for
14 Federal property payments under section 7002, and
15 \$4,835,000, to remain available until expended, shall be
16 for facilities maintenance under section 7008: *Provided*,
17 That for purposes of computing the amount of a payment
18 for an eligible local educational agency under section
19 7003(a) for school year 2020–2021, children enrolled in
20 a school of such agency that would otherwise be eligible
21 for payment under section 7003(a)(1)(B) of such Act, but
22 due to the deployment of both parents or legal guardians,
23 or a parent or legal guardian having sole custody of such
24 children, or due to the death of a military parent or legal
25 guardian while on active duty (so long as such children

1 reside on Federal property as described in section
2 7003(a)(1)(B)), are no longer eligible under such section,
3 shall be considered as eligible students under such section,
4 provided such students remain in average daily attendance
5 at a school in the same local educational agency they at-
6 tended prior to their change in eligibility status.

7 SCHOOL IMPROVEMENT PROGRAMS

8 For carrying out school improvement activities au-
9 thorized by part B of title I, part A of title II, subpart
10 1 of part A of title IV, part B of title IV, part B of title
11 V, and parts B and C of title VI of the ESEA; the McKin-
12 ney-Vento Homeless Assistance Act; section 203 of the
13 Educational Technical Assistance Act of 2002; the Com-
14 pact of Free Association Amendments Act of 2003; and
15 the Civil Rights Act of 1964, \$5,444,217,000, of which
16 \$3,613,652,000 shall become available on July 1, 2021,
17 and remain available through September 30, 2022, and
18 of which \$1,681,441,000 shall become available on Octo-
19 ber 1, 2021, and shall remain available through September
20 30, 2022, for academic year 2021–2022: *Provided*, That
21 \$378,000,000 shall be for part B of title I: *Provided fur-*
22 *ther*, That \$1,259,673,000 shall be for part B of title IV:
23 *Provided further*, That \$37,397,000 shall be for part B
24 of title VI, which may be used for construction, renova-
25 tion, and modernization of any public elementary school,

1 secondary school, or structure related to a public elemen-
2 tary school or secondary school that serves a predomi-
3 nantly Native Hawaiian student body, and that the 5 per-
4 cent limitation in section 6205(b) of the ESEA on the use
5 of funds for administrative purposes shall apply only to
6 direct administrative costs: *Provided further*, That
7 \$36,453,000 shall be for part C of title VI, which shall
8 be awarded on a competitive basis, and may be used for
9 construction, and that the 5 percent limitation in section
10 6305 of the ESEA on the use of funds for administrative
11 purposes shall apply only to direct administrative costs:
12 *Provided further*, That \$52,000,000 shall be available to
13 carry out section 203 of the Educational Technical Assist-
14 ance Act of 2002 and the Secretary shall make such ar-
15 rangements as determined to be necessary to ensure that
16 the Bureau of Indian Education has access to services pro-
17 vided under this section: *Provided further*, That
18 \$16,699,000 shall be available to carry out the Supple-
19 mental Education Grants program for the Federated
20 States of Micronesia and the Republic of the Marshall Is-
21 lands: *Provided further*, That the Secretary may reserve
22 up to 5 percent of the amount referred to in the previous
23 proviso to provide technical assistance in the implementa-
24 tion of these grants: *Provided further*, That \$187,840,000
25 shall be for part B of title V: *Provided further*, That

1 \$1,220,000,000 shall be available for grants under sub-
2 part 1 of part A of title IV.

3 INDIAN EDUCATION

4 For expenses necessary to carry out, to the extent
5 not otherwise provided, title VI, part A of the ESEA,
6 \$181,239,000, of which \$67,993,000 shall be for subpart
7 2 of part A of title VI and \$7,865,000 shall be for subpart
8 3 of part A of title VI: *Provided*, That the 5 percent limita-
9 tion in sections 6115(d), 6121(e), and 6133(g) of the
10 ESEA on the use of funds for administrative purposes
11 shall apply only to direct administrative costs.

12 INNOVATION AND IMPROVEMENT

13 For carrying out activities authorized by subparts 1,
14 3 and 4 of part B of title II, and parts C, D, and E and
15 subparts 1 and 4 of part F of title IV of the ESEA,
16 \$1,114,250,000: *Provided*, That \$285,250,000 shall be for
17 subparts 1, 3 and 4 of part B of title II and shall be made
18 available without regard to sections 2201, 2231(b) and
19 2241: *Provided further*, That \$635,000,000 shall be for
20 parts C, D, and E and subpart 4 of part F of title IV,
21 and shall be made available without regard to sections
22 4311, 4409(a), and 4601 of the ESEA: *Provided further*,
23 That section 4303(d)(3)(A)(i) shall not apply to the funds
24 available for part C of title IV: *Provided further*, That of
25 the funds available for part C of title IV, the Secretary

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1 shall use \$60,000,000 to carry out section 4304, of which
2 not more than \$10,000,000 shall be available to carry out
3 section 4304(k), \$140,000,000, to remain available
4 through March 31, 2022, to carry out section 4305(b),
5 and not more than \$15,000,000 to carry out the activities
6 in section 4305(a)(3): *Provided further*, That notwith-
7 standing section 4601(b), \$194,000,000 shall be available
8 through December 31, 2021 for subpart 1 of part F of
9 title IV.

10 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

11 For carrying out activities authorized by subparts 2
12 and 3 of part F of title IV of the ESEA, \$217,000,000:
13 *Provided*, That \$106,000,000 shall be available for section
14 4631, of which up to \$5,000,000, to remain available until
15 expended, shall be for the Project School Emergency Re-
16 sponse to Violence (Project SERV) program: *Provided fur-*
17 *ther*, That \$30,000,000 shall be available for section 4625:
18 *Provided further*, That \$81,000,000 shall be available
19 through December 31, 2021, for section 4624.

20 ENGLISH LANGUAGE ACQUISITION

21 For carrying out part A of title III of the ESEA,
22 \$797,400,000, which shall become available on July 1,
23 2021, and shall remain available through September 30,
24 2022, except that 6.5 percent of such amount shall be
25 available on October 1, 2020, and shall remain available

1 through September 30, 2022, to carry out activities under
2 section 3111(c)(1)(C).

3 SPECIAL EDUCATION

4 For carrying out the Individuals with Disabilities
5 Education Act (IDEA) and the Special Olympics Sport
6 and Empowerment Act of 2004, \$14,070,743,000, of
7 which \$4,533,544,000 shall become available on July 1,
8 2021, and shall remain available through September 30,
9 2022, and of which \$9,283,383,000 shall become available
10 on October 1, 2021, and shall remain available through
11 September 30, 2022, for academic year 2021–2022: *Pro-*
12 *vided*, That the amount for section 611(b)(2) of the IDEA
13 shall be equal to the lesser of the amount available for
14 that activity during fiscal year 2020, increased by the
15 amount of inflation as specified in section 619(d)(2)(B)
16 of the IDEA, or the percent change in the funds appro-
17 priated under section 611(i) of the IDEA, but not less
18 than the amount for that activity during fiscal year 2020:
19 *Provided further*, That the Secretary shall, without regard
20 to section 611(d) of the IDEA, distribute to all other
21 States (as that term is defined in section 611(g)(2)), sub-
22 ject to the third proviso, any amount by which a State’s
23 allocation under section 611, from funds appropriated
24 under this heading, is reduced under section
25 612(a)(18)(B), according to the following: 85 percent on

1 the basis of the States' relative populations of children
2 aged 3 through 21 who are of the same age as children
3 with disabilities for whom the State ensures the avail-
4 ability of a free appropriate public education under this
5 part, and 15 percent to States on the basis of the States'
6 relative populations of those children who are living in pov-
7 erty: *Provided further*, That the Secretary may not dis-
8 tribute any funds under the previous proviso to any State
9 whose reduction in allocation from funds appropriated
10 under this heading made funds available for such a dis-
11 tribution: *Provided further*, That the States shall allocate
12 such funds distributed under the second proviso to local
13 educational agencies in accordance with section 611(f):
14 *Provided further*, That the amount by which a State's allo-
15 cation under section 611(d) of the IDEA is reduced under
16 section 612(a)(18)(B) and the amounts distributed to
17 States under the previous provisos in fiscal year 2012 or
18 any subsequent year shall not be considered in calculating
19 the awards under section 611(d) for fiscal year 2013 or
20 for any subsequent fiscal years: *Provided further*, That,
21 notwithstanding the provision in section 612(a)(18)(B) re-
22 garding the fiscal year in which a State's allocation under
23 section 611(d) is reduced for failure to comply with the
24 requirement of section 612(a)(18)(A), the Secretary may
25 apply the reduction specified in section 612(a)(18)(B) over

1 a period of consecutive fiscal years, not to exceed 5, until
2 the entire reduction is applied: *Provided further*, That the
3 Secretary may, in any fiscal year in which a State's alloca-
4 tion under section 611 is reduced in accordance with sec-
5 tion 612(a)(18)(B), reduce the amount a State may re-
6 serve under section 611(e)(1) by an amount that bears
7 the same relation to the maximum amount described in
8 that paragraph as the reduction under section
9 612(a)(18)(B) bears to the total allocation the State
10 would have received in that fiscal year under section
11 611(d) in the absence of the reduction: *Provided further*,
12 That the Secretary shall either reduce the allocation of
13 funds under section 611 for any fiscal year following the
14 fiscal year for which the State fails to comply with the
15 requirement of section 612(a)(18)(A) as authorized by
16 section 612(a)(18)(B), or seek to recover funds under sec-
17 tion 452 of the General Education Provisions Act (20
18 U.S.C. 1234a): *Provided further*, That the funds reserved
19 under 611(c) of the IDEA may be used to provide tech-
20 nical assistance to States to improve the capacity of the
21 States to meet the data collection requirements of sections
22 616 and 618 and to administer and carry out other serv-
23 ices and activities to improve data collection, coordination,
24 quality, and use under parts B and C of the IDEA: *Pro-*
25 *vided further*, That the Secretary may use funds made

1 available for the State Personnel Development Grants pro-
2 gram under part D, subpart 1 of IDEA to evaluate pro-
3 gram performance under such subpart: *Provided further*,
4 That States may use funds reserved for other State-level
5 activities under sections 611(e)(2) and 619(f) of the IDEA
6 to make subgrants to local educational agencies, institu-
7 tions of higher education, other public agencies, and pri-
8 vate non-profit organizations to carry out activities au-
9 thorized by those sections: *Provided further*, That, not-
10 withstanding section 643(e)(2)(A) of the IDEA, if 5 or
11 fewer States apply for grants pursuant to section 643(e)
12 of such Act, the Secretary shall provide a grant to each
13 State in an amount equal to the maximum amount de-
14 scribed in section 643(e)(2)(B) of such Act: *Provided fur-*
15 *ther*, That if more than 5 States apply for grants pursuant
16 to section 643(e) of the IDEA, the Secretary shall award
17 funds to those States on the basis of the States' relative
18 populations of infants and toddlers except that no such
19 State shall receive a grant in excess of the amount de-
20 scribed in section 643(e)(2)(B) of such Act: *Provided fur-*
21 *ther*, That States may use funds allotted under section
22 643(c) of the IDEA to make subgrants to local edu-
23 cational agencies, institutions of higher education, other
24 public agencies, and private non-profit organizations to
25 carry out activities authorized by section 638 of IDEA.

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1 REHABILITATION SERVICES

2 For carrying out, to the extent not otherwise pro-
3 vided, the Rehabilitation Act of 1973 and the Helen Keller
4 National Center Act, \$3,814,220,000, of which
5 \$3,675,021,000 shall be for grants for vocational rehabili-
6 tation services under title I of the Rehabilitation Act: *Pro-*
7 *vided*, That the Secretary may use amounts provided in
8 this Act that remain available subsequent to the reallocot-
9 ment of funds to States pursuant to section 110(b) of the
10 Rehabilitation Act for innovative activities aimed at in-
11 creasing competitive integrated employment as defined in
12 section 7 of such Act for youth and other individuals with
13 disabilities: *Provided further*, That States may award sub-
14 grants for a portion of the funds to other public and pri-
15 vate, nonprofit entities: *Provided further*, That any funds
16 made available subsequent to reallocation for innovative
17 activities aimed at improving the outcomes of individuals
18 with disabilities shall remain available until September 30,
19 2022.

20 SPECIAL INSTITUTIONS FOR PERSONS WITH
21 DISABILITIES

22 AMERICAN PRINTING HOUSE FOR THE BLIND

23 For carrying out the Act to Promote the Education
24 of the Blind of March 3, 1879, \$34,431,000.

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1 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

2 For the National Technical Institute for the Deaf
3 under titles I and II of the Education of the Deaf Act
4 of 1986, \$81,500,000: *Provided*, That from the total
5 amount available, the Institute may at its discretion use
6 funds for the endowment program as authorized under
7 section 207 of such Act.

8 GALLAUDET UNIVERSITY

9 For the Kendall Demonstration Elementary School,
10 the Model Secondary School for the Deaf, and the partial
11 support of Gallaudet University under titles I and II of
12 the Education of the Deaf Act of 1986, \$140,361,000:
13 *Provided*, That from the total amount available, the Uni-
14 versity may at its discretion use funds for the endowment
15 program as authorized under section 207 of such Act.

16 CAREER, TECHNICAL, AND ADULT EDUCATION

17 For carrying out, to the extent not otherwise pro-
18 vided, the Carl D. Perkins Career and Technical Edu-
19 cation Act of 2006 (“Perkins Act”) and the Adult Edu-
20 cation and Family Literacy Act (“AEFLA”),
21 \$2,030,936,000, of which \$1,239,936,000 shall become
22 available on July 1, 2021, and shall remain available
23 through September 30, 2022, and of which \$791,000,000
24 shall become available on October 1, 2021, and shall re-
25 main available through September 30, 2022: *Provided*,

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1 That of the amounts made available for AEFILA,
2 \$13,712,000 shall be for national leadership activities
3 under section 242.

4 STUDENT FINANCIAL ASSISTANCE

5 For carrying out subparts 1, 3, and 10 of part A,
6 and part C of title IV of the HEA, \$24,545,352,000 which
7 shall remain available through September 30, 2022.

8 The maximum Pell Grant for which a student shall
9 be eligible during award year 2021–2022 shall be \$5,435.

10 STUDENT AID ADMINISTRATION

11 For Federal administrative expenses to carry out part
12 D of title I, and subparts 1, 3, 9, and 10 of part A, and
13 parts B, C, D, and E of title IV of the HEA, and subpart
14 1 of part A of title VII of the Public Health Service Act,
15 \$1,853,943,000, to remain available through September
16 30, 2022: *Provided*, That the Secretary shall allocate new
17 student loan borrower accounts to eligible student loan
18 servicers on the basis of their past performance compared
19 to all loan servicers utilizing established common metrics,
20 and on the basis of the capacity of each servicer to process
21 new and existing accounts: *Provided further*, That for stu-
22 dent loan contracts awarded prior to October 1, 2017, the
23 Secretary shall allow student loan borrowers who are con-
24 solidating Federal student loans to select from any stu-
25 dent loan servicer to service their new consolidated student

1 loan: *Provided further*, That in order to promote account-
2 ability and high-quality service to borrowers, the Secretary
3 shall not award funding for any contract solicitation for
4 a new Federal student loan servicing environment, includ-
5 ing the solicitation for the Federal Student Aid (FSA)
6 Next Generation Processing and Servicing Environment,
7 unless such an environment provides for the participation
8 of multiple student loan servicers that contract directly
9 with the Department of Education to manage a unique
10 portfolio of borrower accounts and the full life-cycle of
11 loans from disbursement to pay-off with certain limited
12 exceptions, and allocates student loan borrower accounts
13 to eligible student loan servicers based on performance:
14 *Provided further*, That the Department shall re-allocate
15 accounts from servicers for recurring non-compliance with
16 FSA guidelines, contractual requirements, and applicable
17 laws, including for failure to sufficiently inform borrowers
18 of available repayment options: *Provided further*, That
19 such servicers shall be evaluated based on their ability to
20 meet contract requirements (including an understanding
21 of Federal and State law), future performance on the con-
22 tracts, and history of compliance with applicable consumer
23 protections laws: *Provided further*, That to the extent FSA
24 permits student loan servicing subcontracting, FSA shall
25 hold prime contractors accountable for meeting the re-

1 requirements of the contract, and the performance and ex-
2 pectations of subcontractors shall be accounted for in the
3 prime contract and in the overall performance of the prime
4 contractor: *Provided further*, That FSA shall ensure that
5 the Next Generation Processing and Servicing Environ-
6 ment, or any new Federal loan servicing environment,
7 incentivize more support to borrowers at risk of delin-
8 quency or default: *Provided further*, That FSA shall en-
9 sure that in such environment contractors have the capac-
10 ity to meet and are held accountable for performance on
11 service levels; are held accountable for and have a history
12 of compliance with applicable consumer protection laws;
13 and have relevant experience and demonstrated effective-
14 ness: *Provided further*, That the Secretary shall provide
15 quarterly briefings to the Committees on Appropriations
16 and Education and Labor of the House of Representatives
17 and the Committees on Appropriations and Health, Edu-
18 cation, Labor, and Pensions of the Senate on general
19 progress related to solicitations for Federal student loan
20 servicing contracts: *Provided further*, That FSA shall
21 strengthen transparency through expanded publication of
22 aggregate data on student loan and servicer performance:
23 *Provided further*, That not later than 60 days after enact-
24 ment of this Act, FSA shall provide to the Committees
25 on Appropriations of the House of Representatives and the

1 Senate a detailed spend plan of anticipated uses of funds
2 made available in this account for fiscal year 2021 and
3 provide quarterly updates on this plan (including contracts
4 awarded, change orders, bonuses paid to staff, reorganiza-
5 tion costs, and any other activity carried out using
6 amounts provided under this heading for fiscal year 2021):
7 *Provided further*, That the FSA Next Generation Proc-
8 essing and Servicing Environment, or any new Federal
9 student loan servicing environment, shall include account-
10 ability measures that account for the performance of the
11 portfolio and contractor compliance with FSA guidelines:
12 *Provided further*, That, due to concerns with the transfer
13 of borrower accounts and to allow appropriate time for
14 review of the risks of current contracting plans, FSA shall
15 suspend awarding of any contract for the Interim Serv-
16 icing Solution (ISS) Solicitation (Solicitation No.
17 91003120R0018) for a period of not less than 90 days
18 after enactment of this Act: *Provided further*, That FSA
19 may not award funding for any contract under such ISS
20 Solicitation unless Business Process Operations (BPO)
21 Contractors are, as borrower accounts are migrated to
22 ISS, immediately responsible for all contact center and
23 back-office processing, as described in BPO Solicitation
24 No. 91003119R0008, necessary to deliver all such serv-
25 icing requirements for accounts that have been migrated

1 to ISS: *Provided further*, That notwithstanding the re-
2 quirements of the Federal Property and Administration
3 Services Act of 1949, 41 U.S.C. 3101 et. seq, as amended;
4 parts 6, 16, and 37 of title 48, Code of Federal Regula-
5 tions; or any other procurement limitation on the period
6 of performance, the Secretary may extend the period of
7 performance for any contract under section 456 of the
8 HEA for servicing activities scheduled to expire on Decem-
9 ber 14, 2021, or March 30, 2022, as applicable, for up
10 to two additional years from the date of expiration.

11 HIGHER EDUCATION

12 For carrying out, to the extent not otherwise pro-
13 vided, titles II, III, IV, V, VI, VII, and VIII of the HEA,
14 the Mutual Educational and Cultural Exchange Act of
15 1961, and section 117 of the Perkins Act,
16 \$2,541,661,000, of which \$96,000,000 shall remain avail-
17 able through December 31, 2021: *Provided*, That notwith-
18 standing any other provision of law, funds made available
19 in this Act to carry out title VI of the HEA and section
20 102(b)(6) of the Mutual Educational and Cultural Ex-
21 change Act of 1961 may be used to support visits and
22 study in foreign countries by individuals who are partici-
23 pating in advanced foreign language training and inter-
24 national studies in areas that are vital to United States
25 national security and who plan to apply their language

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1 skills and knowledge of these countries in the fields of gov-
2 ernment, the professions, or international development:
3 *Provided further*, That of the funds referred to in the pre-
4 ceding proviso up to 1 percent may be used for program
5 evaluation, national outreach, and information dissemina-
6 tion activities: *Provided further*, That up to 1.5 percent
7 of the funds made available under chapter 2 of subpart
8 2 of part A of title IV of the HEA may be used for evalua-
9 tion: *Provided further*, That section 313(d) of the HEA
10 shall not apply to an institution of higher education that
11 is eligible to receive funding under section 318 of the
12 HEA.

13 HOWARD UNIVERSITY

14 For partial support of Howard University,
15 \$251,018,000, of which not less than \$3,405,000 shall be
16 for a matching endowment grant pursuant to the Howard
17 University Endowment Act and shall remain available
18 until expended.

19 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
20 PROGRAM

21 For Federal administrative expenses to carry out ac-
22 tivities related to existing facility loans pursuant to section
23 121 of the HEA, \$435,000.

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
2 CAPITAL FINANCING PROGRAM ACCOUNT

3 For the cost of guaranteed loans, \$22,150,000, as au-
4 thorized pursuant to part D of title III of the HEA, which
5 shall remain available through September 30, 2022: *Pro-*
6 *vided*, That such costs, including the cost of modifying
7 such loans, shall be as defined in section 502 of the Con-
8 gressional Budget Act of 1974: *Provided further*, That
9 these funds are available to subsidize total loan principal,
10 any part of which is to be guaranteed, not to exceed
11 \$278,266,000: *Provided further*, That these funds may be
12 used to support loans to public and private Historically
13 Black Colleges and Universities without regard to the limi-
14 tations within section 344(a) of the HEA.

15 In addition, \$16,000,000, to remain available
16 through September 30, 2022, shall be made available to
17 provide for the deferment of loans made under part D of
18 title III of the HEA to eligible institutions that are private
19 Historically Black Colleges and Universities, which apply
20 for the deferment of such a loan and demonstrate financial
21 need for such deferment by having a score of 2.6 or less
22 on the Department of Education's financial responsibility
23 test: *Provided*, That the loan has not been paid in full and
24 is not paid in full during the period of deferment: *Provided*
25 *further*, That during the period of deferment of such a

1 loan, interest on the loan will not accrue or be capitalized,
2 and the period of deferment shall be for at least a period
3 of 3-fiscal years and not more than 6-fiscal years: *Pro-*
4 *vided further*, That funds available under this paragraph
5 shall be used to fund eligible deferment requests submitted
6 for this purpose in fiscal year 2018: *Provided further*, That
7 the Secretary shall create and execute an outreach plan
8 to work with States and the Capital Financing Advisory
9 Board to improve outreach to States and help additional
10 public Historically Black Colleges and Universities partici-
11 pate in the program.

12 In addition, \$10,000,000, to remain available
13 through September 30, 2022, shall be made available to
14 provide for the deferment of loans made under part D of
15 title III of the HEA to eligible institutions that are public
16 Historically Black Colleges and Universities, which apply
17 for the deferment of such a loan and demonstrate financial
18 need for such deferment, which shall be determined by the
19 Secretary of Education based on factors including, but not
20 limited to, equal to or greater than 5 percent of the
21 school's operating revenue relative to its annual debt serv-
22 ice payment: *Provided*, That during the period of
23 deferment of such a loan, interest on the loan will not ac-
24 crue or be capitalized, and the period of deferment shall

1 be for at least a period of 3-fiscal years and not more
2 than 6-fiscal years.

3 In addition, for administrative expenses to carry out
4 the Historically Black College and University Capital Fi-
5 nancing Program entered into pursuant to part D of title
6 III of the HEA, \$334,000.

7 INSTITUTE OF EDUCATION SCIENCES

8 For carrying out activities authorized by the Edu-
9 cation Sciences Reform Act of 2002, the National Assess-
10 ment of Educational Progress Authorization Act, section
11 208 of the Educational Technical Assistance Act of 2002,
12 and section 664 of the Individuals with Disabilities Edu-
13 cation Act, \$642,462,000, which shall remain available
14 through September 30, 2022: *Provided*, That funds avail-
15 able to carry out section 208 of the Educational Technical
16 Assistance Act may be used to link Statewide elementary
17 and secondary data systems with early childhood, postsec-
18 ondary, and workforce data systems, or to further develop
19 such systems: *Provided further*, That up to \$6,000,000 of
20 the funds available to carry out section 208 of the Edu-
21 cational Technical Assistance Act may be used for awards
22 to public or private organizations or agencies to support
23 activities to improve data coordination, quality, and use
24 at the local, State, and national levels.

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1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act, in-
5 cluding rental of conference rooms in the District of Co-
6 lumbia and hire of three passenger motor vehicles,
7 \$430,000,000: *Provided*, That, notwithstanding any other
8 provision of law, none of the funds provided by this Act
9 or provided by previous Appropriations Acts to the De-
10 partment of Education available for obligation or expendi-
11 ture in the current fiscal year may be used for any activity
12 relating to implementing a reorganization that decentral-
13 izes, reduces the staffing level, or alters the responsibil-
14 ities, structure, authority, or functionality of the Budget
15 Service of the Department of Education, relative to the
16 organization and operation of the Budget Service as in
17 effect on January 1, 2018.

18 OFFICE FOR CIVIL RIGHTS

19 For expenses necessary for the Office for Civil
20 Rights, as authorized by section 203 of the Department
21 of Education Organization Act, \$131,000,000.

22 OFFICE OF INSPECTOR GENERAL

23 For expenses necessary for the Office of Inspector
24 General, as authorized by section 212 of the Department

1 of Education Organization Act, \$63,000,000, of which
2 \$2,000,000 shall remain available until expended.

3 GENERAL PROVISIONS

4 SEC. 301. No funds appropriated in this Act may be
5 used to prevent the implementation of programs of vol-
6 untary prayer and meditation in the public schools.

7 (TRANSFER OF FUNDS)

8 SEC. 302. Not to exceed 1 percent of any discre-
9 tionary funds (pursuant to the Balanced Budget and
10 Emergency Deficit Control Act of 1985) which are appro-
11 priated for the Department of Education in this Act may
12 be transferred between appropriations, but no such appro-
13 priation shall be increased by more than 3 percent by any
14 such transfer: *Provided*, That the transfer authority
15 granted by this section shall not be used to create any
16 new program or to fund any project or activity for which
17 no funds are provided in this Act: *Provided further*, That
18 the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate are notified at least 15 days
20 in advance of any transfer.

21 SEC. 303. Funds appropriated in this Act and con-
22 solidated for evaluation purposes under section 8601(c) of
23 the ESEA shall be available from July 1, 2021, through
24 September 30, 2022.

1 SEC. 304. (a) An institution of higher education that
2 maintains an endowment fund supported with funds ap-
3 propriated for title III or V of the HEA for fiscal year
4 2021 may use the income from that fund to award schol-
5 arships to students, subject to the limitation in section
6 331(c)(3)(B)(i) of the HEA. The use of such income for
7 such purposes, prior to the enactment of this Act, shall
8 be considered to have been an allowable use of that in-
9 come, subject to that limitation.

10 (b) Subsection (a) shall be in effect until titles III
11 and V of the HEA are reauthorized.

12 SEC. 305. Section 114(f) of the HEA (20 U.S.C.
13 1011c(f)) is amended by striking “2020” and inserting
14 “2021”.

15 SEC. 306. Section 458(a) of the HEA (20 U.S.C.
16 1087h(a)) is amended in paragraph (4) by striking
17 “2020” and inserting “2021”.

18 SEC. 307. Funds appropriated in this Act under the
19 heading “Student Aid Administration” may be available
20 for payments for student loan servicing to an institution
21 of higher education that services outstanding Federal Per-
22 kins Loans under part E of title IV of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1087aa et seq.).

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1 (RESCISSION)

2 SEC. 308. Of the unobligated balances available
3 under the heading “Student Financial Assistance” for car-
4 rying out subpart 1 of part A of title IV of the HEA,
5 \$500,000,000 are hereby rescinded.

6 (RESCISSION)

7 SEC. 309. Of the amounts appropriated under Sec-
8 tion 401(b)(7)(A)(iv)(XI) of the Higher Education Act of
9 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(XI)) for fiscal year
10 2021, \$28,000,000 are hereby rescinded.

11 SEC. 310. Of the amounts made available under this
12 title under the heading “Student Aid Administration”,
13 \$2,300,000 shall be used by the Secretary of Education
14 to conduct outreach to borrowers of loans made under part
15 D of title IV of the Higher Education Act of 1965 who
16 may intend to qualify for loan cancellation under section
17 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that
18 borrowers are meeting the terms and conditions of such
19 loan cancellation: *Provided*, That the Secretary shall spe-
20 cifically conduct outreach to assist borrowers who would
21 qualify for loan cancellation under section 455(m) of such
22 Act except that the borrower has made some, or all, of
23 the 120 required payments under a repayment plan that
24 is not described under section 455(m)(A) of such Act, to
25 encourage borrowers to enroll in a qualifying repayment

1 plan: *Provided further*, That the Secretary shall also com-
2 municate to all Direct Loan borrowers the full require-
3 ments of section 455(m) of such Act and improve the fil-
4 ing of employment certification by providing improved out-
5 reach and information such as outbound calls, electronic
6 communications, ensuring prominent access to program
7 requirements and benefits on each servicer’s website, and
8 creating an option for all borrowers to complete the entire
9 payment certification process electronically and on a cen-
10 tralized website.

11 SEC. 311. For an additional amount for “Department
12 of Education—Federal Direct Student Loan Program Ac-
13 count”, \$50,000,000, to remain available until expended,
14 shall be for the cost, as defined under section 502 of the
15 Congressional Budget Act of 1974, of the Secretary of
16 Education providing loan cancellation in the same manner
17 as under section 455(m) of the Higher Education Act of
18 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made
19 under part D of title IV of such Act who would qualify
20 for loan cancellation under section 455(m) except some,
21 or all, of the 120 required payments under section
22 455(m)(1)(A) do not qualify for purposes of the program
23 because they were monthly payments made in accordance
24 with graduated or extended repayment plans as described
25 under subparagraph (B) or (C) of section 455(d)(1) or

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1 the corresponding repayment plan for a consolidation loan
2 made under section 455(g) and that were less than the
3 amount calculated under section 455(d)(1)(A), based on
4 a 10-year repayment period: *Provided*, That the monthly
5 payment made 12 months before the borrower applied for
6 loan cancellation as described in the matter preceding this
7 proviso and the most recent monthly payment made by
8 the borrower at the time of such application were each
9 not less than the monthly amount that would be calculated
10 under, and for which the borrower would otherwise qualify
11 for, clause (i) or (iv) of section 455(m)(1)(A) regarding
12 income-based or income-contingent repayment plans, with
13 exception for a borrower who would have otherwise been
14 eligible under this section but demonstrates an unusual
15 fluctuation of income over the past 5 years: *Provided fur-*
16 *ther*, That the total loan volume, including outstanding
17 principal, fees, capitalized interest, or accrued interest, at
18 application that is eligible for such loan cancellation by
19 such borrowers shall not exceed \$75,000,000: *Provided*
20 *further*, That the Secretary shall develop and make avail-
21 able a simple method for borrowers to apply for loan can-
22 cellation under this section within 60 days of enactment
23 of this Act: *Provided further*, That the Secretary shall pro-
24 vide loan cancellation under this section to eligible bor-
25 rowers on a first-come, first-serve basis, based on the date

1 of application and subject to both the limitation on total
2 loan volume at application for such loan cancellation speci-
3 fied in the second proviso and the availability of appropria-
4 tions under this section: *Provided further*, That no bor-
5 rower may, for the same service, receive a reduction of
6 loan obligations under both this section and section 428J,
7 428K, 428L, or 460 of such Act.

8 SEC. 312. None of the funds made available by this
9 Act may be used in contravention of section 203 of the
10 Department of Education Organization Act (20 U.S.C.
11 3413).

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 313. There is hereby established in the Treasury
14 of the United States a fund to be known as the “Depart-
15 ment of Education Nonrecurring Expenses Fund” (the
16 Fund): *Provided*, That unobligated balances of expired
17 discretionary funds appropriated for this or any suc-
18 ceeding fiscal year from the General Fund of the Treasury
19 to the Department of Education by this or any other Act
20 may be transferred (not later than the end of the fifth
21 fiscal year after the last fiscal year for which such funds
22 are available for the purposes for which appropriated) into
23 the Fund: *Provided further*, That amounts deposited in the
24 Fund shall be available until expended, and in addition
25 to such other funds as may be available for such purposes,

1 for information and business technology system mod-
2 ernization and facilities infrastructure improvements nec-
3 essary for the operation of the Department, subject to ap-
4 proval by the Office of Management and Budget: *Provided*
5 *further*, That amounts in the Fund may be obligated only
6 after the Committees on Appropriations of the House of
7 Representatives and the Senate are notified at least 30
8 days in advance of the specific information and business
9 technology system modernization project or facility infra-
10 structure improvement obligations planned for such
11 amounts.

12 SEC. 314. (a) The General Education Provisions Act
13 (20 U.S.C. 1221 et seq.) is amended by striking section
14 426.

15 (b) Paragraph (9) of section 4407(a) of the Elemen-
16 tary and Secondary Education Act of 1965 (20 U.S.C.
17 7231f(a)) is amended by striking “notwithstanding section
18 426 of the General Education Provisions Act (20 U.S.C.
19 1228),”.

20 SEC. 315. Section 2101(b) of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C. 6611(b)) is
22 amended—(1) in paragraph (2)(A)(iv), by inserting
23 “through fiscal year 2022” after “fiscal year 2020”; and
24 (2) in paragraph (3), by striking “2021” both places it
25 appears and inserting “2023” in its place.

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1 RURAL AND LOW-INCOME SCHOOL PROGRAM

2 ADJUSTMENTS

3 SEC. 316. (a) HOLD HARMLESS.—For the purpose
4 of making awards under section 5221 of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C. 7351)
6 for a fiscal year during the period described in subsection
7 (c), the Secretary of Education and each State educational
8 agency shall treat as eligible to receive a grant under such
9 section—

10 (1) any local educational agency that meets the
11 eligibility requirements described in section
12 5221(b)(1) of such Act for such fiscal year, in ac-
13 cordance with subsection (d); and

14 (2) notwithstanding such section 5221(b)(1),
15 any local educational agency that does not meet the
16 eligibility requirements described in such section for
17 such fiscal year if—

18 (A) the local educational agency received a
19 grant under section 5221 of such Act for fiscal
20 year 2019;

21 (B) for fiscal year 2019, less than 20 per-
22 cent of the children ages 5 through 17 years
23 served by the local educational agency were
24 from families with incomes below the poverty
25 line, as determined by data from the Small

1 Area Income and Poverty Estimates of the Bu-
2 reau of the Census;

3 (C) the award for fiscal year 2019 was
4 based on alternative poverty data submitted by
5 the State to the Secretary despite data being
6 available from the Small Area Income and Pov-
7 erty Estimates of the Bureau of the Census;
8 and

9 (D) the local educational agency meets the
10 eligibility criteria described in section
11 5221(b)(1)(A)(ii) of such Act, or has obtained
12 a waiver under section 5221(b)(2) of such Act,
13 for the fiscal year for which the eligibility deter-
14 mination is being made.

15 (b) LIMITATIONS.—

16 (1) LIMITS ON LOCAL EDUCATIONAL AGENCY
17 AWARDS.—For the purposes of making an award
18 under section 5221(b) of the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C. 7351(b))
20 to local educational agencies described in subsection
21 (a)(2) for a fiscal year during the period described
22 in subsection (c), a State educational agency shall
23 provide an award to each such local educational
24 agency for such fiscal year that is not larger than—

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1 (A) for fiscal year 2021, 100 percent of
2 the amount such local educational agency re-
3 ceived for fiscal year 2019;

4 (B) for fiscal year 2022, 100 percent of
5 the amount such local educational agency re-
6 ceived for fiscal year 2019;

7 (C) for fiscal year 2023, 83.33 percent of
8 the amount such local educational agency re-
9 ceived for fiscal year 2019;

10 (D) for fiscal year 2024, 66.67 percent of
11 the amount such local educational agency re-
12 ceived for fiscal year 2019;

13 (E) for fiscal year 2025, 50 percent of the
14 amount such local educational agency received
15 for fiscal year 2019;

16 (F) for fiscal year 2026, 33.33 percent of
17 the amount such local educational agency re-
18 ceived for fiscal year 2019; and

19 (G) for fiscal year 2027, 16.67 percent of
20 the amount such local educational agency re-
21 ceived for fiscal year 2019.

22 (2) ADJUSTMENTS TO STATE ALLOCATIONS.—

23 In determining grant amounts for each State edu-
24 cational agency under section 5221(a)(2) of the Ele-
25 mentary and Secondary Education Act of 1965 (20

1 U.S.C. 7351(a)(2)) for each fiscal year during the
2 period described in subsection (c), the Secretary of
3 Education shall reduce the amount that the State
4 educational agency would otherwise receive by the
5 combined amount of any reductions in grant awards
6 required under paragraph (1) for such year for the
7 local educational agencies described in subsection
8 (a)(2) that are served by the State educational agen-
9 cy.

10 (c) APPLICABILITY.—Subsections (a) and (b) shall be
11 in effect during the period—

12 (1) beginning on the first day of the fiscal year
13 in which this Act is enacted; and

14 (2) ending on the earlier of—

15 (A) September 30, 2027; or

16 (B) the last day of the fiscal year in which
17 an Act that reauthorizes the rural and low-in-
18 come school program under subpart 2 of part
19 B of title V of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 7351 et
21 seq.) is enacted.

22 (d) USE OF DATA MEASURES.—Except as provided
23 in subsection (a)(2), for the purpose of making awards
24 under section 5221 of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 7351) for any fiscal
2 year—

3 (1) if data are available from the Small Area
4 Income and Poverty Estimates of the Bureau of the
5 Census to determine a local educational agency's en-
6 rollment of children from families with incomes
7 below the poverty line as described in section
8 5221(b)(1)(A)(i) of such Act, the Secretary of Edu-
9 cation and each State educational agency shall not
10 use alternative poverty data in determining such
11 local educational agency's eligibility under such sec-
12 tion; and

13 (2) if data are not available from the Small
14 Area Income and Poverty Estimates of the Bureau
15 of the Census to determine a local educational agen-
16 cy's enrollment of children from families with in-
17 comes below the poverty line as described in such
18 section 5221(b)(1)(A)(i), the Secretary and the
19 State educational agency shall determine such local
20 educational agency's eligibility under such section
21 using the same State-derived poverty data used to
22 determine local educational agency allocations under
23 part A of title I of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 6311 et seq.).

1 SEC. 317. (a) IN GENERAL.—For the purpose of car-
2 rying out section 435(a)(2) of the Higher Education Act
3 of 1965 (20 U.S.C. 1085(a)(2)), the Secretary of Edu-
4 cation may waive the requirements under sections
5 435(a)(5)(A)(i) and 435(a)(5)(A)(ii) of such Act (20
6 U.S.C. 1085(a)(5)(A)(i) and 20 U.S.C. 1085(a)(5)(A)(ii))
7 for a private non-profit institution of higher education—
8 (1) that is an Alaska Native-Serving Institution (as de-
9 fined in section 317(A)(2) of such Act (20 U.S.C. 1059d))
10 and a Native American-Serving Non-Tribal Institution (as
11 defined in section 319(b)(2) (20 U.S.C. 1059f)) whose fall
12 enrollment for the most recently completed academic year
13 was comprised of a majority of students who are Indian
14 (as defined in such section) or Alaska Native (as defined
15 in section 317(b) of such Act (20 U.S.C. 1059d(b)) and
16 who are eligible to receive the maximum award under the
17 Pell Grant program; or (2) whose fall enrollment for the
18 most recently completed academic year was comprised of
19 a majority of the students who are African American (as
20 defined in section 322(2) of such act (20 U.S.C. 1061(2))
21 and at least 50% or more received Federal Pell Grant
22 Funds.

23 (b) APPLICABILITY.—Subsection (a) shall apply to an
24 institution of higher education that otherwise would be in-
25 eligible to participate in a program under part A of title

1 IV of the Higher Education Act of 1965 on or after the
2 date of enactment of this Act due to the application of
3 section 435(a)(2) of the Higher Education Act of 1965
4 (20 U.S.C. 1085(a)(2)).

5 (c) COVERAGE.—This section shall be in effect for the
6 period covered by this Act and for the succeeding fiscal
7 year.

8 SEC. 318. Of the amounts made available under the
9 heading “Department of Education—Rehabilitation Serv-
10 ices” in title III of the Departments of Labor, Health and
11 Human Services, and Education, and Related Agencies
12 Appropriations Act, 2020 (division A of Public Law 116–
13 94) that remain available subsequent to the reallocation
14 of funds to States pursuant to section 110(b) of the Reha-
15 bilitation Act of 1973 (Public Law 93–112), \$20,000,000
16 shall be available to the Secretary for one-time financial
17 relief and restoration grants consistent with the purposes
18 of the Randolph-Sheppard Act as authorized under section
19 10 of such Act (20 U.S.C. 107f): *Provided*, That the Sec-
20 retary shall use such funds to make grants to each State
21 licensing agency in the same proportion as the number of
22 blind vendors operating a vending facility in such State
23 as compared to the number of blind vendors operating a
24 vending facility in all the States on September 30, 2019:
25 *Provided further*, That the State licensing agency shall use

1 these grants to make financial relief and restoration pay-
2 ments to offset losses of blind vendors that occurred dur-
3 ing calendar year 2020, but only to the extent that such
4 losses are not otherwise compensated: *Provided further,*
5 That any funds in excess of the amount needed for finan-
6 cial relief and restoration payments to blind vendors shall
7 be used by the State licensing agency for other purposes
8 authorized by section 395.9 of title 34, Code of Federal
9 Regulations, as in effect on the date of enactment of this
10 Act, and determined through active participation with the
11 State committee of blind vendors as required: *Provided*
12 *further,* That such funds shall remain available to the Sec-
13 retary until September 30, 2021.

14 This title may be cited as the “Department of Edu-
15 cation Appropriations Act, 2021”.

1061

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES

6 For expenses necessary for the Committee for Pur-
7 chase From People Who Are Blind or Severely Disabled
8 (referred to in this title as “the Committee”) established
9 under section 8502 of title 41, United States Code,
10 \$10,500,000: *Provided*, That in order to authorize any
11 central nonprofit agency designated pursuant to section
12 8503(c) of title 41, United States Code, to perform re-
13 quirements of the Committee as prescribed under section
14 51–3.2 of title 41, Code of Federal Regulations, the Com-
15 mittee shall enter into a written agreement with any such
16 central nonprofit agency: *Provided further*, That such
17 agreement shall contain such auditing, oversight, and re-
18 porting provisions as necessary to implement chapter 85
19 of title 41, United States Code: *Provided further*, That
20 such agreement shall include the elements listed under the
21 heading “Committee For Purchase From People Who Are
22 Blind or Severely Disabled—Written Agreement Ele-
23 ments” in the explanatory statement described in section
24 4 of Public Law 114–113 (in the matter preceding division
25 A of that consolidated Act): *Provided further*, That any

1 such central nonprofit agency may not charge a fee under
2 section 51–3.5 of title 41, Code of Federal Regulations,
3 prior to executing a written agreement with the Com-
4 mittee: *Provided further*, That no less than \$2,500,000
5 shall be available for the Office of Inspector General.

6 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
7 OPERATING EXPENSES

8 For necessary expenses for the Corporation for Na-
9 tional and Community Service (referred to in this title as
10 “CNCS”) to carry out the Domestic Volunteer Service Act
11 of 1973 (referred to in this title as “1973 Act”) and the
12 National and Community Service Act of 1990 (referred
13 to in this title as “1990 Act”), \$843,115,000, notwith-
14 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
15 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
16 amounts provided under this heading: (1) up to 1 percent
17 of program grant funds may be used to defray the costs
18 of conducting grant application reviews, including the use
19 of outside peer reviewers and electronic management of
20 the grants cycle; (2) \$18,538,000 shall be available to pro-
21 vide assistance to State commissions on national and com-
22 munity service, under section 126(a) of the 1990 Act and
23 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
24 \$33,500,000 shall be available to carry out subtitle E of
25 the 1990 Act; and (4) \$6,400,000 shall be available for

1 expenses authorized under section 501(a)(4)(F) of the
2 1990 Act, which, notwithstanding the provisions of section
3 198P shall be awarded by CNCS on a competitive basis:
4 *Provided further*, That for the purposes of carrying out
5 the 1990 Act, satisfying the requirements in section
6 122(c)(1)(D) may include a determination of need by the
7 local community.

8 PAYMENT TO THE NATIONAL SERVICE TRUST
9 (INCLUDING TRANSFER OF FUNDS)

10 For payment to the National Service Trust estab-
11 lished under subtitle D of title I of the 1990 Act,
12 \$185,000,000, to remain available until expended: *Pro-*
13 *vided*, That CNCS may transfer additional funds from the
14 amount provided within “Operating Expenses” allocated
15 to grants under subtitle C of title I of the 1990 Act to
16 the National Service Trust upon determination that such
17 transfer is necessary to support the activities of national
18 service participants and after notice is transmitted to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate: *Provided further*, That amounts ap-
21 propriated for or transferred to the National Service Trust
22 may be invested under section 145(b) of the 1990 Act
23 without regard to the requirement to apportion funds
24 under 31 U.S.C. 1513(b).

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1 SALARIES AND EXPENSES

2 For necessary expenses of administration as provided
3 under section 501(a)(5) of the 1990 Act and under section
4 504(a) of the 1973 Act, including payment of salaries, au-
5 thorized travel, hire of passenger motor vehicles, the rental
6 of conference rooms in the District of Columbia, the em-
7 ployment of experts and consultants authorized under 5
8 U.S.C. 3109, and not to exceed \$2,500 for official recep-
9 tion and representation expenses, \$86,487,000.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General in carrying out the Inspector General Act of 1978,
13 \$6,500,000.

14 ADMINISTRATIVE PROVISIONS

15 SEC. 401. CNCS shall make any significant changes
16 to program requirements, service delivery or policy only
17 through public notice and comment rulemaking. For fiscal
18 year 2021, during any grant selection process, an officer
19 or employee of CNCS shall not knowingly disclose any cov-
20 ered grant selection information regarding such selection,
21 directly or indirectly, to any person other than an officer
22 or employee of CNCS that is authorized by CNCS to re-
23 ceive such information.

24 SEC. 402. AmeriCorps programs receiving grants
25 under the National Service Trust program shall meet an

1 overall minimum share requirement of 24 percent for the
2 first 3 years that they receive AmeriCorps funding, and
3 thereafter shall meet the overall minimum share require-
4 ment as provided in section 2521.60 of title 45, Code of
5 Federal Regulations, without regard to the operating costs
6 match requirement in section 121(e) or the member sup-
7 port Federal share limitations in section 140 of the 1990
8 Act, and subject to partial waiver consistent with section
9 2521.70 of title 45, Code of Federal Regulations.

10 SEC. 403. Donations made to CNCS under section
11 196 of the 1990 Act for the purposes of financing pro-
12 grams and operations under titles I and II of the 1973
13 Act or subtitle B, C, D, or E of title I of the 1990 Act
14 shall be used to supplement and not supplant current pro-
15 grams and operations.

16 SEC. 404. In addition to the requirements in section
17 146(a) of the 1990 Act, use of an educational award for
18 the purpose described in section 148(a)(4) shall be limited
19 to individuals who are veterans as defined under section
20 101 of the Act.

21 SEC. 405. For the purpose of carrying out section
22 189D of the 1990 Act—

23 (1) entities described in paragraph (a) of such
24 section shall be considered “qualified entities” under

1 section 3 of the National Child Protection Act of
2 1993 (“NCPA”);

3 (2) individuals described in such section shall
4 be considered “volunteers” under section 3 of
5 NCPA; and

6 (3) State Commissions on National and Com-
7 munity Service established pursuant to section 178
8 of the 1990 Act, are authorized to receive criminal
9 history record information, consistent with Public
10 Law 92–544.

11 SEC. 406. Notwithstanding sections 139(b), 146 and
12 147 of the 1990 Act, an individual who successfully com-
13 pletes a term of service of not less than 1,200 hours dur-
14 ing a period of not more than one year may receive a na-
15 tional service education award having a value of 70 per-
16 cent of the value of a national service education award
17 determined under section 147(a) of the Act.

18 CORPORATION FOR PUBLIC BROADCASTING

19 For payment to the Corporation for Public Broad-
20 casting (“CPB”), as authorized by the Communications
21 Act of 1934, an amount which shall be available within
22 limitations specified by that Act, for the fiscal year 2023,
23 \$475,000,000: *Provided*, That none of the funds made
24 available to CPB by this Act shall be used to pay for re-
25 ceptions, parties, or similar forms of entertainment for

1 Government officials or employees: *Provided further*, That
2 none of the funds made available to CPB by this Act shall
3 be available or used to aid or support any program or ac-
4 tivity from which any person is excluded, or is denied ben-
5 efits, or is discriminated against, on the basis of race,
6 color, national origin, religion, or sex: *Provided further*,
7 That none of the funds made available to CPB by this
8 Act shall be used to apply any political test or qualification
9 in selecting, appointing, promoting, or taking any other
10 personnel action with respect to officers, agents, and em-
11 ployees of CPB.

12 In addition, for the costs associated with replacing
13 and upgrading the public broadcasting interconnection
14 system and other technologies and services that create in-
15 frastructure and efficiencies within the public media sys-
16 tem, \$20,000,000.

17 FEDERAL MEDIATION AND CONCILIATION SERVICE

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Mediation
20 and Conciliation Service (“Service”) to carry out the func-
21 tions vested in it by the Labor-Management Relations Act,
22 1947, including hire of passenger motor vehicles; for ex-
23 penses necessary for the Labor-Management Cooperation
24 Act of 1978; and for expenses necessary for the Service
25 to carry out the functions vested in it by the Civil Service

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1 Reform Act, \$48,600,000, including up to \$900,000 to re-
2 main available through September 30, 2022, for activities
3 authorized by the Labor-Management Cooperation Act of
4 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
5 fees charged, up to full-cost recovery, for special training
6 activities and other conflict resolution services and tech-
7 nical assistance, including those provided to foreign gov-
8 ernments and international organizations, and for arbitra-
9 tion services shall be credited to and merged with this ac-
10 count, and shall remain available until expended: *Provided*
11 *further*, That fees for arbitration services shall be available
12 only for education, training, and professional development
13 of the agency workforce: *Provided further*, That the Direc-
14 tor of the Service is authorized to accept and use on behalf
15 of the United States gifts of services and real, personal,
16 or other property in the aid of any projects or functions
17 within the Director's jurisdiction.

18 FEDERAL MINE SAFETY AND HEALTH REVIEW

19 COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Federal Mine Safety
22 and Health Review Commission, \$17,184,000.

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1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996 and the National Museum of African Amer-
6 ican History and Culture Act, \$257,000,000.

7 MEDICAID AND CHIP PAYMENT AND ACCESS

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out section 1900 of
11 the Social Security Act, \$8,780,000.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out section 1805 of
15 the Social Security Act, \$12,905,000, to be transferred to
16 this appropriation from the Federal Hospital Insurance
17 Trust Fund and the Federal Supplementary Medical In-
18 surance Trust Fund.

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

21 For expenses necessary for the National Council on
22 Disability as authorized by title IV of the Rehabilitation
23 Act of 1973, \$3,350,000.

1070

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, and other laws,
6 \$274,224,000: *Provided*, That no part of this appropria-
7 tion shall be available to organize or assist in organizing
8 agricultural laborers or used in connection with investiga-
9 tions, hearings, directives, or orders concerning bargaining
10 units composed of agricultural laborers as referred to in
11 section 2(3) of the Act of July 5, 1935, and as amended
12 by the Labor-Management Relations Act, 1947, and as de-
13 fined in section 3(f) of the Act of June 25, 1938, and
14 including in said definition employees engaged in the
15 maintenance and operation of ditches, canals, reservoirs,
16 and waterways when maintained or operated on a mutual,
17 nonprofit basis and at least 95 percent of the water stored
18 or supplied thereby is used for farming purposes.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 407. None of the funds provided by this Act
21 or previous Acts making appropriations for the National
22 Labor Relations Board may be used to issue any new ad-
23 ministrative directive or regulation that would provide em-
24 ployees any means of voting through any electronic means

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1 in an election to determine a representative for the pur-
2 poses of collective bargaining.

3 NATIONAL MEDIATION BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary to carry out the provisions
6 of the Railway Labor Act, including emergency boards ap-
7 pointed by the President, \$14,300,000.

8 OCCUPATIONAL SAFETY AND HEALTH REVIEW

9 COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the Occupational Safety
12 and Health Review Commission, \$13,225,000.

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$13,000,000, which shall include
18 amounts becoming available in fiscal year 2021 pursuant
19 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds the amount available for payment
24 of vested dual benefits: *Provided*, That the total amount
25 provided herein shall be credited in 12 approximately

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1 equal amounts on the first day of each month in the fiscal
2 year.

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2022, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board (“Board”) for administration of the Railroad Re-
15 tirement Act and the Railroad Unemployment Insurance
16 Act, \$123,500,000, to be derived in such amounts as de-
17 termined by the Board from the railroad retirement ac-
18 counts and from moneys credited to the railroad unem-
19 ployment insurance administration fund: *Provided*, That
20 notwithstanding section 7(b)(9) of the Railroad Retire-
21 ment Act this limitation may be used to hire attorneys
22 only through the excepted service: *Provided further*, That
23 the previous proviso shall not change the status under
24 Federal employment laws of any attorney hired by the
25 Railroad Retirement Board prior to January 1, 2013: *Pro-*

1 *vided further*, That notwithstanding section 7(b)(9) of the
2 Railroad Retirement Act, this limitation may be used to
3 hire students attending qualifying educational institutions
4 or individuals who have recently completed qualifying edu-
5 cational programs using current excepted hiring authori-
6 ties established by the Office of Personnel Management:
7 *Provided further*, That \$9,000,000 to remain available
8 until expended, shall be used to supplement, not supplant,
9 existing resources devoted to operations and improvements
10 for the Board's Information Technology Investment Initia-
11 tives.

12 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

13 For expenses necessary for the Office of Inspector
14 General for audit, investigatory and review activities, as
15 authorized by the Inspector General Act of 1978, not more
16 than \$11,500,000, to be derived from the railroad retire-
17 ment accounts and railroad unemployment insurance ac-
18 count.

19 SOCIAL SECURITY ADMINISTRATION

20 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

21 For payment to the Federal Old-Age and Survivors
22 Insurance Trust Fund and the Federal Disability Insur-
23 ance Trust Fund, as provided under sections 201(m) and
24 1131(b)(2) of the Social Security Act, \$11,000,000.

1 SUPPLEMENTAL SECURITY INCOME PROGRAM

2 For carrying out titles XI and XVI of the Social Se-
3 curity Act, section 401 of Public Law 92–603, section 212
4 of Public Law 93–66, as amended, and section 405 of
5 Public Law 95–216, including payment to the Social Secu-
6 rity trust funds for administrative expenses incurred pur-
7 suant to section 201(g)(1) of the Social Security Act,
8 \$40,158,768,000, to remain available until expended: *Pro-*
9 *vided*, That any portion of the funds provided to a State
10 in the current fiscal year and not obligated by the State
11 during that year shall be returned to the Treasury: *Pro-*
12 *vided further*, That not more than \$86,000,000 shall be
13 available for research and demonstrations under sections
14 1110, 1115, and 1144 of the Social Security Act, and re-
15 main available through September 30, 2023.

16 For making, after June 15 of the current fiscal year,
17 benefit payments to individuals under title XVI of the So-
18 cial Security Act, for unanticipated costs incurred for the
19 current fiscal year, such sums as may be necessary.

20 For making benefit payments under title XVI of the
21 Social Security Act for the first quarter of fiscal year
22 2022, \$19,600,000,000, to remain available until ex-
23 pended.

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1 LIMITATION ON ADMINISTRATIVE EXPENSES

2 For necessary expenses, including the hire of two pas-
3 senger motor vehicles, and not to exceed \$20,000 for offi-
4 cial reception and representation expenses, not more than
5 \$12,794,945,000 may be expended, as authorized by sec-
6 tion 201(g)(1) of the Social Security Act, from any one
7 or all of the trust funds referred to in such section: *Pro-*
8 *vided*, That not less than \$2,500,000 shall be for the So-
9 cial Security Advisory Board: *Provided further*, That
10 \$45,000,000 shall remain available until expended for in-
11 formation technology modernization, including related
12 hardware and software infrastructure and equipment, and
13 for administrative expenses directly associated with infor-
14 mation technology modernization: *Provided further*, That
15 \$50,000,000 shall remain available through September
16 30, 2022, for activities to address the disability hearings
17 backlog within the Office of Hearings Operations: *Pro-*
18 *vided further*, That unobligated balances of funds provided
19 under this paragraph at the end of fiscal year 2021 not
20 needed for fiscal year 2021 shall remain available until
21 expended to invest in the Social Security Administration
22 information technology and telecommunications hardware
23 and software infrastructure, including related equipment
24 and non-payroll administrative expenses associated solely
25 with this information technology and telecommunications

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1 infrastructure: *Provided further*, That the Commissioner
2 of Social Security shall notify the Committees on Appro-
3 priations of the House of Representatives and the Senate
4 prior to making unobligated balances available under the
5 authority in the previous proviso: *Provided further*, That
6 reimbursement to the trust funds under this heading for
7 expenditures for official time for employees of the Social
8 Security Administration pursuant to 5 U.S.C. 7131, and
9 for facilities or support services for labor organizations
10 pursuant to policies, regulations, or procedures referred
11 to in section 7135(b) of such title shall be made by the
12 Secretary of the Treasury, with interest, from amounts in
13 the general fund not otherwise appropriated, as soon as
14 possible after such expenditures are made.

15 Of the total amount made available in the first para-
16 graph under this heading, not more than \$1,575,000,000,
17 to remain available through March 31, 2022, is for the
18 costs associated with continuing disability reviews under
19 titles II and XVI of the Social Security Act, including
20 work-related continuing disability reviews to determine
21 whether earnings derived from services demonstrate an in-
22 dividual's ability to engage in substantial gainful activity,
23 for the cost associated with conducting redeterminations
24 of eligibility under title XVI of the Social Security Act,
25 for the cost of co-operative disability investigation units,

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1 and for the cost associated with the prosecution of fraud
2 in the programs and operations of the Social Security Ad-
3 ministration by Special Assistant United States Attorneys:
4 *Provided*, That, of such amount, \$273,000,000 is provided
5 to meet the terms of section 251(b)(2)(B)(ii)(III) of the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985, as amended, and \$1,302,000,000 is additional new
8 budget authority specified for purposes of section
9 251(b)(2)(B) of such Act: *Provided further*, That, of the
10 additional new budget authority described in the preceding
11 proviso, up to \$11,200,000 may be transferred to the “Of-
12 fice of Inspector General”, Social Security Administration,
13 for the cost of jointly operated co-operative disability in-
14 vestigation units: *Provided further*, That such transfer au-
15 thority is in addition to any other transfer authority pro-
16 vided by law: *Provided further*, That the Commissioner
17 shall provide to the Congress (at the conclusion of the fis-
18 cal year) a report on the obligation and expenditure of
19 these funds, similar to the reports that were required by
20 section 103(d)(2) of Public Law 104–121 for fiscal years
21 1996 through 2002.

22 In addition, \$135,000,000 to be derived from admin-
23 istration fees in excess of \$5.00 per supplementary pay-
24 ment collected pursuant to section 1616(d) of the Social
25 Security Act or section 212(b)(3) of Public Law 93–66,

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1 which shall remain available until expended: *Provided*,
2 That to the extent that the amounts collected pursuant
3 to such sections in fiscal year 2021 exceed \$135,000,000,
4 the amounts shall be available in fiscal year 2022 only
5 to the extent provided in advance in appropriations Acts.

6 In addition, up to \$1,000,000 to be derived from fees
7 collected pursuant to section 303(c) of the Social Security
8 Protection Act, which shall remain available until ex-
9 pended.

10 OFFICE OF INSPECTOR GENERAL
11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses necessary for the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, \$30,000,000, together with not to
15 exceed \$75,500,000, to be transferred and expended as
16 authorized by section 201(g)(1) of the Social Security Act
17 from the Federal Old-Age and Survivors Insurance Trust
18 Fund and the Federal Disability Insurance Trust Fund.

19 In addition, an amount not to exceed 3 percent of
20 the total provided in this appropriation may be transferred
21 from the “Limitation on Administrative Expenses”, Social
22 Security Administration, to be merged with this account,
23 to be available for the time and purposes for which this
24 account is available: *Provided*, That notice of such trans-
25 fers shall be transmitted promptly to the Committees on

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- 1 Appropriations of the House of Representatives and the
- 2 Senate at least 15 days in advance of any transfer.

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1 TITLE V

2 GENERAL PROVISIONS

3 (TRANSFER OF FUNDS)

4 SEC. 501. The Secretaries of Labor, Health and
5 Human Services, and Education are authorized to transfer
6 unexpended balances of prior appropriations to accounts
7 corresponding to current appropriations provided in this
8 Act. Such transferred balances shall be used for the same
9 purpose, and for the same periods of time, for which they
10 were originally appropriated.

11 SEC. 502. No part of any appropriation contained in
12 this Act shall remain available for obligation beyond the
13 current fiscal year unless expressly so provided herein.

14 SEC. 503. (a) No part of any appropriation contained
15 in this Act or transferred pursuant to section 4002 of
16 Public Law 111–148 shall be used, other than for normal
17 and recognized executive-legislative relationships, for pub-
18 licity or propaganda purposes, for the preparation, dis-
19 tribution, or use of any kit, pamphlet, booklet, publication,
20 electronic communication, radio, television, or video pres-
21 entation designed to support or defeat the enactment of
22 legislation before the Congress or any State or local legis-
23 lature or legislative body, except in presentation to the
24 Congress or any State or local legislature itself, or de-
25 signed to support or defeat any proposed or pending regu-

1 lation, administrative action, or order issued by the execu-
2 tive branch of any State or local government, except in
3 presentation to the executive branch of any State or local
4 government itself.

5 (b) No part of any appropriation contained in this
6 Act or transferred pursuant to section 4002 of Public Law
7 111–148 shall be used to pay the salary or expenses of
8 any grant or contract recipient, or agent acting for such
9 recipient, related to any activity designed to influence the
10 enactment of legislation, appropriations, regulation, ad-
11 ministrative action, or Executive order proposed or pend-
12 ing before the Congress or any State government, State
13 legislature or local legislature or legislative body, other
14 than for normal and recognized executive-legislative rela-
15 tionships or participation by an agency or officer of a
16 State, local or tribal government in policymaking and ad-
17 ministrative processes within the executive branch of that
18 government.

19 (c) The prohibitions in subsections (a) and (b) shall
20 include any activity to advocate or promote any proposed,
21 pending or future Federal, State or local tax increase, or
22 any proposed, pending, or future requirement or restric-
23 tion on any legal consumer product, including its sale or
24 marketing, including but not limited to the advocacy or
25 promotion of gun control.

1 SEC. 504. The Secretaries of Labor and Education
2 are authorized to make available not to exceed \$28,000
3 and \$20,000, respectively, from funds available for sala-
4 ries and expenses under titles I and III, respectively, for
5 official reception and representation expenses; the Direc-
6 tor of the Federal Mediation and Conciliation Service is
7 authorized to make available for official reception and rep-
8 resentation expenses not to exceed \$5,000 from the funds
9 available for “Federal Mediation and Conciliation Service,
10 Salaries and Expenses”; and the Chairman of the Na-
11 tional Mediation Board is authorized to make available for
12 official reception and representation expenses not to ex-
13 ceed \$5,000 from funds available for “National Mediation
14 Board, Salaries and Expenses”.

15 SEC. 505. When issuing statements, press releases,
16 requests for proposals, bid solicitations and other docu-
17 ments describing projects or programs funded in whole or
18 in part with Federal money, all grantees receiving Federal
19 funds included in this Act, including but not limited to
20 State and local governments and recipients of Federal re-
21 search grants, shall clearly state—

22 (1) the percentage of the total costs of the pro-
23 gram or project which will be financed with Federal
24 money;

1 (2) the dollar amount of Federal funds for the
2 project or program; and

3 (3) percentage and dollar amount of the total
4 costs of the project or program that will be financed
5 by non-governmental sources.

6 SEC. 506. (a) None of the funds appropriated in this
7 Act, and none of the funds in any trust fund to which
8 funds are appropriated in this Act, shall be expended for
9 any abortion.

10 (b) None of the funds appropriated in this Act, and
11 none of the funds in any trust fund to which funds are
12 appropriated in this Act, shall be expended for health ben-
13 efits coverage that includes coverage of abortion.

14 (c) The term “health benefits coverage” means the
15 package of services covered by a managed care provider
16 or organization pursuant to a contract or other arrange-
17 ment.

18 SEC. 507. (a) The limitations established in the pre-
19 ceding section shall not apply to an abortion—

20 (1) if the pregnancy is the result of an act of
21 rape or incest; or

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness,
24 including a life-endangering physical condition
25 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

15 (d)(1) None of the funds made available in this Act
16 may be made available to a Federal agency or program,
17 or to a State or local government, if such agency, program,
18 or government subjects any institutional or individual
19 health care entity to discrimination on the basis that the
20 health care entity does not provide, pay for, provide cov-
21 erage of, or refer for abortions.

22 (2) In this subsection, the term "health care
23 entity" includes an individual physician or other
24 health care professional, a hospital, a provider-spon-
25 sored organization, a health maintenance organiza-

1 tion, a health insurance plan, or any other kind of
2 health care facility, organization, or plan.

3 SEC. 508. (a) None of the funds made available in
4 this Act may be used for—

5 (1) the creation of a human embryo or embryos
6 for research purposes; or

7 (2) research in which a human embryo or em-
8 bryos are destroyed, discarded, or knowingly sub-
9 jected to risk of injury or death greater than that
10 allowed for research on fetuses in utero under 45
11 CFR 46.204(b) and section 498(b) of the Public
12 Health Service Act (42 U.S.C. 289g(b)).

13 (b) For purposes of this section, the term “human
14 embryo or embryos” includes any organism, not protected
15 as a human subject under 45 CFR 46 as of the date of
16 the enactment of this Act, that is derived by fertilization,
17 parthenogenesis, cloning, or any other means from one or
18 more human gametes or human diploid cells.

19 SEC. 509. (a) None of the funds made available in
20 this Act may be used for any activity that promotes the
21 legalization of any drug or other substance included in
22 schedule I of the schedules of controlled substances estab-
23 lished under section 202 of the Controlled Substances Act
24 except for normal and recognized executive-congressional
25 communications.

1 (b) The limitation in subsection (a) shall not apply
2 when there is significant medical evidence of a therapeutic
3 advantage to the use of such drug or other substance or
4 that federally sponsored clinical trials are being conducted
5 to determine therapeutic advantage.

6 SEC. 510. None of the funds made available in this
7 Act may be used to promulgate or adopt any final stand-
8 ard under section 1173(b) of the Social Security Act pro-
9 viding for, or providing for the assignment of, a unique
10 health identifier for an individual (except in an individ-
11 ual's capacity as an employer or a health care provider),
12 until legislation is enacted specifically approving the
13 standard.

14 SEC. 511. None of the funds made available in this
15 Act may be obligated or expended to enter into or renew
16 a contract with an entity if—

17 (1) such entity is otherwise a contractor with
18 the United States and is subject to the requirement
19 in 38 U.S.C. 4212(d) regarding submission of an
20 annual report to the Secretary of Labor concerning
21 employment of certain veterans; and

22 (2) such entity has not submitted a report as
23 required by that section for the most recent year for
24 which such requirement was applicable to such enti-
25 ty.

1 SEC. 512. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government, except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriation Act.

6 SEC. 513. None of the funds made available by this
7 Act to carry out the Library Services and Technology Act
8 may be made available to any library covered by para-
9 graph (1) of section 224(f) of such Act, as amended by
10 the Children’s Internet Protection Act, unless such library
11 has made the certifications required by paragraph (4) of
12 such section.

13 SEC. 514. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2021, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

- 21 (1) creates new programs;
- 22 (2) eliminates a program, project, or activity;
- 23 (3) increases funds or personnel by any means
24 for any project or activity for which funds have been
25 denied or restricted;

1 (4) relocates an office or employees;

2 (5) reorganizes or renames offices;

3 (6) reorganizes programs or activities; or

4 (7) contracts out or privatizes any functions or
5 activities presently performed by Federal employees;

6 unless the Committees on Appropriations of the House of
7 Representatives and the Senate are consulted 15 days in
8 advance of such reprogramming or of an announcement
9 of intent relating to such reprogramming, whichever oc-
10 curs earlier, and are notified in writing 10 days in advance
11 of such reprogramming.

12 (b) None of the funds provided under this Act, or
13 provided under previous appropriations Acts to the agen-
14 cies funded by this Act that remain available for obligation
15 or expenditure in fiscal year 2021, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 through a reprogramming of funds in excess of \$500,000
20 or 10 percent, whichever is less, that—

21 (1) augments existing programs, projects (in-
22 cluding construction projects), or activities;

23 (2) reduces by 10 percent funding for any exist-
24 ing program, project, or activity, or numbers of per-
25 sonnel by 10 percent as approved by Congress; or

1 (3) results from any general savings from a re-
2 duction in personnel which would result in a change
3 in existing programs, activities, or projects as ap-
4 proved by Congress;
5 unless the Committees on Appropriations of the House of
6 Representatives and the Senate are consulted 15 days in
7 advance of such reprogramming or of an announcement
8 of intent relating to such reprogramming, whichever oc-
9 curs earlier, and are notified in writing 10 days in advance
10 of such reprogramming.

11 SEC. 515. (a) None of the funds made available in
12 this Act may be used to request that a candidate for ap-
13 pointment to a Federal scientific advisory committee dis-
14 close the political affiliation or voting history of the can-
15 didate or the position that the candidate holds with re-
16 spect to political issues not directly related to and nec-
17 essary for the work of the committee involved.

18 (b) None of the funds made available in this Act may
19 be used to disseminate information that is deliberately
20 false or misleading.

21 SEC. 516. Within 45 days of enactment of this Act,
22 each department and related agency funded through this
23 Act shall submit an operating plan that details at the pro-
24 gram, project, and activity level any funding allocations
25 for fiscal year 2021 that are different than those specified

1 in this Act, the explanatory statement described in section
2 4 (in the matter preceding division A of this consolidated
3 Act), or the fiscal year 2021 budget request.

4 SEC. 517. The Secretaries of Labor, Health and
5 Human Services, and Education shall each prepare and
6 submit to the Committees on Appropriations of the House
7 of Representatives and the Senate a report on the number
8 and amount of contracts, grants, and cooperative agree-
9 ments exceeding \$500,000, individually or in total for a
10 particular project, activity, or programmatic initiative, in
11 value and awarded by the Department on a non-competi-
12 tive basis during each quarter of fiscal year 2021, but not
13 to include grants awarded on a formula basis or directed
14 by law. Such report shall include the name of the con-
15 tractor or grantee, the amount of funding, the govern-
16 mental purpose, including a justification for issuing the
17 award on a non-competitive basis. Such report shall be
18 transmitted to the Committees within 30 days after the
19 end of the quarter for which the report is submitted.

20 SEC. 518. None of the funds appropriated in this Act
21 shall be expended or obligated by the Commissioner of So-
22 cial Security, for purposes of administering Social Security
23 benefit payments under title II of the Social Security Act,
24 to process any claim for credit for a quarter of coverage
25 based on work performed under a social security account

1 number that is not the claimant's number and the per-
2 formance of such work under such number has formed the
3 basis for a conviction of the claimant of a violation of sec-
4 tion 208(a)(6) or (7) of the Social Security Act.

5 SEC. 519. None of the funds appropriated by this Act
6 may be used by the Commissioner of Social Security or
7 the Social Security Administration to pay the compensa-
8 tion of employees of the Social Security Administration
9 to administer Social Security benefit payments, under any
10 agreement between the United States and Mexico estab-
11 lishing totalization arrangements between the social secu-
12 rity system established by title II of the Social Security
13 Act and the social security system of Mexico, which would
14 not otherwise be payable but for such agreement.

15 SEC. 520. (a) None of the funds made available in
16 this Act may be used to maintain or establish a computer
17 network unless such network blocks the viewing,
18 downloading, and exchanging of pornography.

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

23 SEC. 521. None of the funds made available under
24 this or any other Act, or any prior Appropriations Act,
25 may be provided to the Association of Community Organi-

1 zations for Reform Now (ACORN), or any of its affiliates,
2 subsidiaries, allied organizations, or successors.

3 SEC. 522. For purposes of carrying out Executive
4 Order 13589, Office of Management and Budget Memo-
5 randum M-12-12 dated May 11, 2012, and requirements
6 contained in the annual appropriations bills relating to
7 conference attendance and expenditures:

8 (1) the operating divisions of HHS shall be con-
9 sidered independent agencies; and

10 (2) attendance at and support for scientific con-
11 ferences shall be tabulated separately from and not
12 included in agency totals.

13 SEC. 523. Federal agencies funded under this Act
14 shall clearly state within the text, audio, or video used for
15 advertising or educational purposes, including emails or
16 Internet postings, that the communication is printed, pub-
17 lished, or produced and disseminated at U.S. taxpayer ex-
18 pense. The funds used by a Federal agency to carry out
19 this requirement shall be derived from amounts made
20 available to the agency for advertising or other commu-
21 nications regarding the programs and activities of the
22 agency.

23 SEC. 524. (a) Federal agencies may use Federal dis-
24 cretionary funds that are made available in this Act to
25 carry out up to 10 Performance Partnership Pilots. Such

1 Pilots shall be governed by the provisions of section 526
2 of division H of Public Law 113–76, except that in car-
3 rying out such Pilots section 526 shall be applied by sub-
4 stituting “Fiscal Year 2021” for “Fiscal Year 2014” in
5 the title of subsection (b) and by substituting “September
6 30, 2025” for “September 30, 2018” each place it ap-
7 pears: *Provided*, That such pilots shall include commu-
8 nities that have experienced civil unrest.

9 (b) In addition, Federal agencies may use Federal
10 discretionary funds that are made available in this Act to
11 participate in Performance Partnership Pilots that are
12 being carried out pursuant to the authority provided by
13 section 526 of division H of Public Law 113–76, section
14 524 of division G of Public Law 113–235, section 525 of
15 division H of Public Law 114–113, section 525 of division
16 H of Public Law 115–31, section 525 of division H of
17 Public Law 115–141, and section 524 of division A of
18 Public Law 116–94.

19 (c) Pilot sites selected under authorities in this Act
20 and prior appropriations Acts may be granted by relevant
21 agencies up to an additional 5 years to operate under such
22 authorities.

23 SEC. 525. Not later than 30 days after the end of
24 each calendar quarter, beginning with the first month of
25 fiscal year 2021 the Departments of Labor, Health and

1 Human Services and Education and the Social Security
2 Administration shall provide the Committees on Appro-
3 priations of the House of Representatives and Senate a
4 report on the status of balances of appropriations: *Pro-*
5 *vided*, That for balances that are unobligated and uncom-
6 mitted, committed, and obligated but unexpended, the
7 monthly reports shall separately identify the amounts at-
8 tributable to each source year of appropriation (beginning
9 with fiscal year 2012, or, to the extent feasible, earlier
10 fiscal years) from which balances were derived.

11 SEC. 526. The Departments of Labor, Health and
12 Human Services, or Education shall provide to the Com-
13 mittees on Appropriations of the House of Representatives
14 and the Senate a comprehensive list of any new or com-
15 petitive grant award notifications, including supplements,
16 issued at the discretion of such Departments not less than
17 3 full business days before any entity selected to receive
18 a grant award is announced by the Department or its of-
19 fices (other than emergency response grants at any time
20 of the year or for grant awards made during the last 10
21 business days of the fiscal year, or if applicable, of the
22 program year).

23 SEC. 527. Notwithstanding any other provision of
24 this Act, no funds appropriated in this Act shall be used
25 to purchase sterile needles or syringes for the hypodermic

1 injection of any illegal drug: *Provided*, That such limita-
2 tion does not apply to the use of funds for elements of
3 a program other than making such purchases if the rel-
4 evant State or local health department, in consultation
5 with the Centers for Disease Control and Prevention, de-
6 termines that the State or local jurisdiction, as applicable,
7 is experiencing, or is at risk for, a significant increase in
8 hepatitis infections or an HIV outbreak due to injection
9 drug use, and such program is operating in accordance
10 with State and local law.

11 SEC. 528. Each department and related agency fund-
12 ed through this Act shall provide answers to questions
13 submitted for the record by members of the Committee
14 within 45 business days after receipt.

15 (RESCISSION)

16 SEC. 529. Of the unobligated balances made available
17 by section 301(b)(3) of Public Law 114–10,
18 \$2,000,000,000 are hereby rescinded.

19 (RESCISSION)

20 SEC. 530. Of any available amounts appropriated
21 under section 2104(a)(24) of the Social Security Act (42
22 U.S.C. 1397dd) that are unobligated as of September 25,
23 2021, \$1,000,000,000 are hereby rescinded as of such
24 date.

1 SEC. 531. Of the unobligated balances made available
2 for purposes of carrying out section 2105(a)(3) of the So-
3 cial Security Act, \$4,000,000,000 shall not be available
4 for obligation in this fiscal year.

5 SEC. 532. Of amounts deposited in the Child Enroll-
6 ment Contingency Fund under section 2104(n)(2) of the
7 Social Security Act and the income derived from invest-
8 ment of those funds pursuant to section 2104(n)(2)(C) of
9 that Act, \$14,000,000,000 shall not be available for obli-
10 gation in this fiscal year.

11 SEC. 533. For an additional amount for “Department
12 of Health and Human Services—Administration for Chil-
13 dren and Families—Children and Families Services Pro-
14 grams”, \$638,000,000, to prevent, prepare for, and re-
15 spond to coronavirus, for necessary expenses for grants
16 to carry out a Low-Income Household Drinking Water
17 and Wastewater Emergency Assistance Program: *Pro-*
18 *vided*, That the Secretary of Health and Human Services
19 shall make grants to States and Indian Tribes to assist
20 low-income households, particularly those with the lowest
21 incomes, that pay a high proportion of household income
22 for drinking water and wastewater services, by providing
23 funds to owners or operators of public water systems or
24 treatment works to reduce arrearages of and rates charged
25 to such households for such services: *Provided further*,

1 That in carrying out this appropriation, the Secretary,
2 States, and Indian Tribes, as applicable, shall, as appro-
3 priate and to the extent practicable, use existing processes,
4 procedures, policies, and systems in place to provide as-
5 sistance to low-income households, including by using ex-
6 isting programs and program announcements, application
7 and approval processes: *Provided further*, That the Sec-
8 retary shall allot amounts appropriated in this section to
9 a State or Indian Tribe based on the following (i) the per-
10 centage of households in the State, or under the jurisdic-
11 tion of the Indian Tribe, with income equal to or less than
12 150 percent of the Federal poverty line, and (ii) the per-
13 centage of such households in the State, or under the ju-
14 risdiction of the Indian Tribe, that spend more than 30
15 percent of monthly income on housing: *Provided further*,
16 That up to 3 percent of the amount appropriated in this
17 section shall be reserved for Indian Tribes and tribal orga-
18 nizations: *Provided further*, That such amount is des-
19 igned by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 This division may be cited as the “Departments of
23 Labor, Health and Human Services, and Education, and
24 Related Agencies Appropriations Act, 2021”.

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1 **DIVISION I—LEGISLATIVE BRANCH**
2 **APPROPRIATIONS ACT, 2021**

3 **TITLE I**

4 **LEGISLATIVE BRANCH**

5 **SENATE**

6 **EXPENSE ALLOWANCES**

7 For expense allowances of the Vice President,
8 \$18,760; the President Pro Tempore of the Senate,
9 \$37,520; Majority Leader of the Senate, \$39,920; Minor-
10 ity Leader of the Senate, \$39,920; Majority Whip of the
11 Senate, \$9,980; Minority Whip of the Senate, \$9,980;
12 President Pro Tempore Emeritus, \$15,000; Chairmen of
13 the Majority and Minority Conference Committees, \$4,690
14 for each Chairman; and Chairmen of the Majority and Mi-
15 nority Policy Committees, \$4,690 for each Chairman; in
16 all, \$189,840.

17 For representation allowances of the Majority and
18 Minority Leaders of the Senate, \$14,070 for each such
19 Leader; in all, \$28,140.

20 **SALARIES, OFFICERS AND EMPLOYEES**

21 For compensation of officers, employees, and others
22 as authorized by law, including agency contributions,
23 \$222,727,000, which shall be paid from this appropriation
24 as follows:

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1 OFFICE OF THE VICE PRESIDENT

2 For the Office of the Vice President, \$2,533,000.

3 OFFICE OF THE PRESIDENT PRO TEMPORE

4 For the Office of the President Pro Tempore,
5 \$759,000.

6 OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

7 For the Office of the President Pro Tempore Emer-
8 itus, \$326,000.

9 OFFICES OF THE MAJORITY AND MINORITY LEADERS

10 For Offices of the Majority and Minority Leaders,
11 \$5,506,000.

12 OFFICES OF THE MAJORITY AND MINORITY WHIPS

13 For Offices of the Majority and Minority Whips,
14 \$3,525,000.

15 COMMITTEE ON APPROPRIATIONS

16 For salaries of the Committee on Appropriations,
17 \$16,143,000.

18 CONFERENCE COMMITTEES

19 For the Conference of the Majority and the Con-
20 ference of the Minority, at rates of compensation to be
21 fixed by the Chairman of each such committee,
22 \$1,738,000 for each such committee; in all, \$3,476,000.

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1 OFFICES OF THE SECRETARIES OF THE CONFERENCE OF
2 THE MAJORITY AND THE CONFERENCE OF THE MINORITY
3 For Offices of the Secretaries of the Conference of
4 the Majority and the Conference of the Minority,
5 \$862,000.

6 POLICY COMMITTEES

7 For salaries of the Majority Policy Committee and
8 the Minority Policy Committee, \$1,776,000 for each such
9 committee; in all, \$3,552,000.

10 OFFICE OF THE CHAPLAIN

11 For Office of the Chaplain, \$510,000.

12 OFFICE OF THE SECRETARY

13 For Office of the Secretary, \$26,818,000.

14 OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

15 For Office of the Sergeant at Arms and Doorkeeper,
16 \$88,879,000.

17 OFFICES OF THE SECRETARIES FOR THE MAJORITY AND
18 MINORITY

19 For Offices of the Secretary for the Majority and the
20 Secretary for the Minority, \$1,940,000.

21 AGENCY CONTRIBUTIONS AND RELATED EXPENSES

22 For agency contributions for employee benefits, as
23 authorized by law, and related expenses, \$67,898,000.

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1 OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

2 For salaries and expenses of the Office of the Legisla-
3 tive Counsel of the Senate, \$6,681,000.

4 OFFICE OF SENATE LEGAL COUNSEL

5 For salaries and expenses of the Office of Senate
6 Legal Counsel, \$1,197,000.

7 EXPENSE ALLOWANCES OF THE SECRETARY OF THE
8 SENATE, SERGEANT AT ARMS AND DOORKEEPER OF
9 THE SENATE, AND SECRETARIES FOR THE MAJOR-
10 ITY AND MINORITY OF THE SENATE

11 For expense allowances of the Secretary of the Sen-
12 ate, \$7,110; Sergeant at Arms and Doorkeeper of the Sen-
13 ate, \$7,110; Secretary for the Majority of the Senate,
14 \$7,110; Secretary for the Minority of the Senate, \$7,110;
15 in all, \$28,440.

16 CONTINGENT EXPENSES OF THE SENATE

17 INQUIRIES AND INVESTIGATIONS

18 For expenses of inquiries and investigations ordered
19 by the Senate, or conducted under paragraph 1 of rule
20 XXVI of the Standing Rules of the Senate, section 112
21 of the Supplemental Appropriations and Rescission Act,
22 1980 (Public Law 96–304), and Senate Resolution 281,
23 96th Congress, agreed to March 11, 1980, \$133,265,000,
24 of which \$13,350,000 shall remain available until Sep-
25 tember 30, 2023.

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1 U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS
2 CONTROL

3 For expenses of the United States Senate Caucus on
4 International Narcotics Control, \$508,000.

5 SECRETARY OF THE SENATE

6 For expenses of the Office of the Secretary of the
7 Senate, \$9,536,000 of which \$6,436,000 shall remain
8 available until September 30, 2025 and of which
9 \$3,100,000 shall remain available until expended.

10 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

11 For expenses of the Office of the Sergeant at Arms
12 and Doorkeeper of the Senate, \$139,221,200, which shall
13 remain available until September 30, 2025: *Provided,*
14 That of the amounts made available under this heading,
15 \$4,740,000, to remain available until expended, shall be
16 for the Joint Audible Warning System.

17 MISCELLANEOUS ITEMS

18 For miscellaneous items, \$24,877,100 which shall re-
19 main available until September 30, 2023.

20 SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE

21 ACCOUNT

22 For Senators' Official Personnel and Office Expense
23 Account, \$461,000,000 of which \$20,128,950 shall remain
24 available until September 30, 2023 and of which

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1 \$6,000,000 shall be allocated solely for the purpose of pro-
2 viding financial compensation to Senate interns.

3 OFFICIAL MAIL COSTS

4 For expenses necessary for official mail costs of the
5 Senate, \$300,000.

6 ADMINISTRATIVE PROVISIONS

7 (INCLUDING RESCISSION OF FUNDS)

8 REQUIRING AMOUNTS REMAINING IN SENATORS' OFFI-
9 CIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT
10 TO BE USED FOR DEFICIT REDUCTION OR TO RE-
11 DUCE THE FEDERAL DEBT

12 SEC. 101. Notwithstanding any other provision of
13 law, any amounts appropriated under this Act under the
14 heading "SENATE" under the heading "CONTINGENT
15 EXPENSES OF THE SENATE" under the heading "SEN-
16 ATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE AC-
17 COUNT" shall be available for obligation only during the
18 fiscal year or fiscal years for which such amounts are
19 made available. Any unexpended balances under such al-
20 lowances remaining after the end of the period of avail-
21 ability shall be returned to the Treasury in accordance
22 with the undesignated paragraph under the center heading
23 "GENERAL PROVISION" under chapter XI of the
24 Third Supplemental Appropriation Act, 1957 (2 U.S.C.
25 4107) and used for deficit reduction (or, if there is no

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1 Federal budget deficit after all such payments have been
2 made, for reducing the Federal debt, in such manner as
3 the Secretary of the Treasury considers appropriate).

4 RESCISSION

5 SEC. 102. Of the unobligated balances made available
6 under the heading “Senate—Contingent Expenses of the
7 Senate—Settlements and Awards Reserve” in the Legisla-
8 tive Branch Appropriations Act, 1996 (Public Law 104–
9 53), \$1,000,000 are hereby permanently rescinded.

10 EXTENSION OF AUTHORITY

11 SEC. 103. Section 21(d) of Senate Resolution 64 of
12 the One Hundred Thirteenth Congress, 1st session
13 (agreed to on March 5, 2013), as most recently amended
14 by section 103 of the Legislative Branch Appropriations
15 Act, 2019 (division B of Public Law 115–244), is further
16 amended by striking “December 31, 2020” and inserting
17 “December 31, 2022”.

18 SENATE DEMOCRATIC LEADERSHIP OFFICES FUNDING

19 AND AUTHORITIES

20 SEC. 104. (a) In this section—

21 (1) the term “applicable conference” means the
22 majority or minority conference of the Senate, as ap-
23 plicable, that represents the Democratic party;

24 (2) the term “covered Congress” means the
25 117th Congress; and

1 (3) the term “covered period” means the period
2 beginning on the date on which the Secretary of the
3 applicable conference submits the letter described in
4 subsection (b) and ending on January 3, 2023.

5 (b) The Secretary of the applicable conference may,
6 by submission of a letter to the Disbursing Office of the
7 Senate on or after January 3, 2021, assign to the Assist-
8 ant Leader of the applicable conference the following du-
9 ties and authorities for the duration of the covered Con-
10 gress:

11 (1) The authority over any amounts made avail-
12 able for the Office of the Secretary of the applicable
13 conference.

14 (2) The duties and authorities of the Secretary
15 of the applicable conference under section 3 of title
16 I of division H of the Consolidated Appropriations
17 Act, 2008 (2 U.S.C. 6154), section 102 of chapter
18 VIII of title I of the Supplemental Appropriations
19 Act, 1979 (2 U.S.C. 6156), or any other provision
20 of law.

21 (c) For purposes of any individual employed by the
22 Office of the Assistant Leader of the applicable conference
23 during the covered period—

24 (1) any reference to the Office of the Secretary
25 of the applicable conference in the last sentence of

1 section 506(e) of the Supplemental Appropriations
2 Act, 1973 (2 U.S.C. 6314(e)) shall be deemed to
3 refer to the Office of the Assistant Leader of the ap-
4 plicable conference;

5 (2) any reference to the Office of the Secretary
6 of the applicable conference under subsection (b) of
7 the first section of S. Res. 458 (98th Congress) shall
8 be deemed to refer to the Office of the Assistant
9 Leader of the applicable conference; and

10 (3) any reference to the Secretary of the appli-
11 cable conference under section 207(e)(9)(M) of title
12 18, United States Code, shall be deemed to refer to
13 the Assistant Leader of the applicable conference.

14 (d) For purposes of any individual employed by the
15 Office of the Assistant Leader of the applicable conference
16 during the covered period and with respect to any practice
17 that occurs during the covered period, any reference to
18 the Office of the Secretary of the applicable conference
19 under section 220(e)(2)(C) of the Congressional Account-
20 ability Act of 1995 (2 U.S.C. 1351(e)(2)(C)) shall be
21 deemed to be a reference to the Office of the Assistant
22 Leader of the applicable conference.

23 (e) Nothing in this section shall be construed to have
24 any effect on the continuation of any procedure or action
25 initiated under the Congressional Accountability Act of

1 1995 (2 U.S.C. 1301 et seq.) or section 207 of title 18,
2 United States Code.

3 STUDENT LOAN CAP ADJUSTMENT

4 SEC. 105. (a) Section 102 of the Legislative Branch
5 Appropriations Act, 2002 (2 U.S.C. 4579) is amended—

6 (1) in subsection (c)(2)(A)—

7 (A) in clause (i), by striking “ \$500” and
8 inserting “ \$833”; and

9 (B) in clause (ii), by striking “ \$40,000”
10 and inserting “ \$80,000”; and

11 (2) in subsection (h)(1), by striking “2 percent”
12 each place it appears and inserting “2.5 percent”.

13 (b) The amendments made by subsection (a) shall
14 take effect on March 1, 2021.

15 HOUSE OF REPRESENTATIVES

16 SALARIES AND EXPENSES

17 For salaries and expenses of the House of Represent-
18 atives, \$1,480,819,000, as follows:

19 HOUSE LEADERSHIP OFFICES

20 For salaries and expenses, as authorized by law,
21 \$28,884,000, including: Office of the Speaker,
22 \$8,295,000, including \$25,000 for official expenses of the
23 Speaker; Office of the Majority Floor Leader, \$2,947,000,
24 including \$10,000 for official expenses of the Majority
25 Leader; Office of the Minority Floor Leader, \$8,295,000,

1 including \$10,000 for official expenses of the Minority
2 Leader; Office of the Majority Whip, including the Chief
3 Deputy Majority Whip, \$2,448,000, including \$5,000 for
4 official expenses of the Majority Whip; Office of the Mi-
5 nority Whip, including the Chief Deputy Minority Whip,
6 \$2,219,000, including \$5,000 for official expenses of the
7 Minority Whip; Republican Conference, \$2,340,000;
8 Democratic Caucus, \$2,340,000: *Provided*, That such
9 amount for salaries and expenses shall remain available
10 from January 3, 2021 until January 2, 2022.

11 MEMBERS' REPRESENTATIONAL ALLOWANCES
12 INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES
13 OF MEMBERS, AND OFFICIAL MAIL

14 For Members' representational allowances, including
15 Members' clerk hire, official expenses, and official mail,
16 \$640,000,000.

17 ALLOWANCE FOR COMPENSATION OF INTERNS IN
18 MEMBER OFFICES

19 For the allowance established under section 120 of
20 the Legislative Branch Appropriations Act, 2019 (2
21 U.S.C. 5322a) for the compensation of interns who serve
22 in the offices of Members of the House of Representatives,
23 \$11,025,000, to remain available through January 2,
24 2022: *Provided*, That notwithstanding section 120(b) of
25 such Act, an office of a Member of the House of Rep-

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1 representatives may use not more than \$25,000 of the allow-
2 ance available under this heading during calendar year
3 2021.

4 ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE
5 LEADERSHIP OFFICES

6 For the allowance established under section 113 of
7 the Legislative Branch Appropriations Act, 2020 (2
8 U.S.C. 5106) for the compensation of interns who serve
9 in House leadership offices, \$365,000, to remain available
10 through January 2, 2022: *Provided*, That of the amount
11 provided under this heading, \$200,000 shall be available
12 for the compensation of interns who serve in House leader-
13 ship offices of the majority, to be allocated among such
14 offices by the Speaker of the House of Representatives,
15 and \$165,000 shall be available for the compensation of
16 interns who serve in House leadership offices of the minor-
17 ity, to be allocated among such offices by the Minority
18 Floor Leader.

19 COMMITTEE EMPLOYEES

20 STANDING COMMITTEES, SPECIAL AND SELECT

21 For salaries and expenses of standing committees,
22 special and select, authorized by House resolutions,
23 \$138,100,000: *Provided*, That such amount shall remain
24 available for such salaries and expenses until December
25 31, 2022, except that \$3,100,000 of such amount shall

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1 remain available until expended for committee room up-
2 grading.

3 COMMITTEE ON APPROPRIATIONS

4 For salaries and expenses of the Committee on Ap-
5 propriations, \$24,725,000, including studies and examina-
6 tions of executive agencies and temporary personal serv-
7 ices for such committee, to be expended in accordance with
8 section 202(b) of the Legislative Reorganization Act of
9 1946 and to be available for reimbursement to agencies
10 for services performed: *Provided*, That such amount shall
11 remain available for such salaries and expenses until De-
12 cember 31, 2022.

13 SALARIES, OFFICERS AND EMPLOYEES

14 For compensation and expenses of officers and em-
15 ployees, as authorized by law, \$260,781,000, including:
16 for salaries and expenses of the Office of the Clerk, includ-
17 ing the positions of the Chaplain and the Historian, and
18 including not more than \$25,000 for official representa-
19 tion and reception expenses, of which not more than
20 \$20,000 is for the Family Room and not more than
21 \$2,000 is for the Office of the Chaplain, \$31,975,000, of
22 which \$4,000,000 shall remain available until expended;
23 for salaries and expenses of the Office of the Sergeant at
24 Arms, including the position of Superintendent of Garages
25 and the Office of Emergency Management, and including

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1 not more than \$3,000 for official representation and re-
2 ception expenses, \$23,260,000, of which \$11,000,000
3 shall remain available until expended; for salaries and ex-
4 penses of the Office of the Chief Administrative Officer
5 including not more than \$3,000 for official representation
6 and reception expenses, \$177,200,000, of which
7 \$26,000,000 shall remain available until expended; for sal-
8 aries and expenses of the Office of Diversity and Inclusion,
9 \$1,500,000; for salaries and expenses of the Office of the
10 Whistleblower Ombudsman, \$1,000,000; for salaries and
11 expenses of the Office of the Inspector General,
12 \$5,019,000; for salaries and expenses of the Office of Gen-
13 eral Counsel, \$1,815,000; for salaries and expenses of the
14 Office of the Parliamentarian, including the Parliamen-
15 tarian, \$2,000 for preparing the Digest of Rules, and not
16 more than \$1,000 for official representation and reception
17 expenses, \$2,088,000; for salaries and expenses of the Of-
18 fice of the Law Revision Counsel of the House,
19 \$3,469,000; for salaries and expenses of the Office of the
20 Legislative Counsel of the House, \$11,937,000; for sala-
21 ries and expenses of the Office of Interparliamentary Af-
22 fairs, \$934,000; for other authorized employees,
23 \$584,000.

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1 ALLOWANCES AND EXPENSES

2 For allowances and expenses as authorized by House
3 resolution or law, \$374,939,000, including: supplies, mate-
4 rials, administrative costs and Federal tort claims,
5 \$1,555,000; official mail for committees, leadership of-
6 fices, and administrative offices of the House, \$190,000;
7 Government contributions for health, retirement, Social
8 Security, contractor support for actuarial projections, and
9 other applicable employee benefits, \$335,000,000, to re-
10 main available until March 31, 2022; salaries and ex-
11 penses for Business Continuity and Disaster Recovery,
12 \$18,508,000, of which \$6,000,000 shall remain available
13 until expended; transition activities for new members and
14 staff, \$13,000,000, to remain available until expended;
15 Wounded Warrior Program and the Congressional Gold
16 Star Family Fellowship Program, \$3,975,000, to remain
17 available until expended; Office of Congressional Ethics,
18 \$1,711,000; and miscellaneous items including purchase,
19 exchange, maintenance, repair and operation of House
20 motor vehicles, interparliamentary receptions, and gratu-
21 ities to heirs of deceased employees of the House,
22 \$1,000,000.

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1 HOUSE OF REPRESENTATIVES MODERNIZATION
2 INITIATIVES ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 For the House of Representatives Modernization Ini-
5 tiatives Account established in section 115, \$2,000,000,
6 to remain available until expended: *Provided*, That dis-
7 bursement from this account is subject to approval of the
8 Committee on Appropriations of the House of Representa-
9 tives: *Provided further*, That funds provided in this ac-
10 count shall only be used for initiatives recommended by
11 the Select Committee on Modernization or approved by the
12 Committee on House Administration.

13 ADMINISTRATIVE PROVISIONS
14 REQUIRING AMOUNTS REMAINING IN MEMBERS' REP-
15 RESENTATIONAL ALLOWANCES TO BE USED FOR
16 DEFICIT REDUCTION OR TO REDUCE THE FEDERAL
17 DEBT

18 SEC. 110. (a) Notwithstanding any other provision
19 of law, any amounts appropriated under this Act for
20 "HOUSE OF REPRESENTATIVES—SALARIES AND
21 EXPENSES—MEMBERS' REPRESENTATIONAL ALLOW-
22 ANCES" shall be available only for fiscal year 2021. Any
23 amount remaining after all payments are made under such
24 allowances for fiscal year 2021 shall be deposited in the
25 Treasury and used for deficit reduction (or, if there is no

1 Federal budget deficit after all such payments have been
2 made, for reducing the Federal debt, in such manner as
3 the Secretary of the Treasury considers appropriate).

4 (b) The Committee on House Administration of the
5 House of Representatives shall have authority to prescribe
6 regulations to carry out this section.

7 (c) As used in this section, the term “Member of the
8 House of Representatives” means a Representative in, or
9 a Delegate or Resident Commissioner to, the Congress.

10 LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

11 SEC. 111. None of the funds made available in this
12 Act may be used by the Chief Administrative Officer of
13 the House of Representatives to make any payments from
14 any Members’ Representational Allowance for the leasing
15 of a vehicle, excluding mobile district offices, in an aggre-
16 gate amount that exceeds \$1,000 for the vehicle in any
17 month.

18 CYBERSECURITY ASSISTANCE FOR HOUSE OF

19 REPRESENTATIVES

20 SEC. 112. The head of any Federal entity that pro-
21 vides assistance to the House of Representatives in the
22 House’s efforts to deter, prevent, mitigate, or remediate
23 cybersecurity risks to, and incidents involving, the infor-
24 mation systems of the House shall take all necessary steps
25 to ensure the constitutional integrity of the separate

1 branches of the government at all stages of providing the
2 assistance, including applying minimization procedures to
3 limit the spread or sharing of privileged House and Mem-
4 ber information.

5 RESCISSIONS OF FUNDS

6 SEC. 113. (a) Of the unobligated balances available
7 from prior appropriations Acts from the revolving fund es-
8 tablished under House Resolution 64, Ninety Eighth Con-
9 gress, agreed to February 8, 1983, as enacted into perma-
10 nent law by section 110 of the Congressional Operations
11 Appropriation Act, 1984 (2 U.S.C. 4917), \$212,976 is
12 hereby rescinded.

13 (b) Of the unobligated balances available from prior
14 appropriations Acts from the revolving fund established in
15 the item relating to “Stationery” under the heading
16 “House of Representatives, Contingent Expenses of the
17 House” in the first section of the Legislative Branch Ap-
18 propriation Act, 1948 (2 U.S.C. 5534), \$1,000,000 is
19 hereby rescinded.

20 (c) Of the unobligated balances available from prior
21 appropriations Acts from the Net Expenses of Tele-
22 communications Revolving Fund under section 102 of the
23 Legislative Branch Appropriations Act, 2005 (2 U.S.C.
24 5538), \$3,000,000 is hereby rescinded.

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1 STUDENT LOAN CAP ADJUSTMENT

2 SEC. 114. (a) INCREASE IN LIFETIME LIMIT.—Sec-
3 tion 105 of the Legislative Branch Appropriations Act,
4 2003 (2 U.S.C. 4536) is amended—

5 (1) by redesignating subsections (b) and (c) as
6 subsections (c) and (d); and

7 (2) by inserting after subsection (a) the fol-
8 lowing new subsection:

9 “(b) LIFETIME LIMIT ON AGGREGATE PAYMENTS
10 MADE ON BEHALF OF ANY INDIVIDUAL.—The aggregate
11 amount of payments made on behalf of any individual
12 under the program under this section by all employing of-
13 fices of the House of Representatives may not exceed
14 \$80,000.”.

15 (b) EFFECTIVE DATE; TRANSITION.—

16 (1) EFFECTIVE DATE.—The amendment made
17 by subsection (a) shall apply with respect to fiscal
18 year 2021 and each succeeding fiscal year.

19 (2) PERMITTING ADDITIONAL PAYMENTS ON
20 BEHALF OF INDIVIDUALS WHOSE PAYMENTS
21 REACHED PRIOR LIMIT.—In promulgating regula-
22 tions to carry out the amendment made by sub-
23 section (a), the Committee on House Administration
24 of the House of Representatives shall include regula-
25 tions to permit payments to be made under the pro-

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1 gram under section 105 of the Legislative Branch
2 Appropriations Act, 2003 (2 U.S.C. 4536) on behalf
3 of an individual who—

4 (A) is an employee of an employing office
5 of the House during fiscal year 2021 or any
6 succeeding fiscal year;

7 (B) prior to fiscal year 2021, had pay-
8 ments made on the individual’s behalf under
9 the program under such section; and

10 (C) prior to fiscal year 2021, became ineli-
11 gible to have payments made on the individual’s
12 behalf under the program because the aggre-
13 gate amount of the payments made on the indi-
14 vidual’s behalf under the program reached the
15 limit on such aggregate amount which (under
16 regulations promulgated by the Committee) was
17 in effect prior to fiscal year 2021.

18 HOUSE OF REPRESENTATIVES MODERNIZATION

19 INITIATIVES ACCOUNT

20 SEC. 115. (a) ESTABLISHMENT.—There is hereby es-
21 tablished in the Treasury of the United States an account
22 for the House of Representatives to be known as the
23 “House of Representatives Modernization Initiatives Ac-
24 count” (hereafter in this section referred to as the “Ac-
25 count”).

1 (b) USE OF FUNDS.—Funds in the Account shall be
2 used by the House of Representatives to carry out initia-
3 tives to modernize the operations of the House, including
4 initiatives to promote administrative efficiencies and ex-
5 pand the use of innovative technologies in offices of the
6 House.

7 (c) CONTINUING AVAILABILITY OF FUNDS.—Funds
8 in the Account are available without fiscal year limitation.

9 (d) AUTHORIZING TRANSFERS OF FUNDS AMONG
10 OTHER HOUSE ACCOUNTS.—Section 101(e)(2) of the
11 Legislative Branch Appropriations Act, 1993 (2 U.S.C.
12 5507(e)(2)) is amended by striking “, and ‘Allowance for
13 Compensation of Interns in House Leadership Offices’.”
14 and inserting “‘Allowance for Compensation of Interns in
15 House Leadership Offices’, and ‘House of Representatives
16 Modernization Initiatives Account’.”.

17 (e) EFFECTIVE DATE.—This section and the amend-
18 ments made by this section shall apply with respect to fis-
19 cal year 2021 and each succeeding fiscal year.

20 CONGRESSIONAL MAILING STANDARDS

21 SEC. 116. (a) SHORT TITLE.—This section may be
22 cited as the “Communications Outreach Media and Mail
23 Standards Act” or the “COMMS Act”.

24 (b) RENAMING HOUSE COMMISSION ON CONGRES-
25 SIONAL MAILING STANDARDS.—

1 (1) IN GENERAL.—Section 5(a) of the Act enti-
2 tled “An Act to amend title 39, United States Code,
3 to clarify the proper use of the franking privilege by
4 Members of Congress, and for other purposes”, ap-
5 proved December 18, 1973 (2 U.S.C. 501(a)), is
6 amended by striking “House Commission on Con-
7 gressional Mailing Standards” and inserting “House
8 Communications Standards Commission”.

9 (2) CONFORMING AMENDMENTS.—

10 (A) TITLE 39.—Title 39, United States
11 Code, is amended by striking “House Commis-
12 sion on Congressional Mailing Standards” and
13 inserting “House Communications Standards
14 Commission” each place it appears in the fol-
15 lowing sections:

16 (i) Section 3210(a)(5), (a)(6)(D),
17 (b)(3), (d)(5), and (d)(6)(A).

18 (ii) Section 3216(e)(1) and (e)(2).

19 (iii) Section 3220(b).

20 (B) OTHER PROVISIONS.—Section 311 of
21 the Legislative Branch Appropriations Act,
22 1991 (2 U.S.C. 503) is amended by striking
23 “House Commission on Congressional Mailing
24 Standards” and inserting “House Communica-

1 tions Standards Commission” each place it ap-
2 pears in subsections (a)(3), (e)(1)(B), and (f).

3 (3) REFERENCES IN OTHER DOCUMENTS.—Any
4 reference in any rule, regulation, or other document
5 to the House Commission on Congressional Mailing
6 Standards shall be deemed to be a reference to the
7 House Communications Standards Commission.

8 (c) AUTHORITY OF COMMISSION OVER OFFICIAL
9 MASS COMMUNICATIONS.—

10 (1) AUTHORITY TO PROVIDE GUIDANCE RE-
11 GARDING DISSEMINATION OF MASS COMMUNICA-
12 TIONS.—

13 (A) IN GENERAL.—Section 5(d) of the Act
14 entitled “An Act to amend title 39, United
15 States Code, to clarify the proper use of the
16 franking privilege by Members of Congress, and
17 for other purposes”, approved December 18,
18 1973 (2 U.S.C. 501(d)), is amended—

19 (i) in the first sentence, by striking
20 “The Commission” and inserting “(1) The
21 Commission”; and

22 (ii) by adding at the end the following
23 new paragraph:

1 “(2) In addition to the guidance, assistance, ad-
2 vice, and counsel described in paragraph (1), the
3 Commission shall provide—

4 “(A) guidance, assistance, advice, and
5 counsel, through advisory opinions or consulta-
6 tions, in connection with any law and with any
7 rule or regulation of the House of Representa-
8 tives governing the dissemination of mass com-
9 munications other than franked mail; and

10 “(B) guidance, assistance, advice, and
11 counsel in connection with any law and with
12 any rule or regulation of the House of Rep-
13 resentatives governing the official content of
14 other official communications of any quantity,
15 whether solicited or unsolicited.”.

16 (B) AUTHORITY TO INVESTIGATE COM-
17 PLAINTS.—Section 5(e) of such Act (2 U.S.C.
18 501(e)) is amended—

19 (i) in the first sentence, by striking
20 “Any complaint” and all that follows
21 through “is about to occur” and inserting
22 the following: “Any complaint that a viola-
23 tion of any provision of law or any rule or
24 regulation of the House of Representatives

1 to which subsection (d) applies is about to
2 occur”; and

3 (ii) in the sentence beginning with
4 “Notwithstanding any other provision of
5 law”, by striking “a violation of the frank-
6 ing laws or an abuse of the franking privi-
7 lege by any person listed under subsection
8 (d) of this section as entitled to send mail
9 as franked mail,” and inserting “a viola-
10 tion of any provision of law or any rule or
11 regulation of the House of Representatives
12 to which subsection (d) applies,”.

13 (C) MASS COMMUNICATION DEFINED.—
14 Section 5 of such Act (2 U.S.C. 501) is amend-
15 ed by adding at the end the following new sub-
16 section:

17 “(h) In this section, the term ‘mass communication’
18 means a mass mailing described in section 3210(a)(6)(E)
19 of title 39, United States Code, or any other unsolicited
20 communication of substantially identical content which is
21 transmitted to 500 or more persons in a session of Con-
22 gress, as provided under regulations of the Commission,
23 except that such term does not include—

24 “(1) any communication from an individual de-
25 scribed in subsection (d) to another individual de-

1 scribed in subsection (d), a Senator, or any Federal,
2 State, local, or Tribal government official;

3 “(2) any news release to the communications
4 media;

5 “(3) any such mass mailing or unsolicited com-
6 munication made in direct response to a communica-
7 tion from a person to whom the mass mailing or un-
8 solicited communication was transmitted; or

9 “(4) in the case of any such unsolicited commu-
10 nication which is transmitted in a digital format, a
11 communication for which the cost of the content is
12 less than a threshold amount established under reg-
13 ulations of the House Communications Standards
14 Commission.”.

15 (2) AUTHORITY TO REVIEW ALL UNSOLICITED
16 MASS COMMUNICATIONS.—

17 (A) REQUIRING REVIEW BEFORE DISSEMI-
18 NATION.—Section 311(f) of the Legislative
19 Branch Appropriations Act, 1991 (2 U.S.C.
20 503(f)) is amended—

21 (i) by striking “any mass mailing”
22 and inserting “any mass communication”;

23 (ii) by striking “mail matter” and in-
24 serting “matter”; and

1 (iii) by striking “such proposed mail-
2 ing” and inserting “such proposed commu-
3 nication”.

4 (B) EXCEPTION FOR CERTAIN COMMU-
5 NICATIONS.—Section 311(f) of such Act (2
6 U.S.C. 503(f)) is amended—

7 (i) by striking “A Member” and in-
8 serting “(1) Except as provided in para-
9 graph (2), a Member”; and

10 (ii) by adding at the end the following
11 new paragraph:

12 “(2) Paragraph (1) does not apply in the case of any
13 type of mass communication which is designated as ex-
14 empt from the requirements of such paragraph as pro-
15 vided under regulations of the House Communications
16 Standards Commission.”.

17 (C) DEFINITION.—Section 311(g) of such
18 Act (2 U.S.C. 503(g)) is amended—

19 (i) by striking “and” at the end of
20 paragraph (1);

21 (ii) by striking the period at the end
22 of paragraph (2) and inserting “; and”;
23 and

24 (iii) by adding at the end the fol-
25 lowing new paragraph:

1 “(3) the term ‘mass communication’ means a
2 mass mailing described in section 3210(a)(6)(E) of
3 title 39, United States Code, or any other unsolic-
4 ited communication of substantially identical content
5 which is transmitted to 500 or more persons in a
6 session of Congress, as provided under regulations of
7 the House Communications Standards Commission,
8 except that such term does not include—

9 “(A) any communication from a Member
10 of the House of Representatives to another
11 Member of the House of Representatives, a
12 Senator, or any Federal, State, or local govern-
13 ment official;

14 “(B) any news release to the communica-
15 tions media;

16 “(C) any such mass mailing or unsolicited
17 communication made in direct response to a
18 communication from a person to whom the
19 mass mailing or unsolicited communication was
20 transmitted; or

21 “(D) in the case of any such unsolicited
22 communication which is transmitted in a digital
23 format, a communication for which the cost of
24 the content is less than a threshold amount es-

1 tablished under regulations of the House Com-
2 munications Standards Commission.”.

3 (3) CONFORMING AMENDMENT TO RULES OF
4 THE HOUSE OF REPRESENTATIVES.—Clause 9 of
5 rule XXIV of the Rules of the House of Representa-
6 tives is amended by inserting after “that session,”
7 the following: “or any other unsolicited communica-
8 tion of substantially identical content which is trans-
9 mitted to 500 or more persons in that session or, in
10 the case of a digital communication of substantially
11 identical content, which is disseminated at a cost ex-
12 ceeding a designated amount, as provided under reg-
13 ulations of the House Communications Standards
14 Commission,”.

15 (d) REVISION TO MASS MAILING NOTICE ON TAX-
16 PAYER FUNDING.—Section 311(a) of the Legislative
17 Branch Appropriations Act, 1997 (2 U.S.C. 506(a)) is
18 amended—

19 (1) by striking “(a) Each mass mailing” and
20 inserting “(a)(1) Each mass mailing”;

21 (2) by striking “the following notice:” and all
22 that follows through “or a notice” and inserting
23 “one of the notices described in paragraph (2) or a
24 notice”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(2) The notices described in this paragraph are as
4 follows:

5 “(A) ‘Paid for with official funds from the of-
6 fice of _____.’, with the blank filled in with
7 the name of the Member sending the mailing.

8 “(B) ‘Paid for by the funds authorized by the
9 House of Representatives for District ____ of
10 _____.’, with the first blank filled in with the
11 name of the congressional district number, and the
12 second blank filled in with the name of the State, of
13 the Member sending the mailing.

14 “(C) ‘Paid for by official funds authorized by
15 the House of Representatives.’”.

16 (e) REVISIONS TO RESTRICTIONS ON MAIL MATTER
17 CONSIDERED FRANKABLE.—

18 (1) EXPRESSIONS OF CONGRATULATIONS.—Sec-
19 tion 3210(a)(3)(F) of title 39, United States Code,
20 is amended by striking “to a person who has
21 achieved some public distinction”.

22 (2) BIOGRAPHICAL INFORMATION RELATED TO
23 OFFICIAL AND REPRESENTATIONAL DUTIES.—Sec-
24 tion 3210(a)(3)(I) of such title is amended by strik-
25 ing “publication or in response to a specific request

1 therefor” and inserting the following: “publication,
2 in response to a specific request therefor, or which
3 relates to the Member’s or Member-elect’s official
4 and representational duties,”.

5 (3) PHOTOS AND LIKENESSES INCLUDED IN
6 NEWSLETTERS OR GENERAL MASS MAILINGS.—Sec-
7 tion 3210(a)(3) of such title is amended—

8 (A) by adding “or” at the end of subpara-
9 graph (H);

10 (B) in subparagraph (I), by striking “; or”
11 and inserting a period; and

12 (C) by striking subparagraph (J).

13 (4) CLARIFICATION OF ABILITY OF MEMBERS
14 TO USE FRANKED MAIL TO SEND PERSONAL MES-
15 SAGES TO CONSTITUENTS.—Section 3210(a)(4) of
16 such title is amended by striking the period at the
17 end and inserting the following: “, except that noth-
18 ing in this paragraph may be construed to prohibit
19 the use of the franking privilege for the transmission
20 of matter which is purely personal to a recipient who
21 is a constituent of a Member of Congress and which
22 is related to the official business, activities, and du-
23 ties of the Member.”.

24 (5) UNIFORM BLACKOUT PERIOD FOR ALL
25 MEMBERS OF CONGRESS.—

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1 (A) UNIFORM PERIOD.—Section
2 3210(a)(6)(A) of such title is amended—

3 (i) in clause (i), by striking “(or, in
4 the case of a Member of the House, fewer
5 than 90 days)”; and

6 (ii) in clause (ii)(II), by striking “90
7 days” and inserting “60 days”.

8 (B) EFFECTIVE DATE.—The amendments
9 made by paragraph (1) shall apply with respect
10 to the regularly scheduled general election for
11 Federal office held in November 2020 and each
12 succeeding election for public office.

13 (6) INFORMATION ON CERTAIN MATTERS.—Sec-
14 tion 3210(a)(6)(E) of such title is amended—

15 (A) by striking “or” at the end of clause
16 (ii);

17 (B) by striking the period at the end of
18 clause (iii) and inserting “; or”; and

19 (C) by adding at the end the following new
20 clause:

21 “(iv) providing information exclusively on com-
22 petitions which are officially sanctioned by the
23 House of Representatives or Senate, nominations to
24 military service academies, official employment list-
25 ings for positions in the House of Representatives

1 (including listings for positions in the Wounded
2 Warrior Program or the Gold Star Family Fellow-
3 ship Program), or natural disasters or other threats
4 to public health and life safety.”.

5 (f) EFFECTIVE DATE.—Except as provided in sub-
6 section (e)(5)(B), this section and the amendments made
7 by this section shall apply with respect to communications
8 disseminated on or after the date of the enactment of this
9 Act.

10 AUTHORIZING USE OF MEMBERS’ REPRESENTATIONAL
11 ALLOWANCE FOR EXPENSES OF MEMBERS-ELECT

12 SEC. 117. (a) AUTHORIZATION.—Section 101(a) of
13 the House of Representatives Administrative Reform
14 Technical Corrections Act (2 U.S.C. 5341(a)) is amend-
15 ed—

16 (1) by striking “a Member” and inserting “a
17 Member or Member-elect”; and

18 (2) by striking “the Member” and inserting
19 “the Member or Member-elect”.

20 (b) REGULATIONS.—Section 101(d) of such Act (2
21 U.S.C. 5341(d)) is amended by striking the period at the
22 end and inserting the following: “, including regulations
23 establishing under subsection (a) the official and represen-
24 tational duties during a Congress of a Member-elect of the

1 House of Representatives who is not an incumbent Mem-
2 ber re-elected to the ensuing Congress.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to Members-elect of
5 the House of Representatives for the One Hundred Seven-
6 tenth Congress and each succeeding Congress.

7 JOINT ITEMS

8 For Joint Committees, as follows:

9 JOINT ECONOMIC COMMITTEE

10 For salaries and expenses of the Joint Economic
11 Committee, \$4,203,000, to be disbursed by the Secretary
12 of the Senate.

13 JOINT COMMITTEE ON TAXATION

14 For salaries and expenses of the Joint Committee on
15 Taxation, \$11,905,000, to be disbursed by the Chief Ad-
16 ministrative Officer of the House of Representatives.

17 For other joint items, as follows:

18 OFFICE OF THE ATTENDING PHYSICIAN

19 For medical supplies, equipment, and contingent ex-
20 penses of the emergency rooms, and for the Attending
21 Physician and his assistants, including:

22 (1) an allowance of \$2,175 per month to the
23 Attending Physician;

24 (2) an allowance of \$1,300 per month to the
25 Senior Medical Officer;

1 (3) an allowance of \$725 per month each to
2 three medical officers while on duty in the Office of
3 the Attending Physician;

4 (4) an allowance of \$725 per month to 2 assist-
5 ants and \$580 per month each not to exceed 11 as-
6 sistants on the basis heretofore provided for such as-
7 sistants; and

8 (5) \$2,796,000 for reimbursement to the De-
9 partment of the Navy for expenses incurred for staff
10 and equipment assigned to the Office of the Attend-
11 ing Physician, which shall be advanced and credited
12 to the applicable appropriation or appropriations
13 from which such salaries, allowances, and other ex-
14 penses are payable and shall be available for all the
15 purposes thereof, \$3,869,000, to be disbursed by the
16 Chief Administrative Officer of the House of Rep-
17 resentatives.

18 OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

19 SALARIES AND EXPENSES

20 For salaries and expenses of the Office of Congres-
21 sional Accessibility Services, \$1,536,000, to be disbursed
22 by the Secretary of the Senate.

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1 CAPITOL POLICE

2 SALARIES

3 For salaries of employees of the Capitol Police, in-
4 cluding overtime, hazardous duty pay, and Government
5 contributions for health, retirement, social security, pro-
6 fessional liability insurance, and other applicable employee
7 benefits, \$424,397,000 of which overtime shall not exceed
8 \$50,246,000 unless the Committee on Appropriations of
9 the House and Senate are notified, to be disbursed by the
10 Chief of the Capitol Police or his designee.

11 GENERAL EXPENSES

12 For necessary expenses of the Capitol Police, includ-
13 ing motor vehicles, communications and other equipment,
14 security equipment and installation, uniforms, weapons,
15 supplies, materials, training, medical services, forensic
16 services, stenographic services, personal and professional
17 services, the employee assistance program, the awards pro-
18 gram, postage, communication services, travel advances,
19 relocation of instructor and liaison personnel for the Fed-
20 eral Law Enforcement Training Center, and not more
21 than \$5,000 to be expended on the certification of the
22 Chief of the Capitol Police in connection with official rep-
23 resentation and reception expenses, \$91,144,000, to be
24 disbursed by the Chief of the Capitol Police or his des-
25 ignee: *Provided*, That, notwithstanding any other provi-

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1 sion of law, the cost of basic training for the Capitol Police
2 at the Federal Law Enforcement Training Center for fis-
3 cal year 2021 shall be paid by the Secretary of Homeland
4 Security from funds available to the Department of Home-
5 land Security: *Provided further*, That of the amounts made
6 available under this heading, \$3,639,000, to remain avail-
7 able until expended, shall be for the Joint Audible Warn-
8 ing System.

9 ADMINISTRATIVE PROVISION

10 STUDENT LOAN CAP ADJUSTMENT

11 SEC. 120. Section 908(c) of the Emergency Supple-
12 mental Act, 2002 (2 U.S.C. 1926(c)), is amended by strik-
13 ing “ \$60,000” and inserting “ \$80,000”.

14 OFFICE OF CONGRESSIONAL WORKPLACE

15 RIGHTS

16 SALARIES AND EXPENSES

17 For salaries and expenses necessary for the operation
18 of the Office of Congressional Workplace Rights,
19 \$7,500,000, of which \$1,000,000 shall remain available
20 until September 30, 2022, and of which not more than
21 \$1,000 may be expended on the certification of the Execu-
22 tive Director in connection with official representation and
23 reception expenses.

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1 CONGRESSIONAL BUDGET OFFICE

2 SALARIES AND EXPENSES

3 For salaries and expenses necessary for operation of
4 the Congressional Budget Office, including not more than
5 \$6,000 to be expended on the certification of the Director
6 of the Congressional Budget Office in connection with offi-
7 cial representation and reception expenses, \$57,292,000:
8 *Provided*, That the Director shall use not less than
9 \$500,000 of the amount made available under this head-
10 ing for (1) improving technical systems, processes, and
11 models for the purpose of improving the transparency of
12 estimates of budgetary effects to Members of Congress,
13 employees of Members of Congress, and the public, and
14 (2) to increase the availability of models, economic as-
15 sumptions, and data for Members of Congress, employees
16 of Members of Congress, and the public.

17 ARCHITECT OF THE CAPITOL

18 CAPITAL CONSTRUCTION AND OPERATIONS

19 For salaries for the Architect of the Capitol, and
20 other personal services, at rates of pay provided by law;
21 for all necessary expenses for surveys and studies, con-
22 struction, operation, and general and administrative sup-
23 port in connection with facilities and activities under the
24 care of the Architect of the Capitol including the Botanic
25 Garden; electrical substations of the Capitol, Senate and

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1 House office buildings, and other facilities under the juris-
2 diction of the Architect of the Capitol; including fur-
3 nishings and office equipment; including not more than
4 \$5,000 for official reception and representation expenses,
5 to be expended as the Architect of the Capitol may ap-
6 prove; for purchase or exchange, maintenance, and oper-
7 ation of a passenger motor vehicle, \$127,462,000, of
8 which \$1,500,000 shall remain available until September
9 30, 2025.

10 CAPITOL BUILDING

11 For all necessary expenses for the maintenance, care
12 and operation of the Capitol, \$34,719,000, of which
13 \$6,099,000 shall remain available until September 30,
14 2025.

15 CAPITOL GROUNDS

16 For all necessary expenses for care and improvement
17 of grounds surrounding the Capitol, the Senate and House
18 office buildings, and the Capitol Power Plant,
19 \$20,560,000, of which \$7,800,000 shall remain available
20 until September 30, 2025.

21 SENATE OFFICE BUILDINGS

22 For all necessary expenses for the maintenance, care
23 and operation of Senate office buildings; and furniture and
24 furnishings to be expended under the control and super-
25 vision of the Architect of the Capitol, \$89,615,280, of

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1 which \$22,200,000 shall remain available until September
2 30, 2025.

3 HOUSE OFFICE BUILDINGS

4 (INCLUDING TRANSFER OF FUNDS)

5 For all necessary expenses for the maintenance, care
6 and operation of the House office buildings,
7 \$138,780,000, of which \$14,540,000 shall remain avail-
8 able until September 30, 2025, and of which \$62,000,000
9 shall remain available until expended for the restoration
10 and renovation of the Cannon House Office Building: *Pro-*
11 *vided*, That of the amount made available under this head-
12 ing, \$9,000,000 shall be derived by transfer from the
13 House Office Building Fund established under section
14 176(d) of the Continuing Appropriations Act, 2017, as
15 added by section 101(3) of the Further Continuing Appro-
16 priation Act, 2017 (Public Law 114–254; 2 U.S.C. 2001
17 note).

18 CAPITOL POWER PLANT

19 For all necessary expenses for the maintenance, care
20 and operation of the Capitol Power Plant; lighting, heat-
21 ing, power (including the purchase of electrical energy)
22 and water and sewer services for the Capitol, Senate and
23 House office buildings, Library of Congress buildings, and
24 the grounds about the same, Botanic Garden, Senate ga-
25 rage, and air conditioning refrigeration not supplied from

1 plants in any of such buildings; heating the Government
2 Publishing Office and Washington City Post Office, and
3 heating and chilled water for air conditioning for the Su-
4 preme Court Building, the Union Station complex, the
5 Thurgood Marshall Federal Judiciary Building and the
6 Folger Shakespeare Library, expenses for which shall be
7 advanced or reimbursed upon request of the Architect of
8 the Capitol and amounts so received shall be deposited
9 into the Treasury to the credit of this appropriation,
10 \$97,761,000, of which \$13,700,000 shall remain available
11 until September 30, 2025: *Provided*, That not more than
12 \$10,000,000 of the funds credited or to be reimbursed to
13 this appropriation as herein provided shall be available for
14 obligation during fiscal year 2021.

15 LIBRARY BUILDINGS AND GROUNDS

16 For all necessary expenses for the mechanical and
17 structural maintenance, care and operation of the Library
18 buildings and grounds, \$83,446,000, of which
19 \$51,600,000 shall remain available until September 30,
20 2025.

21 CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

22 For all necessary expenses for the maintenance, care
23 and operation of buildings, grounds and security enhance-
24 ments of the United States Capitol Police, wherever lo-
25 cated, the Alternate Computing Facility, and Architect of

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1 the Capitol security operations, \$45,993,000, of which
2 \$15,700,000 shall remain available until September 30,
3 2025: *Provided*, That of the amounts made available
4 under this heading, \$2,500,000, to remain available until
5 expended, shall be for the Joint Audible Warning System.

6 BOTANIC GARDEN

7 For all necessary expenses for the maintenance, care
8 and operation of the Botanic Garden and the nurseries,
9 buildings, grounds, and collections; and purchase and ex-
10 change, maintenance, repair, and operation of a passenger
11 motor vehicle; all under the direction of the Joint Com-
12 mittee on the Library, \$20,986,000, of which \$8,300,000
13 shall remain available until September 30, 2025: *Provided*,
14 That, of the amount made available under this heading,
15 the Architect of the Capitol may obligate and expend such
16 sums as may be necessary for the maintenance, care and
17 operation of the National Garden established under sec-
18 tion 307E of the Legislative Branch Appropriations Act,
19 1989 (2 U.S.C. 2146), upon vouchers approved by the Ar-
20 chitect of the Capitol or a duly authorized designee.

21 CAPITOL VISITOR CENTER

22 For all necessary expenses for the operation of the
23 Capitol Visitor Center, \$24,751,000.

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1 ADMINISTRATIVE PROVISION

2 NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR
3 OVER BUDGET

4 SEC. 130. None of the funds made available in this
5 Act for the Architect of the Capitol may be used to make
6 incentive or award payments to contractors for work on
7 contracts or programs for which the contractor is behind
8 schedule or over budget, unless the Architect of the Cap-
9 itol, or agency-employed designee, determines that any
10 such deviations are due to unforeseeable events, govern-
11 ment-driven scope changes, or are not significant within
12 the overall scope of the project and/or program.

13 LIBRARY OF CONGRESS

14 SALARIES AND EXPENSES

15 For all necessary expenses of the Library of Congress
16 not otherwise provided for, including development and
17 maintenance of the Library's catalogs; custody and custo-
18 dial care of the Library buildings; information technology
19 services provided centrally; special clothing; cleaning,
20 laundering and repair of uniforms; preservation of motion
21 pictures in the custody of the Library; operation and
22 maintenance of the American Folklife Center in the Li-
23 brary; preparation and distribution of catalog records and
24 other publications of the Library; hire or purchase of one
25 passenger motor vehicle; and expenses of the Library of

1 Congress Trust Fund Board not properly chargeable to
2 the income of any trust fund held by the Board,
3 \$523,654,000, and, in addition, amounts credited to this
4 appropriation during fiscal year 2021 under the Act of
5 June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C.
6 150), shall remain available until expended: *Provided*,
7 That the Library of Congress may not obligate or expend
8 any funds derived from collections under the Act of June
9 28, 1902, in excess of the amount authorized for obliga-
10 tion or expenditure in appropriations Acts: *Provided fur-*
11 *ther*, That of the total amount appropriated, not more
12 than \$18,000 may be expended, on the certification of the
13 Librarian of Congress, in connection with official rep-
14 resentation and reception expenses, including for the Over-
15 seas Field Offices: *Provided further*, That of the total
16 amount appropriated, \$9,424,000 shall remain available
17 until expended for the Teaching with Primary Sources
18 program: *Provided further*, That of the total amount ap-
19 propriated, \$1,384,000 shall remain available until ex-
20 pended for upgrade of the Legislative Branch Financial
21 Management System: *Provided further*, That of the total
22 amount appropriated, \$250,000 shall remain available
23 until expended for the Surplus Books Program to promote
24 the program and facilitate a greater number of donations
25 to eligible entities across the United States: *Provided fur-*

1 *ther*, That of the total amount appropriated, \$3,720,000
2 shall remain available until expended for the Veterans
3 History Project to continue digitization efforts of already
4 collected materials, reach a greater number of veterans to
5 record their stories, and promote public access to the
6 Project: *Provided further*, That of the total amount appro-
7 priated, \$10,000,000 shall remain available until expended
8 for the Library's Visitor Experience project, and may be
9 obligated and expended only upon approval by the Sub-
10 committee on the Legislative Branch of the Committee on
11 Appropriations of the House of Representatives and by the
12 Subcommittee on the Legislative Branch of the Committee
13 on Appropriations of the Senate: *Provided further*, That
14 of the total amount appropriated, \$4,370,000 shall remain
15 available until September 30, 2025, to complete the sec-
16 ond of three phases of the shelving replacement in the Law
17 Library's collection storage areas: *Provided further*, That
18 of the total amount appropriated, \$2,500,000 shall remain
19 available until September 30, 2022, for the phase-out and
20 retirement of the de-acidification preservation program.

21 COPYRIGHT OFFICE

22 SALARIES AND EXPENSES

23 For all necessary expenses of the Copyright Office,
24 \$93,416,000, of which not more than \$38,004,000, to re-
25 main available until expended, shall be derived from collec-

1 tions credited to this appropriation during fiscal year 2021
2 under sections 708(d) and 1316 of title 17, United States
3 Code: *Provided*, That the Copyright Office may not obli-
4 gate or expend any funds derived from collections under
5 such section in excess of the amount authorized for obliga-
6 tion or expenditure in appropriations Acts: *Provided fur-*
7 *ther*, That not more than \$6,778,000 shall be derived from
8 collections during fiscal year 2021 under sections
9 111(d)(2), 119(b)(3), 803(e), and 1005 of such title: *Pro-*
10 *vided further*, That the total amount available for obliga-
11 tion shall be reduced by the amount by which collections
12 are less than \$44,782,000: *Provided further*, That of the
13 funds provided under this heading, not less than
14 \$17,100,000 is for modernization initiatives, of which
15 \$10,000,000 shall remain available until September 30,
16 2022: *Provided further*, That not more than \$100,000 of
17 the amount appropriated is available for the maintenance
18 of an “International Copyright Institute” in the Copyright
19 Office of the Library of Congress for the purpose of train-
20 ing nationals of developing countries in intellectual prop-
21 erty laws and policies: *Provided further*, That not more
22 than \$6,500 may be expended, on the certification of the
23 Librarian of Congress, in connection with official rep-
24 resentation and reception expenses for activities of the
25 International Copyright Institute and for copyright dele-

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1 gations, visitors, and seminars: *Provided further*, That,
2 notwithstanding any provision of chapter 8 of title 17,
3 United States Code, any amounts made available under
4 this heading which are attributable to royalty fees and
5 payments received by the Copyright Office pursuant to
6 sections 111, 119, and chapter 10 of such title may be
7 used for the costs incurred in the administration of the
8 Copyright Royalty Judges program, with the exception of
9 the costs of salaries and benefits for the Copyright Royalty
10 Judges and staff under section 802(e).

11 CONGRESSIONAL RESEARCH SERVICE

12 SALARIES AND EXPENSES

13 For all necessary expenses to carry out the provisions
14 of section 203 of the Legislative Reorganization Act of
15 1946 (2 U.S.C. 166) and to revise and extend the Anno-
16 tated Constitution of the United States of America,
17 \$125,495,000: *Provided*, That no part of such amount
18 may be used to pay any salary or expense in connection
19 with any publication, or preparation of material therefor
20 (except the Digest of Public General Bills), to be issued
21 by the Library of Congress unless such publication has
22 obtained prior approval of either the Committee on House
23 Administration of the House of Representatives or the
24 Committee on Rules and Administration of the Senate:
25 *Provided further*, That this prohibition does not apply to

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1 publication of non-confidential Congressional Research
2 Service (CRS) products: *Provided further*, That a non-con-
3 fidential CRS product includes any written product con-
4 taining research or analysis that is currently available for
5 general congressional access on the CRS Congressional
6 Intranet, or that would be made available on the CRS
7 Congressional Intranet in the normal course of business
8 and does not include material prepared in response to
9 Congressional requests for confidential analysis or re-
10 search.

11 NATIONAL LIBRARY SERVICE FOR THE BLIND AND

12 PRINT DISABLED

13 SALARIES AND EXPENSES

14 For all necessary expenses to carry out the Act of
15 March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.
16 135a), \$59,563,000: *Provided*, That of the total amount
17 appropriated, \$650,000 shall be available to contract to
18 provide newspapers to blind and print disabled residents
19 at no cost to the individual.

20 ADMINISTRATIVE PROVISION

21 REIMBURSABLE AND REVOLVING FUND ACTIVITIES

22 SEC. 140. (a) IN GENERAL.—For fiscal year 2021,
23 the obligational authority of the Library of Congress for
24 the activities described in subsection (b) may not exceed
25 \$252,552,000.

1 (b) ACTIVITIES.—The activities referred to in sub-
2 section (a) are reimbursable and revolving fund activities
3 that are funded from sources other than appropriations
4 to the Library in appropriations Acts for the legislative
5 branch.

6 GOVERNMENT PUBLISHING OFFICE

7 CONGRESSIONAL PUBLISHING

8 (INCLUDING TRANSFER OF FUNDS)

9 For authorized publishing of congressional informa-
10 tion and the distribution of congressional information in
11 any format; publishing of Government publications au-
12 thorized by law to be distributed to Members of Congress;
13 and publishing, and distribution of Government publica-
14 tions authorized by law to be distributed without charge
15 to the recipient, \$78,000,000: *Provided*, That this appro-
16 priation shall not be available for paper copies of the per-
17 manent edition of the Congressional Record for individual
18 Representatives, Resident Commissioners or Delegates au-
19 thorized under section 906 of title 44, United States Code:
20 *Provided further*, That this appropriation shall be available
21 for the payment of obligations incurred under the appro-
22 priations for similar purposes for preceding fiscal years:
23 *Provided further*, That notwithstanding the 2-year limita-
24 tion under section 718 of title 44, United States Code,
25 none of the funds appropriated or made available under

1 this Act or any other Act for printing and binding and
2 related services provided to Congress under chapter 7 of
3 title 44, United States Code, may be expended to print
4 a document, report, or publication after the 27-month pe-
5 riod beginning on the date that such document, report,
6 or publication is authorized by Congress to be printed, un-
7 less Congress reauthorizes such printing in accordance
8 with section 718 of title 44, United States Code: *Provided*
9 *further*, That unobligated or unexpended balances of ex-
10 pired discretionary funds made available under this head-
11 ing in this Act for this fiscal year may be transferred to,
12 and merged with, funds under the heading “Government
13 Publishing Office Business Operations Revolving Fund”
14 no later than the end of the fifth fiscal year after the last
15 fiscal year for which such funds are available for the pur-
16 poses for which appropriated, to be available for carrying
17 out the purposes of this heading, subject to the approval
18 of the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate: *Provided further*, That not-
20 withstanding sections 901, 902, and 906 of title 44,
21 United States Code, this appropriation may be used to
22 prepare indexes to the Congressional Record on only a
23 monthly and session basis.

1 PUBLIC INFORMATION PROGRAMS OF THE
2 SUPERINTENDENT OF DOCUMENTS
3 SALARIES AND EXPENSES
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses of the public information programs of
6 the Office of Superintendent of Documents necessary to
7 provide for the cataloging and indexing of Government
8 publications in any format, and their distribution to the
9 public, Members of Congress, other Government agencies,
10 and designated depository and international exchange li-
11 braries as authorized by law, \$32,300,000: *Provided*, That
12 amounts of not more than \$2,000,000 from current year
13 appropriations are authorized for producing and dissemi-
14 nating Congressional serial sets and other related publica-
15 tions for the preceding two fiscal years to depository and
16 other designated libraries: *Provided further*, That unobli-
17 gated or unexpended balances of expired discretionary
18 funds made available under this heading in this Act for
19 this fiscal year may be transferred to, and merged with,
20 funds under the heading “Government Publishing Office
21 Business Operations Revolving Fund” no later than the
22 end of the fifth fiscal year after the last fiscal year for
23 which such funds are available for the purposes for which
24 appropriated, to be available for carrying out the purposes
25 of this heading, subject to the approval of the Committees

1 on Appropriations of the House of Representatives and the
2 Senate.

3 GOVERNMENT PUBLISHING OFFICE BUSINESS

4 OPERATIONS REVOLVING FUND

5 For payment to the Government Publishing Office
6 Business Operations Revolving Fund, \$6,700,000, to re-
7 main available until expended, for information technology
8 development and facilities repair: *Provided*, That the Gov-
9 ernment Publishing Office is hereby authorized to make
10 such expenditures, within the limits of funds available and
11 in accordance with law, and to make such contracts and
12 commitments without regard to fiscal year limitations as
13 provided by section 9104 of title 31, United States Code,
14 as may be necessary in carrying out the programs and
15 purposes set forth in the budget for the current fiscal year
16 for the Government Publishing Office Business Operations
17 Revolving Fund: *Provided further*, That not more than
18 \$7,500 may be expended on the certification of the Direc-
19 tor of the Government Publishing Office in connection
20 with official representation and reception expenses: *Pro-*
21 *vided further*, That the Business Operations Revolving
22 Fund shall be available for the hire or purchase of not
23 more than 12 passenger motor vehicles: *Provided further*,
24 That expenditures in connection with travel expenses of
25 the advisory councils to the Director of the Government

1 Publishing Office shall be deemed necessary to carry out
2 the provisions of title 44, United States Code: *Provided*
3 *further*, That the Business Operations Revolving Fund
4 shall be available for temporary or intermittent services
5 under section 3109(b) of title 5, United States Code, but
6 at rates for individuals not more than the daily equivalent
7 of the annual rate of basic pay for level V of the Executive
8 Schedule under section 5316 of such title: *Provided fur-*
9 *ther*, That activities financed through the Business Oper-
10 ations Revolving Fund may provide information in any
11 format: *Provided further*, That the Business Operations
12 Revolving Fund and the funds provided under the heading
13 “Public Information Programs of the Superintendent of
14 Documents” may not be used for contracted security serv-
15 ices at Government Publishing Office’s passport facility in
16 the District of Columbia.

17 GOVERNMENT ACCOUNTABILITY OFFICE

18 SALARIES AND EXPENSES

19 For necessary expenses of the Government Account-
20 ability Office, including not more than \$12,500 to be ex-
21 pended on the certification of the Comptroller General of
22 the United States in connection with official representa-
23 tion and reception expenses; temporary or intermittent
24 services under section 3109(b) of title 5, United States
25 Code, but at rates for individuals not more than the daily

1 equivalent of the annual rate of basic pay for level IV of
2 the Executive Schedule under section 5315 of such title;
3 hire of one passenger motor vehicle; advance payments in
4 foreign countries in accordance with section 3324 of title
5 31, United States Code; benefits comparable to those pay-
6 able under sections 901(5), (6), and (8) of the Foreign
7 Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8));
8 and under regulations prescribed by the Comptroller Gen-
9 eral of the United States, rental of living quarters in for-
10 eign countries, \$661,139,000: *Provided*, That, in addition,
11 \$31,342,000 of payments received under sections 782,
12 791, 3521, and 9105 of title 31, United States Code, shall
13 be available without fiscal year limitation: *Provided fur-*
14 *ther*, That this appropriation and appropriations for ad-
15 ministrative expenses of any other department or agency
16 which is a member of the National Intergovernmental
17 Audit Forum or a Regional Intergovernmental Audit
18 Forum shall be available to finance an appropriate share
19 of either Forum's costs as determined by the respective
20 Forum, including necessary travel expenses of non-Federal
21 participants: *Provided further*, That payments hereunder
22 to the Forum may be credited as reimbursements to any
23 appropriation from which costs involved are initially fi-
24 nanced.

1152

1 OPEN WORLD LEADERSHIP CENTER TRUST
2 FUND

3 For a payment to the Open World Leadership Center
4 Trust Fund for financing activities of the Open World
5 Leadership Center under section 313 of the Legislative
6 Branch Appropriations Act, 2001 (2 U.S.C. 1151),
7 \$6,000,000: *Provided*, That funds made available to sup-
8 port Russian participants shall only be used for those en-
9 gaging in free market development, humanitarian activi-
10 ties, and civic engagement, and shall not be used for offi-
11 cials of the central government of Russia.

12 JOHN C. STENNIS CENTER FOR PUBLIC
13 SERVICE TRAINING AND DEVELOPMENT

14 For payment to the John C. Stennis Center for Pub-
15 lic Service Development Trust Fund established under
16 section 116 of the John C. Stennis Center for Public Serv-
17 ice Training and Development Act (2 U.S.C. 1105),
18 \$430,000.

19 TITLE II

20 GENERAL PROVISIONS

21 MAINTENANCE AND CARE OF PRIVATE VEHICLES

22 SEC. 201. No part of the funds appropriated in this
23 Act shall be used for the maintenance or care of private
24 vehicles, except for emergency assistance and cleaning as
25 may be provided under regulations relating to parking fa-

1 cilities for the House of Representatives issued by the
2 Committee on House Administration and for the Senate
3 issued by the Committee on Rules and Administration.

4 FISCAL YEAR LIMITATION

5 SEC. 202. No part of the funds appropriated in this
6 Act shall remain available for obligation beyond fiscal year
7 2021 unless expressly so provided in this Act.

8 RATES OF COMPENSATION AND DESIGNATION

9 SEC. 203. Whenever in this Act any office or position
10 not specifically established by the Legislative Pay Act of
11 1929 (46 Stat. 32 et seq.) is appropriated for or the rate
12 of compensation or designation of any office or position
13 appropriated for is different from that specifically estab-
14 lished by such Act, the rate of compensation and the des-
15 ignation in this Act shall be the permanent law with re-
16 spect thereto: *Provided*, That the provisions in this Act
17 for the various items of official expenses of Members, offi-
18 cers, and committees of the Senate and House of Rep-
19 resentatives, and clerk hire for Senators and Members of
20 the House of Representatives shall be the permanent law
21 with respect thereto.

22 CONSULTING SERVICES

23 SEC. 204. The expenditure of any appropriation
24 under this Act for any consulting service through procure-
25 ment contract, under section 3109 of title 5, United States

1 Code, shall be limited to those contracts where such ex-
2 penditures are a matter of public record and available for
3 public inspection, except where otherwise provided under
4 existing law, or under existing Executive order issued
5 under existing law.

6 COSTS OF LBFMC

7 SEC. 205. Amounts available for administrative ex-
8 penses of any legislative branch entity which participates
9 in the Legislative Branch Financial Managers Council
10 (LBFMC) established by charter on March 26, 1996, shall
11 be available to finance an appropriate share of LBFMC
12 costs as determined by the LBFMC, except that the total
13 LBFMC costs to be shared among all participating legisla-
14 tive branch entities (in such allocations among the entities
15 as the entities may determine) may not exceed \$2,000.

16 LIMITATION ON TRANSFERS

17 SEC. 206. None of the funds made available in this
18 Act may be transferred to any department, agency, or in-
19 strumentality of the United States Government, except
20 pursuant to a transfer made by, or transfer authority pro-
21 vided in, this Act or any other appropriation Act.

22 GUIDED TOURS OF THE CAPITOL

23 SEC. 207. (a) Except as provided in subsection (b),
24 none of the funds made available to the Architect of the
25 Capitol in this Act may be used to eliminate or restrict

1 guided tours of the United States Capitol which are led
2 by employees and interns of offices of Members of Con-
3 gress and other offices of the House of Representatives
4 and Senate, unless through regulations as authorized by
5 section 402(b)(8) of the Capitol Visitor Center Act of
6 2008 (2 U.S.C. 2242(b)(8)).

7 (b) At the direction of the Capitol Police Board, or
8 at the direction of the Architect of the Capitol with the
9 approval of the Capitol Police Board, guided tours of the
10 United States Capitol which are led by employees and in-
11 terns described in subsection (a) may be suspended tempo-
12 rarily or otherwise subject to restriction for security or re-
13 lated reasons to the same extent as guided tours of the
14 United States Capitol which are led by the Architect of
15 the Capitol.

16 LIMITATION ON TELECOMMUNICATIONS EQUIPMENT

17 PROCUREMENT

18 SEC. 208. (a) None of the funds appropriated or oth-
19 erwise made available under this Act may be used to ac-
20 quire telecommunications equipment produced by Huawei
21 Technologies Company or ZTE Corporation for a high or
22 moderate impact information system, as defined for secu-
23 rity categorization in the National Institute of Standards
24 and Technology's (NIST) Federal Information Processing
25 Standard Publication 199, "Standards for Security Cat-

1 egorization of Federal Information and Information Sys-
2 tems” unless the agency, office, or other entity acquiring
3 the equipment or system has—

4 (1) reviewed the supply chain risk for the infor-
5 mation systems against criteria developed by NIST
6 to inform acquisition decisions for high or moderate
7 impact information systems within the Federal Gov-
8 ernment;

9 (2) reviewed the supply chain risk from the pre-
10 sumptive awardee against available and relevant
11 threat information provided by the Federal Bureau
12 of Investigation and other appropriate agencies; and

13 (3) in consultation with the Federal Bureau of
14 Investigation or other appropriate Federal entity,
15 conducted an assessment of any risk of cyber-espio-
16 nage or sabotage associated with the acquisition of
17 such telecommunications equipment for inclusion in
18 a high or moderate impact system, including any
19 risk associated with such system being produced,
20 manufactured, or assembled by one or more entities
21 identified by the United States Government as pos-
22 ing a cyber threat, including but not limited to,
23 those that may be owned, directed, or subsidized by
24 the People’s Republic of China, the Islamic Republic

1 of Iran, the Democratic People's Republic of Korea,
2 or the Russian Federation.

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

8 (1) developed, in consultation with NIST and
9 supply chain risk management experts, a mitigation
10 strategy for any identified risks;

11 (2) determined, in consultation with NIST and
12 the Federal Bureau of Investigation, that the acqui-
13 sition of such telecommunications equipment for in-
14 clusion in a high or moderate impact system is in
15 the vital national security interest of the United
16 States; and

17 (3) reported that determination to the Commit-
18 tees on Appropriations of the House of Representa-
19 tives and the Senate in a manner that identifies the
20 telecommunications equipment for inclusion in a
21 high or moderate impact system intended for acqui-
22 sition and a detailed description of the mitigation
23 strategies identified in paragraph (1), provided that
24 such report may include a classified annex as nec-
25 essary.

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1 PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

2 SEC. 209. (a) None of the funds made available in
3 this Act may be used to maintain or establish a computer
4 network unless such network blocks the viewing,
5 downloading, and exchanging of pornography.

6 (b) Nothing in subsection (a) shall limit the use of
7 funds necessary for any Federal, State, tribal, or local law
8 enforcement agency or any other entity carrying out crimi-
9 nal investigations, prosecution, or adjudication activities
10 or other official government activities.

11 PLASTIC WASTE REDUCTION

12 SEC. 210. All agencies and offices funded by this divi-
13 sion that contract with a food service provider or providers
14 shall confer and coordinate with such food service provider
15 or providers, in consultation with disability advocacy
16 groups, to eliminate or reduce plastic waste, including
17 waste from plastic straws, explore the use of biodegradable
18 items, and increase recycling and composting opportuni-
19 ties.

20 JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL

21 CEREMONIES OF 2021

22 SEC. 211. There is hereby appropriated \$2,000,000,
23 for the same purposes and under the same authorities and
24 conditions as amounts made available under the heading
25 “Joint Items—Joint Congressional Committee on Inau-

1 gural Ceremonies of 2021” in division E of the Further
2 Consolidated Appropriations Act, 2020 (Public Law 116–
3 94).

4 CAPITOL COMPLEX HEALTH AND SAFETY

5 SEC. 212. In addition to the amounts appropriated
6 under this Act under the heading “Office of the Attending
7 Physician”, there is hereby appropriated to the Office of
8 the Attending Physician \$5,000,000, to remain available
9 until expended, for response to COVID–19, including test-
10 ing, subject to the same terms and conditions as the
11 amounts appropriated under such heading.

12 GOVERNMENT ACCOUNTABILITY OFFICE SUPPLEMENTAL
13 OVERSIGHT

14 SEC. 213. For an additional amount for “Salaries
15 and Expenses”, \$10,000,000, to remain available until ex-
16 pended, to prevent, prepare for, and respond to
17 coronavirus, which shall be for audits and investigations,
18 as authorized by this title: *Provided*, That not later than
19 90 days after the date of enactment of this Act, the Gov-
20 ernment Accountability Office shall submit to the Commit-
21 tees on Appropriations of the House of Representatives
22 and the Senate a spend plan specifying funding estimates
23 and a timeline for such audits and investigations: *Provided*
24 *further*, That such amount is designated by the Congress
25 as being for an emergency requirement pursuant to sec-

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 This division may be cited as the “Legislative Branch
4 Appropriations Act, 2021”.

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1 **DIVISION J—MILITARY CONSTRUCTION,**
2 **VETERANS AFFAIRS, AND RELATED**
3 **AGENCIES APPROPRIATIONS ACT, 2021**

4 TITLE I

5 DEPARTMENT OF DEFENSE

6 MILITARY CONSTRUCTION, ARMY

7 For acquisition, construction, installation, and equip-
8 ment of temporary or permanent public works, military
9 installations, facilities, and real property for the Army as
10 currently authorized by law, including personnel in the
11 Army Corps of Engineers and other personal services nec-
12 essary for the purposes of this appropriation, and for con-
13 struction and operation of facilities in support of the func-
14 tions of the Commander in Chief, \$628,900,000, to re-
15 main available until September 30, 2025: *Provided*, That,
16 of this amount, not to exceed \$147,000,000 shall be avail-
17 able for study, planning, design, architect and engineer
18 services, and host nation support, as authorized by law,
19 unless the Secretary of the Army determines that addi-
20 tional obligations are necessary for such purposes and no-
21 tifies the Committees on Appropriations of both Houses
22 of Congress of the determination and the reasons therefor.

23 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

24 For acquisition, construction, installation, and equip-
25 ment of temporary or permanent public works, naval in-

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1 stallations, facilities, and real property for the Navy and
2 Marine Corps as currently authorized by law, including
3 personnel in the Naval Facilities Engineering Command
4 and other personal services necessary for the purposes of
5 this appropriation, \$1,716,144,000, to remain available
6 until September 30, 2025: *Provided*, That, of this amount,
7 not to exceed \$261,710,000 shall be available for study,
8 planning, design, and architect and engineer services, as
9 authorized by law, unless the Secretary of the Navy deter-
10 mines that additional obligations are necessary for such
11 purposes and notifies the Committees on Appropriations
12 of both Houses of Congress of the determination and the
13 reasons therefor.

14 MILITARY CONSTRUCTION, AIR FORCE

15 For acquisition, construction, installation, and equip-
16 ment of temporary or permanent public works, military
17 installations, facilities, and real property for the Air Force
18 as currently authorized by law, \$616,156,000, to remain
19 available until September 30, 2025: *Provided*, That, of
20 this amount, not to exceed \$212,556,000 shall be available
21 for study, planning, design, and architect and engineer
22 services, as authorized by law, unless the Secretary of the
23 Air Force determines that additional obligations are nec-
24 essary for such purposes and notifies the Committees on

1 Appropriations of both Houses of Congress of the deter-
2 mination and the reasons therefor.

3 MILITARY CONSTRUCTION, DEFENSE-WIDE

4 (INCLUDING TRANSFER OF FUNDS)

5 For acquisition, construction, installation, and equip-
6 ment of temporary or permanent public works, installa-
7 tions, facilities, and real property for activities and agen-
8 cies of the Department of Defense (other than the military
9 departments), as currently authorized by law,
10 \$2,041,909,000, to remain available until September 30,
11 2025: *Provided*, That such amounts of this appropriation
12 as may be determined by the Secretary of Defense may
13 be transferred to such appropriations of the Department
14 of Defense available for military construction or family
15 housing as the Secretary may designate, to be merged with
16 and to be available for the same purposes, and for the
17 same time period, as the appropriation or fund to which
18 transferred: *Provided further*, That, of the amount, not to
19 exceed \$162,076,000 shall be available for study, plan-
20 ning, design, and architect and engineer services, as au-
21 thorized by law, unless the Secretary of Defense deter-
22 mines that additional obligations are necessary for such
23 purposes and notifies the Committees on Appropriations
24 of both Houses of Congress of the determination and the
25 reasons therefor.

1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Army National Guard, and contribu-
5 tions therefor, as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$349,437,000, to remain available until Sep-
8 tember 30, 2025: *Provided*, That, of the amount, not to
9 exceed \$44,593,000 shall be available for study, planning,
10 design, and architect and engineer services, as authorized
11 by law, unless the Director of the Army National Guard
12 determines that additional obligations are necessary for
13 such purposes and notifies the Committees on Appropria-
14 tions of both Houses of Congress of the determination and
15 the reasons therefor.

16 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

17 For construction, acquisition, expansion, rehabilita-
18 tion, and conversion of facilities for the training and ad-
19 ministration of the Air National Guard, and contributions
20 therefor, as authorized by chapter 1803 of title 10, United
21 States Code, and Military Construction Authorization
22 Acts, \$64,214,000, to remain available until September
23 30, 2025: *Provided*, That, of the amount, not to exceed
24 \$3,414,000 shall be available for study, planning, design,
25 and architect and engineer services, as authorized by law,

1 unless the Director of the Air National Guard determines
2 that additional obligations are necessary for such purposes
3 and notifies the Committees on Appropriations of both
4 Houses of Congress of the determination and the reasons
5 therefor.

6 MILITARY CONSTRUCTION, ARMY RESERVE

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Army Reserve as authorized by chapter
10 1803 of title 10, United States Code, and Military Con-
11 struction Authorization Acts, \$88,337,000, to remain
12 available until September 30, 2025: *Provided*, That, of the
13 amount, not to exceed \$1,218,000 shall be available for
14 study, planning, design, and architect and engineer serv-
15 ices, as authorized by law, unless the Chief of the Army
16 Reserve determines that additional obligations are nec-
17 essary for such purposes and notifies the Committees on
18 Appropriations of both Houses of Congress of the deter-
19 mination and the reasons therefor.

20 MILITARY CONSTRUCTION, NAVY RESERVE

21 For construction, acquisition, expansion, rehabilita-
22 tion, and conversion of facilities for the training and ad-
23 ministration of the reserve components of the Navy and
24 Marine Corps as authorized by chapter 1803 of title 10,
25 United States Code, and Military Construction Authoriza-

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1 tion Acts, \$70,995,000, to remain available until Sep-
2 tember 30, 2025: *Provided*, That, of the amount, not to
3 exceed \$3,485,000 shall be available for study, planning,
4 design, and architect and engineer services, as authorized
5 by law, unless the Secretary of the Navy determines that
6 additional obligations are necessary for such purposes and
7 notifies the Committees on Appropriations of both Houses
8 of Congress of the determination and the reasons therefor.

9 MILITARY CONSTRUCTION, AIR FORCE RESERVE

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air Force Reserve as authorized by
13 chapter 1803 of title 10, United States Code, and Military
14 Construction Authorization Acts, \$23,117,000, to remain
15 available until September 30, 2025: *Provided*, That, of the
16 amount, not to exceed \$3,270,000 shall be available for
17 study, planning, design, and architect and engineer serv-
18 ices, as authorized by law, unless the Chief of the Air
19 Force Reserve determines that additional obligations are
20 necessary for such purposes and notifies the Committees
21 on Appropriations of both Houses of Congress of the de-
22 termination and the reasons therefor.

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1 NORTH ATLANTIC TREATY ORGANIZATION
2 SECURITY INVESTMENT PROGRAM

3 For the United States share of the cost of the North
4 Atlantic Treaty Organization Security Investment Pro-
5 gram for the acquisition and construction of military fa-
6 cilities and installations (including international military
7 headquarters) and for related expenses for the collective
8 defense of the North Atlantic Treaty Area as authorized
9 by section 2806 of title 10, United States Code, and Mili-
10 tary Construction Authorization Acts, \$173,030,000, to
11 remain available until expended.

12 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

13 For deposit into the Department of Defense Base
14 Closure Account, established by section 2906(a) of the De-
15 fense Base Closure and Realignment Act of 1990 (10
16 U.S.C. 2687 note), \$480,447,000, to remain available
17 until expended.

18 FAMILY HOUSING CONSTRUCTION, ARMY

19 For expenses of family housing for the Army for con-
20 struction, including acquisition, replacement, addition, ex-
21 pansion, extension, and alteration, as authorized by law,
22 \$119,400,000, to remain available until September 30,
23 2025.

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1 \$97,214,000, to remain available until September 30,
2 2025.

3 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
4 FORCE

5 For expenses of family housing for the Air Force for
6 operation and maintenance, including debt payment, leas-
7 ing, minor construction, principal and interest charges,
8 and insurance premiums, as authorized by law,
9 \$317,021,000.

10 FAMILY HOUSING OPERATION AND MAINTENANCE,
11 DEFENSE-WIDE

12 For expenses of family housing for the activities and
13 agencies of the Department of Defense (other than the
14 military departments) for operation and maintenance,
15 leasing, and minor construction, as authorized by law,
16 \$54,728,000.

17 DEPARTMENT OF DEFENSE

18 FAMILY HOUSING IMPROVEMENT FUND

19 For the Department of Defense Family Housing Im-
20 provement Fund, \$5,897,000, to remain available until ex-
21 pended, for family housing initiatives undertaken pursu-
22 ant to section 2883 of title 10, United States Code, pro-
23 viding alternative means of acquiring and improving mili-
24 tary family housing and supporting facilities.

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1 DEPARTMENT OF DEFENSE
2 MILITARY UNACCOMPANIED HOUSING IMPROVEMENT
3 FUND

4 For the Department of Defense Military Unaccom-
5 panied Housing Improvement Fund, \$600,000, to remain
6 available until expended, for unaccompanied housing ini-
7 tiatives undertaken pursuant to section 2883 of title 10,
8 United States Code, providing alternative means of acquir-
9 ing and improving military unaccompanied housing and
10 supporting facilities.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 101. None of the funds made available in this
13 title shall be expended for payments under a cost-plus-a-
14 fixed-fee contract for construction, where cost estimates
15 exceed \$25,000, to be performed within the United States,
16 except Alaska, without the specific approval in writing of
17 the Secretary of Defense setting forth the reasons there-
18 for.

19 SEC. 102. Funds made available in this title for con-
20 struction shall be available for hire of passenger motor ve-
21 hicles.

22 SEC. 103. Funds made available in this title for con-
23 struction may be used for advances to the Federal High-
24 way Administration, Department of Transportation, for
25 the construction of access roads as authorized by section

1 210 of title 23, United States Code, when projects author-
2 ized therein are certified as important to the national de-
3 fense by the Secretary of Defense.

4 SEC. 104. None of the funds made available in this
5 title may be used to begin construction of new bases in
6 the United States for which specific appropriations have
7 not been made.

8 SEC. 105. None of the funds made available in this
9 title shall be used for purchase of land or land easements
10 in excess of 100 percent of the value as determined by
11 the Army Corps of Engineers or the Naval Facilities Engi-
12 neering Command, except: (1) where there is a determina-
13 tion of value by a Federal court; (2) purchases negotiated
14 by the Attorney General or the designee of the Attorney
15 General; (3) where the estimated value is less than
16 \$25,000; or (4) as otherwise determined by the Secretary
17 of Defense to be in the public interest.

18 SEC. 106. None of the funds made available in this
19 title shall be used to: (1) acquire land; (2) provide for site
20 preparation; or (3) install utilities for any family housing,
21 except housing for which funds have been made available
22 in annual Acts making appropriations for military con-
23 struction.

24 SEC. 107. None of the funds made available in this
25 title for minor construction may be used to transfer or

1 relocate any activity from one base or installation to an-
2 other, without prior notification to the Committees on Ap-
3 propriations of both Houses of Congress.

4 SEC. 108. None of the funds made available in this
5 title may be used for the procurement of steel for any con-
6 struction project or activity for which American steel pro-
7 ducers, fabricators, and manufacturers have been denied
8 the opportunity to compete for such steel procurement.

9 SEC. 109. None of the funds available to the Depart-
10 ment of Defense for military construction or family hous-
11 ing during the current fiscal year may be used to pay real
12 property taxes in any foreign nation.

13 SEC. 110. None of the funds made available in this
14 title may be used to initiate a new installation overseas
15 without prior notification to the Committees on Appro-
16 priations of both Houses of Congress.

17 SEC. 111. None of the funds made available in this
18 title may be obligated for architect and engineer contracts
19 estimated by the Government to exceed \$500,000 for
20 projects to be accomplished in Japan, in any North Atlan-
21 tic Treaty Organization member country, or in countries
22 bordering the Arabian Gulf, unless such contracts are
23 awarded to United States firms or United States firms
24 in joint venture with host nation firms.

1 SEC. 112. None of the funds made available in this
2 title for military construction in the United States terri-
3 tories and possessions in the Pacific and on Kwajalein
4 Atoll, or in countries bordering the Arabian Gulf, may be
5 used to award any contract estimated by the Government
6 to exceed \$1,000,000 to a foreign contractor: *Provided*,
7 That this section shall not be applicable to contract
8 awards for which the lowest responsive and responsible bid
9 of a United States contractor exceeds the lowest respon-
10 sive and responsible bid of a foreign contractor by greater
11 than 20 percent: *Provided further*, That this section shall
12 not apply to contract awards for military construction on
13 Kwajalein Atoll for which the lowest responsive and re-
14 sponsible bid is submitted by a Marshallese contractor.

15 SEC. 113. The Secretary of Defense shall inform the
16 appropriate committees of both Houses of Congress, in-
17 cluding the Committees on Appropriations, of plans and
18 scope of any proposed military exercise involving United
19 States personnel 30 days prior to its occurring, if amounts
20 expended for construction, either temporary or permanent,
21 are anticipated to exceed \$100,000.

22 SEC. 114. Funds appropriated to the Department of
23 Defense for construction in prior years shall be available
24 for construction authorized for each such military depart-

1 ment by the authorizations enacted into law during the
2 current session of Congress.

3 SEC. 115. For military construction or family housing
4 projects that are being completed with funds otherwise ex-
5 pired or lapsed for obligation, expired or lapsed funds may
6 be used to pay the cost of associated supervision, inspec-
7 tion, overhead, engineering and design on those projects
8 and on subsequent claims, if any.

9 SEC. 116. Notwithstanding any other provision of
10 law, any funds made available to a military department
11 or defense agency for the construction of military projects
12 may be obligated for a military construction project or
13 contract, or for any portion of such a project or contract,
14 at any time before the end of the fourth fiscal year after
15 the fiscal year for which funds for such project were made
16 available, if the funds obligated for such project: (1) are
17 obligated from funds available for military construction
18 projects; and (2) do not exceed the amount appropriated
19 for such project, plus any amount by which the cost of
20 such project is increased pursuant to law.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 117. Subject to 30 days prior notification, or
23 14 days for a notification provided in an electronic me-
24 dium pursuant to sections 480 and 2883 of title 10,
25 United States Code, to the Committees on Appropriations

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1 of both Houses of Congress, such additional amounts as
2 may be determined by the Secretary of Defense may be
3 transferred to: (1) the Department of Defense Family
4 Housing Improvement Fund from amounts appropriated
5 for construction in “Family Housing” accounts, to be
6 merged with and to be available for the same purposes
7 and for the same period of time as amounts appropriated
8 directly to the Fund; or (2) the Department of Defense
9 Military Unaccompanied Housing Improvement Fund
10 from amounts appropriated for construction of military
11 unaccompanied housing in “Military Construction” ac-
12 counts, to be merged with and to be available for the same
13 purposes and for the same period of time as amounts ap-
14 propriated directly to the Fund: *Provided*, That appropria-
15 tions made available to the Funds shall be available to
16 cover the costs, as defined in section 502(5) of the Con-
17 gressional Budget Act of 1974, of direct loans or loan
18 guarantees issued by the Department of Defense pursuant
19 to the provisions of subchapter IV of chapter 169 of title
20 10, United States Code, pertaining to alternative means
21 of acquiring and improving military family housing, mili-
22 tary unaccompanied housing, and supporting facilities.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 118. In addition to any other transfer authority
25 available to the Department of Defense, amounts may be

1 transferred from the Department of Defense Base Closure
2 Account to the fund established by section 1013(d) of the
3 Demonstration Cities and Metropolitan Development Act
4 of 1966 (42 U.S.C. 3374) to pay for expenses associated
5 with the Homeowners Assistance Program incurred under
6 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall
7 be merged with and be available for the same purposes
8 and for the same time period as the fund to which trans-
9 ferred.

10 SEC. 119. Notwithstanding any other provision of
11 law, funds made available in this title for operation and
12 maintenance of family housing shall be the exclusive
13 source of funds for repair and maintenance of all family
14 housing units, including general or flag officer quarters:
15 *Provided*, That not more than \$35,000 per unit may be
16 spent annually for the maintenance and repair of any gen-
17 eral or flag officer quarters without 30 days prior notifica-
18 tion, or 14 days for a notification provided in an electronic
19 medium pursuant to sections 480 and 2883 of title 10,
20 United States Code, to the Committees on Appropriations
21 of both Houses of Congress, except that an after-the-fact
22 notification shall be submitted if the limitation is exceeded
23 solely due to costs associated with environmental remedi-
24 ation that could not be reasonably anticipated at the time
25 of the budget submission: *Provided further*, That the

1 Under Secretary of Defense (Comptroller) is to report an-
2 nually to the Committees on Appropriations of both
3 Houses of Congress all operation and maintenance ex-
4 penditures for each individual general or flag officer quar-
5 ters for the prior fiscal year.

6 SEC. 120. Amounts contained in the Ford Island Im-
7 provement Account established by subsection (h) of sec-
8 tion 2814 of title 10, United States Code, are appro-
9 priated and shall be available until expended for the pur-
10 poses specified in subsection (i)(1) of such section or until
11 transferred pursuant to subsection (i)(3) of such section.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 121. During the 5-year period after appropria-
14 tions available in this Act to the Department of Defense
15 for military construction and family housing operation and
16 maintenance and construction have expired for obligation,
17 upon a determination that such appropriations will not be
18 necessary for the liquidation of obligations or for making
19 authorized adjustments to such appropriations for obliga-
20 tions incurred during the period of availability of such ap-
21 propriations, unobligated balances of such appropriations
22 may be transferred into the appropriation “Foreign Cur-
23 rency Fluctuations, Construction, Defense”, to be merged
24 with and to be available for the same time period and for

1 the same purposes as the appropriation to which trans-
2 ferred.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 122. Amounts appropriated or otherwise made
5 available in an account funded under the headings in this
6 title may be transferred among projects and activities
7 within the account in accordance with the reprogramming
8 guidelines for military construction and family housing
9 construction contained in Department of Defense Finan-
10 cial Management Regulation 7000.14–R, Volume 3, Chap-
11 ter 7, of March 2011, as in effect on the date of enactment
12 of this Act.

13 SEC. 123. None of the funds made available in this
14 title may be obligated or expended for planning and design
15 and construction of projects at Arlington National Ceme-
16 tery.

17 SEC. 124. For an additional amount for the accounts
18 and in the amounts specified, to remain available until
19 September 30, 2025:

20 “Military Construction, Army”, \$233,000,000;

21 “Military Construction, Navy and Marine
22 Corps”, \$73,100,000;

23 “Military Construction, Air Force”,
24 \$60,000,000;

1 “Military Construction, Army National Guard”,
2 \$49,835,000;
3 “Military Construction, Air National Guard”,
4 \$29,500,000; and
5 “Military Construction, Air Force Reserve”,
6 \$25,000,000:

7 *Provided*, That such funds may only be obligated to carry
8 out construction projects identified in the respective mili-
9 tary department’s unfunded priority list for fiscal year
10 2021 submitted to Congress: *Provided further*, That such
11 projects are subject to authorization prior to obligation
12 and expenditure of funds to carry out construction: *Pro-*
13 *vided further*, That not later than 30 days after enactment
14 of this Act, the Secretary of the military department con-
15 cerned, or his or her designee, shall submit to the Commit-
16 tees on Appropriations of both Houses of Congress an ex-
17 penditure plan for funds provided under this section.

18 SEC. 125. All amounts appropriated to the “Depart-
19 ment of Defense—Military Construction, Army”, “De-
20 partment of Defense—Military Construction, Navy and
21 Marine Corps”, “Department of Defense—Military Con-
22 struction, Air Force”, and “Department of Defense—Mili-
23 tary Construction, Defense-Wide” accounts pursuant to
24 the authorization of appropriations in a National Defense
25 Authorization Act specified for fiscal year 2021 in the

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1 funding table in section 4601 of that Act shall be imme-
2 diately available and allotted to contract for the full scope
3 of authorized projects.

4 (RESCISSIONS OF FUNDS)

5 SEC. 126. Of the unobligated balances available to
6 the Department of Defense from prior appropriation Acts,
7 the following funds are hereby rescinded from the fol-
8 lowing accounts in the amounts specified:

9 “Military Construction, Navy and Marine
10 Corps”, \$48,000,000;

11 “Military Construction, Air Force”,
12 \$9,975,000;

13 “Military Construction, Defense-Wide”,
14 \$29,838,000; and

15 “Department of Defense Base Closure Ac-
16 count”, \$50,000,000:

17 *Provided*, That no amounts may be rescinded from
18 amounts that were designated by the Congress for Over-
19 seas Contingency Operations/Global War on Terrorism or
20 as an emergency requirement pursuant to a concurrent
21 resolution on the budget or the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

23 SEC. 127. For the purposes of this Act, the term
24 “congressional defense committees” means the Commit-
25 tees on Armed Services of the House of Representatives

1 and the Senate, the Subcommittee on Military Construc-
2 tion and Veterans Affairs of the Committee on Appropria-
3 tions of the Senate, and the Subcommittee on Military
4 Construction and Veterans Affairs of the Committee on
5 Appropriations of the House of Representatives.

6 SEC. 128. For an additional amount for the accounts
7 and in the amounts specified, to remain available until
8 September 30, 2023:

9 “Military Construction, Army”, \$48,000,000;

10 “Military Construction, Navy and Marine
11 Corps”, \$37,700,000;

12 “Military Construction, Air Force”,
13 \$75,700,000; and

14 “Family Housing Construction, Army”,
15 \$4,500,000:

16 *Provided*, That such funds may only be obligated to carry
17 out construction projects identified in the respective mili-
18 tary department’s cost to complete projects list of pre-
19 viously appropriated projects submitted to Congress: *Pro-*
20 *vided further*, That such projects are subject to authoriza-
21 tion prior to obligation and expenditure of funds to carry
22 out construction: *Provided further*, That not later than 30
23 days after enactment of this Act, the Secretary of the mili-
24 tary department concerned, or his or her designee, shall
25 submit to the Committees on Appropriations of both

1 Houses of Congress an expenditure plan for funds pro-
2 vided under this section.

3 SEC. 129. For an additional amount for the accounts
4 and in the amounts specified, to remain available until
5 September 30, 2023:

6 “Family Housing Operation and Maintenance,
7 Army”, \$20,000,000;

8 “Family Housing Operation and Maintenance,
9 Navy and Marine Corps”, \$20,000,000; and

10 “Family Housing Operation and Maintenance,
11 Air Force”, \$20,000,000.

12 SEC. 130. None of the funds made available by this
13 Act may be used to carry out the closure or realignment
14 of the United States Naval Station, Guantánamo Bay,
15 Cuba.

16 SEC. 131. Notwithstanding any other provision of
17 law, none of the funds appropriated or otherwise made
18 available by this or any other Act may be used to consoli-
19 date or relocate any element of a United States Air Force
20 Rapid Engineer Deployable Heavy Operational Repair
21 Squadron Engineer (RED HORSE) outside of the United
22 States until the Secretary of the Air Force: (1) completes
23 an analysis and comparison of the cost and infrastructure
24 investment required to consolidate or relocate a RED
25 HORSE squadron outside of the United States versus

1 within the United States; (2) provides to the Committees
2 on Appropriations of both Houses of Congress (“the Com-
3 mittees”) a report detailing the findings of the cost anal-
4 ysis; and (3) certifies in writing to the Committees that
5 the preferred site for the consolidation or relocation yields
6 the greatest savings for the Air Force: *Provided*, That the
7 term “United States” in this section does not include any
8 territory or possession of the United States.

9 SEC. 132. For an additional amount for the accounts
10 and in the amounts specified for planning and design, for
11 improving military installation resilience, to remain avail-
12 able until September 30, 2025:

13 “Military Construction, Army”, \$4,000,000;

14 “Military Construction, Navy and Marine
15 Corps”, \$7,000,000; and

16 “Military Construction, Air Force”,
17 \$4,000,000:

18 *Provided*, That not later than 60 days after enactment of
19 this Act, the Secretary of the military department con-
20 cerned, or his or her designee, shall submit to the Commit-
21 tees on Appropriations of both Houses of Congress an ex-
22 penditure plan for funds provided under this section: *Pro-*
23 *vided further*, That the Secretary of the military depart-
24 ment concerned may not obligate or expend any funds
25 prior to approval by the Committees on Appropriations of

1 both Houses of Congress of the expenditure plan required
2 by this section.

3 SEC. 133. For an additional amount for “Military
4 Construction, Navy and Marine Corps”, \$32,200,000, to
5 remain available until September 30, 2025, for child devel-
6 opment center construction: *Provided*, That projects fund-
7 ed using amounts available under this section are subject
8 to authorization prior to obligation and expenditure of
9 funds to carry out construction: *Provided further*, That
10 amounts made available under this section may not be ob-
11 ligated or expended until the Secretary of the Navy sub-
12 mits to the Committees on Appropriations of both Houses
13 of Congress a detailed expenditure plan not later than 30
14 days after enactment of this Act.

15 SEC. 134. Of the unobligated balances available from
16 prior appropriations Acts under the heading “Department
17 of Defense—Military Construction, Defense-Wide”,
18 \$131,000,000 is hereby rescinded, and in addition to
19 amounts otherwise provided for this fiscal year, an amount
20 of additional new budget authority equivalent to the
21 amount rescinded pursuant to this section is hereby appro-
22 priated, to remain available until September 30, 2025, and
23 shall be available for the same purposes and under the
24 same authorities as provided under such heading: *Pro-*
25 *vided*, That no amounts may be rescinded from amounts

1 that were designated by the Congress for Overseas Contin-
2 gency Operations/Global War on Terrorism or as an emer-
3 gency requirement pursuant to a concurrent resolution on
4 the budget or the Balanced Budget and Emergency Def-
5 icit Control Act of 1985: *Provided further*, That projects
6 funded using amounts available under this section are sub-
7 ject to authorization prior to obligation and expenditure
8 of funds to carry out construction: *Provided further*, That
9 amounts made available under this section may not be ob-
10 ligated or expended until the Secretary of Defense, or his
11 or her designee, submits to the Committees on Appropria-
12 tions of both Houses of Congress a detailed expenditure
13 plan not later than 30 days after enactment of this Act.

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1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$6,110,251,552, which shall be in addition to funds pre-
22 viously appropriated under this heading that became avail-
23 able on October 1, 2020, to remain available until ex-
24 pended; and, in addition, \$130,227,650,000, which shall
25 become available on October 1, 2021, to remain available

1 until expended: *Provided*, That not to exceed \$20,115,000
2 of the amount made available for fiscal year 2022 under
3 this heading shall be reimbursed to “General Operating
4 Expenses, Veterans Benefits Administration”, and “Infor-
5 mation Technology Systems” for necessary expenses in
6 implementing the provisions of chapters 51, 53, and 55
7 of title 38, United States Code, the funding source for
8 which is specifically provided as the “Compensation and
9 Pensions” appropriation: *Provided further*, That such
10 sums as may be earned on an actual qualifying patient
11 basis, shall be reimbursed to “Medical Care Collections
12 Fund” to augment the funding of individual medical facili-
13 ties for nursing home care provided to pensioners as au-
14 thorized: *Provided further*, That funds recovered (includ-
15 ing refunds and reimbursable activity) from fiscal year
16 2020 obligations and disbursements made with funds that
17 became available on October 1, 2019, as provided under
18 this heading in title II of division C of Public Law 115–
19 244, shall be available until expended.

20 READJUSTMENT BENEFITS

21 For the payment of readjustment and rehabilitation
22 benefits to or on behalf of veterans as authorized by chap-
23 ters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and
24 61 of title 38, United States Code, \$14,946,618,000,
25 which shall become available on October 1, 2021, to re-

1 main available until expended: *Provided*, That expenses for
2 rehabilitation program services and assistance which the
3 Secretary is authorized to provide under subsection (a) of
4 section 3104 of title 38, United States Code, other than
5 under paragraphs (1), (2), (5), and (11) of that sub-
6 section, shall be charged to this account.

7 VETERANS INSURANCE AND INDEMNITIES

8 For military and naval insurance, national service life
9 insurance, servicemen's indemnities, service-disabled vet-
10 erans insurance, and veterans mortgage life insurance as
11 authorized by chapters 19 and 21 of title 38, United
12 States Code, \$2,148,000, which shall be in addition to
13 funds previously appropriated under this heading that be-
14 came available on October 1, 2020, to remain available
15 until expended; and, in addition, \$136,950,000, which
16 shall become available on October 1, 2021, to remain
17 available until expended.

18 VETERANS HOUSING BENEFIT PROGRAM FUND

19 For the cost of direct and guaranteed loans, such
20 sums as may be necessary to carry out the program, as
21 authorized by subchapters I through III of chapter 37 of
22 title 38, United States Code: *Provided*, That such costs,
23 including the cost of modifying such loans, shall be as de-
24 fined in section 502 of the Congressional Budget Act of
25 1974: *Provided further*, That, during fiscal year 2021,

1 within the resources available, not to exceed \$500,000 in
2 gross obligations for direct loans are authorized for spe-
3 cially adapted housing loans.

4 In addition, for administrative expenses to carry out
5 the direct and guaranteed loan programs, \$204,400,000.

6 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

7 For the cost of direct loans, \$33,826, as authorized
8 by chapter 31 of title 38, United States Code: *Provided*,
9 That such costs, including the cost of modifying such
10 loans, shall be as defined in section 502 of the Congres-
11 sional Budget Act of 1974: *Provided further*, That funds
12 made available under this heading are available to sub-
13 sidize gross obligations for the principal amount of direct
14 loans not to exceed \$2,469,522.

15 In addition, for administrative expenses necessary to
16 carry out the direct loan program, \$424,272, which may
17 be paid to the appropriation for “General Operating Ex-
18 penses, Veterans Benefits Administration”.

19 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

20 ACCOUNT

21 For administrative expenses to carry out the direct
22 loan program authorized by subchapter V of chapter 37
23 of title 38, United States Code, \$1,186,000.

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1 GENERAL OPERATING EXPENSES, VETERANS BENEFITS
2 ADMINISTRATION

3 For necessary operating expenses of the Veterans
4 Benefits Administration, not otherwise provided for, in-
5 cluding hire of passenger motor vehicles, reimbursement
6 of the General Services Administration for security guard
7 services, and reimbursement of the Department of De-
8 fense for the cost of overseas employee mail,
9 \$3,180,000,000: *Provided*, That expenses for services and
10 assistance authorized under paragraphs (1), (2), (5), and
11 (11) of section 3104(a) of title 38, United States Code,
12 that the Secretary of Veterans Affairs determines are nec-
13 essary to enable entitled veterans: (1) to the maximum ex-
14 tent feasible, to become employable and to obtain and
15 maintain suitable employment; or (2) to achieve maximum
16 independence in daily living, shall be charged to this ac-
17 count: *Provided further*, That, of the funds made available
18 under this heading, not to exceed 10 percent shall remain
19 available until September 30, 2022.

20 VETERANS HEALTH ADMINISTRATION

21 MEDICAL SERVICES

22 For necessary expenses for furnishing, as authorized
23 by law, inpatient and outpatient care and treatment to
24 beneficiaries of the Department of Veterans Affairs and
25 veterans described in section 1705(a) of title 38, United

1 States Code, including care and treatment in facilities not
2 under the jurisdiction of the Department, and including
3 medical supplies and equipment, bioengineering services,
4 food services, and salaries and expenses of healthcare em-
5 ployees hired under title 38, United States Code, assist-
6 ance and support services for caregivers as authorized by
7 section 1720G of title 38, United States Code, loan repay-
8 ments authorized by section 604 of the Caregivers and
9 Veterans Omnibus Health Services Act of 2010 (Public
10 Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note),
11 monthly assistance allowances authorized by section
12 322(d) of title 38, United States Code, grants authorized
13 by section 521A of title 38, United States Code, and ad-
14 ministrative expenses necessary to carry out sections
15 322(d) and 521A of title 38, United States Code, and hos-
16 pital care and medical services authorized by section 1787
17 of title 38, United States Code; \$497,468,000, which shall
18 be in addition to funds previously appropriated under this
19 heading that became available on October 1, 2020; and,
20 in addition, \$58,897,219,000, plus reimbursements, shall
21 become available on October 1, 2021, and shall remain
22 available until September 30, 2022: *Provided*, That, of the
23 amount made available on October 1, 2021, under this
24 heading, \$1,500,000,000 shall remain available until Sep-
25 tember 30, 2023: *Provided further*, That, notwithstanding

1 any other provision of law, the Secretary of Veterans Af-
2 fairs shall establish a priority for the provision of medical
3 treatment for veterans who have service-connected disabil-
4 ities, lower income, or have special needs: *Provided further*,
5 That, notwithstanding any other provision of law, the Sec-
6 retary of Veterans Affairs shall give priority funding for
7 the provision of basic medical benefits to veterans in en-
8 rollment priority groups 1 through 6: *Provided further*,
9 That, notwithstanding any other provision of law, the Sec-
10 retary of Veterans Affairs may authorize the dispensing
11 of prescription drugs from Veterans Health Administra-
12 tion facilities to enrolled veterans with privately written
13 prescriptions based on requirements established by the
14 Secretary: *Provided further*, That the implementation of
15 the program described in the previous proviso shall incur
16 no additional cost to the Department of Veterans Affairs:
17 *Provided further*, That the Secretary of Veterans Affairs
18 shall ensure that sufficient amounts appropriated under
19 this heading for medical supplies and equipment are avail-
20 able for the acquisition of prosthetics designed specifically
21 for female veterans.

22 MEDICAL COMMUNITY CARE

23 For necessary expenses for furnishing health care to
24 individuals pursuant to chapter 17 of title 38, United
25 States Code, at non-Department facilities,

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1 \$1,380,800,000, which shall be in addition to funds pre-
2 viously appropriated under this heading that became avail-
3 able on October 1, 2020; and, in addition,
4 \$20,148,244,000, plus reimbursements, shall become
5 available on October 1, 2021, and shall remain available
6 until September 30, 2022: *Provided*, That, of the amount
7 made available on October 1, 2021, under this heading,
8 \$2,000,000,000 shall remain available until September 30,
9 2023.

10 MEDICAL SUPPORT AND COMPLIANCE

11 For necessary expenses in the administration of the
12 medical, hospital, nursing home, domiciliary, construction,
13 supply, and research activities, as authorized by law; ad-
14 ministrative expenses in support of capital policy activi-
15 ties; and administrative and legal expenses of the Depart-
16 ment for collecting and recovering amounts owed the De-
17 partment as authorized under chapter 17 of title 38,
18 United States Code, and the Federal Medical Care Recov-
19 ery Act (42 U.S.C. 2651 et seq.), \$300,000,000, which
20 shall be in addition to funds previously appropriated under
21 this heading that became available on October 1, 2020;
22 and, in addition, \$8,403,117,000, plus reimbursements,
23 shall become available on October 1, 2021, and shall re-
24 main available until September 30, 2022: *Provided*, That,
25 of the amount made available on October 1, 2021, under

1 this heading, \$200,000,000 shall remain available until
2 September 30, 2023.

3 MEDICAL FACILITIES

4 For necessary expenses for the maintenance and op-
5 eration of hospitals, nursing homes, domiciliary facilities,
6 and other necessary facilities of the Veterans Health Ad-
7 ministration; for administrative expenses in support of
8 planning, design, project management, real property ac-
9 quisition and disposition, construction, and renovation of
10 any facility under the jurisdiction or for the use of the
11 Department; for oversight, engineering, and architectural
12 activities not charged to project costs; for repairing, alter-
13 ing, improving, or providing facilities in the several hos-
14 pitals and homes under the jurisdiction of the Depart-
15 ment, not otherwise provided for, either by contract or by
16 the hire of temporary employees and purchase of mate-
17 rials; for leases of facilities; and for laundry services;
18 \$150,000,000, which shall be in addition to funds pre-
19 viously appropriated under this heading that became avail-
20 able on October 1, 2020; and, in addition,
21 \$6,734,680,000, plus reimbursements, shall become avail-
22 able on October 1, 2021, and shall remain available until
23 September 30, 2022: *Provided*, That, of the amount made
24 available on October 1, 2021, under this heading,

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1 \$350,000,000 shall remain available until September 30,
2 2023.

3 MEDICAL AND PROSTHETIC RESEARCH

4 For necessary expenses in carrying out programs of
5 medical and prosthetic research and development as au-
6 thorized by chapter 73 of title 38, United States Code,
7 \$815,000,000, plus reimbursements, shall remain avail-
8 able until September 30, 2022: *Provided*, That the Sec-
9 retary of Veterans Affairs shall ensure that sufficient
10 amounts appropriated under this heading are available for
11 prosthetic research specifically for female veterans, and
12 for toxic exposure research.

13 NATIONAL CEMETERY ADMINISTRATION

14 For necessary expenses of the National Cemetery Ad-
15 ministration for operations and maintenance, not other-
16 wise provided for, including uniforms or allowances there-
17 for; cemeterial expenses as authorized by law; purchase
18 of one passenger motor vehicle for use in cemeterial oper-
19 ations; hire of passenger motor vehicles; and repair, alter-
20 ation or improvement of facilities under the jurisdiction
21 of the National Cemetery Administration, \$352,000,000,
22 of which not to exceed 10 percent shall remain available
23 until September 30, 2022.

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1 DEPARTMENTAL ADMINISTRATION

2 GENERAL ADMINISTRATION

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary operating expenses of the Department
5 of Veterans Affairs, not otherwise provided for, including
6 administrative expenses in support of Department-wide
7 capital planning, management and policy activities, uni-
8 forms, or allowances therefor; not to exceed \$25,000 for
9 official reception and representation expenses; hire of pas-
10 senger motor vehicles; and reimbursement of the General
11 Services Administration for security guard services,
12 \$365,911,000, of which not to exceed 10 percent shall re-
13 main available until September 30, 2022: *Provided*, That
14 funds provided under this heading may be transferred to
15 “General Operating Expenses, Veterans Benefits Adminis-
16 tration”.

17 BOARD OF VETERANS APPEALS

18 For necessary operating expenses of the Board of
19 Veterans Appeals, \$196,000,000, of which not to exceed
20 10 percent shall remain available until September 30,
21 2022.

22 INFORMATION TECHNOLOGY SYSTEMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses for information technology
25 systems and telecommunications support, including devel-

1 opmental information systems and operational information
2 systems; for pay and associated costs; and for the capital
3 asset acquisition of information technology systems, in-
4 cluding management and related contractual costs of said
5 acquisitions, including contractual costs associated with
6 operations authorized by section 3109 of title 5, United
7 States Code, \$4,912,000,000, plus reimbursements: *Pro-*
8 *vided*, That \$1,211,238,000 shall be for pay and associ-
9 ated costs, of which not to exceed 3 percent shall remain
10 available until September 30, 2022: *Provided further*, That
11 \$3,205,216,000 shall be for operations and maintenance,
12 of which not to exceed 5 percent shall remain available
13 until September 30, 2022: *Provided further*, That
14 \$495,546,000 shall be for information technology systems
15 development, and shall remain available until September
16 30, 2022: *Provided further*, That amounts made available
17 for salaries and expenses, operations and maintenance,
18 and information technology systems development may be
19 transferred among the three subaccounts after the Sec-
20 retary of Veterans Affairs requests from the Committees
21 on Appropriations of both Houses of Congress the author-
22 ity to make the transfer and an approval is issued: *Pro-*
23 *vided further*, That amounts made available for the “Infor-
24 mation Technology Systems” account for development
25 may be transferred among projects or to newly defined

1 projects: *Provided further*, That no project may be in-
2 creased or decreased by more than \$1,000,000 of cost
3 prior to submitting a request to the Committees on Appro-
4 priations of both Houses of Congress to make the transfer
5 and an approval is issued, or absent a response, a period
6 of 30 days has elapsed: *Provided further*, That the funds
7 made available under this heading for information tech-
8 nology systems development shall be for the projects, and
9 in the amounts, specified under this heading in the explan-
10 atory statement described in section 4 (in the matter pre-
11 ceding division A of this consolidated Act).

12 VETERANS ELECTRONIC HEALTH RECORD

13 For activities related to implementation, preparation,
14 development, interface, management, rollout, and mainte-
15 nance of a Veterans Electronic Health Record system, in-
16 cluding contractual costs associated with operations au-
17 thorized by section 3109 of title 5, United States Code,
18 and salaries and expenses of employees hired under titles
19 5 and 38, United States Code, \$2,627,000,000, to remain
20 available until September 30, 2023: *Provided*, That the
21 Secretary of Veterans Affairs shall submit to the Commit-
22 tees on Appropriations of both Houses of Congress quar-
23 terly reports detailing obligations, expenditures, and de-
24 ployment implementation by facility, including any
25 changes from the deployment plan or schedule: *Provided*

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1 *further*, That the funds provided in this account shall only
2 be available to the Office of the Deputy Secretary, to be
3 administered by that Office: *Provided further*, That 25
4 percent of the funds made available under this heading
5 shall not be available until July 1, 2021, and are contin-
6 gent upon the Secretary of Veterans Affairs providing a
7 certification within 7 days prior to that date to the Com-
8 mittees on Appropriations of any changes to the deploy-
9 ment schedules.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General, to include information technology, in carrying out
13 the provisions of the Inspector General Act of 1978 (5
14 U.S.C. App.), \$228,000,000, of which not to exceed 10
15 percent shall remain available until September 30, 2022.

16 CONSTRUCTION, MAJOR PROJECTS

17 For constructing, altering, extending, and improving
18 any of the facilities, including parking projects, under the
19 jurisdiction or for the use of the Department of Veterans
20 Affairs, or for any of the purposes set forth in sections
21 316, 2404, 2406 and chapter 81 of title 38, United States
22 Code, not otherwise provided for, including planning, ar-
23 chitectural and engineering services, construction manage-
24 ment services, maintenance or guarantee period services
25 costs associated with equipment guarantees provided

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1 under the project, services of claims analysts, offsite utility
2 and storm drainage system construction costs, and site ac-
3 quisition, where the estimated cost of a project is more
4 than the amount set forth in section 8104(a)(3)(A) of title
5 38, United States Code, or where funds for a project were
6 made available in a previous major project appropriation,
7 \$1,316,000,000, of which \$980,638,000 shall remain
8 available until September 30, 2025, and of which
9 \$335,362,000 shall remain available until expended, of
10 which \$180,198,000 shall be available for seismic improve-
11 ment projects and seismic program management activities,
12 including for projects that would otherwise be funded by
13 the Construction, Minor Projects, Medical Facilities or
14 National Cemetery Administration accounts: *Provided,*
15 That except for advance planning activities, including
16 needs assessments which may or may not lead to capital
17 investments, and other capital asset management related
18 activities, including portfolio development and manage-
19 ment activities, and investment strategy studies funded
20 through the advance planning fund and the planning and
21 design activities funded through the design fund, including
22 needs assessments which may or may not lead to capital
23 investments, and funds provided for the purchase, secu-
24 rity, and maintenance of land for the National Cemetery
25 Administration through the land acquisition line item,

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1 none of the funds made available under this heading shall
2 be used for any project that has not been notified to Con-
3 gress through the budgetary process or that has not been
4 approved by the Congress through statute, joint resolu-
5 tion, or in the explanatory statement accompanying such
6 Act and presented to the President at the time of enroll-
7 ment: *Provided further*, That such sums as may be nec-
8 essary shall be available to reimburse the “General Admin-
9 istration” account for payment of salaries and expenses
10 of all Office of Construction and Facilities Management
11 employees to support the full range of capital infrastruc-
12 ture services provided, including minor construction and
13 leasing services: *Provided further*, That funds made avail-
14 able under this heading for fiscal year 2021, for each ap-
15 proved project shall be obligated: (1) by the awarding of
16 a construction documents contract by September 30,
17 2021; and (2) by the awarding of a construction contract
18 by September 30, 2022: *Provided further*, That the Sec-
19 retary of Veterans Affairs shall promptly submit to the
20 Committees on Appropriations of both Houses of Congress
21 a written report on any approved major construction
22 project for which obligations are not incurred within the
23 time limitations established above: *Provided further*, That
24 notwithstanding the requirements of section 8104(a) of
25 title 38, United States Code, amounts made available

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1 under this heading for seismic improvement projects and
2 seismic program management activities shall be available
3 for the completion of both new and existing seismic
4 projects of the Department.

5 CONSTRUCTION, MINOR PROJECTS

6 For constructing, altering, extending, and improving
7 any of the facilities, including parking projects, under the
8 jurisdiction or for the use of the Department of Veterans
9 Affairs, including planning and assessments of needs
10 which may lead to capital investments, architectural and
11 engineering services, maintenance or guarantee period
12 services costs associated with equipment guarantees pro-
13 vided under the project, services of claims analysts, offsite
14 utility and storm drainage system construction costs, and
15 site acquisition, or for any of the purposes set forth in
16 sections 316, 2404, 2406 and chapter 81 of title 38,
17 United States Code, not otherwise provided for, where the
18 estimated cost of a project is equal to or less than the
19 amount set forth in section 8104(a)(3)(A) of title 38,
20 United States Code, \$390,000,000, to remain available
21 until September 30, 2025, along with unobligated balances
22 of previous “Construction, Minor Projects” appropriations
23 which are hereby made available for any project where the
24 estimated cost is equal to or less than the amount set forth
25 in such section: *Provided*, That funds made available

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1 under this heading shall be for: (1) repairs to any of the
2 nonmedical facilities under the jurisdiction or for the use
3 of the Department which are necessary because of loss or
4 damage caused by any natural disaster or catastrophe;
5 and (2) temporary measures necessary to prevent or to
6 minimize further loss by such causes.

7 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
8 FACILITIES

9 For grants to assist States to acquire or construct
10 State nursing home and domiciliary facilities and to re-
11 model, modify, or alter existing hospital, nursing home,
12 and domiciliary facilities in State homes, for furnishing
13 care to veterans as authorized by sections 8131 through
14 8137 of title 38, United States Code, \$90,000,000, to re-
15 main available until expended.

16 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

17 For grants to assist States and tribal organizations
18 in establishing, expanding, or improving veterans ceme-
19 teries as authorized by section 2408 of title 38, United
20 States Code, \$45,000,000, to remain available until ex-
21 pended.

22 ADMINISTRATIVE PROVISIONS

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 201. Any appropriation for fiscal year 2021 for
25 “Compensation and Pensions”, “Readjustment Benefits”,

1 and “Veterans Insurance and Indemnities” may be trans-
2 ferred as necessary to any other of the mentioned appro-
3 priations: *Provided*, That, before a transfer may take
4 place, the Secretary of Veterans Affairs shall request from
5 the Committees on Appropriations of both Houses of Con-
6 gress the authority to make the transfer and such Com-
7 mittees issue an approval, or absent a response, a period
8 of 30 days has elapsed.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 202. Amounts made available for the Depart-
11 ment of Veterans Affairs for fiscal year 2021, in this or
12 any other Act, under the “Medical Services”, “Medical
13 Community Care”, “Medical Support and Compliance”,
14 and “Medical Facilities” accounts may be transferred
15 among the accounts: *Provided*, That any transfers among
16 the “Medical Services”, “Medical Community Care”, and
17 “Medical Support and Compliance” accounts of 1 percent
18 or less of the total amount appropriated to the account
19 in this or any other Act may take place subject to notifica-
20 tion from the Secretary of Veterans Affairs to the Com-
21 mittees on Appropriations of both Houses of Congress of
22 the amount and purpose of the transfer: *Provided further*,
23 That any transfers among the “Medical Services”, “Med-
24 ical Community Care”, and “Medical Support and Compli-
25 ance” accounts in excess of 1 percent, or exceeding the

1 cumulative 1 percent for the fiscal year, may take place
2 only after the Secretary requests from the Committees on
3 Appropriations of both Houses of Congress the authority
4 to make the transfer and an approval is issued: *Provided*
5 *further*, That any transfers to or from the “Medical Facili-
6 ties” account may take place only after the Secretary re-
7 quests from the Committees on Appropriations of both
8 Houses of Congress the authority to make the transfer
9 and an approval is issued.

10 SEC. 203. Appropriations available in this title for
11 salaries and expenses shall be available for services au-
12 thorized by section 3109 of title 5, United States Code;
13 hire of passenger motor vehicles; lease of a facility or land
14 or both; and uniforms or allowances therefore, as author-
15 ized by sections 5901 through 5902 of title 5, United
16 States Code.

17 SEC. 204. No appropriations in this title (except the
18 appropriations for “Construction, Major Projects”, and
19 “Construction, Minor Projects”) shall be available for the
20 purchase of any site for or toward the construction of any
21 new hospital or home.

22 SEC. 205. No appropriations in this title shall be
23 available for hospitalization or examination of any persons
24 (except beneficiaries entitled to such hospitalization or ex-
25 amination under the laws providing such benefits to vet-

1 Fund under section 1920 of title 38, United States Code,
2 the Veterans' Special Life Insurance Fund under section
3 1923 of title 38, United States Code, and the United
4 States Government Life Insurance Fund under section
5 1955 of title 38, United States Code, reimburse the "Gen-
6 eral Operating Expenses, Veterans Benefits Administra-
7 tion" and "Information Technology Systems" accounts for
8 the cost of administration of the insurance programs fi-
9 nanced through those accounts: *Provided*, That reimburse-
10 ment shall be made only from the surplus earnings accu-
11 mulated in such an insurance program during fiscal year
12 2021 that are available for dividends in that program after
13 claims have been paid and actuarially determined reserves
14 have been set aside: *Provided further*, That if the cost of
15 administration of such an insurance program exceeds the
16 amount of surplus earnings accumulated in that program,
17 reimbursement shall be made only to the extent of such
18 surplus earnings: *Provided further*, That the Secretary
19 shall determine the cost of administration for fiscal year
20 2021 which is properly allocable to the provision of each
21 such insurance program and to the provision of any total
22 disability income insurance included in that insurance pro-
23 gram.

24 SEC. 209. Amounts deducted from enhanced-use
25 lease proceeds to reimburse an account for expenses in-

1 curred by that account during a prior fiscal year for pro-
2 viding enhanced-use lease services, may be obligated dur-
3 ing the fiscal year in which the proceeds are received.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 210. Funds available in this title or funds for
6 salaries and other administrative expenses shall also be
7 available to reimburse the Office of Resolution Manage-
8 ment, the Office of Employment Discrimination Complaint
9 Adjudication, and the Office of Diversity and Inclusion for
10 all services provided at rates which will recover actual
11 costs but not to exceed \$60,096,000 for the Office of Reso-
12 lution Management, \$6,100,000 for the Office of Employ-
13 ment Discrimination Complaint Adjudication, and
14 \$5,294,000 for the Office of Diversity and Inclusion: *Pro-*
15 *vided*, That payments may be made in advance for services
16 to be furnished based on estimated costs: *Provided further*,
17 That amounts received shall be credited to the “General
18 Administration” and “Information Technology Systems”
19 accounts for use by the office that provided the service.

20 SEC. 211. No funds of the Department of Veterans
21 Affairs shall be available for hospital care, nursing home
22 care, or medical services provided to any person under
23 chapter 17 of title 38, United States Code, for a non-serv-
24 ice-connected disability described in section 1729(a)(2) of
25 such title, unless that person has disclosed to the Sec-

1 retary of Veterans Affairs, in such form as the Secretary
2 may require, current, accurate third-party reimbursement
3 information for purposes of section 1729 of such title: *Pro-*
4 *vided*, That the Secretary may recover, in the same man-
5 ner as any other debt due the United States, the reason-
6 able charges for such care or services from any person who
7 does not make such disclosure as required: *Provided fur-*
8 *ther*, That any amounts so recovered for care or services
9 provided in a prior fiscal year may be obligated by the
10 Secretary during the fiscal year in which amounts are re-
11 ceived.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 212. Notwithstanding any other provision of
14 law, proceeds or revenues derived from enhanced-use leas-
15 ing activities (including disposal) may be deposited into
16 the “Construction, Major Projects” and “Construction,
17 Minor Projects” accounts and be used for construction
18 (including site acquisition and disposition), alterations,
19 and improvements of any medical facility under the juris-
20 diction or for the use of the Department of Veterans Af-
21 fairs. Such sums as realized are in addition to the amount
22 provided for in “Construction, Major Projects” and “Con-
23 struction, Minor Projects”.

24 SEC. 213. Amounts made available under “Medical
25 Services” are available—

1 (1) for furnishing recreational facilities, sup-
2 plies, and equipment; and

3 (2) for funeral expenses, burial expenses, and
4 other expenses incidental to funerals and burials for
5 beneficiaries receiving care in the Department.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 214. Such sums as may be deposited to the
8 Medical Care Collections Fund pursuant to section 1729A
9 of title 38, United States Code, may be transferred to the
10 “Medical Services” and “Medical Community Care” ac-
11 counts to remain available until expended for the purposes
12 of these accounts.

13 SEC. 215. The Secretary of Veterans Affairs may
14 enter into agreements with Federally Qualified Health
15 Centers in the State of Alaska and Indian tribes and tribal
16 organizations which are party to the Alaska Native Health
17 Compact with the Indian Health Service, to provide
18 healthcare, including behavioral health and dental care, to
19 veterans in rural Alaska. The Secretary shall require par-
20 ticipating veterans and facilities to comply with all appro-
21 priate rules and regulations, as established by the Sec-
22 retary. The term “rural Alaska” shall mean those lands
23 which are not within the boundaries of the municipality
24 of Anchorage or the Fairbanks North Star Borough.

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1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 216. Such sums as may be deposited to the De-
3 partment of Veterans Affairs Capital Asset Fund pursu-
4 ant to section 8118 of title 38, United States Code, may
5 be transferred to the “Construction, Major Projects” and
6 “Construction, Minor Projects” accounts, to remain avail-
7 able until expended for the purposes of these accounts.

8 SEC. 217. Not later than 30 days after the end of
9 each fiscal quarter, the Secretary of Veterans Affairs shall
10 submit to the Committees on Appropriations of both
11 Houses of Congress a report on the financial status of the
12 Department of Veterans Affairs for the preceding quarter:
13 *Provided*, That, at a minimum, the report shall include
14 the direction contained in the paragraph entitled “Quar-
15 terly reporting”, under the heading “General Administra-
16 tion” in the joint explanatory statement accompanying
17 Public Law 114–223.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 218. Amounts made available under the “Med-
20 ical Services”, “Medical Community Care”, “Medical Sup-
21 port and Compliance”, “Medical Facilities”, “General Op-
22 erating Expenses, Veterans Benefits Administration”,
23 “Board of Veterans Appeals”, “General Administration”,
24 and “National Cemetery Administration” accounts for fis-
25 cal year 2021 may be transferred to or from the “Informa-

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1 tion Technology Systems” account: *Provided*, That such
2 transfers may not result in a more than 10 percent aggre-
3 gate increase in the total amount made available by this
4 Act for the “Information Technology Systems” account:
5 *Provided further*, That, before a transfer may take place,
6 the Secretary of Veterans Affairs shall request from the
7 Committees on Appropriations of both Houses of Congress
8 the authority to make the transfer and an approval is
9 issued.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 219. Of the amounts appropriated to the De-
12 partment of Veterans Affairs for fiscal year 2021 for
13 “Medical Services”, “Medical Community Care”, “Medical
14 Support and Compliance”, “Medical Facilities”, “Con-
15 struction, Minor Projects”, and “Information Technology
16 Systems”, up to \$322,932,000, plus reimbursements, may
17 be transferred to the Joint Department of Defense—De-
18 partment of Veterans Affairs Medical Facility Demonstra-
19 tion Fund, established by section 1704 of the National De-
20 fense Authorization Act for Fiscal Year 2010 (Public Law
21 111–84; 123 Stat. 3571) and may be used for operation
22 of the facilities designated as combined Federal medical
23 facilities as described by section 706 of the Duncan Hun-
24 ter National Defense Authorization Act for Fiscal Year
25 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*,

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1 That additional funds may be transferred from accounts
2 designated in this section to the Joint Department of De-
3 fense—Department of Veterans Affairs Medical Facility
4 Demonstration Fund upon written notification by the Sec-
5 retary of Veterans Affairs to the Committees on Appro-
6 priations of both Houses of Congress: *Provided further*,
7 That section 220 of title II of division F of Public Law
8 116–94 is repealed.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 220. Of the amounts appropriated to the De-
11 partment of Veterans Affairs which become available on
12 October 1, 2021, for “Medical Services”, “Medical Com-
13 munity Care”, “Medical Support and Compliance”, and
14 “Medical Facilities”, up to \$327,126,000, plus reimburse-
15 ments, may be transferred to the Joint Department of De-
16 fense—Department of Veterans Affairs Medical Facility
17 Demonstration Fund, established by section 1704 of the
18 National Defense Authorization Act for Fiscal Year 2010
19 (Public Law 111–84; 123 Stat. 3571) and may be used
20 for operation of the facilities designated as combined Fed-
21 eral medical facilities as described by section 706 of the
22 Duncan Hunter National Defense Authorization Act for
23 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500):
24 *Provided*, That additional funds may be transferred from
25 accounts designated in this section to the Joint Depart-

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1 ment of Defense—Department of Veterans Affairs Med-
2 ical Facility Demonstration Fund upon written notifica-
3 tion by the Secretary of Veterans Affairs to the Commit-
4 tees on Appropriations of both Houses of Congress.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 221. Such sums as may be deposited to the
7 Medical Care Collections Fund pursuant to section 1729A
8 of title 38, United States Code, for healthcare provided
9 at facilities designated as combined Federal medical facili-
10 ties as described by section 706 of the Duncan Hunter
11 National Defense Authorization Act for Fiscal Year 2009
12 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
13 able: (1) for transfer to the Joint Department of De-
14 fense—Department of Veterans Affairs Medical Facility
15 Demonstration Fund, established by section 1704 of the
16 National Defense Authorization Act for Fiscal Year 2010
17 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
18 ations of the facilities designated as combined Federal
19 medical facilities as described by section 706 of the Dun-
20 can Hunter National Defense Authorization Act for Fiscal
21 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*
22 *vided*, That, notwithstanding section 1704(b)(3) of the
23 National Defense Authorization Act for Fiscal Year 2010
24 (Public Law 111–84; 123 Stat. 2573), amounts trans-
25 ferred to the Joint Department of Defense—Department

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1 of Veterans Affairs Medical Facility Demonstration Fund
2 shall remain available until expended.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 222. Of the amounts available in this title for
5 “Medical Services”, “Medical Community Care”, “Medical
6 Support and Compliance”, and “Medical Facilities”, a
7 minimum of \$15,000,000 shall be transferred to the
8 DOD–VA Health Care Sharing Incentive Fund, as au-
9 thorized by section 8111(d) of title 38, United States
10 Code, to remain available until expended, for any purpose
11 authorized by section 8111 of title 38, United States Code.

12 SEC. 223. None of the funds available to the Depart-
13 ment of Veterans Affairs, in this or any other Act, may
14 be used to replace the current system by which the Vet-
15 erans Integrated Service Networks select and contract for
16 diabetes monitoring supplies and equipment.

17 SEC. 224. The Secretary of Veterans Affairs shall no-
18 tify the Committees on Appropriations of both Houses of
19 Congress of all bid savings in a major construction project
20 that total at least \$5,000,000, or 5 percent of the pro-
21 grammed amount of the project, whichever is less: *Pro-*
22 *vided*, That such notification shall occur within 14 days
23 of a contract identifying the programmed amount: *Pro-*
24 *vided further*, That the Secretary shall notify the Commit-
25 tees on Appropriations of both Houses of Congress 14

1 days prior to the obligation of such bid savings and shall
2 describe the anticipated use of such savings.

3 SEC. 225. None of the funds made available for
4 “Construction, Major Projects” may be used for a project
5 in excess of the scope specified for that project in the origi-
6 nal justification data provided to the Congress as part of
7 the request for appropriations unless the Secretary of Vet-
8 erans Affairs receives approval from the Committees on
9 Appropriations of both Houses of Congress.

10 SEC. 226. Not later than 30 days after the end of
11 each fiscal quarter, the Secretary of Veterans Affairs shall
12 submit to the Committees on Appropriations of both
13 Houses of Congress a quarterly report containing perform-
14 ance measures and data from each Veterans Benefits Ad-
15 ministration Regional Office: *Provided*, That, at a min-
16 imum, the report shall include the direction contained in
17 the section entitled “Disability claims backlog”, under the
18 heading “General Operating Expenses, Veterans Benefits
19 Administration” in the joint explanatory statement accom-
20 panying Public Law 114–223: *Provided further*, That the
21 report shall also include information on the number of ap-
22 peals pending at the Veterans Benefits Administration as
23 well as the Board of Veterans Appeals on a quarterly
24 basis.

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1 SEC. 227. The Secretary of Veterans Affairs shall
2 provide written notification to the Committees on Appro-
3 priations of both Houses of Congress 15 days prior to or-
4 ganizational changes which result in the transfer of 25 or
5 more full-time equivalents from one organizational unit of
6 the Department of Veterans Affairs to another.

7 SEC. 228. The Secretary of Veterans Affairs shall
8 provide on a quarterly basis to the Committees on Appro-
9 priations of both Houses of Congress notification of any
10 single national outreach and awareness marketing cam-
11 paign in which obligations exceed \$1,000,000.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 229. The Secretary of Veterans Affairs, upon
14 determination that such action is necessary to address
15 needs of the Veterans Health Administration, may trans-
16 fer to the “Medical Services” account any discretionary
17 appropriations made available for fiscal year 2021 in this
18 title (except appropriations made to the “General Oper-
19 ating Expenses, Veterans Benefits Administration” ac-
20 count) or any discretionary unobligated balances within
21 the Department of Veterans Affairs, including those ap-
22 propriated for fiscal year 2021, that were provided in ad-
23 vance by appropriations Acts: *Provided*, That transfers
24 shall be made only with the approval of the Office of Man-
25 agement and Budget: *Provided further*, That the transfer

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1 authority provided in this section is in addition to any
2 other transfer authority provided by law: *Provided further*,
3 That no amounts may be transferred from amounts that
4 were designated by Congress as an emergency requirement
5 pursuant to a concurrent resolution on the budget or the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985: *Provided further*, That such authority to transfer
8 may not be used unless for higher priority items, based
9 on emergent healthcare requirements, than those for
10 which originally appropriated and in no case where the
11 item for which funds are requested has been denied by
12 Congress: *Provided further*, That, upon determination that
13 all or part of the funds transferred from an appropriation
14 are not necessary, such amounts may be transferred back
15 to that appropriation and shall be available for the same
16 purposes as originally appropriated: *Provided further*,
17 That before a transfer may take place, the Secretary of
18 Veterans Affairs shall request from the Committees on
19 Appropriations of both Houses of Congress the authority
20 to make the transfer and receive approval of that request.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 230. Amounts made available for the Depart-
23 ment of Veterans Affairs for fiscal year 2021, under the
24 “Board of Veterans Appeals” and the “General Operating
25 Expenses, Veterans Benefits Administration” accounts

1 may be transferred between such accounts: *Provided*, That
2 before a transfer may take place, the Secretary of Vet-
3 erans Affairs shall request from the Committees on Appro-
4 priations of both Houses of Congress the authority to
5 make the transfer and receive approval of that request.

6 SEC. 231. The Secretary of Veterans Affairs may not
7 reprogram funds among major construction projects or
8 programs if such instance of reprogramming will exceed
9 \$7,000,000, unless such reprogramming is approved by
10 the Committees on Appropriations of both Houses of Con-
11 gress.

12 SEC. 232. (a) The Secretary of Veterans Affairs shall
13 ensure that the toll-free suicide hotline under section
14 1720F(h) of title 38, United States Code—

15 (1) provides to individuals who contact the hot-
16 line immediate assistance from a trained profes-
17 sional; and

18 (2) adheres to all requirements of the American
19 Association of Suicidology.

20 (b)(1) None of the funds made available by this Act
21 may be used to enforce or otherwise carry out any Execu-
22 tive action that prohibits the Secretary of Veterans Affairs
23 from appointing an individual to occupy a vacant civil
24 service position, or establishing a new civil service position,
25 at the Department of Veterans Affairs with respect to

1 such a position relating to the hotline specified in sub-
2 section (a).

3 (2) In this subsection—

4 (A) the term “civil service” has the meaning
5 given such term in section 2101(1) of title 5, United
6 States Code; and

7 (B) the term “Executive action” includes—

8 (i) any Executive order, presidential memo-
9 randum, or other action by the President; and

10 (ii) any agency policy, order, or other di-
11 rective.

12 (c)(1) The Secretary of Veterans Affairs shall con-
13 duct a study on the effectiveness of the hotline specified
14 in subsection (a) during the 5-year period beginning on
15 January 1, 2016, based on an analysis of national suicide
16 data and data collected from such hotline.

17 (2) At a minimum, the study required by paragraph
18 (1) shall—

19 (A) determine the number of veterans who con-
20 tact the hotline specified in subsection (a) and who
21 receive follow up services from the hotline or mental
22 health services from the Department of Veterans Af-
23 fairs thereafter;

24 (B) determine the number of veterans who con-
25 tact the hotline who are not referred to, or do not

1 continue receiving, mental health care who commit
2 suicide; and

3 (C) determine the number of veterans described
4 in subparagraph (A) who commit or attempt suicide.

5 SEC. 233. Effective during the period beginning on
6 October 1, 2018 and ending on January 1, 2024, none
7 of the funds made available to the Secretary of Veterans
8 Affairs by this or any other Act may be obligated or ex-
9 pended in contravention of the “Veterans Health Adminis-
10 tration Clinical Preventive Services Guidance Statement
11 on the Veterans Health Administration’s Screening for
12 Breast Cancer Guidance” published on May 10, 2017, as
13 issued by the Veterans Health Administration National
14 Center for Health Promotion and Disease Prevention.

15 SEC. 234. (a) Notwithstanding any other provision
16 of law, the amounts appropriated or otherwise made avail-
17 able to the Department of Veterans Affairs for the “Med-
18 ical Services” account may be used to provide—

19 (1) fertility counseling and treatment using as-
20 sisted reproductive technology to a covered veteran
21 or the spouse of a covered veteran; or

22 (2) adoption reimbursement to a covered vet-
23 eran.

24 (b) In this section:

1 (1) The term “service-connected” has the
2 meaning given such term in section 101 of title 38,
3 United States Code.

4 (2) The term “covered veteran” means a vet-
5 eran, as such term is defined in section 101 of title
6 38, United States Code, who has a service-connected
7 disability that results in the inability of the veteran
8 to procreate without the use of fertility treatment.

9 (3) The term “assisted reproductive tech-
10 nology” means benefits relating to reproductive as-
11 sistance provided to a member of the Armed Forces
12 who incurs a serious injury or illness on active duty
13 pursuant to section 1074(c)(4)(A) of title 10, United
14 States Code, as described in the memorandum on
15 the subject of “Policy for Assisted Reproductive
16 Services for the Benefit of Seriously or Severely Ill/
17 Injured (Category II or III) Active Duty Service
18 Members” issued by the Assistant Secretary of De-
19 fense for Health Affairs on April 3, 2012, and the
20 guidance issued to implement such policy, including
21 any limitations on the amount of such benefits avail-
22 able to such a member except that—

23 (A) the time periods regarding embryo
24 cryopreservation and storage set forth in part

1 III(G) and in part IV(H) of such memorandum
2 shall not apply; and

3 (B) such term includes embryo
4 cryopreservation and storage without limitation
5 on the duration of such cryopreservation and
6 storage.

7 (4) The term “adoption reimbursement” means
8 reimbursement for the adoption-related expenses for
9 an adoption that is finalized after the date of the en-
10 actment of this Act under the same terms as apply
11 under the adoption reimbursement program of the
12 Department of Defense, as authorized in Depart-
13 ment of Defense Instruction 1341.09, including the
14 reimbursement limits and requirements set forth in
15 such instruction.

16 (c) Amounts made available for the purposes speci-
17 fied in subsection (a) of this section are subject to the
18 requirements for funds contained in section 508 of division
19 H of the Consolidated Appropriations Act, 2018 (Public
20 Law 115–141).

21 SEC. 235. None of the funds appropriated or other-
22 wise made available by this Act or any other Act for the
23 Department of Veterans Affairs may be used in a manner
24 that is inconsistent with: (1) section 842 of the Transpor-
25 tation, Treasury, Housing and Urban Development, the

1 Judiciary, the District of Columbia, and Independent
2 Agencies Appropriations Act, 2006 (Public Law 109–115;
3 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
4 United States Code.

5 SEC. 236. Section 842 of Public Law 109–115 shall
6 not apply to conversion of an activity or function of the
7 Veterans Health Administration, Veterans Benefits Ad-
8 ministration, or National Cemetery Administration to con-
9 tractor performance by a business concern that is at least
10 51 percent owned by one or more Indian tribes as defined
11 in section 5304(e) of title 25, United States Code, or one
12 or more Native Hawaiian Organizations as defined in sec-
13 tion 637(a)(15) of title 15, United States Code.

14 SEC. 237. (a) Except as provided in subsection (b),
15 the Secretary of Veterans Affairs, in consultation with the
16 Secretary of Defense and the Secretary of Labor, shall dis-
17 continue using Social Security account numbers to identify
18 individuals in all information systems of the Department
19 of Veterans Affairs as follows:

20 (1) For all veterans submitting to the Secretary
21 of Veterans Affairs new claims for benefits under
22 laws administered by the Secretary, not later than
23 March 23, 2023.

24 (2) For all individuals not described in para-
25 graph (1), not later than March 23, 2026.

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1 (b) The Secretary of Veterans Affairs may use a So-
2 cial Security account number to identify an individual in
3 an information system of the Department of Veterans Af-
4 fairs if and only if the use of such number is required
5 to obtain information the Secretary requires from an in-
6 formation system that is not under the jurisdiction of the
7 Secretary.

8 (c) The matter in subsections (a) and (b) shall super-
9 sede section 238 of Public Law 116–94.

10 SEC. 238. For funds provided to the Department of
11 Veterans Affairs for each of fiscal year 2021 and 2022
12 for “Medical Services”, section 239 of division A of Public
13 Law 114–223 shall apply.

14 SEC. 239. None of the funds appropriated in this or
15 prior appropriations Acts or otherwise made available to
16 the Department of Veterans Affairs may be used to trans-
17 fer any amounts from the Filipino Veterans Equity Com-
18 pensation Fund to any other account within the Depart-
19 ment of Veterans Affairs.

20 SEC. 240. Of the funds provided to the Department
21 of Veterans Affairs for each of fiscal year 2021 and fiscal
22 year 2022 for “Medical Services”, funds may be used in
23 each year to carry out and expand the child care program
24 authorized by section 205 of Public Law 111–163, not-
25 withstanding subsection (e) of such section.

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1 SEC. 241. None of the funds appropriated or other-
2 wise made available in this title may be used by the Sec-
3 retary of Veterans Affairs to enter into an agreement re-
4 lated to resolving a dispute or claim with an individual
5 that would restrict in any way the individual from speak-
6 ing to members of Congress or their staff on any topic
7 not otherwise prohibited from disclosure by Federal law
8 or required by Executive order to be kept secret in the
9 interest of national defense or the conduct of foreign af-
10 fairs.

11 SEC. 242. For funds provided to the Department of
12 Veterans Affairs for each of fiscal year 2021 and 2022,
13 section 258 of division A of Public Law 114–223 shall
14 apply.

15 SEC. 243. (a) None of the funds appropriated or oth-
16 erwise made available by this Act may be used to deny
17 an Inspector General funded under this Act timely access
18 to any records, documents, or other materials available to
19 the department or agency of the United States Govern-
20 ment over which such Inspector General has responsibil-
21 ities under the Inspector General Act of 1978 (5 U.S.C.
22 App.), or to prevent or impede the access of such Inspector
23 General to such records, documents, or other materials,
24 under any provision of law, except a provision of law that

1 expressly refers to such Inspector General and expressly
2 limits the right of access of such Inspector General.

3 (b) A department or agency covered by this section
4 shall provide its Inspector General access to all records,
5 documents, and other materials in a timely manner.

6 (c) Each Inspector General covered by this section
7 shall ensure compliance with statutory limitations on dis-
8 closure relevant to the information provided by the depart-
9 ment or agency over which that Inspector General has re-
10 sponsibilities under the Inspector General Act of 1978 (5
11 U.S.C. App.).

12 (d) Each Inspector General covered by this section
13 shall report to the Committee on Appropriations of the
14 Senate and the Committee on Appropriations of the House
15 of Representatives within 5 calendar days of any failure
16 by any department or agency covered by this section to
17 comply with this section.

18 SEC. 244. None of the funds made available in this
19 Act may be used in a manner that would increase wait
20 times for veterans who seek care at medical facilities of
21 the Department of Veterans Affairs.

22 SEC. 245. None of the funds appropriated or other-
23 wise made available by this Act to the Veterans Health
24 Administration may be used in fiscal year 2021 to convert
25 any program which received specific purpose funds in fis-

1 cal year 2020 to a general purpose funded program unless
2 the Secretary of Veterans Affairs submits written notifica-
3 tion of any such proposal to the Committees on Appropria-
4 tions of both Houses of Congress at least 30 days prior
5 to any such action and an approval is issued by the Com-
6 mittees.

7 SEC. 246. For funds provided to the Department of
8 Veterans Affairs for each of fiscal year 2021 and 2022,
9 section 248 of division A of Public Law 114–223 shall
10 apply.

11 SEC. 247. (a) None of the funds appropriated or oth-
12 erwise made available by this Act may be used to conduct
13 research commencing on or after October 1, 2019, that
14 uses any canine, feline, or non-human primate unless the
15 Secretary of Veterans Affairs approves such research spe-
16 cifically and in writing pursuant to subsection (b).

17 (b)(1) The Secretary of Veterans Affairs may approve
18 the conduct of research commencing on or after October
19 1, 2019, using canines, felines, or non-human primates if
20 the Secretary determines that—

21 (A) the scientific objectives of the research can
22 only be met by using such canines, felines, or non-
23 human primates;

24 (B) such scientific objectives are directly related
25 to an illness or injury that is combat-related; and

1 (C) the research is consistent with the revised
2 Department of Veterans Affairs canine research pol-
3 icy document dated December 15, 2017, including
4 any subsequent revisions to such document.

5 (2) The Secretary may not delegate the author-
6 ity under this subsection.

7 (c) If the Secretary approves any new research pursu-
8 ant to subsection (b), not later than 30 days before the
9 commencement of such research, the Secretary shall sub-
10 mit to the Committees on Appropriations of the Senate
11 and House of Representatives a report describing—

12 (1) the nature of the research to be conducted
13 using canines, felines, or non-human primates;

14 (2) the date on which the Secretary approved
15 the research;

16 (3) the justification for the determination of the
17 Secretary that the scientific objectives of such re-
18 search could only be met using canines, felines, or
19 non-human primates;

20 (4) the frequency and duration of such re-
21 search; and

22 (5) the protocols in place to ensure the neces-
23 sity, safety, and efficacy of the research; and

24 (d) Not later than 180 days after the date of the en-
25 actment of this Act, and biannually thereafter, the Sec-

1 retary shall submit to such Committees a report describ-
2 ing—

3 (1) any research being conducted by the De-
4 partment of Veterans Affairs using canines, felines,
5 or non-human primates as of the date of the sub-
6 mittal of the report;

7 (2) the circumstances under which such re-
8 search was conducted using canines, felines, or non-
9 human primates;

10 (3) the justification for using canines, felines,
11 or non-human primates to conduct such research;
12 and

13 (4) the protocols in place to ensure the neces-
14 sity, safety, and efficacy of such research.

15 (e) Not later than December 31, 2021, the Secretary
16 shall submit to such Committees an updated plan under
17 which the Secretary will eliminate or reduce the research
18 conducted using canines, felines, or non-human primates
19 by not later than 5 years after the date of enactment of
20 Public Law 116–94.

21 SEC. 248. (a) The Secretary of Veterans Affairs may
22 use amounts appropriated or otherwise made available in
23 this title to ensure that the ratio of veterans to full-time
24 employment equivalents within any program of rehabilita-
25 tion conducted under chapter 31 of title 38, United States

1 Code, does not exceed 125 veterans to one full-time em-
2 ployment equivalent.

3 (b) Not later than 180 days after the date of the en-
4 actment of this Act, the Secretary shall submit to Con-
5 gress a report on the programs of rehabilitation conducted
6 under chapter 31 of title 38, United States Code, includ-
7 ing—

8 (1) an assessment of the veteran-to-staff ratio
9 for each such program; and

10 (2) recommendations for such action as the
11 Secretary considers necessary to reduce the veteran-
12 to-staff ratio for each such program.

13 SEC. 249. None of the funds made available by this
14 Act may be used by the Secretary of Veterans Affairs to
15 close the community based outpatient clinic located in
16 Bainbridge, New York, until the Secretary of Veterans Af-
17 fairs submits to the Committees on Appropriations of the
18 House of Representatives and the Senate a market area
19 assessment.

20 SEC. 250. Amounts made available for the “Veterans
21 Health Administration, Medical Community Care” ac-
22 count in this or any other Act for fiscal years 2021 and
23 2022 may be used for expenses that would otherwise be
24 payable from the Veterans Choice Fund established by

1 section 802 of the Veterans Access, Choice, and Account-
2 ability Act, as amended (38 U.S.C. 1701 note).

3 SEC. 251. Obligations and expenditures applicable to
4 the “Medical Services” account in fiscal years 2017
5 through 2019 for aid to state homes (as authorized by
6 section 1741 of title 38, United States Code) shall remain
7 in the “Medical Community Care” account for such fiscal
8 years.

9 SEC. 252. Of the amounts made available for the De-
10 partment of Veterans Affairs for fiscal year 2021, in this
11 or any other Act, under the “Veterans Health Administra-
12 tion—Medical Services”, “Veterans Health Administra-
13 tion—Medical Community Care”, “Veterans Health Ad-
14 ministration—Medical Support and Compliance”, and
15 “Veterans Health Administration—Medical Facilities” ac-
16 counts, \$660,691,000 shall be made available for gender-
17 specific care for women.

18 SEC. 253 (a) PLAN REQUIRED.—Not later than 90
19 days after the date of the enactment of this Act, the Sec-
20 retary of Veterans Affairs shall submit to the appropriate
21 committees of Congress a plan to reduce the chances that
22 clinical mistakes by employees of the Department of Vet-
23 erans Affairs will result in adverse events that require in-
24 stitutional or clinical disclosures and to prevent any un-

1 necessary hardship for patients and families impacted by
2 such adverse events.

3 (b) ELEMENTS.—The plan required by subsection (a)
4 shall include the following:

5 (1) A description of a process for the timely
6 identification of individuals impacted by disclosures
7 described in subsection (a) and the process for con-
8 tacting those individuals or their next of kin.

9 (2) A description of procedures for expediting
10 any remedial or follow-up care required for those in-
11 dividuals.

12 (3) A detailed outline of proposed changes to
13 the process of the Department for clinical quality
14 checks and oversight.

15 (4) A communication plan to ensure all facili-
16 ties of the Department are made aware of any re-
17 quirements updated pursuant to the plan.

18 (5) A timeline detailing the implementation of
19 the plan.

20 (6) An identification of the senior executive of
21 the Department responsible for ensuring compliance
22 with the plan.

23 (7) An identification of potential impacts of the
24 plan on timely diagnoses for patients.

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1 “Veterans Health Administration, Medical
2 Services”, \$100,000,000;

3 “Veterans Health Administration, Medical Sup-
4 port and Compliance”, \$15,000,000;

5 “Veterans Health Administration, Medical and
6 Prosthetic Research”, \$20,000,000;

7 “Departmental Administration, General Admin-
8 istration”, \$12,000,000;

9 “Departmental Administration, Information
10 Technology Systems”, \$37,500,000;

11 “Departmental Administration, Veterans Elec-
12 tronic Health Record”, \$20,000,000; and

13 “Departmental Administration, Construction,
14 Minor Projects”, \$35,700,000:

15 *Provided*, That no amounts may be rescinded from
16 amounts that were designated by the Congress as an
17 emergency requirement pursuant to a concurrent resolu-
18 tion on the budget or the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985.

1236

1 TITLE III

2 RELATED AGENCIES

3 AMERICAN BATTLE MONUMENTS COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
6 of the American Battle Monuments Commission, including
7 the acquisition of land or interest in land in foreign coun-
8 tries; purchases and repair of uniforms for caretakers of
9 national cemeteries and monuments outside of the United
10 States and its territories and possessions; rent of office
11 and garage space in foreign countries; purchase (one-for-
12 one replacement basis only) and hire of passenger motor
13 vehicles; not to exceed \$15,000 for official reception and
14 representation expenses; and insurance of official motor
15 vehicles in foreign countries, when required by law of such
16 countries, \$84,100,000, to remain available until ex-
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

19 For necessary expenses, not otherwise provided for,
20 of the American Battle Monuments Commission, such
21 sums as may be necessary, to remain available until ex-
22 pended, for purposes authorized by section 2109 of title
23 36, United States Code.

1237

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251 through 7298 of title 38,
7 United States Code, \$37,100,000: *Provided*, That
8 \$3,286,509 shall be available for the purpose of providing
9 financial assistance as described and in accordance with
10 the process and reporting procedures set forth under this
11 heading in Public Law 102–229.

12 DEPARTMENT OF DEFENSE—CIVIL

13 CEMETERIAL EXPENSES, ARMY

14 SALARIES AND EXPENSES

15 For necessary expenses for maintenance, operation,
16 and improvement of Arlington National Cemetery and Sol-
17 diers' and Airmen's Home National Cemetery, including
18 the purchase or lease of passenger motor vehicles for re-
19 placement on a one-for-one basis only, and not to exceed
20 \$2,000 for official reception and representation expenses,
21 \$81,815,000, of which not to exceed \$15,000,000 shall re-
22 main available until September 30, 2023. In addition,
23 such sums as may be necessary for parking maintenance,
24 repairs and replacement, to be derived from the "Lease

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1 of Department of Defense Real Property for Defense
2 Agencies’’ account.

3 ARMED FORCES RETIREMENT HOME

4 TRUST FUND

5 For expenses necessary for the Armed Forces Retire-
6 ment Home to operate and maintain the Armed Forces
7 Retirement Home—Washington, District of Columbia,
8 and the Armed Forces Retirement Home—Gulfport, Mis-
9 sissippi, to be paid from funds available in the Armed
10 Forces Retirement Home Trust Fund, \$75,300,000, to re-
11 main available until September 30, 2022, of which
12 \$9,000,000 shall remain available until expended for con-
13 struction and renovation of the physical plants at the
14 Armed Forces Retirement Home—Washington, District of
15 Columbia, and the Armed Forces Retirement Home—
16 Gulfport, Mississippi: *Provided*, That of the amounts made
17 available under this heading from funds available in the
18 Armed Forces Retirement Home Trust Fund,
19 \$22,000,000 shall be paid from the general fund of the
20 Treasury to the Trust Fund.

21 ADMINISTRATIVE PROVISION

22 SEC. 301. Amounts deposited into the special account
23 established under 10 U.S.C. 7727 are appropriated and
24 shall be available until expended to support activities at
25 the Army National Military Cemeteries.

1239

1 TITLE IV
2 OVERSEAS CONTINGENCY OPERATIONS
3 DEPARTMENT OF DEFENSE
4 MILITARY CONSTRUCTION, ARMY

5 For an additional amount for “Military Construction,
6 Army”, \$16,111,000, to remain available until September
7 30, 2025, for projects outside of the United States: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 for Overseas Contingency Operations/Global War on Ter-
10 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

13 For an additional amount for “Military Construction,
14 Navy and Marine Corps”, \$70,020,000, to remain avail-
15 able until September 30, 2025, for projects outside of the
16 United States: *Provided*, That such amount is designated
17 by the Congress for Overseas Contingency Operations/
18 Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 MILITARY CONSTRUCTION, AIR FORCE

22 For an additional amount for “Military Construction,
23 Air Force” \$263,869,000, to remain available until Sep-
24 tember 30, 2025, for projects outside of the United States:
25 *Provided*, That such amount is designated by the Congress

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1 for Overseas Contingency Operations/Global War on Ter-
2 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 ADMINISTRATIVE PROVISION

5 SEC. 401. None of the funds appropriated for mili-
6 tary construction projects outside the United States under
7 this title may be obligated or expended for planning and
8 design of any project associated with the European Deter-
9 rence Initiative until the Secretary of Defense develops
10 and submits to the congressional defense committees, in
11 a classified and unclassified format, a list of all of the mili-
12 tary construction projects associated with the European
13 Deterrence Initiative which the Secretary anticipates will
14 be carried out during each of the fiscal years 2022
15 through 2026.

1241

1 TITLE V

2 GENERAL PROVISIONS

3 SEC. 501. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 502. None of the funds made available in this
7 Act may be used for any program, project, or activity,
8 when it is made known to the Federal entity or official
9 to which the funds are made available that the program,
10 project, or activity is not in compliance with any Federal
11 law relating to risk assessment, the protection of private
12 property rights, or unfunded mandates.

13 SEC. 503. All departments and agencies funded under
14 this Act are encouraged, within the limits of the existing
15 statutory authorities and funding, to expand their use of
16 “E-Commerce” technologies and procedures in the con-
17 duct of their business practices and public service activi-
18 ties.

19 SEC. 504. Unless stated otherwise, all reports and no-
20 tifications required by this Act shall be submitted to the
21 Subcommittee on Military Construction and Veterans Af-
22 fairs, and Related Agencies of the Committee on Appro-
23 priations of the House of Representatives and the Sub-
24 committee on Military Construction and Veterans Affairs,

1 and Related Agencies of the Committee on Appropriations
2 of the Senate.

3 SEC. 505. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this or any other appropriations Act.

8 SEC. 506. None of the funds made available in this
9 Act may be used for a project or program named for an
10 individual serving as a Member, Delegate, or Resident
11 Commissioner of the United States House of Representa-
12 tives.

13 SEC. 507. (a) Any agency receiving funds made avail-
14 able in this Act, shall, subject to subsections (b) and (c),
15 post on the public Web site of that agency any report re-
16 quired to be submitted by the Congress in this or any
17 other Act, upon the determination by the head of the agen-
18 cy that it shall serve the national interest.

19 (b) Subsection (a) shall not apply to a report if—

20 (1) the public posting of the report com-
21 promises national security; or

22 (2) the report contains confidential or propri-
23 etary information.

24 (c) The head of the agency posting such report shall
25 do so only after such report has been made available to

1 the requesting Committee or Committees of Congress for
2 no less than 45 days.

3 SEC. 508. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

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

11 SEC. 509. None of the funds made available in this
12 Act may be used by an agency of the executive branch
13 to pay for first-class travel by an employee of the agency
14 in contravention of sections 301–10.122 through 301–
15 10.124 of title 41, Code of Federal Regulations.

16 SEC. 510. None of the funds made available in this
17 Act may be used to execute a contract for goods or serv-
18 ices, including construction services, where the contractor
19 has not complied with Executive Order No. 12989.

20 SEC. 511. None of the funds made available by this
21 Act may be used in contravention of section 101(e)(8) of
22 title 10, United States Code.

23 SEC. 512. (a) IN GENERAL.—None of the funds ap-
24 propriated or otherwise made available to the Department
25 of Defense in this Act may be used to construct, renovate,

1 or expand any facility in the United States, its territories,
2 or possessions to house any individual detained at United
3 States Naval Station, Guantánamo Bay, Cuba, for the
4 purposes of detention or imprisonment in the custody or
5 under the control of the Department of Defense.

6 (b) The prohibition in subsection (a) shall not apply
7 to any modification of facilities at United States Naval
8 Station, Guantánamo Bay, Cuba.

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

12 (1) is not a citizen of the United States or a
13 member of the Armed Forces of the United States;
14 and

15 (2) is—

16 (A) in the custody or under the effective
17 control of the Department of Defense; or

18 (B) otherwise under detention at United
19 States Naval Station, Guantánamo Bay, Cuba.

20 SEC. 513. Title X of division B of the Coronavirus
21 Aid, Relief, and Economic Security Act (Public Law 116–
22 136) is amended under the heading “Department of Vet-
23 erans Affairs—Departmental Administration—Grants for
24 Construction of State Extended Care Facilities” by strik-
25 ing “including to modify or alter existing hospital, nursing

1 home, and domiciliary facilities in State homes: *Provided,*”
2 and inserting in lieu thereof the following: “which shall
3 be for modifying or altering existing hospital, nursing
4 home, and domiciliary facilities in State homes or for pre-
5 viously awarded projects, for covering construction cost in-
6 creases due to the coronavirus: *Provided,* That the Sec-
7 retary shall conduct a new competition or competitions to
8 award grants to States using funds provided under this
9 heading in this Act: *Provided further,* That such grants
10 may be made to reimburse States for the costs of modifica-
11 tions or alterations that have been initiated or completed
12 before an application for a grant under this section is ap-
13 proved by the Secretary: *Provided further,* That such
14 grants may be made to assist States with covering in-
15 creased construction and construction administration
16 costs as a result of the coronavirus that will or have oc-
17 curred on previously awarded projects: *Provided further,*
18 That the use of funds provided under this heading in this
19 Act shall not be subject to state matching fund require-
20 ments, application requirements, cost thresholds, priority
21 lists, deadlines, award dates under sections 8134 and
22 8135 of title 38, United States Code, and part 59 of chap-
23 ter I of title 38, Code of Federal Regulations, and shall
24 not be subject to requirements of section 501(d) of title
25 38, United States Code: *Provided further,* That the Sec-

1 retary may establish and adjust rolling deadlines for appli-
2 cations for such grants and may issue multiple rounds of
3 application periods for the award of such grants under this
4 section: *Provided further*,”: *Provided*, That amounts
5 repurposed pursuant to this section that were previously
6 designated by the Congress as an emergency requirement
7 pursuant to the Balanced Budget and Emergency Deficit
8 Control Act of 1985 are designated by the Congress as
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SEC. 514. Of the unobligated balances available to
13 the Department of Veterans Affairs from title X of divi-
14 sion B of the Coronavirus Aid, Relief, and Economic Secu-
15 rity Act (Public Law 116–136) for “Veterans Health Ad-
16 ministration, Medical Services”, funds may be transferred
17 to the following accounts in the amounts specified:

18 “General Operating Expenses, Veterans Bene-
19 fits Administration”, up to \$140,000,000;

20 “National Cemetery Administration”, up to
21 \$26,000,000; and

22 “Departmental Administration, Board of Vet-
23 erans Appeals”, up to \$1,000,000:

24 *Provided*, That the transferred funds shall be used for per-
25 sonnel costs and other expenses to prevent, prepare for,

1 and respond to coronavirus, domestically or internation-
2 ally, including the elimination of backlogs that may have
3 occurred: *Provided further*, That the transferred funds
4 shall be in addition to any other funds made available for
5 this purpose: *Provided further*, That the transferred funds
6 may not be used to increase the number of full-time equiv-
7 alent positions: *Provided further*, That the amounts trans-
8 ferred in this section that were previously designated by
9 the Congress as an emergency requirement pursuant to
10 the Balanced Budget and Emergency Deficit Control Act
11 of 1985 are designated by the Congress as an emergency
12 requirement pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 SEC. 515. Of the unobligated balances available to
16 the Department of Veterans Affairs from title X of divi-
17 sion B of the Coronavirus Aid, Relief, and Economic Secu-
18 rity Act (Public Law 116–136) for “Veterans Health Ad-
19 ministration, Medical Services”, funds may be transferred
20 to the following accounts in the amounts specified:

21 “General Operating Expenses, Veterans Bene-
22 fits Administration”, up to \$198,000,000; and

23 “Departmental Administration, Information
24 Technology Systems”, up to \$45,000,000:

1 *Provided*, That the transferred funds shall be used to pre-
2 vent, prepare for, and respond to coronavirus, domestically
3 or internationally, to improve the Veterans Benefits Ad-
4 ministration’s education systems, including implementa-
5 tion of changes to chapters 30 through 36 of part III of
6 title 38, United States Code in the Harry W. Colmery Vet-
7 erans Educational Assistance Act of 2017 (Public Law
8 115–48), in a bill to authorize the Secretary of Veterans
9 Affairs to treat certain programs of education converted
10 to distance learning by reason of emergencies and health-
11 related situations in the same manner as programs of edu-
12 cation pursued at educational institutions, and for other
13 purposes (Public Law 116–128), and in the Student Vet-
14 eran Coronavirus Response Act of 2020 (Public Law 116–
15 140): *Provided further*, That funds transferred to “De-
16 partmental Administration, Information Technology Sys-
17 tems” pursuant to this section shall be transferred to the
18 information technology systems development subaccount:
19 *Provided further*, That the transferred funds shall be in
20 addition to any other funds made available for this pur-
21 pose: *Provided further*, That the amounts transferred in
22 this section that were previously designated by the Con-
23 gress as an emergency requirement pursuant to the Bal-
24 anced Budget and Emergency Deficit Control Act of 1985
25 are designated by the Congress as an emergency require-

1 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985.

3 SEC. 516. Section 20013(b) of the Coronavirus Aid,
4 Relief, and Economic Security Act (Public Law 116–136)
5 is amended—

6 (1) by redesignating paragraphs (1) and (2) as
7 subparagraphs (A) and (B), respectively;

8 (2) in the matter preceding subparagraph (A),
9 as so redesignated, by inserting “(1)” before “In the
10 case”; and

11 (3) by adding at the end the following: “(2) If
12 the Secretary waives any limit on grant amounts or
13 rates for per diem payments under paragraph (1),
14 notwithstanding section 2012(a)(2)(B) of such title,
15 the maximum rate for per diem payments described
16 in paragraph (1)(B) shall be three times the rate au-
17 thorized for State homes for domiciliary care under
18 section 1741 of such title.”:

19 *Provided*, That amounts repurposed pursuant to this sec-
20 tion that were previously designated by the Congress as
21 an emergency requirement pursuant to the Balanced
22 Budget and Emergency Deficit Control Act of 1985 are
23 designated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

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1 SEC. 517. Of the unobligated balances available to
2 the Department of Veterans Affairs from title X of divi-
3 sion B of the Coronavirus Aid, Relief, and Economic Secu-
4 rity Act (Public Law 116–136) for “Veterans Health Ad-
5 ministration, Medical Services”, up to \$100,000,000 may
6 be transferred to “Veterans Health Administration, Med-
7 ical Community Care”: *Provided*, That funds transferred
8 pursuant to this section shall be used to provide a one-
9 time emergency payment to existing State Extended Care
10 Facilities for Veterans to prevent, prepare for, and re-
11 spond to coronavirus: *Provided further*, That such pay-
12 ments shall be in proportion to each State’s share of the
13 total resident capacity in such facilities as of the date of
14 enactment of this Act where such capacity includes only
15 veterans on whose behalf the Department pays a per diem
16 payment pursuant to 38 U.S.C. 1741 or 1745: *Provided*
17 *further*, That the amounts transferred in this section that
18 were previously designated by the Congress as an emer-
19 gency requirement pursuant to the Balanced Budget and
20 Emergency Deficit Control Act of 1985 are designated by
21 the Congress as an emergency requirement pursuant to
22 section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

1 This division may be cited as the “Military Construc-
2 tion, Veterans Affairs, and Related Agencies Appropria-
3 tions Act, 2021”.

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1 **DIVISION K—DEPARTMENT OF STATE,**
2 **FOREIGN OPERATIONS, AND RELATED**
3 **PROGRAMS APPROPRIATIONS ACT,**
4 **2021**

5 TITLE I

6 DEPARTMENT OF STATE AND RELATED

7 AGENCY

8 DEPARTMENT OF STATE

9 ADMINISTRATION OF FOREIGN AFFAIRS

10 DIPLOMATIC PROGRAMS

11 For necessary expenses of the Department of State
12 and the Foreign Service not otherwise provided for,
13 \$9,170,013,000, of which \$757,367,000 may remain avail-
14 able until September 30, 2022, and of which up to
15 \$4,120,899,000 may remain available until expended for
16 Worldwide Security Protection: *Provided*, That of the
17 amount made available under this heading for Worldwide
18 Security Protection, \$2,226,122,000 is designated by the
19 Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985: *Provided further*, That funds made available
23 under this heading shall be allocated in accordance with
24 paragraphs (1) through (4) as follows:

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1 (1) HUMAN RESOURCES.—For necessary ex-
2 penses for training, human resources management,
3 and salaries, including employment without regard
4 to civil service and classification laws of persons on
5 a temporary basis (not to exceed \$700,000), as au-
6 thorized by section 801 of the United States Infor-
7 mation and Educational Exchange Act of 1948 (62
8 Stat. 11; Chapter 36), \$2,990,820,000, of which up
9 to \$534,782,000 is for Worldwide Security Protec-
10 tion.

11 (2) OVERSEAS PROGRAMS.—For necessary ex-
12 penses for the regional bureaus of the Department
13 of State and overseas activities as authorized by law,
14 \$1,808,415,000.

15 (3) DIPLOMATIC POLICY AND SUPPORT.—For
16 necessary expenses for the functional bureaus of the
17 Department of State, including representation to
18 certain international organizations in which the
19 United States participates pursuant to treaties rati-
20 fied pursuant to the advice and consent of the Sen-
21 ate or specific Acts of Congress, general administra-
22 tion, and arms control, nonproliferation, and disar-
23 mament activities as authorized, \$763,428,000.

24 (4) SECURITY PROGRAMS.—For necessary ex-
25 penses for security activities, \$3,607,350,000, of

1 which up to \$3,586,117,000 is for Worldwide Secu-
2 rity Protection.

3 (5) FEES AND PAYMENTS COLLECTED.—In ad-
4 dition to amounts otherwise made available under
5 this heading—

6 (A) as authorized by section 810 of the
7 United States Information and Educational Ex-
8 change Act, not to exceed \$5,000,000, to re-
9 main available until expended, may be credited
10 to this appropriation from fees or other pay-
11 ments received from English teaching, library,
12 motion pictures, and publication programs and
13 from fees from educational advising and coun-
14 seling and exchange visitor programs; and

15 (B) not to exceed \$15,000, which shall be
16 derived from reimbursements, surcharges, and
17 fees for use of Blair House facilities.

18 (6) TRANSFER OF FUNDS, REPROGRAMMING,
19 AND OTHER MATTERS.—

20 (A) Notwithstanding any other provision of
21 this Act, funds may be reprogrammed within
22 and between paragraphs (1) through (4) under
23 this heading subject to section 7015 of this Act.

24 (B) Of the amount made available under
25 this heading for Worldwide Security Protection,

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1 not to exceed \$50,000,000 may be transferred
2 to, and merged with, funds made available by
3 this Act under the heading “Emergencies in the
4 Diplomatic and Consular Service”, to be avail-
5 able only for emergency evacuations and re-
6 wards, as authorized: *Provided*, That the exer-
7 cise of the authority provided by this subpara-
8 graph shall be subject to prior consultation with
9 the Committees on Appropriations.

10 (C) Funds appropriated under this heading
11 are available for acquisition by exchange or pur-
12 chase of passenger motor vehicles as authorized
13 by law and, pursuant to section 1108(g) of title
14 31, United States Code, for the field examina-
15 tion of programs and activities in the United
16 States funded from any account contained in
17 this title.

18 CAPITAL INVESTMENT FUND

19 For necessary expenses of the Capital Investment
20 Fund, as authorized, \$250,000,000, to remain available
21 until expended.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General, \$90,829,000, of which \$13,624,000 may remain
25 available until September 30, 2022: *Provided*, That funds

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1 appropriated under this heading are made available not-
2 withstanding section 209(a)(1) of the Foreign Service Act
3 of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post in-
4 spections.

5 In addition, for the Special Inspector General for Af-
6 ghanistan Reconstruction (SIGAR) for reconstruction
7 oversight, \$54,900,000, to remain available until Sep-
8 tember 30, 2022, which is designated by the Congress for
9 Overseas Contingency Operations/Global War on Ter-
10 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985:
12 *Provided*, That funds appropriated under this heading
13 that are made available for the printing and reproduction
14 costs of SIGAR shall not exceed amounts for such costs
15 during the prior fiscal year.

16 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

17 For necessary expenses of educational and cultural
18 exchange programs, as authorized, \$740,300,000, to re-
19 main available until expended, of which not less than
20 \$274,000,000 shall be for the Fulbright Program and not
21 less than \$113,860,000 shall be for Citizen Exchange Pro-
22 gram: *Provided*, That fees or other payments received
23 from, or in connection with, English teaching, educational
24 advising and counseling programs, and exchange visitor
25 programs as authorized may be credited to this account,

1 to remain available until expended: *Provided further*, That
2 a portion of the Fulbright awards from the Eurasia and
3 Central Asia regions shall be designated as Edmund S.
4 Muskie Fellowships, following consultation with the Com-
5 mittees on Appropriations: *Provided further*, That funds
6 appropriated under this heading that are made available
7 for the Benjamin Gilman International Scholarships Pro-
8 gram shall also be made available for the John S. McCain
9 Scholars Program, pursuant to section 7075 of the De-
10 partment of State, Foreign Operations, and Related Pro-
11 grams Appropriations Act, 2019 (division F of Public Law
12 116–6): *Provided further*, That funds appropriated under
13 this heading shall be made available for the Community
14 Engagement Exchange Program as described under the
15 heading “Civil Society Exchange Program” in Senate Re-
16 port 116–126: *Provided further*, That any substantive
17 modifications from the prior fiscal year to programs fund-
18 ed by this Act under this heading shall be subject to prior
19 consultation with, and the regular notification procedures
20 of, the Committees on Appropriations.

21 REPRESENTATION EXPENSES

22 For representation expenses as authorized,
23 \$7,415,000.

1 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

2 For necessary expenses, not otherwise provided, to
3 enable the Secretary of State to provide for extraordinary
4 protective services, as authorized, \$30,890,000, to remain
5 available until September 30, 2022.

6 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

7 For necessary expenses for carrying out the Foreign
8 Service Buildings Act of 1926 (22 U.S.C. 292 et seq.),
9 preserving, maintaining, repairing, and planning for real
10 property that are owned or leased by the Department of
11 State, and renovating, in addition to funds otherwise avail-
12 able, the Harry S Truman Building, \$769,055,000, to re-
13 main available until September 30, 2025, of which not to
14 exceed \$25,000 may be used for overseas representation
15 expenses as authorized: *Provided*, That none of the funds
16 appropriated in this paragraph shall be available for acqui-
17 sition of furniture, furnishings, or generators for other de-
18 partments and agencies of the United States Government.

19 In addition, for the costs of worldwide security up-
20 grades, acquisition, and construction as authorized,
21 \$1,181,394,000, to remain available until expended, of
22 which \$824,287,000 is designated by the Congress for
23 Overseas Contingency Operations/Global War on Ter-
24 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

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1 section 4 of the International Center Act (Public Law 90–
2 553), and, in addition, as authorized by section 5 of such
3 Act, \$2,743,000, to be derived from the reserve authorized
4 by such section, to be used for the purposes set out in
5 that section.

6 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
7 DISABILITY FUND

8 For payment to the Foreign Service Retirement and
9 Disability Fund, as authorized, \$158,900,000.

10 INTERNATIONAL ORGANIZATIONS

11 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

12 For necessary expenses, not otherwise provided for,
13 to meet annual obligations of membership in international
14 multilateral organizations, pursuant to treaties ratified
15 pursuant to the advice and consent of the Senate, conven-
16 tions, or specific Acts of Congress, \$1,505,928,000, of
17 which \$96,240,000, to remain available until September
18 30, 2022, is designated by the Congress for Overseas Con-
19 tingency Operations/Global War on Terrorism pursuant to
20 section 251(b)(2)(A)(ii) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985: *Provided*, That
22 the Secretary of State shall, at the time of the submission
23 of the President’s budget to Congress under section
24 1105(a) of title 31, United States Code, transmit to the
25 Committees on Appropriations the most recent biennial

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1 budget prepared by the United Nations for the operations
2 of the United Nations: *Provided further*, That the Sec-
3 retary of State shall notify the Committees on Appropria-
4 tions at least 15 days in advance (or in an emergency,
5 as far in advance as is practicable) of any United Nations
6 action to increase funding for any United Nations pro-
7 gram without identifying an offsetting decrease elsewhere
8 in the United Nations budget: *Provided further*, That any
9 payment of arrearages under this heading shall be directed
10 to activities that are mutually agreed upon by the United
11 States and the respective international organization and
12 shall be subject to the regular notification procedures of
13 the Committees on Appropriations: *Provided further*, That
14 none of the funds appropriated under this heading shall
15 be available for a United States contribution to an inter-
16 national organization for the United States share of inter-
17 est costs made known to the United States Government
18 by such organization for loans incurred on or after Octo-
19 ber 1, 1984, through external borrowings.

20 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

21 ACTIVITIES

22 For necessary expenses to pay assessed and other ex-
23 penses of international peacekeeping activities directed to
24 the maintenance or restoration of international peace and
25 security, \$1,456,314,000, of which \$705,994,000 is des-

1 ignited by the Congress for Overseas Contingency Oper-
2 ations/Global War on Terrorism pursuant to section
3 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985: *Provided*, That of the funds
5 made available under this heading, up to \$818,542,000
6 may remain available until September 30, 2022: *Provided*
7 *further*, That none of the funds made available by this Act
8 shall be obligated or expended for any new or expanded
9 United Nations peacekeeping mission unless, at least 15
10 days in advance of voting for such mission in the United
11 Nations Security Council (or in an emergency as far in
12 advance as is practicable), the Committees on Appropria-
13 tions are notified of: (1) the estimated cost and duration
14 of the mission, the objectives of the mission, the national
15 interest that will be served, and the exit strategy; and (2)
16 the sources of funds, including any reprogrammings or
17 transfers, that will be used to pay the cost of the new or
18 expanded mission, and the estimated cost in future fiscal
19 years: *Provided further*, That none of the funds appro-
20 priated under this heading may be made available for obli-
21 gation unless the Secretary of State certifies and reports
22 to the Committees on Appropriations on a peacekeeping
23 mission-by-mission basis that the United Nations is imple-
24 menting effective policies and procedures to prevent
25 United Nations employees, contractor personnel, and

1 peacekeeping troops serving in such mission from traf-
2 ficking in persons, exploiting victims of trafficking, or
3 committing acts of sexual exploitation and abuse or other
4 violations of human rights, and to hold accountable indi-
5 viduals who engage in such acts while participating in
6 such mission, including prosecution in their home coun-
7 tries and making information about such prosecutions
8 publicly available on the website of the United Nations:
9 *Provided further*, That the Secretary of State shall work
10 with the United Nations and foreign governments contrib-
11 uting peacekeeping troops to implement effective vetting
12 procedures to ensure that such troops have not violated
13 human rights: *Provided further*, That funds shall be avail-
14 able for peacekeeping expenses unless the Secretary of
15 State determines that United States manufacturers and
16 suppliers are not being given opportunities to provide
17 equipment, services, and material for United Nations
18 peacekeeping activities equal to those being given to for-
19 eign manufacturers and suppliers: *Provided further*, That
20 none of the funds appropriated or otherwise made avail-
21 able under this heading may be used for any United Na-
22 tions peacekeeping mission that will involve United States
23 Armed Forces under the command or operational control
24 of a foreign national, unless the President's military advi-
25 sors have submitted to the President a recommendation

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1 that such involvement is in the national interest of the
2 United States and the President has submitted to Con-
3 gress such a recommendation: *Provided further*, That any
4 payment of arrearages with funds appropriated by this Act
5 shall be subject to the regular notification procedures of
6 the Committees on Appropriations.

7 INTERNATIONAL COMMISSIONS

8 For necessary expenses, not otherwise provided for,
9 to meet obligations of the United States arising under
10 treaties, or specific Acts of Congress, as follows:

11 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
12 UNITED STATES AND MEXICO

13 For necessary expenses for the United States Section
14 of the International Boundary and Water Commission,
15 United States and Mexico, and to comply with laws appli-
16 cable to the United States Section, including not to exceed
17 \$6,000 for representation expenses; as follows:

18 SALARIES AND EXPENSES

19 For salaries and expenses, not otherwise provided for,
20 \$49,770,000, of which \$7,466,000 may remain available
21 until September 30, 2022.

22 CONSTRUCTION

23 For detailed plan preparation and construction of au-
24 thorized projects, \$49,000,000, to remain available until
25 expended, as authorized: *Provided*, That of the funds ap-

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1 appropriated under this heading in this Act and prior Acts
2 making appropriations for the Department of State, for-
3 eign operations, and related programs for the United
4 States Section, except for funds designated by the Con-
5 gress for Overseas Contingency Operations/Global War on
6 Terrorism or as an emergency requirement pursuant to
7 a concurrent resolution on the budget or the Balanced
8 Budget and Emergency Deficit Control Act of 1985, up
9 to \$5,000,000 may be transferred to, and merged with,
10 funds appropriated under the heading “Salaries and Ex-
11 penses” to carry out the purposes of the United States
12 Section, which shall be subject to prior consultation with,
13 and the regular notification procedures of, the Committees
14 on Appropriations: *Provided further*, That such transfer
15 authority is in addition to any other transfer authority
16 provided in this Act.

17 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

18 For necessary expenses, not otherwise provided, for
19 the International Joint Commission and the International
20 Boundary Commission, United States and Canada, as au-
21 thorized by treaties between the United States and Can-
22 ada or Great Britain, and for technical assistance grants
23 and the Community Assistance Program of the North
24 American Development Bank, \$15,008,000: *Provided*,
25 That of the amount provided under this heading for the

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1 International Joint Commission, up to \$1,250,000 may re-
2 main available until September 30, 2022, and up to
3 \$9,000 may be made available for representation expenses:
4 *Provided further*, That of the amount provided under this
5 heading for the International Boundary Commission, up
6 to \$1,000 may be made available for representation ex-
7 penses.

8 INTERNATIONAL FISHERIES COMMISSIONS

9 For necessary expenses for international fisheries
10 commissions, not otherwise provided for, as authorized by
11 law, \$62,846,000: *Provided*, That the United States share
12 of such expenses may be advanced to the respective com-
13 missions pursuant to section 3324 of title 31, United
14 States Code.

15 RELATED AGENCY

16 UNITED STATES AGENCY FOR GLOBAL MEDIA

17 INTERNATIONAL BROADCASTING OPERATIONS

18 For necessary expenses to enable the United States
19 Agency for Global Media (USAGM), as authorized, to
20 carry out international communication activities, and to
21 make and supervise grants for radio, Internet, and tele-
22 vision broadcasting to the Middle East, \$793,257,000:
23 *Provided*, That in addition to amounts otherwise available
24 for such purposes, up to \$40,708,000 of the amount ap-
25 propriated under this heading may remain available until

1 expended for satellite transmissions and Internet freedom
2 programs, of which not less than \$20,000,000 shall be for
3 Internet freedom programs: *Provided further*, That of the
4 total amount appropriated under this heading, not to ex-
5 ceed \$35,000 may be used for representation expenses, of
6 which \$10,000 may be used for such expenses within the
7 United States as authorized, and not to exceed \$30,000
8 may be used for representation expenses of Radio Free
9 Europe/Radio Liberty: *Provided further*, That funds ap-
10 propriated under this heading shall be allocated in accord-
11 ance with the table included under this heading in the ex-
12 planatory statement described in section 4 (in the matter
13 preceding division A of this consolidated Act): *Provided*
14 *further*, That notwithstanding the previous proviso, funds
15 may be reprogrammed within and between amounts des-
16 igned in such table, subject to the regular notification
17 procedures of the Committees on Appropriations, except
18 that no such reprogramming may reduce a designated
19 amount by more than 5 percent: *Provided further*, That
20 funds appropriated under this heading shall be made avail-
21 able in accordance with the principles and standards set
22 forth in section 303(a) and (b) of the United States Inter-
23 national Broadcasting Act of 1994 (22 U.S.C. 6202) and
24 section 305(b) of such Act (22 U.S.C. 6204): *Provided fur-*
25 *ther*, That the USAGM Chief Executive Officer shall no-

1 tify the Committees on Appropriations within 15 days of
2 any determination by the USAGM that any of its broad-
3 cast entities, including its grantee organizations, provides
4 an open platform for international terrorists or those who
5 support international terrorism, or is in violation of the
6 principles and standards set forth in section 303(a) and
7 (b) of such Act or the entity's journalistic code of ethics:
8 *Provided further*, That in addition to funds made available
9 under this heading, and notwithstanding any other provi-
10 sion of law, up to \$5,000,000 in receipts from advertising
11 and revenue from business ventures, up to \$500,000 in
12 receipts from cooperating international organizations, and
13 up to \$1,000,000 in receipts from privatization efforts of
14 the Voice of America and the International Broadcasting
15 Bureau, shall remain available until expended for carrying
16 out authorized purposes: *Provided further*, That signifi-
17 cant modifications to USAGM broadcast hours previously
18 justified to Congress, including changes to transmission
19 platforms (shortwave, medium wave, satellite, Internet,
20 and television), for all USAGM language services shall be
21 subject to the regular notification procedures of the Com-
22 mittees on Appropriations: *Provided further*, That up to
23 \$7,000,000 from the USAGM Buying Power Maintenance
24 account may be transferred to, and merged with, funds
25 appropriated by this Act under the heading "International

1 Broadcasting Operations”, which shall remain available
2 until expended: *Provided further*, That such transfer au-
3 thority is in addition to any transfer authority otherwise
4 available under any other provision of law and shall be
5 subject to prior consultation with, and the regular notifica-
6 tion procedures of, the Committees on Appropriations.

7 BROADCASTING CAPITAL IMPROVEMENTS

8 For the purchase, rent, construction, repair, preser-
9 vation, and improvement of facilities for radio, television,
10 and digital transmission and reception; the purchase, rent,
11 and installation of necessary equipment for radio, tele-
12 vision, and digital transmission and reception, including
13 to Cuba, as authorized; and physical security worldwide,
14 in addition to amounts otherwise available for such pur-
15 poses, \$9,700,000, to remain available until expended, as
16 authorized.

17 RELATED PROGRAMS

18 THE ASIA FOUNDATION

19 For a grant to The Asia Foundation, as authorized
20 by The Asia Foundation Act (22 U.S.C. 4402),
21 \$20,000,000, to remain available until expended: *Pro-*
22 *vided*, That funds appropriated under this heading shall
23 be apportioned and obligated to the Foundation not later
24 than 60 days after enactment of this Act.

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1 UNITED STATES INSTITUTE OF PEACE

2 For necessary expenses of the United States Institute
3 of Peace, as authorized by the United States Institute of
4 Peace Act (22 U.S.C. 4601 et seq.), \$45,000,000, to re-
5 main available until September 30, 2022, which shall not
6 be used for construction activities.

7 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

8 TRUST FUND

9 For necessary expenses of the Center for Middle
10 Eastern-Western Dialogue Trust Fund, as authorized by
11 section 633 of the Departments of Commerce, Justice, and
12 State, the Judiciary, and Related Agencies Appropriations
13 Act, 2004 (22 U.S.C. 2078), the total amount of the inter-
14 est and earnings accruing to such Fund on or before Sep-
15 tember 30, 2021, to remain available until expended.

16 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

17 For necessary expenses of Eisenhower Exchange Fel-
18 lowships, Incorporated, as authorized by sections 4 and
19 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
20 U.S.C. 5204–5205), all interest and earnings accruing to
21 the Eisenhower Exchange Fellowship Program Trust
22 Fund on or before September 30, 2021, to remain avail-
23 able until expended: *Provided*, That none of the funds ap-
24 propriated herein shall be used to pay any salary or other
25 compensation, or to enter into any contract providing for

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1 the payment thereof, in excess of the rate authorized by
2 section 5376 of title 5, United States Code; or for pur-
3 poses which are not in accordance with section 200 of title
4 2 of the Code of Federal Regulations, including the re-
5 strictions on compensation for personal services.

6 ISRAELI ARAB SCHOLARSHIP PROGRAM

7 For necessary expenses of the Israeli Arab Scholar-
8 ship Program, as authorized by section 214 of the Foreign
9 Relations Authorization Act, Fiscal Years 1992 and 1993
10 (22 U.S.C. 2452 note), all interest and earnings accruing
11 to the Israeli Arab Scholarship Fund on or before Sep-
12 tember 30, 2021, to remain available until expended.

13 EAST-WEST CENTER

14 To enable the Secretary of State to provide for car-
15 rying out the provisions of the Center for Cultural and
16 Technical Interchange Between East and West Act of
17 1960, by grant to the Center for Cultural and Technical
18 Interchange Between East and West in the State of Ha-
19 waii, \$19,700,000: *Provided*, That funds appropriated
20 under this heading shall be apportioned and obligated to
21 the Center not later than 60 days after enactment of this
22 Act.

23 NATIONAL ENDOWMENT FOR DEMOCRACY

24 For grants made by the Department of State to the
25 National Endowment for Democracy, as authorized by the

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1 National Endowment for Democracy Act (22 U.S.C.
2 4412), \$300,000,000, to remain available until expended,
3 of which \$195,840,000 shall be allocated in the traditional
4 and customary manner, including for the core institutes,
5 and \$104,160,000 shall be for democracy programs: *Pro-*
6 *vided*, That the requirements of section 7061(a) of this
7 Act shall not apply to funds made available under this
8 heading: *Provided further*, That funds appropriated under
9 this heading shall be apportioned and obligated to the En-
10 dowment not later than 60 days after enactment of this
11 Act.

12 OTHER COMMISSIONS

13 COMMISSION FOR THE PRESERVATION OF AMERICA'S

14 HERITAGE ABROAD

15 SALARIES AND EXPENSES

16 For necessary expenses for the Commission for the
17 Preservation of America's Heritage Abroad, \$642,000, as
18 authorized by chapter 3123 of title 54, United States
19 Code: *Provided*, That the Commission may procure tem-
20 porary, intermittent, and other services notwithstanding
21 paragraph (3) of section 312304(b) of such chapter: *Pro-*
22 *vided further*, That such authority shall terminate on Oc-
23 tober 1, 2021: *Provided further*, That the Commission
24 shall notify the Committees on Appropriations prior to ex-
25 ercising such authority.

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1 UNITED STATES COMMISSION ON INTERNATIONAL
2 RELIGIOUS FREEDOM
3 SALARIES AND EXPENSES

4 For necessary expenses for the United States Com-
5 mission on International Religious Freedom, as authorized
6 by title II of the International Religious Freedom Act of
7 1998 (22 U.S.C. 6431 et seq.), \$4,500,000, to remain
8 available until September 30, 2022, including not more
9 than \$4,000 for representation expenses.

10 COMMISSION ON SECURITY AND COOPERATION IN
11 EUROPE
12 SALARIES AND EXPENSES

13 For necessary expenses of the Commission on Secu-
14 rity and Cooperation in Europe, as authorized by Public
15 Law 94–304 (22 U.S.C. 3001 et seq.), \$2,908,000, includ-
16 ing not more than \$4,000 for representation expenses, to
17 remain available until September 30, 2022.

18 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
19 PEOPLE’S REPUBLIC OF CHINA
20 SALARIES AND EXPENSES

21 For necessary expenses of the Congressional-Execu-
22 tive Commission on the People’s Republic of China, as au-
23 thorized by title III of the U.S.-China Relations Act of
24 2000 (22 U.S.C. 6911 et seq.), \$2,250,000, including not

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1 more than \$3,000 for representation expenses, to remain
2 available until September 30, 2022.

3 UNITED STATES-CHINA ECONOMIC AND SECURITY
4 REVIEW COMMISSION
5 SALARIES AND EXPENSES

6 For necessary expenses of the United States-China
7 Economic and Security Review Commission, as authorized
8 by section 1238 of the Floyd D. Spence National Defense
9 Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),
10 \$4,000,000, including not more than \$4,000 for represen-
11 tation expenses, to remain available until September 30,
12 2022: *Provided*, That the authorities, requirements, limi-
13 tations, and conditions contained in the second through
14 sixth provisos under this heading in the Department of
15 State, Foreign Operations, and Related Programs Appro-
16 priations Act, 2010 (division F of Public Law 111–117)
17 shall continue in effect during fiscal year 2021 and shall
18 apply to funds appropriated under this heading.

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1 TITLE II
2 UNITED STATES AGENCY FOR INTERNATIONAL
3 DEVELOPMENT
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 OPERATING EXPENSES

6 For necessary expenses to carry out the provisions
7 of section 667 of the Foreign Assistance Act of 1961,
8 \$1,377,747,000, of which up to \$206,662,000 may remain
9 available until September 30, 2022: *Provided*, That none
10 of the funds appropriated under this heading and under
11 the heading “Capital Investment Fund” in this title may
12 be made available to finance the construction (including
13 architect and engineering services), purchase, or long-term
14 lease of offices for use by the United States Agency for
15 International Development, unless the USAID Adminis-
16 trator has identified such proposed use of funds in a re-
17 port submitted to the Committees on Appropriations at
18 least 15 days prior to the obligation of funds for such pur-
19 poses: *Provided further*, That contracts or agreements en-
20 tered into with funds appropriated under this heading may
21 entail commitments for the expenditure of such funds
22 through the following fiscal year: *Provided further*, That
23 the authority of sections 610 and 109 of the Foreign As-
24 sistance Act of 1961 may be exercised by the Secretary
25 of State to transfer funds appropriated to carry out chap-

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1 ter 1 of part I of such Act to “Operating Expenses” in
2 accordance with the provisions of those sections: *Provided*
3 *further*, That of the funds appropriated or made available
4 under this heading, not to exceed \$250,000 may be avail-
5 able for representation and entertainment expenses, of
6 which not to exceed \$5,000 may be available for entertain-
7 ment expenses, and not to exceed \$100,500 shall be for
8 official residence expenses, for USAID during the current
9 fiscal year: *Provided further*, That the USAID Adminis-
10 trator shall submit a report to the Committees on Appro-
11 priations not later than 60 days after enactment of this
12 Act on changes to the account structure as described in
13 the explanatory statement described in section 4 (in the
14 matter preceding division A of this consolidated Act).

15 CAPITAL INVESTMENT FUND

16 For necessary expenses for overseas construction and
17 related costs, and for the procurement and enhancement
18 of information technology and related capital investments,
19 pursuant to section 667 of the Foreign Assistance Act of
20 1961, \$258,200,000, to remain available until expended:
21 *Provided*, That this amount is in addition to funds other-
22 wise available for such purposes: *Provided further*, That
23 funds appropriated under this heading shall be available
24 subject to the regular notification procedures of the Com-
25 mittees on Appropriations.

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1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses to carry out the provisions
3 of section 667 of the Foreign Assistance Act of 1961,
4 \$75,500,000, of which up to \$11,325,000 may remain
5 available until September 30, 2022, for the Office of In-
6 spector General of the United States Agency for Inter-
7 national Development.

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1 TITLE III

2 BILATERAL ECONOMIC ASSISTANCE

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 For necessary expenses to enable the President to
5 carry out the provisions of the Foreign Assistance Act of
6 1961, and for other purposes, as follows:

7 GLOBAL HEALTH PROGRAMS

8 For necessary expenses to carry out the provisions
9 of chapters 1 and 10 of part I of the Foreign Assistance
10 Act of 1961, for global health activities, in addition to
11 funds otherwise available for such purposes,
12 \$3,265,950,000, to remain available until September 30,
13 2022, and which shall be apportioned directly to the
14 United States Agency for International Development not
15 later than 60 days after enactment of this Act: *Provided*,
16 That this amount shall be made available for training,
17 equipment, and technical assistance to build the capacity
18 of public health institutions and organizations in devel-
19 oping countries, and for such activities as: (1) child sur-
20 vival and maternal health programs; (2) immunization and
21 oral rehydration programs; (3) other health, nutrition,
22 water and sanitation programs which directly address the
23 needs of mothers and children, and related education pro-
24 grams; (4) assistance for children displaced or orphaned
25 by causes other than AIDS; (5) programs for the preven-

1 tion, treatment, control of, and research on HIV/AIDS,
2 tuberculosis, polio, malaria, and other infectious diseases
3 including neglected tropical diseases, and for assistance to
4 communities severely affected by HIV/AIDS, including
5 children infected or affected by AIDS; (6) disaster pre-
6 paredness training for health crises; (7) programs to pre-
7 vent, prepare for, and respond to, unanticipated and
8 emerging global health threats, including zoonotic dis-
9 eases; and (8) family planning/reproductive health: *Pro-*
10 *vided further*, That funds appropriated under this para-
11 graph may be made available for a United States contribu-
12 tion to The GAVI Alliance: *Provided further*, That none
13 of the funds made available in this Act nor any unobli-
14 gated balances from prior appropriations Acts may be
15 made available to any organization or program which, as
16 determined by the President of the United States, sup-
17 ports or participates in the management of a program of
18 coercive abortion or involuntary sterilization: *Provided fur-*
19 *ther*, That any determination made under the previous
20 proviso must be made not later than 6 months after the
21 date of enactment of this Act, and must be accompanied
22 by the evidence and criteria utilized to make the deter-
23 mination: *Provided further*, That none of the funds made
24 available under this Act may be used to pay for the per-
25 formance of abortion as a method of family planning or

1 to motivate or coerce any person to practice abortions:
2 *Provided further*, That nothing in this paragraph shall be
3 construed to alter any existing statutory prohibitions
4 against abortion under section 104 of the Foreign Assist-
5 ance Act of 1961: *Provided further*, That none of the funds
6 made available under this Act may be used to lobby for
7 or against abortion: *Provided further*, That in order to re-
8 duce reliance on abortion in developing nations, funds
9 shall be available only to voluntary family planning
10 projects which offer, either directly or through referral to,
11 or information about access to, a broad range of family
12 planning methods and services, and that any such vol-
13 untary family planning project shall meet the following re-
14 quirements: (1) service providers or referral agents in the
15 project shall not implement or be subject to quotas, or
16 other numerical targets, of total number of births, number
17 of family planning acceptors, or acceptors of a particular
18 method of family planning (this provision shall not be con-
19 strued to include the use of quantitative estimates or indi-
20 cators for budgeting and planning purposes); (2) the
21 project shall not include payment of incentives, bribes,
22 gratuities, or financial reward to: (A) an individual in ex-
23 change for becoming a family planning acceptor; or (B)
24 program personnel for achieving a numerical target or
25 quota of total number of births, number of family planning

1 acceptors, or acceptors of a particular method of family
2 planning; (3) the project shall not deny any right or ben-
3 efit, including the right of access to participate in any pro-
4 gram of general welfare or the right of access to health
5 care, as a consequence of any individual's decision not to
6 accept family planning services; (4) the project shall pro-
7 vide family planning acceptors comprehensible information
8 on the health benefits and risks of the method chosen, in-
9 cluding those conditions that might render the use of the
10 method inadvisable and those adverse side effects known
11 to be consequent to the use of the method; and (5) the
12 project shall ensure that experimental contraceptive drugs
13 and devices and medical procedures are provided only in
14 the context of a scientific study in which participants are
15 advised of potential risks and benefits; and, not less than
16 60 days after the date on which the USAID Administrator
17 determines that there has been a violation of the require-
18 ments contained in paragraph (1), (2), (3), or (5) of this
19 proviso, or a pattern or practice of violations of the re-
20 quirements contained in paragraph (4) of this proviso, the
21 Administrator shall submit to the Committees on Appro-
22 priations a report containing a description of such viola-
23 tion and the corrective action taken by the Agency: *Pro-*
24 *vided further*, That in awarding grants for natural family
25 planning under section 104 of the Foreign Assistance Act

1 of 1961 no applicant shall be discriminated against be-
2 cause of such applicant's religious or conscientious com-
3 mitment to offer only natural family planning; and, addi-
4 tionally, all such applicants shall comply with the require-
5 ments of the previous proviso: *Provided further*, That for
6 purposes of this or any other Act authorizing or appro-
7 priating funds for the Department of State, foreign oper-
8 ations, and related programs, the term "motivate", as it
9 relates to family planning assistance, shall not be con-
10 strued to prohibit the provision, consistent with local law,
11 of information or counseling about all pregnancy options:
12 *Provided further*, That information provided about the use
13 of condoms as part of projects or activities that are funded
14 from amounts appropriated by this Act shall be medically
15 accurate and shall include the public health benefits and
16 failure rates of such use.

17 In addition, for necessary expenses to carry out the
18 provisions of the Foreign Assistance Act of 1961 for the
19 prevention, treatment, and control of, and research on,
20 HIV/AIDS, \$5,930,000,000, to remain available until
21 September 30, 2025, which shall be apportioned directly
22 to the Department of State not later than 60 days after
23 enactment of this Act: *Provided*, That funds appropriated
24 under this paragraph may be made available, notwith-
25 standing any other provision of law, except for the United

1 States Leadership Against HIV/AIDS, Tuberculosis, and
2 Malaria Act of 2003 (Public Law 108–25), for a United
3 States contribution to the Global Fund to Fight AIDS,
4 Tuberculosis and Malaria (Global Fund): *Provided further*,
5 That the amount of such contribution shall be
6 \$1,560,000,000 and shall be for the second installment
7 of the sixth replenishment: *Provided further*, That up to
8 5 percent of the aggregate amount of funds made available
9 to the Global Fund in fiscal year 2021 may be made avail-
10 able to USAID for technical assistance related to the ac-
11 tivities of the Global Fund, subject to the regular notifica-
12 tion procedures of the Committees on Appropriations: *Pro-*
13 *vided further*, That of the funds appropriated under this
14 paragraph, up to \$17,000,000 may be made available, in
15 addition to amounts otherwise available for such purposes,
16 for administrative expenses of the Office of the United
17 States Global AIDS Coordinator.

18 DEVELOPMENT ASSISTANCE

19 For necessary expenses to carry out the provisions
20 of sections 103, 105, 106, 214, and sections 251 through
21 255, and chapter 10 of part I of the Foreign Assistance
22 Act of 1961, \$3,500,000,000, to remain available until
23 September 30, 2022: *Provided*, That funds made available
24 under this heading shall be apportioned directly to the

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1 United States Agency for International Development not
2 later than 60 days after enactment of this Act.

3 INTERNATIONAL DISASTER ASSISTANCE

4 For necessary expenses to carry out the provisions
5 of section 491 of the Foreign Assistance Act of 1961 for
6 international disaster relief, rehabilitation, and recon-
7 struction assistance, \$4,395,362,000, to remain available
8 until expended, of which \$1,914,041,000 is designated by
9 the Congress for Overseas Contingency Operations/Global
10 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985: *Provided*, That funds made available under this
13 heading shall be apportioned to the United States Agency
14 for International Development not later than 60 days after
15 enactment of this Act.

16 TRANSITION INITIATIVES

17 For necessary expenses for international disaster re-
18 habilitation and reconstruction assistance administered by
19 the Office of Transition Initiatives, United States Agency
20 for International Development, pursuant to section 491 of
21 the Foreign Assistance Act of 1961, and to support transi-
22 tion to democracy and long-term development of countries
23 in crisis, \$92,043,000, to remain available until expended:
24 *Provided*, That such support may include assistance to de-
25 velop, strengthen, or preserve democratic institutions and

1 That the Assistant Secretary for Democracy, Human
2 Rights, and Labor, Department of State, shall consult
3 with the Committees on Appropriations prior to the initial
4 obligation of funds appropriated under this paragraph.

5 For an additional amount for such purposes,
6 \$100,250,000, to remain available until September 30,
7 2022, which shall be made available for the Bureau for
8 Development, Democracy, and Innovation, United States
9 Agency for International Development, and shall be appor-
10 tioned to such Bureau not later than 60 days after enact-
11 ment of this Act.

12 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

13 For necessary expenses to carry out the provisions
14 of the Foreign Assistance Act of 1961, the FREEDOM
15 Support Act (Public Law 102–511), and the Support for
16 Eastern European Democracy (SEED) Act of 1989 (Pub-
17 lic Law 101–179), \$770,334,000, to remain available until
18 September 30, 2022, which shall be available, notwith-
19 standing any other provision of law, except section 7047
20 of this Act, for assistance and related programs for coun-
21 tries identified in section 3 of the FREEDOM Support
22 Act (22 U.S.C. 5801) and section 3(c) of the SEED Act
23 of 1989 (22 U.S.C. 5402), in addition to funds otherwise
24 available for such purposes: *Provided*, That funds appro-
25 priated by this Act under the headings “Global Health

1 Programs”, “Economic Support Fund”, and “Inter-
2 national Narcotics Control and Law Enforcement” that
3 are made available for assistance for such countries shall
4 be administered in accordance with the responsibilities of
5 the coordinator designated pursuant to section 102 of the
6 FREEDOM Support Act and section 601 of the SEED
7 Act of 1989: *Provided further*, That funds appropriated
8 under this heading shall be considered to be economic as-
9 sistance under the Foreign Assistance Act of 1961 for
10 purposes of making available the administrative authori-
11 ties contained in that Act for the use of economic assist-
12 ance: *Provided further*, That funds appropriated under
13 this heading may be made available for contributions to
14 multilateral initiatives to counter hybrid threats: *Provided*
15 *further*, That any notification of funds made available
16 under this heading in this Act or prior Acts making appro-
17 priations for the Department of State, foreign operations,
18 and related programs shall include information (if known
19 on the date of transmittal of such notification) on the use
20 of notwithstanding authority: *Provided further*, That if
21 subsequent to the notification of assistance it becomes nec-
22 essary to rely on notwithstanding authority, the Commit-
23 tees on Appropriations should be informed at the earliest
24 opportunity and to the extent practicable: *Provided fur-*
25 *ther*, That of the funds appropriated under this heading,

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1 not less than \$2,000,000, to remain available until ex-
2 pended, shall be transferred to, and merged with, funds
3 appropriated by this Act under the heading “Economic
4 Support Fund” for joint dialogues in support of the East-
5 ern Mediterranean Partnership in the manner specified
6 under this heading in House Report 116–444: *Provided*
7 *further*, That such funds shall be administered by, and
8 under the policy direction of, the coordinator designated
9 pursuant to section 102 of the FREEDOM Support Act
10 and section 601 of the SEED Act of 1989.

11 DEPARTMENT OF STATE

12 MIGRATION AND REFUGEE ASSISTANCE

13 For necessary expenses not otherwise provided for,
14 to enable the Secretary of State to carry out the provisions
15 of section 2(a) and (b) of the Migration and Refugee As-
16 sistance Act of 1962 (22 U.S.C. 2601), and other activi-
17 ties to meet refugee and migration needs; salaries and ex-
18 penses of personnel and dependents as authorized by the
19 Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);
20 allowances as authorized by sections 5921 through 5925
21 of title 5, United States Code; purchase and hire of pas-
22 senger motor vehicles; and services as authorized by sec-
23 tion 3109 of title 5, United States Code, \$3,432,000,000,
24 to remain available until expended, of which:
25 \$1,701,417,000 is designated by the Congress for Over-

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1 seas Contingency Operations/Global War on Terrorism
2 pursuant to section 251(b)(2)(A)(ii) of the Balanced
3 Budget and Emergency Deficit Control Act of 1985; not
4 less than \$35,000,000 shall be made available to respond
5 to small-scale emergency humanitarian requirements; and
6 \$5,000,000 shall be made available for refugees resettling
7 in Israel.

8 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
9 ASSISTANCE FUND

10 For necessary expenses to carry out the provisions
11 of section 2(c) of the Migration and Refugee Assistance
12 Act of 1962 (22 U.S.C. 2601(c)), \$100,000, to remain
13 available until expended: *Provided*, That amounts in ex-
14 cess of the limitation contained in paragraph (2) of such
15 section shall be transferred to, and merged with, funds
16 made available by this Act under the heading “Migration
17 and Refugee Assistance”.

18 INDEPENDENT AGENCIES

19 PEACE CORPS

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses to carry out the provisions
22 of the Peace Corps Act (22 U.S.C. 2501 et seq.), including
23 the purchase of not to exceed five passenger motor vehicles
24 for administrative purposes for use outside of the United
25 States, \$410,500,000, of which \$6,330,000 is for the Of-

1 fice of Inspector General, to remain available until Sep-
2 tember 30, 2022: *Provided*, That the Director of the Peace
3 Corps may transfer to the Foreign Currency Fluctuations
4 Account, as authorized by section 16 of the Peace Corps
5 Act (22 U.S.C. 2515), an amount not to exceed
6 \$5,000,000: *Provided further*, That funds transferred pur-
7 suant to the previous proviso may not be derived from
8 amounts made available for Peace Corps overseas oper-
9 ations: *Provided further*, That of the funds appropriated
10 under this heading, not to exceed \$104,000 may be avail-
11 able for representation expenses, of which not to exceed
12 \$4,000 may be made available for entertainment expenses:
13 *Provided further*, That in addition to the requirements
14 under section 7015(a) of this Act, the Peace Corps shall
15 consult with the Committees on Appropriations prior to
16 any decision to open, close, or suspend a domestic or over-
17 seas office or a country program unless there is a substan-
18 tial risk to volunteers or other Peace Corps personnel: *Pro-*
19 *vided further*, That none of the funds appropriated under
20 this heading shall be used to pay for abortions: *Provided*
21 *further*, That notwithstanding the previous proviso, section
22 614 of division E of Public Law 113–76 shall apply to
23 funds appropriated under this heading.

1 MILLENNIUM CHALLENGE CORPORATION

2 For necessary expenses to carry out the provisions
3 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701
4 et seq.) (MCA), \$912,000,000, to remain available until
5 expended: *Provided*, That of the funds appropriated under
6 this heading, up to \$112,000,000 may be available for ad-
7 ministrative expenses of the Millennium Challenge Cor-
8 poration: *Provided further*, That section 605(e) of the
9 MCA (22 U.S.C. 7704(e)) shall apply to funds appro-
10 priated under this heading: *Provided further*, That funds
11 appropriated under this heading may be made available
12 for a Millennium Challenge Compact entered into pursu-
13 ant to section 609 of the MCA (22 U.S.C. 7708) only if
14 such Compact obligates, or contains a commitment to obli-
15 gate subject to the availability of funds and the mutual
16 agreement of the parties to the Compact to proceed, the
17 entire amount of the United States Government funding
18 anticipated for the duration of the Compact: *Provided fur-*
19 *ther*, That no country should be eligible for a threshold
20 program after such country has completed a country com-
21 pact: *Provided further*, That of the funds appropriated
22 under this heading, not to exceed \$100,000 may be avail-
23 able for representation and entertainment expenses, of
24 which not to exceed \$5,000 may be available for entertain-
25 ment expenses.

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1 INTER-AMERICAN FOUNDATION

2 For necessary expenses to carry out the functions of
3 the Inter-American Foundation in accordance with the
4 provisions of section 401 of the Foreign Assistance Act
5 of 1969, \$38,000,000, to remain available until September
6 30, 2022: *Provided*, That of the funds appropriated under
7 this heading, not to exceed \$2,000 may be available for
8 representation expenses.

9 UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

10 For necessary expenses to carry out the African De-
11 velopment Foundation Act (title V of Public Law 96-533;
12 22 U.S.C. 290h et seq.), \$33,000,000, to remain available
13 until September 30, 2022, of which not to exceed \$2,000
14 may be available for representation expenses: *Provided*,
15 That funds made available to grantees may be invested
16 pending expenditure for project purposes when authorized
17 by the Board of Directors of the United States African
18 Development Foundation (USADF): *Provided further*,
19 That interest earned shall be used only for the purposes
20 for which the grant was made: *Provided further*, That not-
21 withstanding section 505(a)(2) of the African Develop-
22 ment Foundation Act (22 U.S.C. 290h-3(a)(2)), in excep-
23 tional circumstances the Board of Directors of the
24 USADF may waive the \$250,000 limitation contained in
25 that section with respect to a project and a project may

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1 exceed the limitation by up to 10 percent if the increase
2 is due solely to foreign currency fluctuation: *Provided fur-*
3 *ther*, That the USADF shall submit a report to the appro-
4 priate congressional committees after each time such waiv-
5 er authority is exercised: *Provided further*, That the
6 USADF may make rent or lease payments in advance
7 from appropriations available for such purpose for offices,
8 buildings, grounds, and quarters in Africa as may be nec-
9 essary to carry out its functions: *Provided further*, That
10 the USADF may maintain bank accounts outside the
11 United States Treasury and retain any interest earned on
12 such accounts, in furtherance of the purposes of the Afri-
13 can Development Foundation Act: *Provided further*, That
14 the USADF may not withdraw any appropriation from the
15 Treasury prior to the need of spending such funds for pro-
16 gram purposes.

17 DEPARTMENT OF THE TREASURY
18 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE
19 For necessary expenses to carry out the provisions
20 of section 129 of the Foreign Assistance Act of 1961,
21 \$33,000,000, to remain available until expended, of which
22 not more than \$6,600,000 may be used for administrative
23 expenses: *Provided*, That amounts made available under
24 this heading may be made available to contract for services
25 as described in section 129(d)(3)(A) of the Foreign Assist-

1 ance Act of 1961, without regard to the location in which
2 such services are performed.

3 DEBT RESTRUCTURING

4 For the costs, as defined in section 502 of the Con-
5 gressional Budget Act of 1974, of modifying loans and
6 loan guarantees, as the President may determine, for
7 which funds have been appropriated or otherwise made
8 available for programs within the International Affairs
9 Budget Function 150, including the cost of selling, reduc-
10 ing, or canceling amounts owed to the United States as
11 a result of concessional loans made to eligible countries,
12 pursuant to part V of the Foreign Assistance Act of 1961,
13 \$15,000,000, to remain available until September 30,
14 2023.

15 In addition, for the costs, as defined in section 502
16 of the Congressional Budget Act of 1974, of modifying
17 loans and loan guarantees for Somalia or credits extended
18 to Somalia, as the President may determine, including the
19 cost of selling, reducing, or cancelling amounts owed to
20 the United States, in the event that Somalia has met the
21 domestic and internationally-agreed conditions and such
22 modification is consistent with United States law and for-
23 eign policy considerations, \$78,000,000, to remain avail-
24 able until expended, which may be used notwithstanding
25 any other provision of law: *Provided*, That funds made

1 available by this paragraph shall be subject to prior con-
2 sultation with the appropriate congressional committees
3 and subject to the regular notification procedures of the
4 Committees on Appropriations.

5 In addition, for the costs, as defined in section 502
6 of the Congressional Budget Act of 1974, of modifying
7 loans and loan guarantees for or credits extended to
8 Sudan, \$111,000,000, to remain available until expended,
9 which may be used notwithstanding any other provision
10 of law, in the event Sudan meets the domestic and inter-
11 nationally agreed conditions and the modifications are
12 consistent with United States law and foreign policy con-
13 siderations.

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1 TITLE IV
2 INTERNATIONAL SECURITY ASSISTANCE
3 DEPARTMENT OF STATE
4 INTERNATIONAL NARCOTICS CONTROL AND LAW
5 ENFORCEMENT

6 For necessary expenses to carry out section 481 of
7 the Foreign Assistance Act of 1961, \$1,385,573,000, to
8 remain available until September 30, 2022: *Provided*,
9 That the Department of State may use the authority of
10 section 608 of the Foreign Assistance Act of 1961, with-
11 out regard to its restrictions, to receive excess property
12 from an agency of the United States Government for the
13 purpose of providing such property to a foreign country
14 or international organization under chapter 8 of part I of
15 such Act, subject to the regular notification procedures of
16 the Committees on Appropriations: *Provided further*, That
17 section 482(b) of the Foreign Assistance Act of 1961 shall
18 not apply to funds appropriated under this heading, except
19 that any funds made available notwithstanding such sec-
20 tion shall be subject to the regular notification procedures
21 of the Committees on Appropriations: *Provided further*,
22 That funds appropriated under this heading shall be made
23 available to support training and technical assistance for
24 foreign law enforcement, corrections, judges, and other ju-
25 dicial authorities, utilizing regional partners: *Provided fur-*

1 *ther*, That funds made available under this heading that
2 are transferred to another department, agency, or instru-
3 mentality of the United States Government pursuant to
4 section 632(b) of the Foreign Assistance Act of 1961 val-
5 ued in excess of \$5,000,000, and any agreement made
6 pursuant to section 632(a) of such Act, shall be subject
7 to the regular notification procedures of the Committees
8 on Appropriations: *Provided further*, That funds made
9 available under this heading for Program Development
10 and Support may be made available notwithstanding pre-
11 obligation requirements contained in this Act, except for
12 the notification requirements of section 7015.

13 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
14 RELATED PROGRAMS

15 For necessary expenses for nonproliferation, anti-ter-
16 rorism, demining and related programs and activities,
17 \$889,247,000, to remain available until September 30,
18 2022, to carry out the provisions of chapter 8 of part II
19 of the Foreign Assistance Act of 1961 for anti-terrorism
20 assistance, chapter 9 of part II of the Foreign Assistance
21 Act of 1961, section 504 of the FREEDOM Support Act
22 (22 U.S.C. 5854), section 23 of the Arms Export Control
23 Act (22 U.S.C. 2763), or the Foreign Assistance Act of
24 1961 for demining activities, the clearance of unexploded
25 ordnance, the destruction of small arms, and related ac-

1 tivities, notwithstanding any other provision of law, includ-
2 ing activities implemented through nongovernmental and
3 international organizations, and section 301 of the For-
4 eign Assistance Act of 1961 for a United States contribu-
5 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
6 paratory Commission, and for a voluntary contribution to
7 the International Atomic Energy Agency (IAEA): *Pro-*
8 *vided*, That funds made available under this heading for
9 the Nonproliferation and Disarmament Fund shall be
10 made available, notwithstanding any other provision of law
11 and subject to prior consultation with, and the regular no-
12 tification procedures of, the Committees on Appropria-
13 tions, to promote bilateral and multilateral activities relat-
14 ing to nonproliferation, disarmament, and weapons de-
15 struction, and shall remain available until expended: *Pro-*
16 *vided further*, That such funds may also be used for such
17 countries other than the Independent States of the former
18 Soviet Union and international organizations when it is
19 in the national security interest of the United States to
20 do so: *Provided further*, That funds appropriated under
21 this heading may be made available for the IAEA unless
22 the Secretary of State determines that Israel is being de-
23 nied its right to participate in the activities of that Agen-
24 cy: *Provided further*, That funds made available for con-
25 ventional weapons destruction programs, including

1 demining and related activities, in addition to funds other-
2 wise available for such purposes, may be used for adminis-
3 trative expenses related to the operation and management
4 of such programs and activities, subject to the regular no-
5 tification procedures of the Committees on Appropria-
6 tions.

7 PEACEKEEPING OPERATIONS

8 For necessary expenses to carry out the provisions
9 of section 551 of the Foreign Assistance Act of 1961,
10 \$440,759,000, of which \$325,213,000, to remain available
11 until September 30, 2022, is designated by the Congress
12 for Overseas Contingency Operations/Global War on Ter-
13 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985:
15 *Provided*, That funds appropriated under this heading
16 may be used, notwithstanding section 660 of the Foreign
17 Assistance Act of 1961, to provide assistance to enhance
18 the capacity of foreign civilian security forces, including
19 gendarmes, to participate in peacekeeping operations: *Pro-*
20 *vided further*, That of the funds appropriated under this
21 heading, not less than \$25,000,000 shall be made avail-
22 able for a United States contribution to the Multinational
23 Force and Observers mission in the Sinai and not less
24 than \$71,000,000 shall be made available for the Global
25 Peace Operations Initiative: *Provided further*, That funds

1 appropriated under this heading may be made available
2 to pay assessed expenses of international peacekeeping ac-
3 tivities in Somalia under the same terms and conditions,
4 as applicable, as funds appropriated by this Act under the
5 heading “Contributions for International Peacekeeping
6 Activities”: *Provided further*, That none of the funds ap-
7 propriated under this heading shall be obligated except as
8 provided through the regular notification procedures of the
9 Committees on Appropriations.

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 INTERNATIONAL MILITARY EDUCATION AND TRAINING

12 For necessary expenses to carry out the provisions
13 of section 541 of the Foreign Assistance Act of 1961,
14 \$112,925,000, of which up to \$56,463,000 may remain
15 available until September 30, 2022: *Provided*, That the
16 civilian personnel for whom military education and train-
17 ing may be provided under this heading may include civil-
18 ians who are not members of a government whose partici-
19 pation would contribute to improved civil-military rela-
20 tions, civilian control of the military, or respect for human
21 rights: *Provided further*, That of the funds appropriated
22 under this heading, up to \$3,000,000 may remain avail-
23 able until expended to increase the participation of women
24 in programs and activities funded under this heading, fol-
25 lowing consultation with, and the regular notification pro-

1 cedures of, the Committees on Appropriations: *Provided*
2 *further*, That of the funds appropriated under this head-
3 ing, not to exceed \$50,000 may be available for entertain-
4 ment expenses.

5 FOREIGN MILITARY FINANCING PROGRAM

6 For necessary expenses for grants to enable the
7 President to carry out the provisions of section 23 of the
8 Arms Export Control Act (22 U.S.C. 2763),
9 \$6,175,524,000, of which \$576,909,000, to remain avail-
10 able until September 30, 2022, is designated by the Con-
11 gress for Overseas Contingency Operations/Global War on
12 Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985:
14 *Provided*, That to expedite the provision of assistance to
15 foreign countries and international organizations, the Sec-
16 retary of State, following consultation with the Commit-
17 tees on Appropriations and subject to the regular notifica-
18 tion procedures of such Committees, may use the funds
19 appropriated under this heading to procure defense arti-
20 cles and services to enhance the capacity of foreign secu-
21 rity forces: *Provided further*, That of the funds appro-
22 priated under this heading, not less than \$3,300,000,000
23 shall be available for grants only for Israel which shall
24 be disbursed within 30 days of enactment of this Act: *Pro-*
25 *vided further*, That to the extent that the Government of

1 Israel requests that funds be used for such purposes,
2 grants made available for Israel under this heading shall,
3 as agreed by the United States and Israel, be available
4 for advanced weapons systems, of which not less than
5 \$795,300,000 shall be available for the procurement in
6 Israel of defense articles and defense services, including
7 research and development: *Provided further*, That funds
8 appropriated or otherwise made available under this head-
9 ing shall be nonrepayable notwithstanding any require-
10 ment in section 23 of the Arms Export Control Act: *Pro-*
11 *vided further*, That funds made available under this head-
12 ing shall be obligated upon apportionment in accordance
13 with paragraph (5)(C) of section 1501(a) of title 31,
14 United States Code.

15 None of the funds made available under this heading
16 shall be available to finance the procurement of defense
17 articles, defense services, or design and construction serv-
18 ices that are not sold by the United States Government
19 under the Arms Export Control Act unless the foreign
20 country proposing to make such procurement has first
21 signed an agreement with the United States Government
22 specifying the conditions under which such procurement
23 may be financed with such funds: *Provided*, That all coun-
24 try and funding level increases in allocations shall be sub-
25 mitted through the regular notification procedures of sec-

1 tion 7015 of this Act: *Provided further*, That funds made
2 available under this heading may be used, notwithstanding
3 any other provision of law, for demining, the clearance of
4 unexploded ordnance, and related activities, and may in-
5 clude activities implemented through nongovernmental
6 and international organizations: *Provided further*, That
7 only those countries for which assistance was justified for
8 the “Foreign Military Sales Financing Program” in the
9 fiscal year 1989 congressional presentation for security as-
10 sistance programs may utilize funds made available under
11 this heading for procurement of defense articles, defense
12 services, or design and construction services that are not
13 sold by the United States Government under the Arms
14 Export Control Act: *Provided further*, That funds appro-
15 priated under this heading shall be expended at the min-
16 imum rate necessary to make timely payment for defense
17 articles and services: *Provided further*, That not more than
18 \$70,000,000 of the funds appropriated under this heading
19 may be obligated for necessary expenses, including the
20 purchase of passenger motor vehicles for replacement only
21 for use outside of the United States, for the general costs
22 of administering military assistance and sales, except that
23 this limitation may be exceeded only through the regular
24 notification procedures of the Committees on Appropria-
25 tions: *Provided further*, That of the funds made available

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1 under this heading for general costs of administering mili-
2 tary assistance and sales, not to exceed \$4,000 may be
3 available for entertainment expenses and not to exceed
4 \$130,000 may be available for representation expenses:
5 *Provided further*, That not more than \$1,137,000,000 of
6 funds realized pursuant to section 21(e)(1)(A) of the Arms
7 Export Control Act (22 U.S.C. 2761(e)(1)(A)) may be ob-
8 ligated for expenses incurred by the Department of De-
9 fense during fiscal year 2021 pursuant to section 43(b)
10 of the Arms Export Control Act (22 U.S.C. 2792(b)), ex-
11 cept that this limitation may be exceeded only through the
12 regular notification procedures of the Committees on Ap-
13 propriations.

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1 TITLE V

2 MULTILATERAL ASSISTANCE

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

5 For necessary expenses to carry out the provisions
6 of section 301 of the Foreign Assistance Act of 1961,
7 \$387,500,000: *Provided*, That section 307(a) of the For-
8 eign Assistance Act of 1961 shall not apply to contribu-
9 tions to the United Nations Democracy Fund: *Provided*
10 *further*, That not later than 60 days after enactment of
11 this Act, such funds shall be made available for core con-
12 tributions for each entity listed in the table under this
13 heading in the explanatory statement described in section
14 4 (in the matter preceding division A of this consolidated
15 Act) unless otherwise provided for in this Act, or if the
16 Secretary of State has justified to the Committees on Ap-
17 propriations the proposed uses of funds other than for
18 core contributions following prior consultation with, and
19 subject to the regular notification procedures of, such
20 Committees.

21 INTERNATIONAL FINANCIAL INSTITUTIONS

22 GLOBAL ENVIRONMENT FACILITY

23 For payment to the International Bank for Recon-
24 struction and Development as trustee for the Global Envi-
25 ronment Facility by the Secretary of the Treasury,

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1 \$139,575,000, to remain available until, and to be fully
2 disbursed not later than, September 30, 2022: *Provided*,
3 That of such amount, \$136,563,000, which shall remain
4 available until September 30, 2021, is only available for
5 the third installment of the seventh replenishment of the
6 Global Environment Facility, and shall be obligated and
7 disbursed not later than 90 days after enactment of this
8 Act: *Provided further*, That the Secretary shall report to
9 the Committees on Appropriations on the status of funds
10 provided under this heading not less than quarterly until
11 fully disbursed: *Provided further*, That in such report the
12 Secretary shall provide a timeline for the obligation and
13 disbursement of any funds that have not yet been obli-
14 gated or disbursed.

15 CONTRIBUTION TO THE INTERNATIONAL BANK FOR
16 RECONSTRUCTION AND DEVELOPMENT

17 For payment to the International Bank for Recon-
18 struction and Development by the Secretary of the Treas-
19 ury for the United States share of the paid-in portion of
20 the increases in capital stock, \$206,500,000, to remain
21 available until expended.

22 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

23 The United States Governor of the International
24 Bank for Reconstruction and Development may subscribe
25 without fiscal year limitation to the callable capital portion

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1 of the United States share of increases in capital stock
2 in an amount not to exceed \$1,421,275,728.70.

3 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
4 ASSOCIATION

5 For payment to the International Development Asso-
6 ciation by the Secretary of the Treasury, \$1,001,400,000,
7 to remain available until expended.

8 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

9 For payment to the Asian Development Bank's Asian
10 Development Fund by the Secretary of the Treasury,
11 \$47,395,000, to remain available until expended.

12 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

13 For payment to the African Development Bank by
14 the Secretary of the Treasury for the United States share
15 of the paid-in portion of the increases in capital stock,
16 \$54,648,752, to remain available until expended.

17 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

18 The United States Governor of the African Develop-
19 ment Bank may subscribe without fiscal year limitation
20 to the callable capital portion of the United States share
21 of increases in capital stock in an amount not to exceed
22 \$856,174,624.

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1 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

2 For payment to the African Development Fund by
3 the Secretary of the Treasury, \$171,300,000, to remain
4 available until expended.

5 CONTRIBUTION TO THE NORTH AMERICAN DEVELOPMENT
6 BANK

7 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

8 The Secretary of the Treasury may subscribe without
9 fiscal year limitation to the callable capital portion of the
10 United States share of capital stock in an amount not to
11 exceed \$1,020,000,000: *Provided*, That such authority is
12 in addition to any other authority otherwise available in
13 this Act and under any other provision of law.

14 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
15 AGRICULTURAL DEVELOPMENT

16 For payment to the International Fund for Agricul-
17 tural Development by the Secretary of the Treasury,
18 \$32,500,000, to remain available until, and to be fully dis-
19 bursed not later than, September 30, 2022, for the third
20 installment of the eleventh replenishment of the Inter-
21 national Fund for Agricultural Development: *Provided*,
22 That the Secretary of the Treasury shall report to the
23 Committees on Appropriations on the status of such pay-
24 ment not less than quarterly until fully disbursed: *Pro-*
25 *vided further*, That in such report the Secretary shall pro-

1310

- 1 vide a timeline for the obligation and disbursement of any
- 2 funds that have not yet been obligated or disbursed.

1311

1 TITLE VI
2 EXPORT AND INVESTMENT ASSISTANCE
3 EXPORT-IMPORT BANK OF THE UNITED STATES
4 INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978 (5 U.S.C. App.), \$6,500,000, of
8 which up to \$975,000 may remain available until Sep-
9 tember 30, 2022.

10 PROGRAM ACCOUNT

11 The Export-Import Bank of the United States is au-
12 thorized to make such expenditures within the limits of
13 funds and borrowing authority available to such corpora-
14 tion, and in accordance with law, and to make such con-
15 tracts and commitments without regard to fiscal year limi-
16 tations, as provided by section 9104 of title 31, United
17 States Code, as may be necessary in carrying out the pro-
18 gram for the current fiscal year for such corporation: *Pro-*
19 *vided*, That none of the funds available during the current
20 fiscal year may be used to make expenditures, contracts,
21 or commitments for the export of nuclear equipment, fuel,
22 or technology to any country, other than a nuclear-weapon
23 state as defined in Article IX of the Treaty on the Non-
24 Proliferation of Nuclear Weapons eligible to receive eco-
25 nomic or military assistance under this Act, that has deto-

1 nated a nuclear explosive after the date of enactment of
2 this Act.

3 ADMINISTRATIVE EXPENSES

4 For administrative expenses to carry out the direct
5 and guaranteed loan and insurance programs, including
6 hire of passenger motor vehicles and services as authorized
7 by section 3109 of title 5, United States Code, and not
8 to exceed \$30,000 for official reception and representation
9 expenses for members of the Board of Directors, not to
10 exceed \$110,000,000, of which up to \$16,500,000 may re-
11 main available until September 30, 2022: *Provided*, That
12 the Export-Import Bank (the Bank) may accept, and use,
13 payment or services provided by transaction participants
14 for legal, financial, or technical services in connection with
15 any transaction for which an application for a loan, guar-
16 antee or insurance commitment has been made: *Provided*
17 *further*, That notwithstanding subsection (b) of section
18 117 of the Export Enhancement Act of 1992, subsection
19 (a) of such section shall remain in effect until September
20 30, 2021: *Provided further*, That the Bank shall charge
21 fees for necessary expenses (including special services per-
22 formed on a contract or fee basis, but not including other
23 personal services) in connection with the collection of mon-
24 eys owed the Bank, repossession or sale of pledged collat-
25 eral or other assets acquired by the Bank in satisfaction

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1 of moneys owed the Bank, or the investigation or appraisal
2 of any property, or the evaluation of the legal, financial,
3 or technical aspects of any transaction for which an appli-
4 cation for a loan, guarantee or insurance commitment has
5 been made, or systems infrastructure directly supporting
6 transactions: *Provided further*, That in addition to other
7 funds appropriated for administrative expenses, such fees
8 shall be credited to this account for such purposes, to re-
9 main available until expended.

10 RECEIPTS COLLECTED

11 Receipts collected pursuant to the Export-Import
12 Bank Act of 1945 (Public Law 79–173) and the Federal
13 Credit Reform Act of 1990, in an amount not to exceed
14 the amount appropriated herein, shall be credited as off-
15 setting collections to this account: *Provided*, That the
16 sums herein appropriated from the General Fund shall be
17 reduced on a dollar-for-dollar basis by such offsetting col-
18 lections so as to result in a final fiscal year appropriation
19 from the General Fund estimated at \$0.

20 UNITED STATES INTERNATIONAL DEVELOPMENT

21 FINANCE CORPORATION

22 INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector

1314

1 General Act of 1978 (5 U.S.C. App.), \$2,000,000, to re-
2 main available until September 30, 2022.

3 CORPORATE CAPITAL ACCOUNT

4 The United States International Development Fi-
5 nance Corporation (the Corporation) is authorized to
6 make such expenditures and commitments within the lim-
7 its of funds and borrowing authority available to the Cor-
8 poration, and in accordance with the law, and to make
9 such expenditures and commitments without regard to fis-
10 cal year limitations, as provided by section 9104 of title
11 31, United States Code, as may be necessary in carrying
12 out the programs for the current fiscal year for the Cor-
13 poration: *Provided*, That for necessary expenses of the ac-
14 tivities described in subsections (b), (c), (e), (f), and (g)
15 of section 1421 of the BUILD Act of 2018 (division F
16 of Public Law 115–254) and for administrative expenses
17 to carry out authorized activities and project-specific
18 transaction costs described in section 1434(d) of such Act,
19 \$569,000,000: *Provided further*, That of the amount pro-
20 vided—

21 (1) \$119,000,000 shall remain available until
22 September 30, 2023, for administrative expenses to
23 carry out authorized activities (including an amount
24 for official reception and representation expenses
25 which shall not exceed \$25,000) and project-specific

1 transaction costs as described in section 1434(k) of
2 such Act, of which \$1,000,000 shall remain available
3 until September 30, 2025;

4 (2) \$450,000,000 shall remain available until
5 September 30, 2023, for the activities described in
6 subsections (b), (c), (e), (f), and (g) of section 1421
7 of the BUILD Act of 2018, except such amounts ob-
8 ligated in a fiscal year for activities described in sec-
9 tion 1421(c) of such Act shall remain available for
10 disbursement for the term of the underlying project:
11 *Provided further*, That if the term of the project ex-
12 tends longer than 10 fiscal years, the Chief Execu-
13 tive Officer of the Corporation shall inform the ap-
14 propriate congressional committees prior to the obli-
15 gation or disbursement of funds, as applicable: *Pro-*
16 *vided further*, That amounts made available under
17 this paragraph may be paid to the “United States
18 International Development Finance Corporation—
19 Program Account” for programs authorized by sub-
20 sections (b), (e), (f), and (g) of section 1421 of the
21 BUILD Act of 2018:

22 *Provided further*, That funds may only be obligated pursu-
23 ant to section 1421(g) of the BUILD Act of 2018 subject
24 to prior consultation with the appropriate congressional
25 committees and the regular notification procedures of the

1 Committees on Appropriations: *Provided further*, That in
2 fiscal year 2021 collections of amounts described in sec-
3 tion 1434(h) of the BUILD Act of 2018 shall be credited
4 as offsetting collections to this appropriation: *Provided*
5 *further*, That such collections collected in fiscal year 2021
6 in excess of \$569,000,000 shall be credited to this account
7 and shall be available in future fiscal years only to the
8 extent provided in advance in appropriations Acts: *Pro-*
9 *vided further*, That in fiscal year 2021, if such collections
10 are less than \$569,000,000, receipts collected pursuant to
11 the BUILD Act of 2018 and the Federal Credit Reform
12 Act of 1990, in an amount equal to such shortfall, shall
13 be credited as offsetting collections to this appropriation:
14 *Provided further*, That funds appropriated or otherwise
15 made available under this heading may not be used to pro-
16 vide any type of assistance that is otherwise prohibited
17 by any other provision of law or to provide assistance to
18 any foreign country that is otherwise prohibited by any
19 other provision of law: *Provided further*, That the sums
20 herein appropriated from the General Fund shall be re-
21 duced on a dollar-for-dollar basis by the offsetting collec-
22 tions described under this heading so as to result in a final
23 fiscal year appropriation from the General Fund estimated
24 at \$191,000,000.

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1 PROGRAM ACCOUNT

2 Amounts paid from “United States International De-
3 velopment Finance Corporation—Corporate Capital Ac-
4 count” (CCA) shall remain available until September 30,
5 2023: *Provided*, That up to \$500,000,000 of amounts paid
6 to this account from CCA or transferred to this account
7 pursuant to section 1434(j) of the BUILD Act of 2018
8 (division F of Public Law 115–254) shall be available for
9 the costs of direct and guaranteed loans provided by the
10 Corporation pursuant to section 1421(b) of such Act: *Pro-*
11 *vided further*, That such costs, including the cost of modi-
12 fying such loans, shall be as defined in section 502 of the
13 Congressional Budget Act of 1974: *Provided further*, That
14 such amounts obligated in a fiscal year shall remain avail-
15 able for disbursement for the following 8 fiscal years: *Pro-*
16 *vided further*, That funds transferred to carry out the For-
17 eign Assistance Act of 1961 pursuant to section 1434(j)
18 of the BUILD Act of 2018 may remain available for obli-
19 gation for 1 additional fiscal year: *Provided further*, That
20 the total loan principal or guaranteed principal amount
21 shall not exceed \$8,000,000,000.

22 TRADE AND DEVELOPMENT AGENCY

23 For necessary expenses to carry out the provisions
24 of section 661 of the Foreign Assistance Act of 1961,
25 \$79,500,000, to remain available until September 30,

1318

1 2022, of which no more than \$19,000,000 may be used
2 for administrative expenses: *Provided*, That of the funds
3 appropriated under this heading, not more than \$5,000
4 may be available for representation and entertainment ex-
5 penses.

1319

1 TITLE VII

2 GENERAL PROVISIONS

3 ALLOWANCES AND DIFFERENTIALS

4 SEC. 7001. Funds appropriated under title I of this
5 Act shall be available, except as otherwise provided, for
6 allowances and differentials as authorized by subchapter
7 59 of title 5, United States Code; for services as author-
8 ized by section 3109 of such title and for hire of passenger
9 transportation pursuant to section 1343(b) of title 31,
10 United States Code.

11 UNOBLIGATED BALANCES REPORT

12 SEC. 7002. Any department or agency of the United
13 States Government to which funds are appropriated or
14 otherwise made available by this Act shall provide to the
15 Committees on Appropriations a quarterly accounting of
16 cumulative unobligated balances and obligated, but unex-
17 pended, balances by program, project, and activity, and
18 Treasury Account Fund Symbol of all funds received by
19 such department or agency in fiscal year 2021 or any pre-
20 vious fiscal year, disaggregated by fiscal year: *Provided*,
21 That the report required by this section shall be submitted
22 not later than 30 days after the end of each fiscal quarter
23 and should specify by account the amount of funds obli-
24 gated pursuant to bilateral agreements which have not
25 been further sub-obligated.

1320

1 CONSULTING SERVICES

2 SEC. 7003. The expenditure of any appropriation
3 under title I of this Act for any consulting service through
4 procurement contract, pursuant to section 3109 of title
5 5, United States Code, shall be limited to those contracts
6 where such expenditures are a matter of public record and
7 available for public inspection, except where otherwise pro-
8 vided under existing law, or under existing Executive order
9 issued pursuant to existing law.

10 DIPLOMATIC FACILITIES

11 SEC. 7004. (a) CAPITAL SECURITY COST SHARING
12 EXCEPTION.—Notwithstanding paragraph (2) of section
13 604(e) of the Secure Embassy Construction and Counter-
14 terrorism Act of 1999 (title VI of division A of H.R. 3427,
15 as enacted into law by section 1000(a)(7) of Public Law
16 106–113 and contained in appendix G of that Act), as
17 amended by section 111 of the Department of State Au-
18 thorities Act, Fiscal Year 2017 (Public Law 114–323), a
19 project to construct a facility of the United States may
20 include office space or other accommodations for members
21 of the United States Marine Corps.

22 (b) NEW DIPLOMATIC FACILITIES.—For the pur-
23 poses of calculating the fiscal year 2021 costs of providing
24 new United States diplomatic facilities in accordance with
25 section 604(e) of the Secure Embassy Construction and

1 Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the
2 Secretary of State, in consultation with the Director of
3 the Office of Management and Budget, shall determine the
4 annual program level and agency shares in a manner that
5 is proportional to the contribution of the Department of
6 State for this purpose.

7 (c) CONSULTATION AND NOTIFICATION.—Funds ap-
8 propriated by this Act and prior Acts making appropria-
9 tions for the Department of State, foreign operations, and
10 related programs, which may be made available for the
11 acquisition of property or award of construction contracts
12 for overseas United States diplomatic facilities during fis-
13 cal year 2021, shall be subject to prior consultation with,
14 and the regular notification procedures of, the Committees
15 on Appropriations: *Provided*, That notifications pursuant
16 to this subsection shall include the information enumer-
17 ated under the heading “Embassy Security, Construction,
18 and Maintenance” in House Report 116–444.

19 (d) INTERIM AND TEMPORARY FACILITIES
20 ABROAD.—

21 (1) SECURITY VULNERABILITIES.—Funds ap-
22 propriated by this Act under the heading “Embassy
23 Security, Construction, and Maintenance” may be
24 made available, following consultation with the ap-
25 propriate congressional committees, to address secu-

1 rity vulnerabilities at interim and temporary United
2 States diplomatic facilities abroad, including physical
3 security upgrades and local guard staffing, except
4 that the amount of funds made available for such
5 purposes from this Act and prior Acts making ap-
6 propriations for the Department of State, foreign
7 operations, and related programs shall be a min-
8 imum of \$25,000,000.

9 (2) CONSULTATION.—Notwithstanding any
10 other provision of law, the opening, closure, or any
11 significant modification to an interim or temporary
12 United States diplomatic facility shall be subject to
13 prior consultation with the appropriate congressional
14 committees and the regular notification procedures
15 of the Committees on Appropriations, except that
16 such consultation and notification may be waived if
17 there is a security risk to personnel.

18 (e) SOFT TARGETS.—Of the funds appropriated by
19 this Act under the heading “Embassy Security, Construc-
20 tion, and Maintenance”, not less than \$10,000,000 shall
21 be made available for security upgrades to soft targets,
22 including schools, recreational facilities, and residences
23 used by United States diplomatic personnel and their de-
24 pendants.

1323

1 PERSONNEL ACTIONS

2 SEC. 7005. Any costs incurred by a department or
3 agency funded under title I of this Act resulting from per-
4 sonnel actions taken in response to funding reductions in-
5 cluded in this Act shall be absorbed within the total budg-
6 etary resources available under title I to such department
7 or agency: *Provided*, That the authority to transfer funds
8 between appropriations accounts as may be necessary to
9 carry out this section is provided in addition to authorities
10 included elsewhere in this Act: *Provided further*, That use
11 of funds to carry out this section shall be treated as a
12 reprogramming of funds under section 7015 of this Act.

13 PROHIBITION ON PUBLICITY OR PROPAGANDA

14 SEC. 7006. No part of any appropriation contained
15 in this Act shall be used for publicity or propaganda pur-
16 poses within the United States not authorized before en-
17 actment of this Act by Congress: *Provided*, That up to
18 \$25,000 may be made available to carry out the provisions
19 of section 316 of the International Security and Develop-
20 ment Cooperation Act of 1980 (Public Law 96-533; 22
21 U.S.C. 2151a note).

22 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
23 COUNTRIES

24 SEC. 7007. None of the funds appropriated or other-
25 wise made available pursuant to titles III through VI of

1 this Act shall be obligated or expended to finance directly
2 any assistance or reparations for the governments of
3 Cuba, North Korea, Iran, or Syria: *Provided*, That for
4 purposes of this section, the prohibition on obligations or
5 expenditures shall include direct loans, credits, insurance,
6 and guarantees of the Export-Import Bank or its agents.

7
8 COUPS D'ÉTAT

8 SEC. 7008. None of the funds appropriated or other-
9 wise made available pursuant to titles III through VI of
10 this Act shall be obligated or expended to finance directly
11 any assistance to the government of any country whose
12 duly elected head of government is deposed by military
13 coup d'état or decree or, after the date of enactment of
14 this Act, a coup d'état or decree in which the military
15 plays a decisive role: *Provided*, That assistance may be re-
16 sumed to such government if the Secretary of State cer-
17 tifies and reports to the appropriate congressional commit-
18 tees that subsequent to the termination of assistance a
19 democratically elected government has taken office: *Pro-*
20 *vided further*, That the provisions of this section shall not
21 apply to assistance to promote democratic elections or
22 public participation in democratic processes: *Provided fur-*
23 *ther*, That funds made available pursuant to the previous
24 provisos shall be subject to the regular notification proce-
25 dures of the Committees on Appropriations.

1 TRANSFER OF FUNDS AUTHORITY

2 SEC. 7009. (a) DEPARTMENT OF STATE AND
3 UNITED STATES AGENCY FOR GLOBAL MEDIA.—

4 (1) DEPARTMENT OF STATE.—

5 (A) IN GENERAL.—Not to exceed 5 percent
6 of any appropriation made available for the cur-
7 rent fiscal year for the Department of State
8 under title I of this Act may be transferred be-
9 tween, and merged with, such appropriations,
10 but no such appropriation, except as otherwise
11 specifically provided, shall be increased by more
12 than 10 percent by any such transfers, and no
13 such transfer may be made to increase the ap-
14 propriation under the heading “Representation
15 Expenses”.

16 (B) EMBASSY SECURITY.—Funds appro-
17 priated under the headings “Diplomatic Pro-
18 grams”, including for Worldwide Security Pro-
19 tection, “Embassy Security, Construction, and
20 Maintenance”, and “Emergencies in the Diplo-
21 matic and Consular Service” in this Act may be
22 transferred to, and merged with, funds appro-
23 priated under such headings if the Secretary of
24 State determines and reports to the Committees
25 on Appropriations that to do so is necessary to

1 implement the recommendations of the
2 Benghazi Accountability Review Board, for
3 emergency evacuations, or to prevent or re-
4 spond to security situations and requirements,
5 following consultation with, and subject to the
6 regular notification procedures of, such Com-
7 mittees: *Provided*, That such transfer authority
8 is in addition to any transfer authority other-
9 wise available in this Act and under any other
10 provision of law.

11 (2) UNITED STATES AGENCY FOR GLOBAL
12 MEDIA.—Not to exceed 5 percent of any appropria-
13 tion made available for the current fiscal year for
14 the United States Agency for Global Media under
15 title I of this Act may be transferred between, and
16 merged with, such appropriations, but no such ap-
17 propriation, except as otherwise specifically provided,
18 shall be increased by more than 10 percent by any
19 such transfers.

20 (3) TREATMENT AS REPROGRAMMING.—Any
21 transfer pursuant to this subsection shall be treated
22 as a reprogramming of funds under section 7015 of
23 this Act and shall not be available for obligation or
24 expenditure except in compliance with the proce-
25 dures set forth in that section.

1 (b) LIMITATION ON TRANSFERS OF FUNDS BE-
2 TWEEN AGENCIES.—

3 (1) IN GENERAL.—None of the funds made
4 available under titles II through V of this Act may
5 be transferred to any department, agency, or instru-
6 mentality of the United States Government, except
7 pursuant to a transfer made by, or transfer author-
8 ity provided in, this Act or any other appropriations
9 Act.

10 (2) ALLOCATION AND TRANSFERS.—Notwith-
11 standing paragraph (1), in addition to transfers
12 made by, or authorized elsewhere in, this Act, funds
13 appropriated by this Act to carry out the purposes
14 of the Foreign Assistance Act of 1961 may be allo-
15 cated or transferred to agencies of the United States
16 Government pursuant to the provisions of sections
17 109, 610, and 632 of the Foreign Assistance Act of
18 1961, and section 1434(j) of the BUILD Act of
19 2018 (division F of Public Law 115–254).

20 (3) NOTIFICATION.—Any agreement entered
21 into by the United States Agency for International
22 Development or the Department of State with any
23 department, agency, or instrumentality of the United
24 States Government pursuant to section 632(b) of the
25 Foreign Assistance Act of 1961 valued in excess of

1 \$1,000,000 and any agreement made pursuant to
2 section 632(a) of such Act, with funds appropriated
3 by this Act or prior Acts making appropriations for
4 the Department of State, foreign operations, and re-
5 lated programs under the headings “Global Health
6 Programs”, “Development Assistance”, “Economic
7 Support Fund”, and “Assistance for Europe, Eur-
8 asia and Central Asia” shall be subject to the reg-
9 ular notification procedures of the Committees on
10 Appropriations: *Provided*, That the requirement in
11 the previous sentence shall not apply to agreements
12 entered into between USAID and the Department of
13 State.

14 (c) LIMITATION ON UNITED STATES INTERNATIONAL
15 DEVELOPMENT FINANCE CORPORATION.—Amounts
16 transferred pursuant to section 1434(j) of the BUILD Act
17 of 2018 (division F of Public Law 115–254) may only be
18 transferred from funds made available under title III of
19 this Act, and such amounts shall not exceed \$50,000,000:
20 *Provided*, That any such transfers shall be subject to prior
21 consultation with, and the regular notification procedures
22 of, the Committees on Appropriations: *Provided further*,
23 That the Secretary of State, the Administrator of the
24 United States Agency for International Development, and
25 the Chief Executive Officer of the United States Inter-

1 national Development Finance Corporation (the Corpora-
2 tion), as appropriate, shall ensure that the programs fund-
3 ed by such transfers are coordinated with, and com-
4 plement, foreign assistance programs implemented by the
5 Department of State and USAID: *Provided further*, That
6 no funds transferred pursuant to such authority may be
7 used by the Corporation to post personnel abroad or for
8 activities described in section 1421(c) of the BUILD Act
9 of 2018.

10 (d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—
11 None of the funds made available under titles II through
12 V of this Act may be obligated under an appropriations
13 account to which such funds were not appropriated, except
14 for transfers specifically provided for in this Act, unless
15 the President, not less than 5 days prior to the exercise
16 of any authority contained in the Foreign Assistance Act
17 of 1961 to transfer funds, consults with and provides a
18 written policy justification to the Committees on Appro-
19 priations.

20 (e) AUDIT OF INTER-AGENCY TRANSFERS OF
21 FUNDS.—Any agreement for the transfer or allocation of
22 funds appropriated by this Act or prior Acts making ap-
23 propriations for the Department of State, foreign oper-
24 ations, and related programs entered into between the De-
25 partment of State or USAID and another agency of the

1 United States Government under the authority of section
2 632(a) of the Foreign Assistance Act of 1961, or any com-
3 parable provision of law, shall expressly provide that the
4 Inspector General (IG) for the agency receiving the trans-
5 fer or allocation of such funds, or other entity with audit
6 responsibility if the receiving agency does not have an IG,
7 shall perform periodic program and financial audits of the
8 use of such funds and report to the Department of State
9 or USAID, as appropriate, upon completion of such au-
10 dits: *Provided*, That such audits shall be transmitted to
11 the Committees on Appropriations by the Department of
12 State or USAID, as appropriate: *Provided further*, That
13 funds transferred under such authority may be made
14 available for the cost of such audits.

15 (f) TRANSFER OF OVERSEAS CONTINGENCY OPER-
16 ATIONS/GLOBAL WAR ON TERRORISM FUNDS.—Funds
17 appropriated by this Act under the headings “Peace-
18 keeping Operations” and “Foreign Military Financing
19 Program” that are designated by the Congress for Over-
20 seas Contingency Operations/Global War on Terrorism
21 pursuant to section 251(b)(2)(A)(ii) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985 may
23 be transferred to, and merged with, such funds appro-
24 priated under such headings: *Provided*, That such transfer
25 authority may only be exercised to address contingencies:

1 *Provided further*, That such transfer authority is in addi-
2 tion to any transfer authority otherwise available under
3 any other provision of law, including section 610 of the
4 Foreign Assistance Act of 1961: *Provided further*, That
5 such transfer authority shall be subject to prior consulta-
6 tion with, and the regular notification procedures of, the
7 Committees on Appropriations.

8 PROHIBITION AND LIMITATION ON CERTAIN EXPENSES

9 SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the
10 funds made available by this Act may be used for first-
11 class travel by employees of United States Government de-
12 partments and agencies funded by this Act in contraven-
13 tion of section 301–10.122 through 301–10.124 of title
14 41, Code of Federal Regulations.

15 (b) COMPUTER NETWORKS.—None of the funds
16 made available by this Act for the operating expenses of
17 any United States Government department or agency may
18 be used to establish or maintain a computer network for
19 use by such department or agency unless such network
20 has filters designed to block access to sexually explicit
21 websites: *Provided*, That nothing in this subsection shall
22 limit the use of funds necessary for any Federal, State,
23 tribal, or local law enforcement agency, or any other entity
24 carrying out the following activities: criminal investiga-
25 tions, prosecutions, and adjudications; administrative dis-

1 cipline; and the monitoring of such websites undertaken
2 as part of official business.

3 (c) PROHIBITION ON PROMOTION OF TOBACCO.—

4 None of the funds made available by this Act shall be
5 available to promote the sale or export of tobacco or to-
6 bacco products (including electronic nicotine delivery sys-
7 tems), or to seek the reduction or removal by any foreign
8 country of restrictions on the marketing of tobacco or to-
9 bacco products (including electronic nicotine delivery sys-
10 tems), except for restrictions which are not applied equally
11 to all tobacco or tobacco products (including electronic nie-
12 otine delivery systems) of the same type.

13 (d) EMAIL SERVERS OUTSIDE THE .GOV DOMAIN.—

14 None of the funds appropriated by this Act under the
15 headings “Diplomatic Programs” and “Capital Invest-
16 ment Fund” in title I, and “Operating Expenses” and
17 “Capital Investment Fund” in title II that are made avail-
18 able to the Department of State and the United States
19 Agency for International Development may be made avail-
20 able to support the use or establishment of email accounts
21 or email servers created outside the .gov domain or not
22 fitted for automated records management as part of a
23 Federal government records management program in con-
24 travention of the Presidential and Federal Records Act
25 Amendments of 2014 (Public Law 113–187).

1 (e) REPRESENTATION AND ENTERTAINMENT EX-
2 PENSES.—Each Federal department, agency, or entity
3 funded in titles I or II of this Act, and the Department
4 of the Treasury and independent agencies funded in titles
5 III or VI of this Act, shall take steps to ensure that do-
6 mestic and overseas representation and entertainment ex-
7 penses further official agency business and United States
8 foreign policy interests, and—

9 (1) are primarily for fostering relations outside
10 of the Executive Branch;

11 (2) are principally for meals and events of a
12 protocol nature;

13 (3) are not for employee-only events; and

14 (4) do not include activities that are substan-
15 tially of a recreational character.

16 (f) LIMITATIONS ON ENTERTAINMENT EXPENSES.—
17 None of the funds appropriated or otherwise made avail-
18 able by this Act under the headings “International Mili-
19 tary Education and Training” or “Foreign Military Fi-
20 nancing Program” for Informational Program activities or
21 under the headings “Global Health Programs”, “Develop-
22 ment Assistance”, “Economic Support Fund”, and “As-
23 sistance for Europe, Eurasia and Central Asia” may be
24 obligated or expended to pay for—

25 (1) alcoholic beverages; or

1 of payments or economic policy reform objectives, shall re-
2 main available for an additional 4 years from the date on
3 which the availability of such funds would otherwise have
4 expired, if such funds are initially allocated or obligated
5 before the expiration of their respective periods of avail-
6 ability contained in this Act: *Provided further*, That the
7 Secretary of State and the Administrator of the United
8 States Agency for International Development shall provide
9 a report to the Committees on Appropriations not later
10 than October 31, 2021, detailing by account and source
11 year, the use of this authority during the previous fiscal
12 year.

13 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT
14 SEC. 7012. No part of any appropriation provided
15 under titles III through VI in this Act shall be used to
16 furnish assistance to the government of any country which
17 is in default during a period in excess of 1 calendar year
18 in payment to the United States of principal or interest
19 on any loan made to the government of such country by
20 the United States pursuant to a program for which funds
21 are appropriated under this Act unless the President de-
22 termines, following consultation with the Committees on
23 Appropriations, that assistance for such country is in the
24 national interest of the United States.

1336

1 PROHIBITION ON TAXATION OF UNITED STATES

2 ASSISTANCE

3 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
4 of the funds appropriated under titles III through VI of
5 this Act may be made available to provide assistance for
6 a foreign country under a new bilateral agreement gov-
7 erning the terms and conditions under which such assist-
8 ance is to be provided unless such agreement includes a
9 provision stating that assistance provided by the United
10 States shall be exempt from taxation, or reimbursed, by
11 the foreign government, and the Secretary of State and
12 the Administrator of the United States Agency for Inter-
13 national Development shall expeditiously seek to negotiate
14 amendments to existing bilateral agreements, as nec-
15 essary, to conform with this requirement.

16 (b) NOTIFICATION AND REIMBURSEMENT OF FOR-
17 EIGN TAXES.—An amount equivalent to 200 percent of
18 the total taxes assessed during fiscal year 2021 on funds
19 appropriated by this Act and prior Acts making appropria-
20 tions for the Department of State, foreign operations, and
21 related programs by a foreign government or entity
22 against United States assistance programs, either directly
23 or through grantees, contractors, and subcontractors, shall
24 be withheld from obligation from funds appropriated for
25 assistance for fiscal year 2022 and for prior fiscal years

1 and allocated for the central government of such country
2 or for the West Bank and Gaza program, as applicable,
3 if, not later than September 30, 2022, such taxes have
4 not been reimbursed: *Provided*, That the Secretary of
5 State shall report to the Committees on Appropriations
6 not later than 30 days after enactment of this Act and
7 then quarterly thereafter until September 30, 2021, on the
8 foreign governments and entities that have not reimbursed
9 such taxes, including any amount of funds withheld pursu-
10 ant to this subsection.

11 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
12 minimis nature shall not be subject to the provisions of
13 subsection (b).

14 (d) REPROGRAMMING OF FUNDS.—Funds withheld
15 from obligation for each foreign government or entity pur-
16 suant to subsection (b) shall be reprogrammed for assist-
17 ance for countries which do not assess taxes on United
18 States assistance or which have an effective arrangement
19 that is providing substantial reimbursement of such taxes,
20 and that can reasonably accommodate such assistance in
21 a programmatically responsible manner.

22 (e) DETERMINATIONS.—

23 (1) IN GENERAL.—The provisions of this sec-
24 tion shall not apply to any foreign government or en-
25 tity that assesses such taxes if the Secretary of

1 State reports to the Committees on Appropriations
2 that—

3 (A) such foreign government or entity has
4 an effective arrangement that is providing sub-
5 stantial reimbursement of such taxes; or

6 (B) the foreign policy interests of the
7 United States outweigh the purpose of this sec-
8 tion to ensure that United States assistance is
9 not subject to taxation.

10 (2) CONSULTATION.—The Secretary of State
11 shall consult with the Committees on Appropriations
12 at least 15 days prior to exercising the authority of
13 this subsection with regard to any foreign govern-
14 ment or entity.

15 (f) IMPLEMENTATION.—The Secretary of State shall
16 issue and update rules, regulations, or policy guidance, as
17 appropriate, to implement the prohibition against the tax-
18 ation of assistance contained in this section.

19 (g) DEFINITIONS.—As used in this section:

20 (1) BILATERAL AGREEMENT.—The term “bilat-
21 eral agreement” refers to a framework bilateral
22 agreement between the Government of the United
23 States and the government of the country receiving
24 assistance that describes the privileges and immuni-
25 ties applicable to United States foreign assistance

1 for such country generally, or an individual agree-
2 ment between the Government of the United States
3 and such government that describes, among other
4 things, the treatment for tax purposes that will be
5 accorded the United States assistance provided
6 under that agreement.

7 (2) TAXES AND TAXATION.—The term “taxes
8 and taxation” shall include value added taxes and
9 customs duties but shall not include individual in-
10 come taxes assessed to local staff.

11 RESERVATIONS OF FUNDS

12 SEC. 7014. (a) REPROGRAMMING.—Funds appro-
13 priated under titles III through VI of this Act which are
14 specifically designated may be reprogrammed for other
15 programs within the same account notwithstanding the
16 designation if compliance with the designation is made im-
17 possible by operation of any provision of this or any other
18 Act: *Provided*, That any such reprogramming shall be sub-
19 ject to the regular notification procedures of the Commit-
20 tees on Appropriations: *Provided further*, That assistance
21 that is reprogrammed pursuant to this subsection shall be
22 made available under the same terms and conditions as
23 originally provided.

24 (b) EXTENSION OF AVAILABILITY.—In addition to
25 the authority contained in subsection (a), the original pe-

1 rioid of availability of funds appropriated by this Act and
2 administered by the Department of State or the United
3 States Agency for International Development that are spe-
4 cifically designated for particular programs or activities by
5 this or any other Act may be extended for an additional
6 fiscal year if the Secretary of State or the USAID Admin-
7 istrator, as appropriate, determines and reports promptly
8 to the Committees on Appropriations that the termination
9 of assistance to a country or a significant change in cir-
10 cumstances makes it unlikely that such designated funds
11 can be obligated during the original period of availability:
12 *Provided*, That such designated funds that continue to be
13 available for an additional fiscal year shall be obligated
14 only for the purpose of such designation.

15 (c) OTHER ACTS.—Ceilings and specifically des-
16 igned funding levels contained in this Act shall not be
17 applicable to funds or authorities appropriated or other-
18 wise made available by any subsequent Act unless such
19 Act specifically so directs: *Provided*, That specifically des-
20 igned funding levels or minimum funding requirements
21 contained in any other Act shall not be applicable to funds
22 appropriated by this Act.

23 NOTIFICATION REQUIREMENTS

24 SEC. 7015. (a) NOTIFICATION OF CHANGES IN PRO-
25 GRAMS, PROJECTS, AND ACTIVITIES.—None of the funds

1 made available in titles I, II, and VI, and under the head-
2 ings “Peace Corps” and “Millennium Challenge Corpora-
3 tion”, of this Act or prior Acts making appropriations for
4 the Department of State, foreign operations, and related
5 programs to the departments and agencies funded by this
6 Act that remain available for obligation in fiscal year
7 2021, or provided from any accounts in the Treasury of
8 the United States derived by the collection of fees or of
9 currency reflows or other offsetting collections, or made
10 available by transfer, to the departments and agencies
11 funded by this Act, shall be available for obligation to—

12 (1) create new programs;

13 (2) suspend or eliminate a program, project, or
14 activity;

15 (3) close, suspend, open, or reopen a mission or
16 post;

17 (4) create, close, reorganize, downsize, or re-
18 name bureaus, centers, or offices; or

19 (5) contract out or privatize any functions or
20 activities presently performed by Federal employees;

21 unless previously justified to the Committees on Appro-
22 priations or such Committees are notified 15 days in ad-
23 vance of such obligation.

24 (b) NOTIFICATION OF REPROGRAMMING OF
25 FUNDS.—None of the funds provided under titles I, II,

1 and VI of this Act or prior Acts making appropriations
2 for the Department of State, foreign operations, and re-
3 lated programs, to the departments and agencies funded
4 under such titles that remain available for obligation in
5 fiscal year 2021, or provided from any accounts in the
6 Treasury of the United States derived by the collection
7 of fees available to the department and agency funded
8 under title I of this Act, shall be available for obligation
9 or expenditure for programs, projects, or activities
10 through a reprogramming of funds in excess of
11 \$1,000,000 or 10 percent, whichever is less, that—

12 (1) augments or changes existing programs,
13 projects, or activities;

14 (2) relocates an existing office or employees;

15 (3) reduces by 10 percent funding for any exist-
16 ing program, project, or activity, or numbers of per-
17 sonnel by 10 percent as approved by Congress; or

18 (4) results from any general savings, including
19 savings from a reduction in personnel, which would
20 result in a change in existing programs, projects, or
21 activities as approved by Congress;

22 unless the Committees on Appropriations are notified 15
23 days in advance of such reprogramming of funds.

24 (c) NOTIFICATION REQUIREMENT.—None of the
25 funds made available by this Act under the headings

1 “Global Health Programs”, “Development Assistance”,
2 “International Organizations and Programs”, “Trade and
3 Development Agency”, “International Narcotics Control
4 and Law Enforcement”, “Economic Support Fund”, “De-
5 mocracy Fund”, “Assistance for Europe, Eurasia and
6 Central Asia”, “Peacekeeping Operations”, “Non-
7 proliferation, Anti-terrorism, Demining and Related Pro-
8 grams”, “Millennium Challenge Corporation”, “Foreign
9 Military Financing Program”, “International Military
10 Education and Training”, “United States International
11 Development Finance Corporation”, and “Peace Corps”,
12 shall be available for obligation for programs, projects, ac-
13 tivities, type of materiel assistance, countries, or other op-
14 erations not justified or in excess of the amount justified
15 to the Committees on Appropriations for obligation under
16 any of these specific headings unless the Committees on
17 Appropriations are notified 15 days in advance of such
18 obligation: *Provided*, That the President shall not enter
19 into any commitment of funds appropriated for the pur-
20 poses of section 23 of the Arms Export Control Act for
21 the provision of major defense equipment, other than con-
22 ventional ammunition, or other major defense items de-
23 fined to be aircraft, ships, missiles, or combat vehicles, not
24 previously justified to Congress or 20 percent in excess
25 of the quantities justified to Congress unless the Commit-

1 tees on Appropriations are notified 15 days in advance of
2 such commitment: *Provided further*, That requirements of
3 this subsection or any similar provision of this or any
4 other Act shall not apply to any reprogramming for a pro-
5 gram, project, or activity for which funds are appropriated
6 under titles III through VI of this Act of less than 10
7 percent of the amount previously justified to Congress for
8 obligation for such program, project, or activity for the
9 current fiscal year: *Provided further*, That any notification
10 submitted pursuant to subsection (f) of this section shall
11 include information (if known on the date of transmittal
12 of such notification) on the use of notwithstanding author-
13 ity.

14 (d) DEPARTMENT OF DEFENSE PROGRAMS AND
15 FUNDING NOTIFICATIONS.—

16 (1) PROGRAMS.—None of the funds appro-
17 priated by this Act or prior Acts making appropria-
18 tions for the Department of State, foreign oper-
19 ations, and related programs may be made available
20 to support or continue any program initially funded
21 under any authority of title 10, United States Code,
22 or any Act making or authorizing appropriations for
23 the Department of Defense, unless the Secretary of
24 State, in consultation with the Secretary of Defense
25 and in accordance with the regular notification pro-

1 cedures of the Committees on Appropriations, sub-
2 mits a justification to such Committees that includes
3 a description of, and the estimated costs associated
4 with, the support or continuation of such program.

5 (2) FUNDING.—Notwithstanding any other pro-
6 vision of law, funds transferred by the Department
7 of Defense to the Department of State and the
8 United States Agency for International Development
9 for assistance for foreign countries and international
10 organizations shall be subject to the regular notifica-
11 tion procedures of the Committees on Appropria-
12 tions.

13 (3) NOTIFICATION ON EXCESS DEFENSE ARTI-
14 CLES.—Prior to providing excess Department of De-
15 fense articles in accordance with section 516(a) of
16 the Foreign Assistance Act of 1961, the Department
17 of Defense shall notify the Committees on Appro-
18 priations to the same extent and under the same
19 conditions as other committees pursuant to sub-
20 section (f) of that section: *Provided*, That before
21 issuing a letter of offer to sell excess defense articles
22 under the Arms Export Control Act, the Department
23 of Defense shall notify the Committees on Appro-
24 priations in accordance with the regular notification
25 procedures of such Committees if such defense arti-

1 cles are significant military equipment (as defined in
2 section 47(9) of the Arms Export Control Act) or
3 are valued (in terms of original acquisition cost) at
4 \$7,000,000 or more, or if notification is required
5 elsewhere in this Act for the use of appropriated
6 funds for specific countries that would receive such
7 excess defense articles: *Provided further*, That such
8 Committees shall also be informed of the original ac-
9 quisition cost of such defense articles.

10 (e) WAIVER.—The requirements of this section or
11 any similar provision of this Act or any other Act, includ-
12 ing any prior Act requiring notification in accordance with
13 the regular notification procedures of the Committees on
14 Appropriations, may be waived if failure to do so would
15 pose a substantial risk to human health or welfare: *Pro-*
16 *vided*, That in case of any such waiver, notification to the
17 Committees on Appropriations shall be provided as early
18 as practicable, but in no event later than 3 days after tak-
19 ing the action to which such notification requirement was
20 applicable, in the context of the circumstances necessi-
21 tating such waiver: *Provided further*, That any notification
22 provided pursuant to such a waiver shall contain an expla-
23 nation of the emergency circumstances.

24 (f) COUNTRY NOTIFICATION REQUIREMENTS.—None
25 of the funds appropriated under titles III through VI of

1 this Act may be obligated or expended for assistance for
2 Afghanistan, Bahrain, Burma, Cambodia, Colombia,
3 Cuba, Egypt, El Salvador, Ethiopia, Greenland, Guate-
4 mala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mex-
5 ico, Nicaragua, Pakistan, Philippines, the Russian Fed-
6 eration, Somalia, South Sudan, Sri Lanka, Sudan, Syria,
7 Uzbekistan, Venezuela, Yemen, and Zimbabwe except as
8 provided through the regular notification procedures of the
9 Committees on Appropriations.

10 (g) TRUST FUNDS.—Funds appropriated or other-
11 wise made available in title III of this Act and prior Acts
12 making funds available for the Department of State, for-
13 eign operations, and related programs that are made avail-
14 able for a trust fund held by an international financial
15 institution shall be subject to the regular notification pro-
16 cedures of the Committees on Appropriations and such no-
17 tification shall include the information specified under this
18 section in House Report 116–444.

19 (h) OTHER PROGRAM NOTIFICATION REQUIRE-
20 MENT.—

21 (1) DIPLOMATIC PROGRAMS.—Funds appro-
22 priated under title I of this Act under the heading
23 “Diplomatic Programs” that are made available for
24 lateral entry into the Foreign Service shall be sub-
25 ject to prior consultation with, and the regular noti-

1 fication procedures of, the Committees on Appro-
2 priations.

3 (2) OTHER PROGRAMS.—Funds appropriated by
4 this Act that are made available for the following
5 programs and activities shall be subject to the reg-
6 ular notification procedures of the Committees on
7 Appropriations:

8 (A) the Global Engagement Center, except
9 that the Secretary of State shall consult with
10 the Committees on Appropriations prior to sub-
11 mitting such notification;

12 (B) the Power Africa and Prosper Africa
13 initiatives;

14 (C) community-based police assistance con-
15 ducted pursuant to the authority of section
16 7035(a)(1) of this Act;

17 (D) the Prevention and Stabilization Fund
18 and the Multi-Donor Global Fragility Fund;

19 (E) the Indo-Pacific Strategy;

20 (F) the Global Security Contingency Fund;

21 (G) the Countering Chinese Influence
22 Fund and the Countering Russian Influence
23 Fund;

24 (H) the Program to End Modern Slavery;
25 and

1 (I) the Women’s Global Development and
2 Prosperity Fund.

3 (3) DEMOCRACY PROGRAM POLICY AND PROCE-
4 DURES.—Modifications to democracy program policy
5 and procedures, including relating to the use of con-
6 sortia, by the Department of State and USAID shall
7 be subject to prior consultation with, and the regular
8 notification procedures of, the Committees on Ap-
9 propriations.

10 (4) ARMS SALES.—The reports, notifications,
11 and certifications, and any other documents, re-
12 quired to be submitted pursuant to section 36(a) of
13 the Arms Export Control Act (22 U.S.C. 2776), and
14 such documents submitted pursuant to section 36(b)
15 through (d) of such Act with respect to countries
16 that have received assistance provided with funds
17 appropriated by this Act or prior Acts making ap-
18 propriations for the Department of State, foreign
19 operations, and related programs, shall be concur-
20 rently submitted to the Committees on Appropria-
21 tions and shall include information about the source
22 of funds for any sale or transfer, as applicable, if
23 known at the time of submission.

24 (i) WITHHOLDING OF FUNDS.—Funds appropriated
25 by this Act under titles III and IV that are withheld from

1 obligation or otherwise not programmed as a result of ap-
2 plication of a provision of law in this or any other Act
3 shall, if reprogrammed, be subject to the regular notifica-
4 tion procedures of the Committees on Appropriations.

5 (j) FOREIGN ASSISTANCE AND GLOBAL HEALTH SE-
6 CURITY REVIEWS.—Funds appropriated by this Act that
7 are made available to make programmatic, funding, and
8 organizational changes resulting from implementation of
9 any foreign assistance review or realignment shall be sub-
10 ject to prior consultation with, and the regular notification
11 procedures of, the Committees on Appropriations: *Pro-*
12 *vided*, That such notifications may be submitted in classi-
13 fied form, if necessary: *Provided further*, That the con-
14 sultation requirement of this subsection shall apply to
15 global health security programs, to include the Global
16 Health Security Agenda and emergency health responses.

17 (k) PRIOR CONSULTATION REQUIREMENT.—The
18 Secretary of State, the Administrator of the United States
19 Agency for International Development, the Chief Execu-
20 tive Officer of the United States International Develop-
21 ment Finance Corporation, and the Chief Executive Offi-
22 cer of the Millennium Challenge Corporation shall consult
23 with the Committees on Appropriations at least 7 days
24 prior to informing a government of, or publically announc-
25 ing a decision on, the suspension or early termination of

1 assistance to a country or a territory, including as a result
2 of an interagency review of such assistance, from funds
3 appropriated by this Act or prior Acts making appropria-
4 tions for the Department of State, foreign operations, and
5 related programs: *Provided*, That such consultation shall
6 include a detailed justification for such suspension, includ-
7 ing a description of the assistance being suspended.

8 (I) REPORT ON FUNDS RECEIVED FROM FOREIGN
9 GOVERNMENTS.—The Secretary of State and the USAID
10 Administrator, as appropriate, shall report to the Commit-
11 tees on Appropriations on a quarterly basis until Sep-
12 tember 30, 2021, on funds received from foreign govern-
13 ments pursuant to sections 607 and 635(d) of the Foreign
14 Assistance Act of 1961, other than from countries that
15 are North Atlantic Treaty Organization (NATO) or major
16 non-NATO allies designated pursuant to section 517(b)
17 of such Act: *Provided*, That such report shall include the
18 requirements described under this heading in the explana-
19 tory statement described in section 4 (in the matter pre-
20 ceding division A of this consolidated Act).

21 DOCUMENT REQUESTS, RECORDS MANAGEMENT, AND
22 RELATED CYBERSECURITY PROTECTIONS

23 SEC. 7016. (a) DOCUMENT REQUESTS.—None of the
24 funds appropriated or made available pursuant to titles
25 III through VI of this Act shall be available to a non-

1 governmental organization, including any contractor,
2 which fails to provide upon timely request any document,
3 file, or record necessary to the auditing requirements of
4 the Department of State and the United States Agency
5 for International Development.

6 (b) RECORDS MANAGEMENT AND RELATED CYBER-
7 SECURITY PROTECTIONS.—The Secretary of State and
8 USAID Administrator shall—

9 (1) regularly review and update the policies, di-
10 rectives, and oversight necessary to comply with
11 Federal statutes, regulations, and presidential execu-
12 tive orders and memoranda concerning the preserva-
13 tion of all records made or received in the conduct
14 of official business, including record emails, instant
15 messaging, and other online tools;

16 (2) use funds appropriated by this Act under
17 the headings “Diplomatic Programs” and “Capital
18 Investment Fund” in title I, and “Operating Ex-
19 penses” and “Capital Investment Fund” in title II,
20 as appropriate, to improve Federal records manage-
21 ment pursuant to the Federal Records Act (44
22 U.S.C. Chapters 21, 29, 31, and 33) and other ap-
23 plicable Federal records management statutes, regu-
24 lations, or policies for the Department of State and
25 USAID;

1 (3) direct departing employees, including senior
2 officials, that all Federal records generated by such
3 employees belong to the Federal Government;

4 (4) substantially reduce, compared to the pre-
5 vious fiscal year, the response time for identifying
6 and retrieving Federal records, including requests
7 made pursuant to section 552 of title 5, United
8 States Code (commonly known as the “Freedom of
9 Information Act”); and

10 (5) strengthen cybersecurity measures to miti-
11 gate vulnerabilities, including those resulting from
12 the use of personal email accounts or servers outside
13 the .gov domain, improve the process to identify and
14 remove inactive user accounts, update and enforce
15 guidance related to the control of national security
16 information, and implement the recommendations of
17 the applicable reports of the cognizant Office of In-
18 spector General.

19 USE OF FUNDS IN CONTRAVENTION OF THIS ACT

20 SEC. 7017. If the President makes a determination
21 not to comply with any provision of this Act on constitu-
22 tional grounds, the head of the relevant Federal agency
23 shall notify the Committees on Appropriations in writing
24 within 5 days of such determination, the basis for such

1 determination and any resulting changes to program or
2 policy.

3 PROHIBITION ON FUNDING FOR ABORTIONS AND
4 INVOLUNTARY STERILIZATION

5 SEC. 7018. None of the funds made available to carry
6 out part I of the Foreign Assistance Act of 1961, as
7 amended, may be used to pay for the performance of abor-
8 tions as a method of family planning or to motivate or
9 coerce any person to practice abortions. None of the funds
10 made available to carry out part I of the Foreign Assist-
11 ance Act of 1961, as amended, may be used to pay for
12 the performance of involuntary sterilization as a method
13 of family planning or to coerce or provide any financial
14 incentive to any person to undergo sterilizations. None of
15 the funds made available to carry out part I of the Foreign
16 Assistance Act of 1961, as amended, may be used to pay
17 for any biomedical research which relates in whole or in
18 part, to methods of, or the performance of, abortions or
19 involuntary sterilization as a means of family planning.
20 None of the funds made available to carry out part I of
21 the Foreign Assistance Act of 1961, as amended, may be
22 obligated or expended for any country or organization if
23 the President certifies that the use of these funds by any
24 such country or organization would violate any of the

1 above provisions related to abortions and involuntary steri-
2 lizations.

3 ALLOCATIONS AND REPORTS

4 SEC. 7019. (a) ALLOCATION TABLES.—Subject to
5 subsection (b), funds appropriated by this Act under titles
6 III through V shall be made available at not less than the
7 amounts specifically designated in the respective tables in-
8 cluded in the explanatory statement described in section
9 4 (in the matter preceding division A of this consolidated
10 Act): *Provided*, That such designated amounts for foreign
11 countries and international organizations shall serve as
12 the amounts for such countries and international organi-
13 zations transmitted to Congress in the report required by
14 section 653(a) of the Foreign Assistance Act of 1961, and
15 shall be made available for such foreign countries and
16 international organizations notwithstanding the date of
17 the transmission of such report.

18 (b) AUTHORIZED DEVIATIONS BELOW MINIMUM
19 LEVELS.—Unless otherwise provided for by this Act, the
20 Secretary of State and the Administrator of the United
21 States Agency for International Development, as applica-
22 ble, may deviate by not more than 10 percent below the
23 minimum amounts specifically designated in the respective
24 tables in the explanatory statement described in section
25 4 (in the matter preceding division A of this consolidated

1 Act): *Provided*, That deviations pursuant to this sub-
2 section shall be subject to prior consultation with the Com-
3 mittees on Appropriations.

4 (c) LIMITATION.—For specifically designated
5 amounts that are included, pursuant to subsection (a), in
6 the report required by section 653(a) of the Foreign As-
7 sistance Act of 1961, deviations authorized by subsection
8 (b) may only take place after submission of such report.

9 (d) EXCEPTIONS.—

10 (1) Subsections (a) and (b) shall not apply to—

11 (A) amounts designated for “International
12 Military Education and Training” in the re-
13 spective tables included in the explanatory
14 statement described in section 4 (in the matter
15 preceding division A of this consolidated Act);

16 (B) funds for which the initial period of
17 availability has expired; and

18 (C) amounts designated by this Act as
19 minimum funding requirements.

20 (2) The authority in subsection (b) to deviate
21 below amounts designated in the respective tables in-
22 cluded in the explanatory statement described in sec-
23 tion 4 (in the matter preceding division A of this
24 consolidated Act) shall not apply to the table in-

1 cluded under the heading “Global Health Programs”
2 in such statement.

3 (3) With respect to the amounts designated for
4 “Global Programs” in the table under the heading
5 “Economic Support Fund” included in the explana-
6 tory statement described in section 4 (in the matter
7 preceding division A of this consolidated Act), sub-
8 section (b) shall be applied by substituting “5 per-
9 cent” for “10 percent”.

10 (e) REPORTS.—The Secretary of State, USAID Ad-
11 ministrators, and other designated officials, as appropriate,
12 shall submit the reports required, in the manner described,
13 in House Report 116–444 and the explanatory statement
14 described in section 4 (in the matter preceding division
15 A of this consolidated Act), unless directed otherwise in
16 such explanatory statement.

17 (f) CLARIFICATION.—Funds appropriated by this Act
18 under the headings “International Disaster Assistance”
19 and “Migration and Refugee Assistance” shall not be in-
20 cluded for purposes of meeting amounts designated for
21 countries in this Act or the explanatory statement de-
22 scribed in section 4 (in the matter preceding division A
23 of this consolidated Act), unless such headings are specifi-
24 cally designated as the source of funds.

1 MULTI-YEAR PLEDGES

2 SEC. 7020. None of the funds appropriated or other-
3 wise made available by this Act may be used to make any
4 pledge for future year funding for any multilateral or bi-
5 lateral program funded in titles III through VI of this Act
6 unless such pledge meets one or more of the requirements
7 enumerated under section 7066 of the Department of
8 State, Foreign Operations, and Related Programs Appro-
9 priations Act, 2019 (division F of Public Law 116–6).

10 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

11 SUPPORTING INTERNATIONAL TERRORISM

12 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
13 PORTS.—

14 (1) PROHIBITION.—None of the funds appro-
15 priated or otherwise made available under titles III
16 through VI of this Act may be made available to any
17 foreign government which provides lethal military
18 equipment to a country the government of which the
19 Secretary of State has determined supports inter-
20 national terrorism for purposes of section 1754(c) of
21 the Export Reform Control Act of 2018 (50 U.S.C.
22 4813(c)): *Provided*, That the prohibition under this
23 section with respect to a foreign government shall
24 terminate 12 months after that government ceases
25 to provide such military equipment: *Provided further*,

1 That this section applies with respect to lethal mili-
2 tary equipment provided under a contract entered
3 into after October 1, 1997.

4 (2) DETERMINATION.—Assistance restricted by
5 paragraph (1) or any other similar provision of law,
6 may be furnished if the President determines that to
7 do so is important to the national interest of the
8 United States.

9 (3) REPORT.—Whenever the President makes a
10 determination pursuant to paragraph (2), the Presi-
11 dent shall submit to the Committees on Appropria-
12 tions a report with respect to the furnishing of such
13 assistance, including a detailed explanation of the
14 assistance to be provided, the estimated dollar
15 amount of such assistance, and an explanation of
16 how the assistance furthers United States national
17 interest.

18 (b) BILATERAL ASSISTANCE.—

19 (1) LIMITATIONS.—Funds appropriated for bi-
20 lateral assistance in titles III through VI of this Act
21 and funds appropriated under any such title in prior
22 Acts making appropriations for the Department of
23 State, foreign operations, and related programs,
24 shall not be made available to any foreign govern-
25 ment which the President determines—

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1 (A) grants sanctuary from prosecution to
2 any individual or group which has committed
3 an act of international terrorism;

4 (B) otherwise supports international ter-
5 rorism; or

6 (C) is controlled by an organization des-
7 igned as a terrorist organization under sec-
8 tion 219 of the Immigration and Nationality
9 Act (8 U.S.C. 1189).

10 (2) WAIVER.—The President may waive the ap-
11 plication of paragraph (1) to a government if the
12 President determines that national security or hu-
13 manitarian reasons justify such waiver: *Provided*,
14 That the President shall publish each such waiver in
15 the Federal Register and, at least 15 days before the
16 waiver takes effect, shall notify the Committees on
17 Appropriations of the waiver (including the justifica-
18 tion for the waiver) in accordance with the regular
19 notification procedures of the Committees on Appro-
20 priations.

21 AUTHORIZATION REQUIREMENTS

22 SEC. 7022. Funds appropriated by this Act, except
23 funds appropriated under the heading “Trade and Devel-
24 opment Agency”, may be obligated and expended notwith-
25 standing section 10 of Public Law 91–672 (22 U.S.C.

1 2412), section 15 of the State Department Basic Authori-
2 ties Act of 1956 (22 U.S.C. 2680), section 313 of the For-
3 eign Relations Authorization Act, Fiscal Years 1994 and
4 1995 (22 U.S.C. 6212), and section 504(a)(1) of the Na-
5 tional Security Act of 1947 (50 U.S.C. 3094(a)(1)).

6 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

7 SEC. 7023. For the purpose of titles II through VI
8 of this Act “program, project, and activity” shall be de-
9 fined at the appropriations Act account level and shall in-
10 clude all appropriations and authorizations Acts funding
11 directives, ceilings, and limitations with the exception that
12 for the “Economic Support Fund”, “Assistance for Eu-
13 rope, Eurasia and Central Asia”, and “Foreign Military
14 Financing Program” accounts, “program, project, and ac-
15 tivity” shall also be considered to include country, re-
16 gional, and central program level funding within each such
17 account, and for the development assistance accounts of
18 the United States Agency for International Development,
19 “program, project, and activity” shall also be considered
20 to include central, country, regional, and program level
21 funding, either as—

22 (1) justified to Congress; or

23 (2) allocated by the Executive Branch in ac-
24 cordance with the report required by section 653(a)

1 of the Foreign Assistance Act of 1961 or as modi-
2 fied pursuant to section 7019 of this Act.

3 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
4 FOUNDATION, AND UNITED STATES AFRICAN DEVEL-
5 OPMENT FOUNDATION

6 SEC. 7024. Unless expressly provided to the contrary,
7 provisions of this or any other Act, including provisions
8 contained in prior Acts authorizing or making appropria-
9 tions for the Department of State, foreign operations, and
10 related programs, shall not be construed to prohibit activi-
11 ties authorized by or conducted under the Peace Corps
12 Act, the Inter-American Foundation Act, or the African
13 Development Foundation Act: *Provided*, That prior to con-
14 ducting activities in a country for which assistance is pro-
15 hibited, the agency shall consult with the Committees on
16 Appropriations and report to such Committees within 15
17 days of taking such action.

18 COMMERCE, TRADE AND SURPLUS COMMODITIES

19 SEC. 7025. (a) WORLD MARKETS.—None of the
20 funds appropriated or made available pursuant to titles
21 III through VI of this Act for direct assistance and none
22 of the funds otherwise made available to the Export-Im-
23 port Bank and the United States International Develop-
24 ment Finance Corporation shall be obligated or expended
25 to finance any loan, any assistance, or any other financial

1 commitments for establishing or expanding production of
2 any commodity for export by any country other than the
3 United States, if the commodity is likely to be in surplus
4 on world markets at the time the resulting productive ca-
5 pacity is expected to become operative and if the assist-
6 ance will cause substantial injury to United States pro-
7 ducers of the same, similar, or competing commodity: *Pro-*
8 *vided*, That such prohibition shall not apply to the Export-
9 Import Bank if in the judgment of its Board of Directors
10 the benefits to industry and employment in the United
11 States are likely to outweigh the injury to United States
12 producers of the same, similar, or competing commodity,
13 and the Chairman of the Board so notifies the Committees
14 on Appropriations: *Provided further*, That this subsection
15 shall not prohibit—

16 (1) activities in a country that is eligible for as-
17 sistance from the International Development Asso-
18 ciation, is not eligible for assistance from the Inter-
19 national Bank for Reconstruction and Development,
20 and does not export on a consistent basis the agri-
21 cultural commodity with respect to which assistance
22 is furnished; or

23 (2) activities in a country the President deter-
24 mines is recovering from widespread conflict, a hu-
25 manitarian crisis, or a complex emergency.

1 (b) EXPORTS.—None of the funds appropriated by
2 this or any other Act to carry out chapter 1 of part I
3 of the Foreign Assistance Act of 1961 shall be available
4 for any testing or breeding feasibility study, variety im-
5 provement or introduction, consultancy, publication, con-
6 ference, or training in connection with the growth or pro-
7 duction in a foreign country of an agricultural commodity
8 for export which would compete with a similar commodity
9 grown or produced in the United States: *Provided*, That
10 this subsection shall not prohibit—

11 (1) activities designed to increase food security
12 in developing countries where such activities will not
13 have a significant impact on the export of agricul-
14 tural commodities of the United States;

15 (2) research activities intended primarily to
16 benefit United States producers;

17 (3) activities in a country that is eligible for as-
18 sistance from the International Development Asso-
19 ciation, is not eligible for assistance from the Inter-
20 national Bank for Reconstruction and Development,
21 and does not export on a consistent basis the agri-
22 cultural commodity with respect to which assistance
23 is furnished; or

1 (A) require that local currencies be depos-
2 ited in a separate account established by that
3 government;

4 (B) enter into an agreement with that gov-
5 ernment which sets forth—

6 (i) the amount of the local currencies
7 to be generated; and

8 (ii) the terms and conditions under
9 which the currencies so deposited may be
10 utilized, consistent with this section; and

11 (C) establish by agreement with that gov-
12 ernment the responsibilities of USAID and that
13 government to monitor and account for deposits
14 into and disbursements from the separate ac-
15 count.

16 (2) USES OF LOCAL CURRENCIES.—As may be
17 agreed upon with the foreign government, local cur-
18 rencies deposited in a separate account pursuant to
19 subsection (a), or an equivalent amount of local cur-
20 rencies, shall be used only—

21 (A) to carry out chapter 1 or 10 of part
22 I or chapter 4 of part II of the Foreign Assist-
23 ance Act of 1961 (as the case may be), for such
24 purposes as—

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1 (i) project and sector assistance activi-
2 ties; or

3 (ii) debt and deficit financing; or

4 (B) for the administrative requirements of
5 the United States Government.

6 (3) PROGRAMMING ACCOUNTABILITY.—USAID
7 shall take all necessary steps to ensure that the
8 equivalent of the local currencies disbursed pursuant
9 to subsection (a)(2)(A) from the separate account
10 established pursuant to subsection (a)(1) are used
11 for the purposes agreed upon pursuant to subsection
12 (a)(2).

13 (4) TERMINATION OF ASSISTANCE PRO-
14 GRAMS.—Upon termination of assistance to a coun-
15 try under chapter 1 or 10 of part I or chapter 4 of
16 part II of the Foreign Assistance Act of 1961 (as
17 the case may be), any unencumbered balances of
18 funds which remain in a separate account estab-
19 lished pursuant to subsection (a) shall be disposed of
20 for such purposes as may be agreed to by the gov-
21 ernment of that country and the United States Gov-
22 ernment.

23 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

24 (1) IN GENERAL.—If assistance is made avail-
25 able to the government of a foreign country, under

1 chapter 1 or 10 of part I or chapter 4 of part II of
2 the Foreign Assistance Act of 1961, as cash transfer
3 assistance or as nonproject sector assistance, that
4 country shall be required to maintain such funds in
5 a separate account and not commingle with any
6 other funds.

7 (2) APPLICABILITY OF OTHER PROVISIONS OF
8 LAW.—Such funds may be obligated and expended
9 notwithstanding provisions of law which are incon-
10 sistent with the nature of this assistance including
11 provisions which are referenced in the Joint Explan-
12 atory Statement of the Committee of Conference ac-
13 companying House Joint Resolution 648 (House Re-
14 port No. 98–1159).

15 (3) NOTIFICATION.—At least 15 days prior to
16 obligating any such cash transfer or nonproject sec-
17 tor assistance, the President shall submit a notifica-
18 tion through the regular notification procedures of
19 the Committees on Appropriations, which shall in-
20 clude a detailed description of how the funds pro-
21 posed to be made available will be used, with a dis-
22 cussion of the United States interests that will be
23 served by such assistance (including, as appropriate,
24 a description of the economic policy reforms that will
25 be promoted by such assistance).

1 (b) PUBLIC LAW 480.—During fiscal year 2021, re-
2 strictions contained in this or any other Act with respect
3 to assistance for a country shall not be construed to re-
4 strict assistance under the Food for Peace Act (Public
5 Law 83–480; 7 U.S.C. 1721 et seq.): *Provided*, That none
6 of the funds appropriated to carry out title I of such Act
7 and made available pursuant to this subsection may be
8 obligated or expended except as provided through the reg-
9 ular notification procedures of the Committees on Appro-
10 priations.

11 (c) EXCEPTION.—This section shall not apply—

12 (1) with respect to section 620A of the Foreign
13 Assistance Act of 1961 or any comparable provision
14 of law prohibiting assistance to countries that sup-
15 port international terrorism; or

16 (2) with respect to section 116 of the Foreign
17 Assistance Act of 1961 or any comparable provision
18 of law prohibiting assistance to the government of a
19 country that violates internationally recognized
20 human rights.

21 LOCAL COMPETITION

22 SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO
23 COMPETITION FOR LOCAL ENTITIES.—Funds appro-
24 priated by this Act that are made available to the United
25 States Agency for International Development may only be

1 made available for limited competitions through local enti-
2 ties if—

3 (1) prior to the determination to limit competi-
4 tion to local entities, USAID has—

5 (A) assessed the level of local capacity to
6 effectively implement, manage, and account for
7 programs included in such competition; and

8 (B) documented the written results of the
9 assessment and decisions made; and

10 (2) prior to making an award after limiting
11 competition to local entities—

12 (A) each successful local entity has been
13 determined to be responsible in accordance with
14 USAID guidelines; and

15 (B) effective monitoring and evaluation
16 systems are in place to ensure that award fund-
17 ing is used for its intended purposes; and

18 (3) no level of acceptable fraud is assumed.

19 (b) EXTENSION OF PROCUREMENT AUTHORITY.—
20 Section 7077 of the Department of State, Foreign Oper-
21 ations, and Related Programs Appropriations Act, 2012
22 (division I of Public Law 112–74) shall continue in effect
23 during fiscal year 2021.

1 INTERNATIONAL FINANCIAL INSTITUTIONS

2 SEC. 7029. (a) EVALUATIONS AND REPORT.—The
3 Secretary of the Treasury shall instruct the United States
4 executive director of each international financial institu-
5 tion to use the voice of the United States to encourage
6 such institution to adopt and implement a publicly avail-
7 able policy, including the strategic use of peer reviews and
8 external experts, to conduct independent, in-depth evalua-
9 tions of the effectiveness of at least 35 percent of all loans,
10 grants, programs, and significant analytical non-lending
11 activities in advancing the institution’s goals of reducing
12 poverty and promoting equitable economic growth, con-
13 sistent with relevant safeguards, to ensure that decisions
14 to support such loans, grants, programs, and activities are
15 based on accurate data and objective analysis: *Provided*,
16 That not later than 45 days after enactment of this Act,
17 the Secretary shall submit a report to the Committees on
18 Appropriations on steps taken in fiscal year 2020 by the
19 United States executive directors and the international fi-
20 nancial institutions consistent with this subsection com-
21 pared to the previous fiscal year.

22 (b) SAFEGUARDS.—

23 (1) STANDARD.—The Secretary of the Treasury
24 shall instruct the United States Executive Director
25 of the International Bank for Reconstruction and

1 Development and the International Development As-
2 sociation to use the voice and vote of the United
3 States to oppose any loan, grant, policy, or strategy
4 if such institution has adopted and is implementing
5 any social or environmental safeguard relevant to
6 such loan, grant, policy, or strategy that provides
7 less protection than World Bank safeguards in effect
8 on September 30, 2015.

9 (2) ACCOUNTABILITY, STANDARDS, AND BEST
10 PRACTICES.—The Secretary of the Treasury shall in-
11 struct the United States executive director of each
12 international financial institution to use the voice
13 and vote of the United States to oppose loans or
14 other financing for projects unless such projects—

15 (A) provide for accountability and trans-
16 parency, including the collection, verification,
17 and publication of beneficial ownership informa-
18 tion related to extractive industries and on-site
19 monitoring during the life of the project;

20 (B) will be developed and carried out in ac-
21 cordance with best practices regarding environ-
22 mental conservation, cultural protection, and
23 empowerment of local populations, including
24 free, prior and informed consent of affected in-
25 digenous communities;

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1 (C) do not provide incentives for, or facili-
2 tate, forced displacement or other violations of
3 human rights; and

4 (D) do not partner with or otherwise in-
5 volve enterprises owned or controlled by the
6 armed forces.

7 (c) COMPENSATION.—None of the funds appro-
8 priated under title V of this Act may be made as payment
9 to any international financial institution while the United
10 States executive director to such institution is com-
11 pensated by the institution at a rate which, together with
12 whatever compensation such executive director receives
13 from the United States, is in excess of the rate provided
14 for an individual occupying a position at level IV of the
15 Executive Schedule under section 5315 of title 5, United
16 States Code, or while any alternate United States execu-
17 tive director to such institution is compensated by the in-
18 stitution at a rate in excess of the rate provided for an
19 individual occupying a position at level V of the Executive
20 Schedule under section 5316 of title 5, United States
21 Code.

22 (d) HUMAN RIGHTS.—The Secretary of the Treasury
23 shall instruct the United States executive director of each
24 international financial institution to use the voice and vote
25 of the United States to promote human rights due dili-

1 gence and risk management, as appropriate, in connection
2 with any loan, grant, policy, or strategy of such institution
3 in accordance with the requirements specified under this
4 subsection in House Report 116–444: *Provided*, That
5 prior to voting on any such loan, grant, policy, or strategy
6 the executive director shall consult with the Assistant Sec-
7 retary for Democracy, Human Rights, and Labor, Depart-
8 ment of State, if the executive director has reason to be-
9 lieve that such loan, grant, policy, or strategy could result
10 in forced displacement or other violations of human rights.

11 (e) FRAUD AND CORRUPTION.—The Secretary of the
12 Treasury shall instruct the United States executive direc-
13 tor of each international financial institution to use the
14 voice of the United States to include in loan, grant, and
15 other financing agreements improvements in borrowing
16 countries’ financial management and judicial capacity to
17 investigate, prosecute, and punish fraud and corruption.

18 (f) BENEFICIAL OWNERSHIP INFORMATION.—The
19 Secretary of the Treasury shall instruct the United States
20 executive director of each international financial institu-
21 tion to use the voice of the United States to encourage
22 such institution to collect, verify, and publish, to the max-
23 imum extent practicable, beneficial ownership information
24 (excluding proprietary information) for any corporation or
25 limited liability company, other than a publicly listed com-

1 pany, that receives funds from any such financial institu-
2 tion: *Provided*, That not later than 45 days after enact-
3 ment of this Act, the Secretary shall submit a report to
4 the Committees on Appropriations on steps taken in fiscal
5 year 2020 by the United States executive directors and
6 the international financial institutions consistent with this
7 subsection compared to the previous fiscal year.

8 (g) WHISTLEBLOWER PROTECTIONS.—The Secretary
9 of the Treasury shall instruct the United States executive
10 director of each international financial institution to use
11 the voice of the United States to encourage each such in-
12 stitution to effectively implement and enforce policies and
13 procedures which meet or exceed best practices in the
14 United States for the protection of whistleblowers from
15 retaliation, including—

16 (1) protection against retaliation for internal
17 and lawful public disclosure;

18 (2) legal burdens of proof;

19 (3) statutes of limitation for reporting retalia-
20 tion;

21 (4) access to binding independent adjudicative
22 bodies, including shared cost and selection external
23 arbitration; and

1 (5) results that eliminate the effects of proven
2 retaliation, including provision for the restoration of
3 prior employment.

4 INSECURE COMMUNICATIONS NETWORKS

5 SEC. 7030. Funds appropriated by this Act shall be
6 made available for programs, including through the Dig-
7 ital Connectivity and Cybersecurity Partnership, to—

8 (1) advance the adoption of secure, next-genera-
9 tion communications networks and services, includ-
10 ing 5G, and cybersecurity policies, in countries re-
11 ceiving assistance under this Act and prior Acts
12 making appropriations for the Department of State,
13 foreign operations, and related programs;

14 (2) counter the establishment of insecure com-
15 munications networks and services, including 5G,
16 promoted by the People's Republic of China and
17 other state-backed enterprises that are subject to
18 undue or extrajudicial control by their country of or-
19 igin; and

20 (3) provide policy and technical training on de-
21 ploying open, interoperable, reliable, and secure net-
22 works to information communication technology pro-
23 fessionals in countries receiving assistance under
24 this Act, as appropriate:

1 *Provided*, That such funds may be used to support the
2 participation of foreign military officials in programs de-
3 signed to strengthen civilian cybersecurity capacity, fol-
4 lowing consultation with the Committees on Appropria-
5 tions.

6 FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

7 SEC. 7031. (a) LIMITATION ON DIRECT GOVERN-
8 MENT-TO-GOVERNMENT ASSISTANCE.—

9 (1) REQUIREMENTS.—Funds appropriated by
10 this Act may be made available for direct govern-
11 ment-to-government assistance only if the require-
12 ments included in section 7031(a)(1)(A) through (E)
13 of the Department of State, Foreign Operations, and
14 Related Programs Appropriations Act, 2019 (divi-
15 sion F of Public Law 116–6) are fully met.

16 (2) CONSULTATION AND NOTIFICATION.—In
17 addition to the requirements in paragraph (1), funds
18 may only be made available for direct government-
19 to-government assistance subject to prior consulta-
20 tion with, and the regular notification procedures of,
21 the Committees on Appropriations: *Provided*, That
22 such notification shall contain an explanation of how
23 the proposed activity meets the requirements of
24 paragraph (1): *Provided further*, That the require-
25 ments of this paragraph shall only apply to direct

1 government-to-government assistance in excess of
2 \$10,000,000 and all funds available for cash trans-
3 fer, budget support, and cash payments to individ-
4 uals.

5 (3) SUSPENSION OF ASSISTANCE.—The Admin-
6 istrator of the United States Agency for Inter-
7 national Development or the Secretary of State, as
8 appropriate, shall suspend any direct government-to-
9 government assistance if the Administrator or the
10 Secretary has credible information of material mis-
11 use of such assistance, unless the Administrator or
12 the Secretary reports to the Committees on Appro-
13 priations that it is in the national interest of the
14 United States to continue such assistance, including
15 a justification, or that such misuse has been appro-
16 priately addressed.

17 (4) SUBMISSION OF INFORMATION.—The Sec-
18 retary of State shall submit to the Committees on
19 Appropriations, concurrent with the fiscal year 2022
20 congressional budget justification materials, amounts
21 planned for assistance described in paragraph (1) by
22 country, proposed funding amount, source of funds,
23 and type of assistance.

24 (5) DEBT SERVICE PAYMENT PROHIBITION.—
25 None of the funds made available by this Act may

1 be used by the government of any foreign country
2 for debt service payments owed by any country to
3 any international financial institution.

4 (b) NATIONAL BUDGET AND CONTRACT TRANS-
5 PARENCY.—

6 (1) MINIMUM REQUIREMENTS OF FISCAL
7 TRANSPARENCY.—The Secretary of State shall con-
8 tinue to update and strengthen the “minimum re-
9 quirements of fiscal transparency” for each govern-
10 ment receiving assistance appropriated by this Act,
11 as identified in the report required by section
12 7031(b) of the Department of State, Foreign Oper-
13 ations, and Related Programs Appropriations Act,
14 2014 (division K of Public Law 113–76).

15 (2) DETERMINATION AND REPORT.—For each
16 government identified pursuant to paragraph (1),
17 the Secretary of State, not later than 180 days after
18 enactment of this Act, shall make or update any de-
19 termination of “significant progress” or “no signifi-
20 cant progress” in meeting the minimum require-
21 ments of fiscal transparency, and make such deter-
22 minations publicly available in an annual “Fiscal
23 Transparency Report” to be posted on the Depart-
24 ment of State website: *Provided*, That such report
25 shall include the elements included under this sec-

1 tion in the explanatory statement described in sec-
2 tion 4 in the matter preceding division A of Public
3 Law 116–94.

4 (3) ASSISTANCE.—Not less than \$7,000,000 of
5 the funds appropriated by this Act under the head-
6 ing “Economic Support Fund” shall be made avail-
7 able for programs and activities to assist govern-
8 ments identified pursuant to paragraph (1) to im-
9 prove budget transparency and to support civil soci-
10 ety organizations in such countries that promote
11 budget transparency.

12 (c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

13 (1) INELIGIBILITY.—

14 (A) Officials of foreign governments and
15 their immediate family members about whom
16 the Secretary of State has credible information
17 have been involved, directly or indirectly, in sig-
18 nificant corruption, including corruption related
19 to the extraction of natural resources, or a
20 gross violation of human rights, including the
21 wrongful detention of locally employed staff of
22 a United States diplomatic mission or a United
23 States citizen or national, shall be ineligible for
24 entry into the United States.

1 (B) The Secretary shall also publicly or
2 privately designate or identify the officials of
3 foreign governments and their immediate family
4 members about whom the Secretary has such
5 credible information without regard to whether
6 the individual has applied for a visa.

7 (2) EXCEPTION.—Individuals shall not be ineli-
8 gible for entry into the United States pursuant to
9 paragraph (1) if such entry would further important
10 United States law enforcement objectives or is nec-
11 essary to permit the United States to fulfill its obli-
12 gations under the United Nations Headquarters
13 Agreement: *Provided*, That nothing in paragraph (1)
14 shall be construed to derogate from United States
15 Government obligations under applicable inter-
16 national agreements.

17 (3) WAIVER.—The Secretary may waive the ap-
18 plication of paragraph (1) if the Secretary deter-
19 mines that the waiver would serve a compelling na-
20 tional interest or that the circumstances which
21 caused the individual to be ineligible have changed
22 sufficiently.

23 (4) REPORT.—Not later than 30 days after en-
24 actment of this Act, and every 90 days thereafter
25 until September 30, 2021, the Secretary of State

1 shall submit a report, including a classified annex if
2 necessary, to the appropriate congressional commit-
3 tees and the Committees on the Judiciary describing
4 the information related to corruption or violation of
5 human rights concerning each of the individuals
6 found ineligible in the previous 12 months pursuant
7 to paragraph (1)(A) as well as the individuals who
8 the Secretary designated or identified pursuant to
9 paragraph (1)(B), or who would be ineligible but for
10 the application of paragraph (2), a list of any waiv-
11 ers provided under paragraph (3), and the justifica-
12 tion for each waiver.

13 (5) POSTING OF REPORT.—Any unclassified
14 portion of the report required under paragraph (4)
15 shall be posted on the Department of State website.

16 (6) CLARIFICATION.—For purposes of para-
17 graphs (1), (4), and (5), the records of the Depart-
18 ment of State and of diplomatic and consular offices
19 of the United States pertaining to the issuance or
20 refusal of visas or permits to enter the United
21 States shall not be considered confidential.

22 (d) EXTRACTION OF NATURAL RESOURCES.—

23 (1) ASSISTANCE.—Funds appropriated by this
24 Act shall be made available to promote and support
25 transparency and accountability of expenditures and

1 revenues related to the extraction of natural re-
2 sources, including by strengthening implementation
3 and monitoring of the Extractive Industries Trans-
4 parency Initiative, implementing and enforcing sec-
5 tion 8204 of the Food, Conservation, and Energy
6 Act of 2008 (Public Law 110–246; 122 Stat. 2052)
7 and the amendments made by such section, and to
8 prevent the sale of conflict diamonds, and provide
9 technical assistance to promote independent audit
10 mechanisms and support civil society participation in
11 natural resource management.

12 (2) PUBLIC DISCLOSURE AND INDEPENDENT
13 AUDITS.—(A) The Secretary of the Treasury shall
14 instruct the executive director of each international
15 financial institution that it is the policy of the
16 United States to use the voice and vote of the
17 United States to oppose any assistance by such in-
18 stitutions (including any loan, credit, grant, or guar-
19 antee) to any country for the extraction and export
20 of a natural resource if the government of such
21 country has in place laws, regulations, or procedures
22 to prevent or limit the public disclosure of company
23 payments as required by United States law, and un-
24 less such government has adopted laws, regulations,
25 or procedures in the sector in which assistance is

1 being considered to meet the standards included
2 under this section in the explanatory statement de-
3 scribed in section 4 in the matter preceding division
4 A of Public Law 116–94.

5 (B) The requirements of subparagraph (A)
6 shall not apply to assistance for the purpose of
7 building the capacity of such government to meet
8 the requirements of such subparagraph.

9 (e) FOREIGN ASSISTANCE WEBSITE.—Funds appro-
10 priated by this Act under titles I and II, and funds made
11 available for any independent agency in title III, as appro-
12 priate, shall be made available to support the provision
13 of additional information on United States Government
14 foreign assistance on the “ForeignAssistance.gov”
15 website: *Provided*, That all Federal agencies funded under
16 this Act shall provide such information on foreign assist-
17 ance, upon request and in a timely manner, to the Depart-
18 ment of State and USAID.

19 DEMOCRACY PROGRAMS

20 SEC. 7032. (a) FUNDING.—

21 (1) IN GENERAL.—Of the funds appropriated
22 by this Act under the headings “Development As-
23 sistance”, “Economic Support Fund”, “Democracy
24 Fund”, “Assistance for Europe, Eurasia and Cen-
25 tral Asia”, and “International Narcotics Control and

1 Law Enforcement”, not less than \$2,417,000,000
2 shall be made available for democracy programs.

3 (2) PROGRAMS.—Of the funds made available
4 for democracy programs under the headings “Eco-
5 nomic Support Fund” and “Assistance for Europe,
6 Eurasia and Central Asia” pursuant to paragraph
7 (1), not less than \$102,040,000 shall be made avail-
8 able to the Bureau of Democracy, Human Rights,
9 and Labor, Department of State, at not less than
10 the amounts specified for certain countries and re-
11 gional programs designated in the table under this
12 section in the explanatory statement described in
13 section 4 (in the matter preceding division A of this
14 consolidated Act).

15 (b) AUTHORITIES.—

16 (1) AVAILABILITY.—Funds made available by
17 this Act for democracy programs pursuant to sub-
18 section (a) and under the heading “National Endow-
19 ment for Democracy” may be made available not-
20 withstanding any other provision of law, and with
21 regard to the National Endowment for Democracy
22 (NED), any regulation.

23 (2) BENEFICIARIES.—Funds made available by
24 this Act for the NED are made available pursuant
25 to the authority of the National Endowment for De-

1 mocracy Act (title V of Public Law 98–164), includ-
2 ing all decisions regarding the selection of bene-
3 ficiaries.

4 (c) DEFINITION OF DEMOCRACY PROGRAMS.—For
5 purposes of funds appropriated by this Act, the term “de-
6 mocracy programs” means programs that support good
7 governance, credible and competitive elections, freedom of
8 expression, association, assembly, and religion, human
9 rights, labor rights, independent media, and the rule of
10 law, and that otherwise strengthen the capacity of demo-
11 cratic political parties, governments, nongovernmental or-
12 ganizations and institutions, and citizens to support the
13 development of democratic states and institutions that are
14 responsive and accountable to citizens.

15 (d) PROGRAM PRIORITIZATION.—Funds made avail-
16 able pursuant to this section that are made available for
17 programs to strengthen government institutions shall be
18 prioritized for those institutions that demonstrate a com-
19 mitment to democracy and the rule of law.

20 (e) RESTRICTION ON PRIOR APPROVAL.—With re-
21 spect to the provision of assistance for democracy pro-
22 grams in this Act, the organizations implementing such
23 assistance, the specific nature of that assistance, and the
24 participants in such programs shall not be subject to the
25 prior approval by the government of any foreign country:

1 *Provided*, That the Secretary of State, in coordination
2 with the Administrator of the United States Agency for
3 International Development, shall report to the Committees
4 on Appropriations, not later than 120 days after enact-
5 ment of this Act, detailing steps taken by the Department
6 of State and USAID to comply with the requirements of
7 this subsection.

8 (f) CONTINUATION OF CURRENT PRACTICES.—
9 USAID shall continue to implement civil society and polit-
10 ical competition and consensus building programs abroad
11 with funds appropriated by this Act in a manner that rec-
12 ognizes the unique benefits of grants and cooperative
13 agreements in implementing such programs.

14 (g) INFORMING THE NATIONAL ENDOWMENT FOR
15 DEMOCRACY.—The Assistant Secretary for Democracy,
16 Human Rights, and Labor, Department of State, and the
17 Assistant Administrator for Democracy, Conflict, and Hu-
18 manitarian Assistance, USAID, shall regularly inform the
19 NED of democracy programs that are planned and sup-
20 ported by funds made available by this Act and prior Acts
21 making appropriations for the Department of State, for-
22 eign operations, and related programs.

23 (h) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND
24 JOURNALISTS.—Of the funds appropriated by this Act
25 under the headings “Economic Support Fund” and “De-

1 mocracy Fund”, not less than \$25,000,000 shall be made
2 available to support and protect civil society activists and
3 journalists who have been threatened, harassed, or at-
4 tacked, including journalists affiliated with the United
5 States Agency for Global Media, consistent with the action
6 plan required under this section in the explanatory state-
7 ment described in section 4 (in the matter preceding divi-
8 sion A of this consolidated Act), and on the same terms
9 and conditions of section 7032(i) of the Department of
10 State, Foreign Operations, and Related Programs Appro-
11 priations Act, 2018 (division K of Public Law 115–141).

12 (i) INTERNATIONAL FREEDOM OF EXPRESSION.—

13 (1) OPERATIONS.—Funds appropriated by this
14 Act under the heading “Diplomatic Programs” shall
15 be made available for the Bureau of Democracy,
16 Human Rights, and Labor, Department of State, for
17 the costs of administering programs designed to pro-
18 mote and defend freedom of expression and the inde-
19 pendence of the media in countries where such free-
20 dom and independence are restricted or denied.

21 (2) ASSISTANCE.—Of the funds appropriated by
22 this Act under the heading “Economic Support
23 Fund”, not less than \$15,000,000 shall be made
24 available for programs that promote and defend
25 freedom of expression and the independence of the

1 media abroad: *Provided*, That such funds are in ad-
2 dition to funds otherwise made available by this Act
3 for such purposes, and are intended to complement
4 emergency and safety programs for civil society, in-
5 cluding journalists and media outlets at risk: *Pro-*
6 *vided further*, That such funds shall be subject to
7 prior consultation with, and the regular notification
8 procedures of, the Committees on Appropriations.

9 INTERNATIONAL RELIGIOUS FREEDOM

10 SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREE-
11 DOM OFFICE.—Funds appropriated by this Act under the
12 heading “Diplomatic Programs” shall be made available
13 for the Office of International Religious Freedom, Depart-
14 ment of State, including for support staff, at not less than
15 the amounts specified for such office in the table under
16 such heading in the explanatory statement described in
17 section 4 (in the matter preceding division A of this con-
18 solidated Act).

19 (b) ASSISTANCE.—Funds appropriated by this Act
20 under the headings “Economic Support Fund”, “Democ-
21 racy Fund”, and “International Broadcasting Operations”
22 shall be made available for international religious freedom
23 programs and funds appropriated by this Act under the
24 headings “International Disaster Assistance” and “Migra-
25 tion and Refugee Assistance” shall be made available for

1 humanitarian assistance for vulnerable and persecuted re-
2 ligious minorities: *Provided*, That funds made available by
3 this Act under the headings “Economic Support Fund”
4 and “Democracy Fund” pursuant to this section shall be
5 the responsibility of the Ambassador-at-Large for Inter-
6 national Religious Freedom, in consultation with other rel-
7 evant United States Government officials, and shall be
8 subject to prior consultation with the Committees on Ap-
9 propriations.

10 (c) AUTHORITY.—Funds appropriated by this Act
11 and prior Acts making appropriations for the Department
12 of State, foreign operations, and related programs under
13 the heading “Economic Support Fund” may be made
14 available notwithstanding any other provision of law for
15 assistance for ethnic and religious minorities in Iraq and
16 Syria.

17 (d) DESIGNATION OF NON-STATE ACTORS.—Section
18 7033(e) of the Department of State, Foreign Operations,
19 and Related Programs Appropriations Act, 2017 (division
20 J of Public Law 115–31) shall continue in effect during
21 fiscal year 2021.

22 SPECIAL PROVISIONS

23 SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHIL-
24 DREN, AND DISPLACED BURMESE.—Funds appropriated
25 in title III of this Act that are made available for victims

1 of war, displaced children, displaced Burmese, and to com-
2 bat trafficking in persons and assist victims of such traf-
3 ficking, may be made available notwithstanding any other
4 provision of law.

5 (b) FORENSIC ASSISTANCE.—

6 (1) Of the funds appropriated by this Act under
7 the heading “Economic Support Fund”, not less
8 than \$15,500,000 shall be made available for foren-
9 sic anthropology assistance related to the exhuma-
10 tion and identification of victims of war crimes,
11 crimes against humanity, and genocide, including in
12 Central America, which shall be administered by the
13 Assistant Secretary for Democracy, Human Rights,
14 and Labor, Department of State: *Provided*, That
15 such funds shall be in addition to funds made avail-
16 able by this Act and prior Acts making appropria-
17 tions for the Department of State, foreign oper-
18 ations, and related programs for assistance for coun-
19 tries.

20 (2) Of the funds appropriated by this Act under
21 the heading “International Narcotics Control and
22 Law Enforcement”, not less than \$10,000,000 shall
23 be made available for DNA forensic technology pro-
24 grams to combat human trafficking in Central
25 America and Mexico.

1 (c) ATROCITIES PREVENTION.—Of the funds appro-
2 priated by this Act under the headings “Economic Sup-
3 port Fund” and “International Narcotics Control and
4 Law Enforcement”, not less than \$5,000,000 shall be
5 made available for programs to prevent atrocities, includ-
6 ing to implement recommendations of the Atrocities Pre-
7 vention Board: *Provided*, That funds made available pur-
8 suant to this subsection are in addition to amounts other-
9 wise made available for such purposes: *Provided further*,
10 That such funds shall be subject to the regular notification
11 procedures of the Committees on Appropriations.

12 (d) WORLD FOOD PROGRAMME.—Funds managed by
13 the Bureau for Humanitarian Assistance, United States
14 Agency for International Development, from this or any
15 other Act, may be made available as a general contribution
16 to the World Food Programme, notwithstanding any other
17 provision of law.

18 (e) DIRECTIVES AND AUTHORITIES.—

19 (1) RESEARCH AND TRAINING.—Funds appro-
20 priated by this Act under the heading “Assistance
21 for Europe, Eurasia and Central Asia” shall be
22 made available to carry out the Program for Re-
23 search and Training on Eastern Europe and the
24 Independent States of the Former Soviet Union as

1 authorized by the Soviet-Eastern European Research
2 and Training Act of 1983 (22 U.S.C. 4501 et seq.).

3 (2) GENOCIDE VICTIMS MEMORIAL SITES.—
4 Funds appropriated by this Act and prior Acts mak-
5 ing appropriations for the Department of State, for-
6 eign operations, and related programs under the
7 headings “Economic Support Fund” and “Assist-
8 ance for Europe, Eurasia and Central Asia” may be
9 made available as contributions to establish and
10 maintain memorial sites of genocide, subject to the
11 regular notification procedures of the Committees on
12 Appropriations.

13 (3) PRIVATE SECTOR PARTNERSHIPS.—Of the
14 funds appropriated by this Act under the headings
15 “Development Assistance” and “Economic Support
16 Fund” that are made available for private sector
17 partnerships, up to \$50,000,000 may remain avail-
18 able until September 30, 2023: *Provided*, That funds
19 made available pursuant to this paragraph may only
20 be made available following prior consultation with
21 the appropriate congressional committees, and the
22 regular notification procedures of the Committees on
23 Appropriations.

24 (4) ADDITIONAL AUTHORITIES.—Of the
25 amounts made available by title I of this Act under

1 the heading “Diplomatic Programs”, up to \$500,000
2 may be made available for grants pursuant to sec-
3 tion 504 of the Foreign Relations Authorization Act,
4 Fiscal Year 1979 (22 U.S.C. 2656d), including to
5 facilitate collaboration with indigenous communities,
6 and up to \$1,000,000 may be made available for
7 grants to carry out the activities of the Cultural An-
8 tiquities Task Force.

9 (5) INNOVATION.—The USAID Administrator
10 may use funds appropriated by this Act under title
11 III to make innovation incentive awards in accord-
12 ance with the terms and conditions of section
13 7034(e)(4) of the Department of State, Foreign Op-
14 erations, and Related Programs Appropriations Act,
15 2019 (division F of Public Law 116–6): *Provided*,
16 That each individual award may not exceed
17 \$100,000: *Provided further*, That no more than 15
18 such awards may be made during fiscal year 2021.

19 (6) EXCHANGE VISITOR PROGRAM.—None of
20 the funds made available by this Act may be used
21 to modify the Exchange Visitor Program adminis-
22 tered by the Department of State to implement the
23 Mutual Educational and Cultural Exchange Act of
24 1961 (Public Law 87–256; 22 U.S.C. 2451 et seq.),
25 except through the formal rulemaking process pursu-

1 ant to the Administrative Procedure Act (5 U.S.C.
2 551 et seq.) and notwithstanding the exceptions to
3 such rulemaking process in such Act: *Provided*, That
4 funds made available for such purpose shall only be
5 made available after consultation with, and subject
6 to the regular notification procedures of, the Com-
7 mittees on Appropriations, regarding how any pro-
8 posed modification would affect the public diplomacy
9 goals of, and the estimated economic impact on, the
10 United States: *Provided further*, That such consulta-
11 tion shall take place not later than 30 days prior to
12 the publication in the Federal Register of any regu-
13 latory action modifying the Exchange Visitor Pro-
14 gram.

15 (f) PARTNER VETTING.—Prior to initiating a partner
16 vetting program, or making a significant change to the
17 scope of an existing partner vetting program, the Sec-
18 retary of State and USAID Administrator, as appropriate,
19 shall consult with the Committees on Appropriations: *Pro-*
20 *vided*, That the Secretary and the Administrator shall pro-
21 vide a direct vetting option for prime awardees in any
22 partner vetting program initiated or significantly modified
23 after the date of enactment of this Act, unless the Sec-
24 retary of State or USAID Administrator, as applicable,
25 informs the Committees on Appropriations on a case-by-

1 case basis that a direct vetting option is not feasible for
2 such program.

3 (g) CONTINGENCIES.—During fiscal year 2021, the
4 President may use up to \$125,000,000 under the author-
5 ity of section 451 of the Foreign Assistance Act of 1961,
6 notwithstanding any other provision of law.

7 (h) INTERNATIONAL CHILD ABDUCTIONS.—The Sec-
8 retary of State should withhold funds appropriated under
9 title III of this Act for assistance for the central govern-
10 ment of any country that is not taking appropriate steps
11 to comply with the Convention on the Civil Aspects of
12 International Child Abductions, done at the Hague on Oc-
13 tober 25, 1980: *Provided*, That the Secretary shall report
14 to the Committees on Appropriations within 15 days of
15 withholding funds under this subsection.

16 (i) TRANSFER OF FUNDS FOR EXTRAORDINARY PRO-
17 TECTION.—The Secretary of State may transfer to, and
18 merge with, funds under the heading “Protection of For-
19 eign Missions and Officials” unobligated balances of ex-
20 pired funds appropriated under the heading “Diplomatic
21 Programs” for fiscal year 2021, except for funds des-
22 ignated for Overseas Contingency Operations/Global War
23 on Terrorism pursuant to section 251(b)(2)(A)(ii) of the
24 Balanced Budget and Emergency Deficit Control Act of
25 1985, at no later than the end of the fifth fiscal year after

1 the last fiscal year for which such funds are available for
2 the purposes for which appropriated: *Provided*, That not
3 more than \$50,000,000 may be transferred.

4 (j) AUTHORITY.—Funds made available by this Act
5 under the heading “Economic Support Fund” to counter
6 extremism may be made available notwithstanding any
7 other provision of law restricting assistance to foreign
8 countries, except sections 502B, 620A, and 620M of the
9 Foreign Assistance Act of 1961: *Provided*, That the use
10 of the authority of this subsection shall be subject to prior
11 consultation with the appropriate congressional commit-
12 tees and the regular notification procedures of the Com-
13 mittees on Appropriations.

14 (k) PROTECTIONS AND REMEDIES FOR EMPLOYEES
15 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
16 ZATIONS.—The terms and conditions of section 7034(k)
17 of the Department of State, Foreign Operations, and Re-
18 lated Programs Appropriations Act, 2020 (division G of
19 Public Law 116–94) shall continue in effect during fiscal
20 year 2021.

21 (l) EXTENSION OF AUTHORITIES.—

22 (1) PASSPORT FEES.—Section 1(b)(2) of the
23 Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2))
24 shall be applied by substituting “September 30,
25 2021” for “September 30, 2010”.

1 (2) INCENTIVES FOR CRITICAL POSTS.—The
2 authority contained in section 1115(d) of the Sup-
3 plemental Appropriations Act, 2009 (Public Law
4 111–32) shall remain in effect through September
5 30, 2021.

6 (3) USAID CIVIL SERVICE ANNUITANT WAIV-
7 ER.—Section 625(j)(1) of the Foreign Assistance
8 Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied
9 by substituting “September 30, 2021” for “October
10 1, 2010” in subparagraph (B).

11 (4) OVERSEAS PAY COMPARABILITY AND LIM-
12 TATION.—(A) Subject to the limitation described in
13 subparagraph (B), the authority provided by section
14 1113 of the Supplemental Appropriations Act, 2009
15 (Public Law 111–32) shall remain in effect through
16 September 30, 2021.

17 (B) The authority described in subparagraph
18 (A) may not be used to pay an eligible member of
19 the Foreign Service (as defined in section 1113(b) of
20 the Supplemental Appropriations Act, 2009 (Public
21 Law 111–32)) a locality-based comparability pay-
22 ment (stated as a percentage) that exceeds two-
23 thirds of the amount of the locality-based com-
24 parability payment (stated as a percentage) that
25 would be payable to such member under section

1 5304 of title 5, United States Code, if such mem-
2 ber's official duty station were in the District of Co-
3 lumbia.

4 (5) CATEGORICAL ELIGIBILITY.—The Foreign
5 Operations, Export Financing, and Related Pro-
6 grams Appropriations Act, 1990 (Public Law 101-
7 167) is amended—

8 (A) in section 599D (8 U.S.C. 1157
9 note)—

10 (i) in subsection (b)(3), by striking
11 “and 2020” and inserting “2020, and
12 2021”; and

13 (ii) in subsection (e), by striking
14 “2020” each place it appears and inserting
15 “2021”; and

16 (B) in section 599E(b)(2) (8 U.S.C. 1255
17 note), by striking “2020” and inserting
18 “2021”.

19 (6) INSPECTOR GENERAL ANNUITANT WAIV-
20 ER.—The authorities provided in section 1015(b) of
21 the Supplemental Appropriations Act, 2010 (Public
22 Law 111-212) shall remain in effect through Sep-
23 tember 30, 2021, and may be used to facilitate the
24 assignment of persons for oversight of programs in

1 Syria, South Sudan, Yemen, Somalia, and Ven-
2 ezuela.

3 (7) ACCOUNTABILITY REVIEW BOARDS.—The
4 authority provided by section 301(a)(3) of the Omni-
5 bus Diplomatic Security and Antiterrorism Act of
6 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect
7 for facilities in Afghanistan through September 30,
8 2021, except that the notification and reporting re-
9 quirements contained in such section shall include
10 the Committees on Appropriations.

11 (8) SPECIAL INSPECTOR GENERAL FOR AF-
12 GHANISTAN RECONSTRUCTION COMPETITIVE STA-
13 TUS.—Notwithstanding any other provision of law,
14 any employee of the Special Inspector General for
15 Afghanistan Reconstruction (SIGAR) who completes
16 at least 12 months of continuous service after enact-
17 ment of this Act or who is employed on the date on
18 which SIGAR terminates, whichever occurs first,
19 shall acquire competitive status for appointment to
20 any position in the competitive service for which the
21 employee possesses the required qualifications.

22 (9) TRANSFER OF BALANCES.—Section 7081(h)
23 of the Department of State, Foreign Operations, and
24 Related Programs Appropriations Act, 2017 (divi-

1 sion J of Public Law 115–31) shall continue in ef-
2 fect during fiscal year 2021.

3 (10) DEPARTMENT OF STATE INSPECTOR GEN-
4 ERAL WAIVER AUTHORITY.—The Inspector General
5 of the Department of State may waive the provisions
6 of subsections (a) through (d) of section 824 of the
7 Foreign Service Act of 1980 (22 U.S.C. 4064) on a
8 case-by-case basis for an annuitant reemployed by
9 the Inspector General on a temporary basis, subject
10 to the same constraints and in the same manner by
11 which the Secretary of State may exercise such waiv-
12 er authority pursuant to subsection (g) of such sec-
13 tion.

14 (11) AFGHAN ALLIES.—Section 602(b)(3)(F) of
15 the Afghan Allies Protection Act of 2009 (8 U.S.C.
16 1101 note) is amended—

17 (A) in the heading, by striking “2015
18 THROUGH 2020” and inserting “2015 THROUGH
19 2021”;

20 (B) in the matter preceding clause (i), in
21 the first sentence, by striking “shall” and all
22 that follows through the period at the end, and
23 inserting “shall not exceed 26,500.”; and

1 (C) in clauses (i) and (ii), by striking “De-
2 cember 31, 2021” and inserting “December 31,
3 2022”.

4 (m) MONITORING AND EVALUATION.—

5 (1) BENEFICIARY FEEDBACK.—Funds appro-
6 priated by this Act that are made available for moni-
7 toring and evaluation of assistance under the head-
8 ings “Development Assistance”, “International Dis-
9 aster Assistance”, and “Migration and Refugee As-
10 sistance” shall be made available for the regular and
11 systematic collection of feedback obtained directly
12 from beneficiaries to enhance the quality and rel-
13 evance of such assistance: *Provided*, That the De-
14 partment of State and USAID shall establish, and
15 post on their respective websites, updated procedures
16 for implementing partners that receive funds under
17 such headings for regularly and systematically col-
18 lecting and responding to such feedback, including
19 guidelines for the reporting on actions taken in re-
20 sponse to the feedback received: *Provided further*,
21 That the Department of State and USAID shall reg-
22 ularly conduct oversight to ensure that such feed-
23 back is regularly collected and used by implementing
24 partners to maximize the cost-effectiveness and util-
25 ity of such assistance.

1 (2) EX-POST EVALUATIONS.—Of the funds ap-
2 propriated by this Act under titles III and IV, not
3 less than \$10,000,000 shall be made available for
4 ex-post evaluations consistent with the requirements
5 under this heading in the explanatory statement de-
6 scribed in section 4 (in the matter preceding division
7 A of this consolidated Act).

8 (n) HIV/AIDS WORKING CAPITAL FUND.—Funds
9 available in the HIV/AIDS Working Capital Fund estab-
10 lished pursuant to section 525(b)(1) of the Foreign Oper-
11 ations, Export Financing, and Related Programs Appro-
12 priations Act, 2005 (Public Law 108–447) may be made
13 available for pharmaceuticals and other products for child
14 survival, malaria, tuberculosis, and emerging infectious
15 diseases to the same extent as HIV/AIDS pharmaceuticals
16 and other products, subject to the terms and conditions
17 in such section: *Provided*, That the authority in section
18 525(b)(5) of the Foreign Operations, Export Financing,
19 and Related Programs Appropriation Act, 2005 (Public
20 Law 108–447) shall be exercised by the Assistant Admin-
21 istrator for Global Health, USAID, with respect to funds
22 deposited for such non-HIV/AIDS pharmaceuticals and
23 other products, and shall be subject to the regular notifica-
24 tion procedures of the Committees on Appropriations: *Pro-*
25 *vided further*, That the Secretary of State shall include

1 in the congressional budget justification an accounting of
2 budgetary resources, disbursements, balances, and reim-
3 bursements related to such fund.

4 (o) LOANS, CONSULTATION, AND NOTIFICATION.—

5 (1) LOAN GUARANTEES.—Funds appropriated
6 under the headings “Economic Support Fund” and
7 “Assistance for Europe, Eurasia and Central Asia”
8 by this Act and prior Acts making appropriations
9 for the Department of State, foreign operations, and
10 related programs may be made available for the
11 costs, as defined in section 502 of the Congressional
12 Budget Act of 1974, of loan guarantees for Egypt,
13 Jordan, Tunisia, and Ukraine, which are authorized
14 to be provided: *Provided*, That amounts made avail-
15 able under this paragraph for the costs of such
16 guarantees shall not be considered assistance for the
17 purposes of provisions of law limiting assistance to
18 a country.

19 (2) FOREIGN MILITARY FINANCING DIRECT
20 LOANS.—During fiscal year 2021, direct loans under
21 section 23 of the Arms Export Control Act may be
22 made available for Jordan, notwithstanding section
23 23(c)(1) of the Arms Export Control Act, gross obli-
24 gations for the principal amounts of which shall not
25 exceed \$4,000,000,000: *Provided*, That funds appro-

1 priated under the heading “Foreign Military Financ-
2 ing Program” in this Act and prior Acts making ap-
3 propriations for the Department of State, foreign
4 operations, and related programs may be made
5 available for the costs, as defined in section 502 of
6 the Congressional Budget Act of 1974, of such
7 loans: *Provided further*, That such costs, including
8 the cost of modifying such loans, shall be as defined
9 in section 502 of the Congressional Budget Act of
10 1974 and may include the costs of selling, reducing,
11 or cancelling any amounts owed to the United States
12 or any agency of the United States: *Provided fur-*
13 *ther*, That the Government of the United States may
14 charge fees for such loans, which shall be collected
15 from borrowers in accordance with section 502(7) of
16 the Congressional Budget Act of 1974: *Provided fur-*
17 *ther*, That no funds made available to the North At-
18 lantic Treaty Organization (NATO) or major non-
19 NATO allies by this or any other appropriations Act
20 for this fiscal year or prior fiscal years may be used
21 for payment of any fees associated with such loans:
22 *Provided further*, That such loans shall be repaid in
23 not more than 12 years, including a grace period of
24 up to one year on repayment of principal: *Provided*
25 *further*, That notwithstanding section 23(c)(1) of the

1 Arms Export Control Act, interest for such loans
2 may be charged at a rate determined by the Sec-
3 retary of State, except that such rate may not be
4 less than the prevailing interest rate on marketable
5 Treasury securities of similar maturity: *Provided*
6 *further*, That amounts made available under this
7 paragraph for such costs shall not be considered as-
8 sistance for the purposes of provisions of law lim-
9 iting assistance to a country.

10 (3) FOREIGN MILITARY FINANCING LOAN GUAR-
11 ANTEES.—Funds appropriated under the heading
12 “Foreign Military Financing Program” in this Act
13 and prior Acts making appropriations for the De-
14 partment of State, foreign operations, and related
15 programs may be made available, notwithstanding
16 the third proviso under such heading, for the costs
17 of loan guarantees under section 24 of the Arms Ex-
18 port Control Act for Jordan, which are authorized to
19 be provided: *Provided*, That such funds are available
20 to subsidize gross obligations for the principal
21 amount of commercial loans, and total loan prin-
22 cipal, any part of which is to be guaranteed, not to
23 exceed \$4,000,000,000: *Provided further*, That no
24 loan guarantee with respect to any one borrower
25 may exceed 80 percent of the loan principal: *Pro-*

1 *vided further*, That any loan guaranteed under this
2 paragraph may not be subordinated to another debt
3 contracted by the borrower or to any other claims
4 against the borrower in the case of default: *Provided*
5 *further*, That repayment in United States dollars of
6 any loan guaranteed under this paragraph shall be
7 required within a period not to exceed 12 years after
8 the loan agreement is signed: *Provided further*, That
9 the Government of the United States may charge
10 fees for such loan guarantees, as may be determined,
11 notwithstanding section 24 of the Arms Export Con-
12 trol Act, which shall be collected from borrowers or
13 third parties on behalf of such borrowers in accord-
14 ance with section 502(7) of the Congressional Budg-
15 et Act of 1974: *Provided further*, That amounts
16 made available under this paragraph for the costs of
17 such guarantees shall not be considered assistance
18 for the purposes of provisions of law limiting assist-
19 ance to a country.

20 (4) DESIGNATION REQUIREMENT.—Funds
21 made available pursuant to paragraphs (1) through
22 (3) from prior Acts making appropriations for the
23 Department of State, foreign operations, and related
24 programs that were previously designated by the
25 Congress for Overseas Contingency Operations/Glob-

1 al War on Terrorism pursuant to section
2 251(b)(2)(A)(ii) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985 are designated by
4 the Congress for Overseas Contingency Operations/
5 Global War on Terrorism pursuant to section
6 251(b)(2)(A)(ii) of such Act.

7 (5) CONSULTATION AND NOTIFICATION.—
8 Funds made available pursuant to the authorities of
9 this subsection shall be subject to prior consultation
10 with the appropriate congressional committees and
11 the regular notification procedures of the Commit-
12 tees on Appropriations.

13 (p) LOCAL WORKS.—

14 (1) FUNDING.—Of the funds appropriated by
15 this Act under the headings “Development Assist-
16 ance” and “Economic Support Fund”, not less than
17 \$55,000,000 shall be made available for Local
18 Works pursuant to section 7080 of the Department
19 of State, Foreign Operations, and Related Programs
20 Appropriations Act, 2015 (division J of Public Law
21 113–235), which may remain available until Sep-
22 tember 30, 2025.

23 (2) ELIGIBLE ENTITIES.—For the purposes of
24 section 7080 of the Department of State, Foreign
25 Operations, and Related Programs Appropriations

1 Act, 2015 (division J of Public Law 113–235), “eli-
2 gible entities” shall be defined as small local, inter-
3 national, and United States-based nongovernmental
4 organizations, educational institutions, and other
5 small entities that have received less than a total of
6 \$5,000,000 from USAID over the previous 5 fiscal
7 years: *Provided*, That departments or centers of
8 such educational institutions may be considered indi-
9 vidually in determining such eligibility.

10 (q) DEFINITIONS.—

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—Unless otherwise defined in this Act, for
13 purposes of this Act the term “appropriate congress-
14 sional committees” means the Committees on Appro-
15 priations and Foreign Relations of the Senate and
16 the Committees on Appropriations and Foreign Af-
17 fairs of the House of Representatives.

18 (2) FUNDS APPROPRIATED BY THIS ACT AND
19 PRIOR ACTS.—Unless otherwise defined in this Act,
20 for purposes of this Act the term “funds appro-
21 priated by this Act and prior Acts making appro-
22 priations for the Department of State, foreign oper-
23 ations, and related programs” means funds that re-
24 main available for obligation, and have not expired.

1 (3) INTERNATIONAL FINANCIAL INSTITU-
2 TIONS.—In this Act “international financial institu-
3 tions” means the International Bank for Recon-
4 struction and Development, the International Devel-
5 opment Association, the International Finance Cor-
6 poration, the Inter-American Development Bank, the
7 International Monetary Fund, the International
8 Fund for Agricultural Development, the Asian De-
9 velopment Bank, the Asian Development Fund, the
10 Inter-American Investment Corporation, the North
11 American Development Bank, the European Bank
12 for Reconstruction and Development, the African
13 Development Bank, the African Development Fund,
14 and the Multilateral Investment Guarantee Agency.

15 (4) SPEND PLAN.—In this Act, the term
16 “spend plan” means a plan for the uses of funds ap-
17 propriated for a particular entity, country, program,
18 purpose, or account and which shall include, at a
19 minimum, a description of—

20 (A) realistic and sustainable goals, criteria
21 for measuring progress, and a timeline for
22 achieving such goals;

23 (B) amounts and sources of funds by ac-
24 count;

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1 (C) how such funds will complement other
2 ongoing or planned programs; and

3 (D) implementing partners, to the max-
4 imum extent practicable.

5 (5) SUCCESSOR OPERATING UNIT.—Any ref-
6 erence to a particular USAID operating unit or of-
7 fice in this or prior Acts making appropriations for
8 the Department of State, foreign operations, and re-
9 lated programs shall be deemed to include any suc-
10 cessor operating unit or office performing the same
11 or similar functions.

12 (6) USAID.—In this Act, the term “USAID”
13 means the United States Agency for International
14 Development.

15 (7) THIS ACT.—Except as expressly provided
16 otherwise, any reference to “this Act” contained in
17 titles I through VII shall be treated as referring only
18 to the provisions of such titles.

19 LAW ENFORCEMENT AND SECURITY

20 SEC. 7035. (a) ASSISTANCE.—

21 (1) COMMUNITY-BASED POLICE ASSISTANCE.—
22 Funds made available under titles III and IV of this
23 Act to carry out the provisions of chapter 1 of part
24 I and chapters 4 and 6 of part II of the Foreign As-
25 sistance Act of 1961, may be used, notwithstanding

1 section 660 of that Act, to enhance the effectiveness
2 and accountability of civilian police authority
3 through training and technical assistance in human
4 rights, the rule of law, anti-corruption, strategic
5 planning, and through assistance to foster civilian
6 police roles that support democratic governance, in-
7 cluding assistance for programs to prevent conflict,
8 respond to disasters, address gender-based violence,
9 and foster improved police relations with the com-
10 munities they serve.

11 (2) COUNTERTERRORISM PARTNERSHIPS
12 FUND.—Funds appropriated by this Act under the
13 heading “Nonproliferation, Anti-terrorism, Demining
14 and Related Programs” shall be made available for
15 the Counterterrorism Partnerships Fund for pro-
16 grams in areas liberated from, under the influence
17 of, or adversely affected by, the Islamic State of Iraq
18 and Syria or other terrorist organizations: *Provided*,
19 That such areas shall include the Kurdistan Region
20 of Iraq: *Provided further*, That prior to the obliga-
21 tion of funds made available pursuant to this para-
22 graph, the Secretary of State shall take all prac-
23 ticable steps to ensure that mechanisms are in place
24 for monitoring, oversight, and control of such funds:
25 *Provided further*, That funds made available pursu-

1 ant to this paragraph shall be subject to prior con-
2 sultation with, and the regular notification proce-
3 dures of, the Committees on Appropriations.

4 (3) COMBAT CASUALTY CARE.—

5 (A) Consistent with the objectives of the
6 Foreign Assistance Act of 1961 and the Arms
7 Export Control Act, funds appropriated by this
8 Act under the headings “Peacekeeping Oper-
9 ations” and “Foreign Military Financing Pro-
10 gram” shall be made available for combat cas-
11 ualty training and equipment consistent with
12 prior fiscal years.

13 (B) The Secretary of State shall offer com-
14 bat casualty care training and equipment as a
15 component of any package of lethal assistance
16 funded by this Act with funds appropriated
17 under the headings “Peacekeeping Operations”
18 and “Foreign Military Financing Program”:
19 *Provided*, That the requirement of this subpara-
20 graph shall apply to a country in conflict, un-
21 less the Secretary determines that such country
22 has in place, to the maximum extent prac-
23 ticable, functioning combat casualty care treat-
24 ment and equipment that meets or exceeds the
25 standards recommended by the Committee on

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1 Tactical Combat Casualty Care: *Provided fur-*
2 *ther*, That any such training and equipment for
3 combat casualty care shall be made available
4 through an open and competitive process.

5 (4) TRAINING RELATED TO INTERNATIONAL
6 HUMANITARIAN LAW.—The Secretary of State shall
7 offer training related to the requirements of inter-
8 national humanitarian law as a component of any
9 package of lethal assistance funded by this Act with
10 funds appropriated under the headings “Peace-
11 keeping Operations” and “Foreign Military Financ-
12 ing Program”: *Provided*, That the requirement of
13 this paragraph shall not apply to a country that is
14 a member of the North Atlantic Treaty Organization
15 (NATO), is a major non-NATO ally designated by
16 section 517(b) of the Foreign Assistance Act of
17 1961, or is complying with international humani-
18 tarian law: *Provided further*, That any such training
19 shall be made available through an open and com-
20 petitive process.

21 (5) SECURITY FORCE PROFESSIONALIZATION.—
22 Funds appropriated by this Act under the headings
23 “International Narcotics Control and Law Enforce-
24 ment” and “Peacekeeping Operations” shall be
25 made available to increase the capacity of foreign

1 military and law enforcement personnel to operate in
2 accordance with appropriate standards relating to
3 human rights and the protection of civilians in the
4 manner specified under this section in Senate Report
5 116–126, following consultation with the Commit-
6 tees on Appropriations: *Provided*, That funds made
7 available pursuant to this paragraph shall be made
8 available through an open and competitive process.

9 (6) GLOBAL SECURITY CONTINGENCY FUND.—
10 Notwithstanding any other provision of this Act, up
11 to \$7,500,000 from funds appropriated by this Act
12 under the headings “Peacekeeping Operations” and
13 “Foreign Military Financing Program” may be
14 transferred to, and merged with, funds previously
15 made available under the heading “Global Security
16 Contingency Fund”, subject to the regular notifica-
17 tion procedures of the Committees on Appropria-
18 tions.

19 (7) INTERNATIONAL PRISON CONDITIONS.—Of
20 the funds appropriated by this Act under the head-
21 ings “Development Assistance”, “Economic Support
22 Fund”, and “International Narcotics Control and
23 Law Enforcement”, not less than \$7,500,000 shall
24 be made available for assistance to eliminate inhu-
25 mane conditions in foreign prisons and other deten-

1 tion facilities, notwithstanding section 660 of the
2 Foreign Assistance Act of 1961: *Provided*, That the
3 Secretary of State and the USAID Administrator
4 shall consult with the Committees on Appropriations
5 on the proposed uses of such funds prior to obliga-
6 tion and not later than 60 days after enactment of
7 this Act: *Provided further*, That such funds shall be
8 in addition to funds otherwise made available by this
9 Act for such purpose.

10 (b) AUTHORITIES.—

11 (1) RECONSTITUTING CIVILIAN POLICE AU-
12 THORITY.—In providing assistance with funds ap-
13 propriated by this Act under section 660(b)(6) of
14 the Foreign Assistance Act of 1961, support for a
15 nation emerging from instability may be deemed to
16 mean support for regional, district, municipal, or
17 other sub-national entity emerging from instability,
18 as well as a nation emerging from instability.

19 (2) DISARMAMENT, DEMOBILIZATION, AND RE-
20 INTEGRATION.—Section 7034(d) of the Department
21 of State, Foreign Operations, and Related Programs
22 Appropriations Act, 2015 (division J of Public Law
23 113–235) shall continue in effect during fiscal year
24 2021.

1 (3) EXTENSION OF WAR RESERVES STOCKPILE
2 AUTHORITY.—

3 (A) Section 12001(d) of the Department of
4 Defense Appropriations Act, 2005 (Public Law
5 108–287; 118 Stat. 1011) is amended by strik-
6 ing “of this section” and all that follows
7 through the period at the end and inserting “of
8 this section after September 30, 2023.”.

9 (B) Section 514(b)(2)(A) of the Foreign
10 Assistance Act of 1961 (22 U.S.C.
11 2321h(b)(2)(A)) is amended by striking “and
12 2021” and inserting “2021, 2022, and 2023”.

13 (4) COMMERCIAL LEASING OF DEFENSE ARTI-
14 CLES.—Notwithstanding any other provision of law,
15 and subject to the regular notification procedures of
16 the Committees on Appropriations, the authority of
17 section 23(a) of the Arms Export Control Act (22
18 U.S.C. 2763) may be used to provide financing to
19 Israel, Egypt, the North Atlantic Treaty Organiza-
20 tion (NATO), and major non-NATO allies for the
21 procurement by leasing (including leasing with an
22 option to purchase) of defense articles from United
23 States commercial suppliers, not including Major
24 Defense Equipment (other than helicopters and
25 other types of aircraft having possible civilian appli-

1 cation), if the President determines that there are
2 compelling foreign policy or national security reasons
3 for those defense articles being provided by commer-
4 cial lease rather than by government-to-government
5 sale under such Act.

6 (5) SPECIAL DEFENSE ACQUISITION FUND.—
7 Not to exceed \$900,000,000 may be obligated pursu-
8 ant to section 51(c)(2) of the Arms Export Control
9 Act (22 U.S.C. 2795(c)(2)) for the purposes of the
10 Special Defense Acquisition Fund (the Fund), to re-
11 main available for obligation until September 30,
12 2023: *Provided*, That the provision of defense arti-
13 cles and defense services to foreign countries or
14 international organizations from the Fund shall be
15 subject to the concurrence of the Secretary of State.

16 (6) PUBLIC DISCLOSURE.—For the purposes of
17 funds appropriated by this Act and prior Acts mak-
18 ing appropriations for the Department of State, for-
19 eign operations, and related programs that are made
20 available for assistance for units of foreign security
21 forces, the term “to the maximum extent prac-
22 ticable” in section 620M(d)(7) of the Foreign Assist-
23 ance Act of 1961 (22 U.S.C. 2378d) means that the
24 identity of such units shall be made publicly avail-
25 able unless the Secretary of State, on a case-by-case

1 basis, determines and reports to the appropriate con-
2 gressional committees that non-disclosure is in the
3 national security interest of the United States: *Pro-*
4 *vided*, That any such determination shall include a
5 detailed justification, and may be submitted in clas-
6 sified form.

7 (7) DUTY TO INFORM.—

8 (A) COMPLIANCE.—If assistance to a for-
9 eign security force is provided in a manner in
10 which the recipient unit or units cannot be
11 identified prior to the transfer of assistance, the
12 Secretary of State shall regularly provide a list
13 of units prohibited from receiving such assist-
14 ance pursuant to section 620M of the Foreign
15 Assistance Act of 1961 to the recipient govern-
16 ment, and such assistance shall be made avail-
17 able subject to a written agreement that the re-
18 cipient government will comply with such prohi-
19 bition: *Provided*, That such requirement regard-
20 ing a written agreement shall take effect not
21 later than December 31, 2021.

22 (B) IMPLEMENTATION PLAN.—Not later
23 than 120 days after enactment of this Act, the
24 Secretary of State shall submit an implementa-
25 tion plan to the Committees on Appropriations

1 including a timeline and mechanisms for exe-
2 cuting such agreements by December 31, 2021:
3 *Provided*, That the Secretary of State shall con-
4 sult with the Committees on Appropriations
5 prior to submitting such plan.

6 (c) LIMITATIONS.—

7 (1) CHILD SOLDIERS.—Funds appropriated by
8 this Act should not be used to support any military
9 training or operations that include child soldiers.

10 (2) LANDMINES AND CLUSTER MUNITIONS.—

11 (A) LANDMINES.—Notwithstanding any
12 other provision of law, demining equipment
13 available to the United States Agency for Inter-
14 national Development and the Department of
15 State and used in support of the clearance of
16 landmines and unexploded ordnance for human-
17 itarian purposes may be disposed of on a grant
18 basis in foreign countries, subject to such terms
19 and conditions as the Secretary of State may
20 prescribe.

21 (B) CLUSTER MUNITIONS.—No military
22 assistance shall be furnished for cluster muni-
23 tions, no defense export license for cluster mu-
24 nitions may be issued, and no cluster munitions

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1 or cluster munitions technology shall be sold or
2 transferred, unless—

3 (i) the submunitions of the cluster
4 munitions, after arming, do not result in
5 more than 1 percent unexploded ordnance
6 across the range of intended operational
7 environments, and the agreement applica-
8 ble to the assistance, transfer, or sale of
9 such cluster munitions or cluster munitions
10 technology specifies that the cluster muni-
11 tions will only be used against clearly de-
12 fined military targets and will not be used
13 where civilians are known to be present or
14 in areas normally inhabited by civilians; or
15 (ii) such assistance, license, sale, or
16 transfer is for the purpose of demilitarizing
17 or permanently disposing of such cluster
18 munitions.

19 (3) CONGRESSIONAL BUDGET JUSTIFICA-
20 TIONS.—Of the funds realized pursuant to section
21 21(e)(1)(A) of the Arms Export Control Act and
22 made available for obligation for expenses incurred
23 by the Department of Defense, Defense Security Co-
24 operation Agency (DSCA) during fiscal year 2021
25 pursuant to section 43(b) of the Arms Export Con-

1 trol Act (22 U.S.C. 2792(b)), \$25,000,000 shall be
2 withheld from obligation until the DSCA, jointly
3 with the Department of State, submits to the Com-
4 mittees on Appropriations the congressional budget
5 justification for funds requested under the heading
6 “Foreign Military Financing Program” for fiscal
7 years 2021 and 2022, including the accompanying
8 classified appendices.

9 (4) CROWD CONTROL ITEMS.—Funds appro-
10 priated by this Act should not be used for tear gas,
11 small arms, light weapons, ammunition, or other
12 items for crowd control purposes for foreign security
13 forces that use excessive force to repress peaceful ex-
14 pression, association, or assembly in countries that
15 the Secretary of State determines are undemocratic
16 or are undergoing democratic transitions.

17 (d) REPORTS.—

18 (1) SECURITY ASSISTANCE REPORT.—Not later
19 than 120 days after enactment of this Act, the Sec-
20 retary of State shall submit to the Committees on
21 Appropriations a report on funds obligated and ex-
22 pended during fiscal year 2020, by country and pur-
23 pose of assistance, under the headings “Peace-
24 keeping Operations”, “International Military Edu-

1 cation and Training”, and “Foreign Military Fi-
2 nancing Program”.

3 (2) ANNUAL FOREIGN MILITARY TRAINING RE-
4 PORT.—For the purposes of implementing section
5 656 of the Foreign Assistance Act of 1961, the term
6 “military training provided to foreign military per-
7 sonnel by the Department of Defense and the De-
8 partment of State” shall be deemed to include all
9 military training provided by foreign governments
10 with funds appropriated to the Department of De-
11 fense or the Department of State, except for train-
12 ing provided by the government of a country des-
13 ignated by section 517(b) of such Act (22 U.S.C.
14 2321k(b)) as a major non-North Atlantic Treaty Or-
15 ganization ally: *Provided*, That such third-country
16 training shall be clearly identified in the report sub-
17 mitted pursuant to section 656 of such Act.

18 ARAB LEAGUE BOYCOTT OF ISRAEL

19 SEC. 7036. It is the sense of the Congress that—

20 (1) the Arab League boycott of Israel, and the
21 secondary boycott of American firms that have com-
22 mercial ties with Israel, is an impediment to peace
23 in the region and to United States investment and
24 trade in the Middle East and North Africa;

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1 (2) the Arab League boycott, which was regret-
2 tably reinstated in 1997, should be immediately and
3 publicly terminated, and the Central Office for the
4 Boycott of Israel immediately disbanded;

5 (3) all Arab League states should normalize re-
6 lations with their neighbor Israel;

7 (4) the President and the Secretary of State
8 should continue to vigorously oppose the Arab
9 League boycott of Israel and find concrete steps to
10 demonstrate that opposition by, for example, taking
11 into consideration the participation of any recipient
12 country in the boycott when determining to sell
13 weapons to said country; and

14 (5) the President should report to Congress an-
15 nually on specific steps being taken by the United
16 States to encourage Arab League states to normalize
17 their relations with Israel to bring about the termi-
18 nation of the Arab League boycott of Israel, includ-
19 ing those to encourage allies and trading partners of
20 the United States to enact laws prohibiting busi-
21 nesses from complying with the boycott and penal-
22 izing businesses that do comply.

23 PALESTINIAN STATEHOOD

24 SEC. 7037. (a) LIMITATION ON ASSISTANCE.—None
25 of the funds appropriated under titles III through VI of

1 this Act may be provided to support a Palestinian state
2 unless the Secretary of State determines and certifies to
3 the appropriate congressional committees that—

4 (1) the governing entity of a new Palestinian
5 state—

6 (A) has demonstrated a firm commitment
7 to peaceful co-existence with the State of Israel;
8 and

9 (B) is taking appropriate measures to
10 counter terrorism and terrorist financing in the
11 West Bank and Gaza, including the dismantling
12 of terrorist infrastructures, and is cooperating
13 with appropriate Israeli and other appropriate
14 security organizations; and

15 (2) the Palestinian Authority (or the governing
16 entity of a new Palestinian state) is working with
17 other countries in the region to vigorously pursue ef-
18 forts to establish a just, lasting, and comprehensive
19 peace in the Middle East that will enable Israel and
20 an independent Palestinian state to exist within the
21 context of full and normal relationships, which
22 should include—

23 (A) termination of all claims or states of
24 belligerency;

1 (B) respect for and acknowledgment of the
2 sovereignty, territorial integrity, and political
3 independence of every state in the area through
4 measures including the establishment of demili-
5 tarized zones;

6 (C) their right to live in peace within se-
7 cure and recognized boundaries free from
8 threats or acts of force;

9 (D) freedom of navigation through inter-
10 national waterways in the area; and

11 (E) a framework for achieving a just set-
12 tlement of the refugee problem.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the governing entity should enact a constitution
15 assuring the rule of law, an independent judiciary, and
16 respect for human rights for its citizens, and should enact
17 other laws and regulations assuring transparent and ac-
18 countable governance.

19 (c) WAIVER.—The President may waive subsection
20 (a) if the President determines that it is important to the
21 national security interest of the United States to do so.

22 (d) EXEMPTION.—The restriction in subsection (a)
23 shall not apply to assistance intended to help reform the
24 Palestinian Authority and affiliated institutions, or the
25 governing entity, in order to help meet the requirements

1 of subsection (a), consistent with the provisions of section
2 7040 of this Act (“Limitation on Assistance for the Pales-
3 tinian Authority”).

4 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
5 BROADCASTING CORPORATION

6 SEC. 7038. None of the funds appropriated or other-
7 wise made available by this Act may be used to provide
8 equipment, technical support, consulting services, or any
9 other form of assistance to the Palestinian Broadcasting
10 Corporation.

11 ASSISTANCE FOR THE WEST BANK AND GAZA

12 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2021,
13 30 days prior to the initial obligation of funds for the bi-
14 lateral West Bank and Gaza Program, the Secretary of
15 State shall certify to the Committees on Appropriations
16 that procedures have been established to assure the Comp-
17 troller General of the United States will have access to
18 appropriate United States financial information in order
19 to review the uses of United States assistance for the Pro-
20 gram funded under the heading “Economic Support
21 Fund” for the West Bank and Gaza.

22 (b) VETTING.—Prior to the obligation of funds ap-
23 propriated by this Act under the heading “Economic Sup-
24 port Fund” for assistance for the West Bank and Gaza,
25 the Secretary of State shall take all appropriate steps to

1 ensure that such assistance is not provided to or through
2 any individual, private or government entity, or edu-
3 cational institution that the Secretary knows or has reason
4 to believe advocates, plans, sponsors, engages in, or has
5 engaged in, terrorist activity nor, with respect to private
6 entities or educational institutions, those that have as a
7 principal officer of the entity's governing board or gov-
8 erning board of trustees any individual that has been de-
9 termined to be involved in, or advocating terrorist activity
10 or determined to be a member of a designated foreign ter-
11 rorist organization: *Provided*, That the Secretary of State
12 shall, as appropriate, establish procedures specifying the
13 steps to be taken in carrying out this subsection and shall
14 terminate assistance to any individual, entity, or edu-
15 cational institution which the Secretary has determined to
16 be involved in or advocating terrorist activity.

17 (c) PROHIBITION.—

18 (1) RECOGNITION OF ACTS OF TERRORISM.—

19 None of the funds appropriated under titles III
20 through VI of this Act for assistance under the West
21 Bank and Gaza Program may be made available
22 for—

23 (A) the purpose of recognizing or otherwise
24 honoring individuals who commit, or have com-
25 mitted acts of terrorism; and

1 (B) any educational institution located in
2 the West Bank or Gaza that is named after an
3 individual who the Secretary of State deter-
4 mines has committed an act of terrorism.

5 (2) SECURITY ASSISTANCE AND REPORTING RE-
6 QUIREMENT.—Notwithstanding any other provision
7 of law, none of the funds made available by this or
8 prior appropriations Acts, including funds made
9 available by transfer, may be made available for obli-
10 gation for security assistance for the West Bank and
11 Gaza until the Secretary of State reports to the
12 Committees on Appropriations on the benchmarks
13 that have been established for security assistance for
14 the West Bank and Gaza and reports on the extent
15 of Palestinian compliance with such benchmarks.

16 (d) OVERSIGHT BY THE UNITED STATES AGENCY
17 FOR INTERNATIONAL DEVELOPMENT.—

18 (1) The Administrator of the United States
19 Agency for International Development shall ensure
20 that Federal or non-Federal audits of all contractors
21 and grantees, and significant subcontractors and
22 sub-grantees, under the West Bank and Gaza Pro-
23 gram, are conducted at least on an annual basis to
24 ensure, among other things, compliance with this
25 section.

1 (2) Of the funds appropriated by this Act, up
2 to \$1,000,000 may be used by the Office of Inspec-
3 tor General of the United States Agency for Inter-
4 national Development for audits, investigations, and
5 other activities in furtherance of the requirements of
6 this subsection: *Provided*, That such funds are in ad-
7 dition to funds otherwise available for such pur-
8 poses.

9 (e) COMPTROLLER GENERAL OF THE UNITED
10 STATES AUDIT.—Subsequent to the certification specified
11 in subsection (a), the Comptroller General of the United
12 States shall conduct an audit and an investigation of the
13 treatment, handling, and uses of all funds for the bilateral
14 West Bank and Gaza Program, including all funds pro-
15 vided as cash transfer assistance, in fiscal year 2021
16 under the heading “Economic Support Fund”, and such
17 audit shall address—

18 (1) the extent to which such Program complies
19 with the requirements of subsections (b) and (c);
20 and

21 (2) an examination of all programs, projects,
22 and activities carried out under such Program, in-
23 cluding both obligations and expenditures.

24 (f) NOTIFICATION PROCEDURES.—Funds made
25 available in this Act for West Bank and Gaza shall be

1 subject to the regular notification procedures of the Com-
2 mittees on Appropriations.

3 LIMITATION ON ASSISTANCE FOR THE PALESTINIAN
4 AUTHORITY

5 SEC. 7040. (a) PROHIBITION OF FUNDS.—None of
6 the funds appropriated by this Act to carry out the provi-
7 sions of chapter 4 of part II of the Foreign Assistance
8 Act of 1961 may be obligated or expended with respect
9 to providing funds to the Palestinian Authority.

10 (b) WAIVER.—The prohibition included in subsection
11 (a) shall not apply if the President certifies in writing to
12 the Speaker of the House of Representatives, the Presi-
13 dent pro tempore of the Senate, and the Committees on
14 Appropriations that waiving such prohibition is important
15 to the national security interest of the United States.

16 (c) PERIOD OF APPLICATION OF WAIVER.—Any
17 waiver pursuant to subsection (b) shall be effective for no
18 more than a period of 6 months at a time and shall not
19 apply beyond 12 months after the enactment of this Act.

20 (d) REPORT.—Whenever the waiver authority pursu-
21 ant to subsection (b) is exercised, the President shall sub-
22 mit a report to the Committees on Appropriations detail-
23 ing the justification for the waiver, the purposes for which
24 the funds will be spent, and the accounting procedures in
25 place to ensure that the funds are properly disbursed: *Pro-*

1 *vided*, That the report shall also detail the steps the Pales-
2 tinian Authority has taken to arrest terrorists, confiscate
3 weapons and dismantle the terrorist infrastructure.

4 (e) CERTIFICATION.—If the President exercises the
5 waiver authority under subsection (b), the Secretary of
6 State must certify and report to the Committees on Ap-
7 propriations prior to the obligation of funds that the Pal-
8 estinian Authority has established a single treasury ac-
9 count for all Palestinian Authority financing and all fi-
10 nancing mechanisms flow through this account, no parallel
11 financing mechanisms exist outside of the Palestinian Au-
12 thority treasury account, and there is a single comprehen-
13 sive civil service roster and payroll, and the Palestinian
14 Authority is acting to counter incitement of violence
15 against Israelis and is supporting activities aimed at pro-
16 moting peace, coexistence, and security cooperation with
17 Israel.

18 (f) PROHIBITION TO HAMAS AND THE PALESTINE
19 LIBERATION ORGANIZATION.—

20 (1) None of the funds appropriated in titles III
21 through VI of this Act may be obligated for salaries
22 of personnel of the Palestinian Authority located in
23 Gaza or may be obligated or expended for assistance
24 to Hamas or any entity effectively controlled by
25 Hamas, any power-sharing government of which

1 Hamas is a member, or that results from an agree-
2 ment with Hamas and over which Hamas exercises
3 undue influence.

4 (2) Notwithstanding the limitation of paragraph
5 (1), assistance may be provided to a power-sharing
6 government only if the President certifies and re-
7 ports to the Committees on Appropriations that such
8 government, including all of its ministers or such
9 equivalent, has publicly accepted and is complying
10 with the principles contained in section 620K(b)(1)
11 (A) and (B) of the Foreign Assistance Act of 1961,
12 as amended.

13 (3) The President may exercise the authority in
14 section 620K(e) of the Foreign Assistance Act of
15 1961, as added by the Palestinian Anti-Terrorism
16 Act of 2006 (Public Law 109–446) with respect to
17 this subsection.

18 (4) Whenever the certification pursuant to
19 paragraph (2) is exercised, the Secretary of State
20 shall submit a report to the Committees on Appro-
21 priations within 120 days of the certification and
22 every quarter thereafter on whether such govern-
23 ment, including all of its ministers or such equiva-
24 lent are continuing to comply with the principles
25 contained in section 620K(b)(1) (A) and (B) of the

1 Foreign Assistance Act of 1961, as amended: *Pro-*
2 *vided*, That the report shall also detail the amount,
3 purposes and delivery mechanisms for any assistance
4 provided pursuant to the abovementioned certifi-
5 cation and a full accounting of any direct support of
6 such government.

7 (5) None of the funds appropriated under titles
8 III through VI of this Act may be obligated for as-
9 sistance for the Palestine Liberation Organization.

10 MIDDLE EAST AND NORTH AFRICA

11 SEC. 7041. (a) EGYPT.—

12 (1) CERTIFICATION AND REPORT.—Funds ap-
13 propriated by this Act that are available for assist-
14 ance for Egypt may be made available notwith-
15 standing any other provision of law restricting as-
16 sistance for Egypt, except for this subsection and
17 section 620M of the Foreign Assistance Act of 1961,
18 and may only be made available for assistance for
19 the Government of Egypt if the Secretary of State
20 certifies and reports to the Committees on Appro-
21 priations that such government is—

22 (A) sustaining the strategic relationship
23 with the United States; and

24 (B) meeting its obligations under the 1979
25 Egypt-Israel Peace Treaty.

1 (2) ECONOMIC SUPPORT FUND.—Of the funds
2 appropriated by this Act under the heading “Eco-
3 nomic Support Fund”, not less than \$125,000,000
4 shall be made available for assistance for Egypt, of
5 which \$40,000,000 should be made available for
6 higher education programs, including not less than
7 \$15,000,000 for scholarships for Egyptian students
8 with high financial need to attend not-for-profit in-
9 stitutions of higher education in Egypt that are cur-
10 rently accredited by a regional accrediting agency
11 recognized by the United States Department of Edu-
12 cation, or meets standards equivalent to those re-
13 quired for United States institutional accreditation
14 by a regional accrediting agency recognized by such
15 Department: *Provided*, That such funds shall be
16 made available for democracy programs, and for de-
17 velopment programs in the Sinai: *Provided further*,
18 That such funds may not be made available for cash
19 transfer assistance or budget support unless the Sec-
20 retary of State certifies and reports to the appro-
21 priate congressional committees that the Govern-
22 ment of Egypt is taking consistent and effective
23 steps to stabilize the economy and implement mar-
24 ket-based economic reforms.

1 (3) FOREIGN MILITARY FINANCING PRO-
2 GRAM.—

3 (A) CERTIFICATION.—Of the funds appro-
4 priated by this Act under the heading “Foreign
5 Military Financing Program”, \$1,300,000,000,
6 to remain available until September 30, 2022,
7 should be made available for assistance for
8 Egypt: *Provided*, That such funds may be
9 transferred to an interest bearing account in
10 the Federal Reserve Bank of New York, fol-
11 lowing consultation with the Committees on Ap-
12 propriations, and the uses of any interest
13 earned on such funds shall be subject to the
14 regular notification procedures of the Commit-
15 tees on Appropriations: *Provided further*, That
16 \$225,000,000 of such funds shall be withheld
17 from obligation until the Secretary of State cer-
18 tifies and reports to the Committees on Appro-
19 priations that the Government of Egypt is tak-
20 ing sustained and effective steps to—

21 (i) strengthen the rule of law, demo-
22 cratic institutions, and human rights in
23 Egypt, including to protect religious mi-
24 norities and the rights of women, which

1 are in addition to steps taken during the
2 previous calendar year for such purposes;

3 (ii) implement reforms that protect
4 freedoms of expression, association, and
5 peaceful assembly, including the ability of
6 civil society organizations, human rights
7 defenders, and the media to function with-
8 out interference;

9 (iii) hold Egyptian security forces ac-
10 countable, including officers credibly al-
11 leged to have violated human rights;

12 (iv) investigate and prosecute cases of
13 extrajudicial killings and forced disappear-
14 ances; and

15 (v) provide regular access for United
16 States officials to monitor such assistance
17 in areas where the assistance is used:

18 *Provided further*, That the certification require-
19 ment of this paragraph shall not apply to funds
20 appropriated by this Act under such heading
21 for counterterrorism, border security, and non-
22 proliferation programs for Egypt.

23 (B) WAIVER.—The Secretary of State may
24 waive the certification requirement in subpara-
25 graph (A) if the Secretary determines and re-

1 ports to the Committees on Appropriations that
2 to do so is important to the national security
3 interest of the United States, and submits a re-
4 port to such Committees containing a detailed
5 justification for the use of such waiver and the
6 reasons why any of the requirements of sub-
7 paragraph (A) cannot be met: *Provided*, That
8 the report required by this paragraph shall be
9 submitted in unclassified form, but may be ac-
10 companied by a classified annex.

11 (C) In addition to the funds withheld pur-
12 suant to subparagraph (A), \$75,000,000 of the
13 funds made available pursuant to this para-
14 graph shall be withheld from obligation until
15 the Secretary of State determines and reports
16 to the Committees on Appropriations that the
17 Government of Egypt is making clear and con-
18 sistent progress in releasing political prisoners
19 and providing detainees with due process of
20 law.

21 (4) SEPTEMBER 13, 2015, ATTACK.—The Sec-
22 retary of State shall encourage good faith negotia-
23 tions between the relevant parties regarding the Sep-
24 tember 13, 2015, attack against a tour group by the
25 Egyptian military during which American April

1 Corley was injured: *Provided*, That in lieu of the re-
2 porting requirement under section 7041(a)(4) of the
3 Department of State, Foreign Operations, and Re-
4 lated Programs Appropriations Act, 2020 (division
5 G of Public Law 116–94), the Secretary of State
6 shall report to the Committees on Appropriations on
7 the status of such negotiations not later than 60
8 days after enactment of this Act and every 90 days
9 thereafter until September 30, 2021.

10 (b) IRAN.—

11 (1) FUNDING.—Funds appropriated by this Act
12 under the headings “Diplomatic Programs”, “Eco-
13 nomic Support Fund”, and “Nonproliferation, Anti-
14 terrorism, Demining and Related Programs” shall
15 be made available for the programs and activities de-
16 scribed under this section in House Report 116–444.

17 (2) REPORTS.—

18 (A) SEMI-ANNUAL REPORT.—The Sec-
19 retary of State shall submit to the Committees
20 on Appropriations the semi-annual report re-
21 quired by section 135(d)(4) of the Atomic En-
22 ergy Act of 1954 (42 U.S.C. 2160e(d)(4)), as
23 added by section 2 of the Iran Nuclear Agree-
24 ment Review Act of 2015 (Public Law 114–17).

1 (B) SANCTIONS REPORT.—Not later than
2 180 days after the date of enactment of this
3 Act, the Secretary of State, in consultation with
4 the Secretary of the Treasury, shall submit to
5 the appropriate congressional committees a re-
6 port on—

7 (i) the status of United States bilat-
8 eral sanctions on Iran;

9 (ii) the reimposition and renewed en-
10 forcement of secondary sanctions; and

11 (iii) the impact such sanctions have
12 had on Iran’s destabilizing activities
13 throughout the Middle East.

14 (c) IRAQ.—

15 (1) PURPOSES.—Funds appropriated under ti-
16 tles III and IV of this Act shall be made available
17 for assistance for Iraq for—

18 (A) bilateral economic assistance and inter-
19 national security assistance, including in the
20 Kurdistan Region of Iraq;

21 (B) stabilization assistance, including in
22 Anbar Province;

23 (C) justice sector strengthening;

24 (D) humanitarian assistance, including in
25 the Kurdistan Region of Iraq; and

1 (E) programs to protect and assist reli-
2 gious and ethnic minority populations in Iraq,
3 including as described under this section in
4 House Report 116–444.

5 (2) UNITED STATES CONSULATE GENERAL
6 BASRAH.—Any change in the status of operations at
7 United States Consulate General Basrah, including
8 the return of Consulate property located adjacent to
9 the Basrah International Airport to the Government
10 of Iraq, shall be subject to prior consultation with
11 the appropriate congressional committees and the
12 regular notification procedures of the Committees on
13 Appropriations.

14 (3) BASING RIGHTS AGREEMENT.—None of the
15 funds appropriated or otherwise made available by
16 this Act may be used by the Government of the
17 United States to enter into a permanent basing
18 rights agreement between the United States and
19 Iraq.

20 (d) JORDAN.—Of the funds appropriated by this Act
21 under titles III and IV, not less than \$1,650,000,000 shall
22 be made available for assistance for Jordan, of which: not
23 less than \$845,100,000 shall be made available for budget
24 support for the Government of Jordan; not less than
25 \$10,000,000 shall be made available for programs and ac-

1 tivities for which policy justifications and decisions shall
2 be the responsibility of the United States Chief of Mission
3 in Jordan; and not less than \$425,000,000 shall be made
4 available under the heading “Foreign Military Financing
5 Program”.

6 (e) LEBANON.—

7 (1) ASSISTANCE.—Funds appropriated under
8 titles III and IV of this Act shall be made available
9 for assistance for Lebanon: *Provided*, That such
10 funds made available under the heading “Economic
11 Support Fund” may be made available notwith-
12 standing section 1224 of the Foreign Relations Au-
13 thorization Act, Fiscal Year 2003 (Public Law 107-
14 228; 22 U.S.C. 2346 note).

15 (2) SECURITY ASSISTANCE.—

16 (A) Funds appropriated by this Act under
17 the headings “International Narcotics Control
18 and Law Enforcement” and “Foreign Military
19 Financing Program” that are made available
20 for assistance for Lebanon may be made avail-
21 able for programs and equipment for the Leba-
22 nese Internal Security Forces (ISF) and the
23 Lebanese Armed Forces (LAF) to address secu-
24 rity and stability requirements in areas affected

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1 by conflict in Syria, following consultation with
2 the appropriate congressional committees.

3 (B) Funds appropriated by this Act under
4 the heading “Foreign Military Financing Pro-
5 gram” that are made available for assistance
6 for Lebanon may only be made available for
7 programs to—

8 (i) professionalize the LAF to miti-
9 gate internal and external threats from
10 non-state actors, including Hizballah;

11 (ii) strengthen border security and
12 combat terrorism, including training and
13 equipping the LAF to secure the borders
14 of Lebanon and address security and sta-
15 bility requirements in areas affected by
16 conflict in Syria, interdicting arms ship-
17 ments, and preventing the use of Lebanon
18 as a safe haven for terrorist groups; and

19 (iii) implement United Nations Secu-
20 rity Council Resolution 1701:

21 *Provided*, That prior to obligating funds made
22 available by this subparagraph for assistance
23 for the LAF, the Secretary of State shall sub-
24 mit to the Committees on Appropriations a
25 spend plan, including actions to be taken to en-

1 sure equipment provided to the LAF is used
2 only for the intended purposes, except such plan
3 may not be considered as meeting the notifica-
4 tion requirements under section 7015 of this
5 Act or under section 634A of the Foreign As-
6 sistance Act of 1961, and shall be submitted
7 not later than June 1, 2021: *Provided further*,
8 That any notification submitted pursuant to
9 such section shall include any funds specifically
10 intended for lethal military equipment.

11 (3) LIMITATION.—None of the funds appro-
12 priated by this Act may be made available for the
13 ISF or the LAF if the ISF or the LAF is controlled
14 by a foreign terrorist organization, as designated
15 pursuant to section 219 of the Immigration and Na-
16 tionality Act (8 U.S.C. 1189).

17 (f) LIBYA.—

18 (1) ASSISTANCE.—Funds appropriated under
19 titles III and IV of this Act shall be made available
20 for stabilization assistance for Libya, including sup-
21 port for a United Nations-facilitated political process
22 and border security: *Provided*, That the limitation on
23 the uses of funds for certain infrastructure projects
24 in section 7041(f)(2) of the Department of State,
25 Foreign Operations, and Related Programs Appro-

1 priations Act, 2014 (division K of Public Law 113–
2 76) shall apply to such funds.

3 (2) CERTIFICATION.—Prior to the initial obliga-
4 tion of funds made available by this Act for assist-
5 ance for Libya, the Secretary of State shall certify
6 and report to the Committees on Appropriations
7 that all practicable steps have been taken to ensure
8 that mechanisms are in place for monitoring, over-
9 sight, and control of such funds.

10 (g) MOROCCO.—

11 (1) AVAILABILITY AND CONSULTATION RE-
12 QUIREMENT.—Funds appropriated under title III of
13 this Act shall be made available for assistance for
14 the Western Sahara: *Provided*, That not later than
15 90 days after enactment of this Act and prior to the
16 obligation of such funds, the Secretary of State, in
17 consultation with the Administrator of the United
18 States Agency for International Development, shall
19 consult with the Committees on Appropriations on
20 the proposed uses of such funds.

21 (2) FOREIGN MILITARY FINANCING PRO-
22 GRAM.—Funds appropriated by this Act under the
23 heading “Foreign Military Financing Program” that
24 are available for assistance for Morocco may only be
25 used for the purposes requested in the Congressional

1 Budget Justification, Foreign Operations, Fiscal
2 Year 2017.

3 (h) SAUDI ARABIA.—

4 (1) INTERNATIONAL MILITARY EDUCATION AND
5 TRAINING.—None of the funds appropriated by this
6 Act under the heading “International Military Edu-
7 cation and Training” may be made available for as-
8 sistance for the Government of Saudi Arabia.

9 (2) EXPORT-IMPORT BANK.—None of the funds
10 appropriated or otherwise made available by this Act
11 and prior Acts making appropriations for the De-
12 partment of State, foreign operations, and related
13 programs should be obligated or expended by the
14 Export-Import Bank of the United States to guar-
15 antee, insure, or extend (or participate in the exten-
16 sion of) credit in connection with the export of nu-
17 clear technology, equipment, fuel, materials, or other
18 nuclear technology-related goods or services to Saudi
19 Arabia unless the Government of Saudi Arabia—

20 (A) has in effect a nuclear cooperation
21 agreement pursuant to section 123 of the
22 Atomic Energy Act of 1954 (42 U.S.C. 2153);

23 (B) has committed to renounce uranium
24 enrichment and reprocessing on its territory
25 under that agreement; and

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1 (C) has signed and implemented an Addi-
2 tional Protocol to its Comprehensive Safeguards
3 Agreement with the International Atomic En-
4 ergy Agency.

5 (i) SYRIA.—

6 (1) NON-LETHAL ASSISTANCE.—Of the funds
7 appropriated by this Act under the headings “Eco-
8 nomic Support Fund”, “International Narcotics
9 Control and Law Enforcement”, and “Peacekeeping
10 Operations”, not less than \$40,000,000 shall be
11 made available, notwithstanding any other provision
12 of law, for non-lethal stabilization assistance for
13 Syria, of which not less than \$7,000,000 shall be
14 made available for emergency medical and rescue re-
15 sponse and chemical weapons use investigations.

16 (2) LIMITATIONS.—Funds made available pur-
17 suant to paragraph (1) of this subsection—

18 (A) may not be made available for a
19 project or activity that supports or otherwise le-
20 gitimizes the Government of Iran, foreign ter-
21 rorist organizations (as designated pursuant to
22 section 219 of the Immigration and Nationality
23 Act (8 U.S.C. 1189)), or a proxy of Iran in
24 Syria;

1 (B) may not be made available for activi-
2 ties that further the strategic objectives of the
3 Government of the Russian Federation that the
4 Secretary of State determines may threaten or
5 undermine United States national security in-
6 terests; and

7 (C) should not be used in areas of Syria
8 controlled by a government led by Bashar al-
9 Assad or associated forces.

10 (3) MONITORING AND OVERSIGHT.—Prior to
11 the obligation of any funds appropriated by this Act
12 and made available for assistance for Syria, the Sec-
13 retary of State shall take all practicable steps to en-
14 sure that mechanisms are in place for monitoring,
15 oversight, and control of such assistance inside
16 Syria.

17 (4) CONSULTATION AND NOTIFICATION.—
18 Funds made available pursuant to this subsection
19 may only be made available following consultation
20 with the appropriate congressional committees, and
21 shall be subject to the regular notification proce-
22 dures of the Committees on Appropriations.

23 (j) TUNISIA.—Of the funds appropriated under titles
24 III and IV of this Act and prior Acts making appropria-
25 tions for the Department of State, foreign operations, and

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1 related programs, not less than \$241,400,000 shall be
2 made available for assistance for Tunisia.

3 (k) WEST BANK AND GAZA.—

4 (1) REPORT ON ASSISTANCE.—Prior to the ini-
5 tial obligation of funds made available by this Act
6 under the heading “Economic Support Fund” for
7 assistance for the West Bank and Gaza, the Sec-
8 retary of State shall report to the Committees on
9 Appropriations that the purpose of such assistance
10 is to—

11 (A) advance Middle East peace;

12 (B) improve security in the region;

13 (C) continue support for transparent and
14 accountable government institutions;

15 (D) promote a private sector economy; or

16 (E) address urgent humanitarian needs.

17 (2) LIMITATIONS.—

18 (A)(i) None of the funds appropriated
19 under the heading “Economic Support Fund”
20 in this Act may be made available for assistance
21 for the Palestinian Authority, if after the date
22 of enactment of this Act—

23 (I) the Palestinians obtain the
24 same standing as member states or
25 full membership as a state in the

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1 United Nations or any specialized
2 agency thereof outside an agreement
3 negotiated between Israel and the Pal-
4 estinians; or

5 (II) the Palestinians initiate an
6 International Criminal Court (ICC)
7 judicially authorized investigation, or
8 actively support such an investigation,
9 that subjects Israeli nationals to an
10 investigation for alleged crimes
11 against Palestinians.

12 (ii) The Secretary of State may waive
13 the restriction in clause (i) of this subpara-
14 graph resulting from the application of
15 subclause (I) of such clause if the Sec-
16 retary certifies to the Committees on Ap-
17 propriations that to do so is in the national
18 security interest of the United States, and
19 submits a report to such Committees de-
20 tailing how the waiver and the continu-
21 ation of assistance would assist in fur-
22 thering Middle East peace.

23 (B)(i) The President may waive the provi-
24 sions of section 1003 of the Foreign Relations
25 Authorization Act, Fiscal Years 1988 and 1989

1 (Public Law 100–204) if the President deter-
2 mines and certifies in writing to the Speaker of
3 the House of Representatives, the President pro
4 tempore of the Senate, and the appropriate con-
5 gressional committees that the Palestinians
6 have not, after the date of enactment of this
7 Act—

8 (I) obtained in the United Na-
9 tions or any specialized agency thereof
10 the same standing as member states
11 or full membership as a state outside
12 an agreement negotiated between
13 Israel and the Palestinians; and

14 (II) initiated or actively sup-
15 ported an ICC investigation against
16 Israeli nationals for alleged crimes
17 against Palestinians.

18 (ii) Not less than 90 days after the
19 President is unable to make the certifi-
20 cation pursuant to clause (i) of this sub-
21 paragraph, the President may waive sec-
22 tion 1003 of Public Law 100–204 if the
23 President determines and certifies in writ-
24 ing to the Speaker of the House of Rep-
25 resentatives, the President pro tempore of

1 the Senate, and the Committees on Appro-
2 priations that the Palestinians have en-
3 tered into direct and meaningful negotia-
4 tions with Israel: *Provided*, That any waiv-
5 er of the provisions of section 1003 of
6 Public Law 100–204 under clause (i) of
7 this subparagraph or under previous provi-
8 sions of law must expire before the waiver
9 under the preceding sentence may be exer-
10 cised.

11 (iii) Any waiver pursuant to this sub-
12 paragraph shall be effective for no more
13 than a period of 6 months at a time and
14 shall not apply beyond 12 months after the
15 enactment of this Act.

16 (3) APPLICATION OF TAYLOR FORCE ACT.—
17 Funds appropriated by this Act under the heading
18 “Economic Support Fund” that are made available
19 for assistance for the West Bank and Gaza shall be
20 made available consistent with section 1004(a) of
21 the Taylor Force Act (title X of division S of Public
22 Law 115–141).

23 (4) SECURITY REPORT.—The reporting require-
24 ments in section 1404 of the Supplemental Appro-
25 priations Act, 2008 (Public Law 110–252) shall

1 apply to funds made available by this Act, including
2 a description of modifications, if any, to the security
3 strategy of the Palestinian Authority.

4 (5) INCITEMENT REPORT.—Not later than 90
5 days after enactment of this Act, the Secretary of
6 State shall submit a report to the appropriate con-
7 gressional committees detailing steps taken by the
8 Palestinian Authority to counter incitement of vio-
9 lence against Israelis and to promote peace and co-
10 existence with Israel.

11 (l) YEMEN.—Funds appropriated under title III and
12 under the headings “International Narcotics Control and
13 Law Enforcement” and “Nonproliferation, Anti-terrorism,
14 Demining and Related Programs” of this Act and prior
15 Acts making appropriations for the Department of State,
16 foreign operations, and related programs shall be made
17 available for health, humanitarian, and stabilization as-
18 sistance for Yemen.

19 AFRICA

20 SEC. 7042. (a) AFRICAN GREAT LAKES REGION AS-
21 SISTANCE RESTRICTION.—Funds appropriated by this Act
22 under the heading “International Military Education and
23 Training” for the central government of a country in the
24 African Great Lakes region may be made available only
25 for Expanded International Military Education and Train-

1 ing and professional military education until the Secretary
2 of State determines and reports to the Committees on Ap-
3 propriations that such government is not facilitating or
4 otherwise participating in destabilizing activities in a
5 neighboring country, including aiding and abetting armed
6 groups.

7 (b) CAMEROON.—Funds appropriated under title IV
8 of this Act that are made available for assistance for the
9 armed forces of Cameroon, including the Rapid Interven-
10 tion Battalion, may only be made available to counter re-
11 gional terrorism, including Boko Haram and other Islamic
12 State affiliates, participate in international peacekeeping
13 operations, and for military education and maritime secu-
14 rity programs.

15 (c) CENTRAL AFRICAN REPUBLIC.—Of the funds ap-
16 propriated by this Act under the heading “Economic Sup-
17 port Fund”, not less than \$3,000,000 shall be made avail-
18 able for a contribution to the Special Criminal Court in
19 Central African Republic.

20 (d) COUNTER ILLICIT ARMED GROUPS.—Funds ap-
21 propriated by this Act shall be made available for pro-
22 grams and activities in areas affected by the Lord’s Re-
23 sistance Army (LRA) or other illicit armed groups in
24 Eastern Democratic Republic of the Congo and the Cen-
25 tral African Republic, including to improve physical ac-

1 cess, telecommunications infrastructure, and early-warn-
2 ing mechanisms and to support the disarmament, demobi-
3 lization, and reintegration of former LRA combatants, es-
4 pecially child soldiers.

5 (e) DEMOCRATIC REPUBLIC OF THE CONGO.—Of the
6 funds appropriated under titles III and IV of this Act,
7 not less than \$325,000,000 shall be made available for
8 assistance for the Democratic Republic of the Congo
9 (DRC) for stabilization, global health, and bilateral eco-
10 nomic assistance, including in areas affected by, and at
11 risk from, the Ebola virus disease: *Provided*, That such
12 funds shall also be made available to support security, sta-
13 bilization, development, and democracy in Eastern DRC:
14 *Provided further*, That funds appropriated by this Act
15 under the headings “Peacekeeping Operations” and
16 “International Military Education and Training” that are
17 made available for such purposes may be made available
18 notwithstanding any other provision of law, except section
19 620M of the Foreign Assistance Act of 1961.

20 (f) LAKE CHAD BASIN COUNTRIES.—Funds appro-
21 priated under titles III and IV of this Act shall be made
22 available for assistance for Cameroon, Chad, Niger, and
23 Nigeria for—

24 (1) democracy, development, and health pro-
25 grams;

1 (2) assistance for individuals targeted by for-
2 eign terrorist and other extremist organizations, in-
3 cluding Boko Haram, consistent with the provisions
4 of section 7059 of this Act;

5 (3) assistance for individuals displaced by vio-
6 lent conflict; and

7 (4) counterterrorism programs.

8 (g) MALAWI.—Of the funds appropriated by this Act
9 under the heading “Development Assistance”, not less
10 than \$60,000,000 shall be made available for assistance
11 for Malawi, of which up to \$10,000,000 shall be made
12 available for higher education programs.

13 (h) SAHEL STABILIZATION AND SECURITY.—Funds
14 appropriated under titles III and IV of this Act shall be
15 made available for stabilization, health, development, and
16 security programs in the countries of the Sahel region.

17 (i) SOUTH SUDAN.—

18 (1) ASSISTANCE.—Of the funds appropriated
19 under title III of this Act that are made available
20 for assistance for South Sudan, not less than
21 \$15,000,000 shall be made available for democracy
22 programs and not less than \$8,000,000 shall be
23 made available for conflict mitigation and reconcili-
24 ation programs.

1 (2) LIMITATION ON ASSISTANCE FOR THE CEN-
2 TRAL GOVERNMENT.—Funds appropriated by this
3 Act that are made available for assistance for the
4 central Government of South Sudan may only be
5 made available, following consultation with the Com-
6 mittees on Appropriations, for—

7 (A) humanitarian assistance;

8 (B) health programs, including to prevent,
9 detect, and respond to infectious diseases;

10 (C) assistance to support South Sudan
11 peace negotiations or to advance or implement
12 a peace agreement; and

13 (D) assistance to support implementation
14 of outstanding issues of the Comprehensive
15 Peace Agreement and mutual arrangements re-
16 lated to such agreement:

17 *Provided*, That prior to the initial obligation of
18 funds made available pursuant to subparagraphs (C)
19 and (D), the Secretary of State shall consult with
20 the Committees on Appropriations on the intended
21 uses of such funds and steps taken by such govern-
22 ment to advance or implement a peace agreement.

23 (j) SUDAN.—

24 (1) ASSISTANCE.—

1 (A) Of the funds appropriated under title
2 III of this Act and prior Acts making appro-
3 priations for the Department of State, foreign
4 operations, and related programs, except for
5 funds designated by the Congress as an emer-
6 gency requirement pursuant to a concurrent
7 resolution on the budget or the Balanced Budg-
8 et and Emergency Deficit Control Act of 1985,
9 not less than \$60,000,000 shall be made avail-
10 able for assistance for Sudan, following con-
11 sultation with the Committees on Appropria-
12 tions: *Provided*, That amounts repurposed pur-
13 suant to this subparagraph that were previously
14 designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism
16 pursuant to section 251(b)(2)(A)(ii) of the Bal-
17 anced Budget and Emergency Deficit Control
18 Act of 1985 are designated by the Congress for
19 Overseas Contingency Operations/Global War
20 on Terrorism pursuant to section
21 251(b)(2)(A)(ii) of such Act: *Provided further*,
22 That notwithstanding any other provision of
23 law, such funds may be made available for agri-
24 culture and economic growth programs, and

1 economic assistance for marginalized areas in
2 Sudan and Abyei.

3 (B) None of the funds appropriated under
4 title IV of this Act may be made available for
5 assistance for the Government of Sudan, except
6 assistance to support implementation of out-
7 standing issues of the Comprehensive Peace
8 Agreement, mutual arrangements related to
9 post-referendum issues associated with such
10 Agreement, or any other viable peace agreement
11 in Sudan.

12 (2) EXTENSION OF AUTHORIZATION.—Section
13 501(i) of title V of H.R. 3425 of the 106th Con-
14 gress, as enacted into law by section 1000(a)(5) of
15 Public Law 106–113 (113 Stat. 1501, 1535–36),
16 and set forth in Appendix E thereof (113 Stat.
17 1501A–289,–313), as most recently amended by sec-
18 tion 904(b) of the Further Consolidated Appropria-
19 tions Act, 2020 (Public Law 116–94, 113 Stat.
20 2534, 3086), is further amended by striking “2000–
21 2021” and inserting “2000–2025”.

22 (3) CONSULTATION.—Funds appropriated by
23 this Act and prior Acts making appropriations for
24 the Department of State, foreign operations, and re-
25 lated programs that are made available for any new

1 program, project, or activity in Sudan shall be sub-
2 ject to prior consultation with the appropriate con-
3 gressional committees.

4 (k) ZIMBABWE.—

5 (1) INSTRUCTION.—The Secretary of the Treas-
6 ury shall instruct the United States executive direc-
7 tor of each international financial institution to vote
8 against any extension by the respective institution of
9 any loan or grant to the Government of Zimbabwe,
10 except to meet basic human needs or to promote de-
11 mocracy, unless the Secretary of State certifies and
12 reports to the Committees on Appropriations that
13 the rule of law has been restored, including respect
14 for ownership and title to property, and freedoms of
15 expression, association, and assembly.

16 (2) LIMITATION.—None of the funds appro-
17 priated by this Act shall be made available for as-
18 sistance for the central Government of Zimbabwe,
19 except for health and education, unless the Secretary
20 of State certifies and reports as required in para-
21 graph (1).

22 EAST ASIA AND THE PACIFIC

23 SEC. 7043. (a) BURMA.—

24 (1) BILATERAL ECONOMIC ASSISTANCE.—

1 (A) Of the funds appropriated under title
2 III and under the heading “International Nar-
3 cotics Control and Law Enforcement” of this
4 Act, not less than \$134,950,000 shall be made
5 available for assistance for Burma: *Provided*,
6 That such funds may be made available not-
7 withstanding any other provision of law and fol-
8 lowing consultation with the appropriate con-
9 gressional committees: *Provided further*, That
10 such funds shall be made available for pro-
11 grams to promote ethnic and religious tolerance
12 and to combat gender-based violence, including
13 in Kachin, Karen, Rakhine, and Shan states:
14 *Provided further*, That such funds shall be
15 made available for programs to strengthen
16 media and civil society organizations: *Provided*
17 *further*, That such funds may be made available
18 for ethnic groups and civil society in Burma to
19 help sustain ceasefire agreements and further
20 prospects for reconciliation and peace, which
21 may include support to representatives of ethnic
22 armed groups for this purpose.

23 (B) Funds appropriated under title III of
24 this Act for assistance for Burma shall be made
25 available for community-based organizations op-

1 erating in Thailand to provide food, medical,
2 and other humanitarian assistance to internally
3 displaced persons in eastern Burma, in addition
4 to assistance for Burmese refugees from funds
5 appropriated by this Act under the heading
6 “Migration and Refugee Assistance”: *Provided*,
7 That such funds may be available for programs
8 to support the return of Kachin, Karen,
9 Rohingya, Shan, and other refugees and inter-
10 nally displaced persons to their locations of ori-
11 gin or preference in Burma only if such returns
12 are voluntary and consistent with international
13 law.

14 (C) Funds appropriated under title III of
15 this Act for assistance for Burma that are
16 made available for assistance for the Govern-
17 ment of Burma to support the implementation
18 of Nationwide Ceasefire Agreement conferences,
19 committees, and other procedures may only be
20 made available if the Secretary of State reports
21 to the Committees on Appropriations that such
22 conferences, committees, and procedures are di-
23 rected toward a sustainable peace and the Gov-
24 ernment of Burma is implementing its commit-
25 ments under such Agreement.

1 (2) INTERNATIONAL SECURITY ASSISTANCE.—

2 None of the funds appropriated by this Act under
3 the headings “International Military Education and
4 Training” and “Foreign Military Financing Pro-
5 gram” may be made available for assistance for
6 Burma: *Provided*, That the Department of State
7 may continue consultations with the armed forces of
8 Burma only on human rights and disaster response
9 in a manner consistent with the prior fiscal year,
10 and following consultation with the appropriate con-
11 gressional committees.

12 (3) LIMITATIONS.—None of the funds appro-
13 priated under title III of this Act for assistance for
14 Burma may be made available to any organization
15 or entity controlled by the armed forces of Burma,
16 or to any individual or organization that has com-
17 mitted a gross violation of human rights or advo-
18 cates violence against ethnic or religious groups or
19 individuals in Burma, as determined by the Sec-
20 retary of State for programs administered by the
21 Department of State and USAID or the President
22 of the National Endowment for Democracy (NED)
23 for programs administered by NED.

24 (4) CONSULTATION.—Any new program or ac-
25 tivity in Burma initiated in fiscal year 2021 shall be

1 subject to prior consultation with the appropriate
2 congressional committees.

3 (b) CAMBODIA.—

4 (1) ASSISTANCE.—Of the funds appropriated
5 under title III of this Act, not less than \$85,505,000
6 shall be made available for assistance for Cambodia.

7 (2) CERTIFICATION AND EXCEPTIONS.—

8 (A) CERTIFICATION.—None of the funds
9 appropriated by this Act that are made avail-
10 able for assistance for the Government of Cam-
11 bodia may be obligated or expended unless the
12 Secretary of State certifies and reports to the
13 Committees on Appropriations that such Gov-
14 ernment is taking effective steps to—

15 (i) strengthen regional security and
16 stability, particularly regarding territorial
17 disputes in the South China Sea and the
18 enforcement of international sanctions with
19 respect to North Korea;

20 (ii) assert its sovereignty against in-
21 terference by the People's Republic of
22 China, including by verifiably maintaining
23 the neutrality of Ream Naval Base, other
24 military installations in Cambodia, and

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1 dual use facilities such as the Dara Sakor
2 development project;

3 (iii) cease violence and harassment
4 against civil society and the political oppo-
5 sition in Cambodia, and dismiss any politi-
6 cally motivated criminal charges against
7 those who criticize the government; and

8 (iv) respect the rights, freedoms, and
9 responsibilities enshrined in the Constitu-
10 tion of the Kingdom of Cambodia as en-
11 acted in 1993.

12 (B) EXCEPTIONS.—The certification re-
13 quired by subparagraph (A) shall not apply to
14 funds appropriated by this Act and made avail-
15 able for democracy, health, education, and envi-
16 ronment programs, programs to strengthen the
17 sovereignty of Cambodia, and programs to edu-
18 cate and inform the people of Cambodia of the
19 influence activities of the People’s Republic of
20 China in Cambodia.

21 (3) USES OF FUNDS.—Funds appropriated
22 under title III of this Act for assistance for Cam-
23 bodia shall be made available for—

24 (A) research and education programs asso-
25 ciated with the Khmer Rouge in Cambodia; and

1 (B) programs in the Khmer language to
2 monitor, map, and publicize the efforts by the
3 People’s Republic of China to expand its influ-
4 ence in Cambodia.

5 (c) INDO-PACIFIC STRATEGY AND THE ASIA REAS-
6 SURANCE INITIATIVE ACT OF 2018.—

7 (1) ASSISTANCE.—Of the funds appropriated
8 under titles III and IV of this Act, not less than
9 \$1,482,000,000 shall be made available to support
10 implementation of the Indo-Pacific Strategy and the
11 Asia Reassurance Initiative Act of 2018 (Public Law
12 115–409).

13 (2) COUNTERING CHINESE INFLUENCE
14 FUND.—Of the funds appropriated by this Act under
15 the headings “Development Assistance”, “Economic
16 Support Fund”, “International Narcotics Control
17 and Law Enforcement”, “Nonproliferation, Anti-ter-
18 rorism, Demining and Related Programs”, and
19 “Foreign Military Financing Program”, not less
20 than \$300,000,000 shall be made available for a
21 Countering Chinese Influence Fund to counter the
22 malign influence of the Government of the People’s
23 Republic of China and the Chinese Communist
24 Party and entities acting on their behalf globally,
25 which shall be subject to prior consultation with the

1 Committees on Appropriations: *Provided*, That such
2 funds are in addition to amounts otherwise made
3 available for such purposes: *Provided further*, That
4 such funds appropriated under such headings may
5 be transferred to, and merged with, funds appro-
6 priated under such headings: *Provided further*, That
7 such transfer authority is in addition to any other
8 transfer authority provided by this Act or any other
9 Act, and is subject to the regular notification proce-
10 dures of the Committees on Appropriations.

11 (3) RESTRICTION ON USES OF FUNDS.—None
12 of the funds appropriated by this Act and prior Acts
13 making appropriations for the Department of State,
14 foreign operations, and related programs may be
15 made available for any project or activity that di-
16 rectly supports or promotes—

17 (A) the Belt and Road Initiative or any
18 dual-use infrastructure projects of the People’s
19 Republic of China; and

20 (B) the use of technology, including bio-
21 technology, digital, telecommunications, and
22 cyber, developed by the People’s Republic of
23 China unless the Secretary of State, in con-
24 sultation with the USAID Administrator and
25 the heads of other Federal agencies, as appro-

1 appropriate, determines that such use does not ad-
2 versely impact the national security of the
3 United States.

4 (d) LAOS.—Of the funds appropriated under titles III
5 and IV of this Act, not less than \$80,930,000 shall be
6 made available for assistance for Laos.

7 (e) NORTH KOREA.—

8 (1) CYBERSECURITY.—None of the funds ap-
9 propriated by this Act or prior Acts making appro-
10 priations for the Department of State, foreign oper-
11 ations, and related programs may be made available
12 for assistance for the central government of a coun-
13 try the Secretary of State determines and reports to
14 the appropriate congressional committees engages in
15 significant transactions contributing materially to
16 the malicious cyber-intrusion capabilities of the Gov-
17 ernment of North Korea: *Provided*, That the Sec-
18 retary of State shall submit the report required by
19 section 209 of the North Korea Sanctions and Policy
20 Enhancement Act of 2016 (Public Law 114–122; 22
21 U.S.C. 9229) to the Committees on Appropriations:
22 *Provided further*, That the Secretary of State may
23 waive the application of the restriction in this para-
24 graph with respect to assistance for the central gov-
25 ernment of a country if the Secretary determines

1 and reports to the appropriate congressional com-
2 mittees that to do so is important to the national se-
3 curity interest of the United States, including a de-
4 scription of such interest served.

5 (2) BROADCASTS.—Funds appropriated by this
6 Act under the heading “International Broadcasting
7 Operations” shall be made available to maintain
8 broadcasting hours into North Korea at levels not
9 less than the prior fiscal year.

10 (3) HUMAN RIGHTS.—Funds appropriated by
11 this Act under the headings “Economic Support
12 Fund” and “Democracy Fund” shall be made avail-
13 able for the promotion of human rights in North
14 Korea: *Provided*, That the authority of section
15 7032(b)(1) of this Act shall apply to such funds.

16 (4) LIMITATION ON USE OF FUNDS.—None of
17 the funds made available by this Act under the
18 heading “Economic Support Fund” may be made
19 available for assistance for the Government of North
20 Korea.

21 (f) PEOPLE’S REPUBLIC OF CHINA.—

22 (1) LIMITATION ON USE OF FUNDS.—None of
23 the funds appropriated under the heading “Diplo-
24 matic Programs” in this Act may be obligated or ex-
25 pended for processing licenses for the export of sat-

1 ellites of United States origin (including commercial
2 satellites and satellite components) to the People’s
3 Republic of China (PRC) unless, at least 15 days in
4 advance, the Committees on Appropriations are noti-
5 fied of such proposed action.

6 (2) PEOPLE’S LIBERATION ARMY.—The terms
7 and requirements of section 620(h) of the Foreign
8 Assistance Act of 1961 shall apply to foreign assist-
9 ance projects or activities of the People’s Liberation
10 Army (PLA) of the PRC, to include such projects or
11 activities by any entity that is owned or controlled
12 by, or an affiliate of, the PLA: *Provided*, That none
13 of the funds appropriated or otherwise made avail-
14 able pursuant to this Act may be used to finance
15 any grant, contract, or cooperative agreement with
16 the PLA, or any entity that the Secretary of State
17 has reason to believe is owned or controlled by, or
18 an affiliate of, the PLA.

19 (3) HONG KONG.—

20 (A) DEMOCRACY PROGRAMS.—Of the
21 funds appropriated by this Act under the first
22 paragraph under the heading “Democracy
23 Fund”, not less than \$3,000,000 shall be made
24 available for democracy and Internet freedom

1 programs for Hong Kong, including legal and
2 other support for democracy activists.

3 (B) RESTRICTIONS ON ASSISTANCE.—None
4 of the funds appropriated by this Act or prior
5 Acts making appropriations for the Department
6 of State, foreign operations, and related pro-
7 grams that are made available for assistance for
8 Hong Kong should be obligated for assistance
9 for the Government of the People’s Republic of
10 China and the Chinese Communist Party or
11 any entity acting on their behalf in Hong Kong.

12 (C) REPORT.—Funds appropriated under
13 title I of this Act shall be made available to pre-
14 pare and submit to Congress the report re-
15 quired by section 301 of the United States-
16 Hong Kong Policy Act of 1992 (22 U.S.C.
17 5731), which shall include the information de-
18 scribed in section 7043(f)(4)(B) of the Depart-
19 ment of State, Foreign Operations, and Related
20 Programs Appropriations Act, 2020 (division G
21 of Public Law 116–94) and under this para-
22 graph in the explanatory statement described in
23 section 4 (in the matter preceding division A of
24 this consolidated Act).

1 (4) UYGHURS AND OTHER MUSLIM MINORI-
2 TIES.—The determination described under this
3 heading in the explanatory statement described in
4 section 4 (in the matter preceding division A of this
5 consolidated Act) shall be submitted to the appro-
6 priate congressional committees not later than 90
7 days after enactment of this Act.

8 (5) CLARIFICATION.—Funds appropriated by
9 this Act and prior Acts making appropriations for
10 the Department of State, foreign operations, and re-
11 lated programs that are made available for programs
12 in the People’s Republic of China may be used to
13 counter the impact of Chinese influence and invest-
14 ments in the Greater Mekong Subregion, following
15 consultation with the Committees on Appropriations.

16 (g) PHILIPPINES.—None of the funds appropriated
17 by this Act may be made available for counternarcotics
18 assistance for the Philippines, except for drug demand re-
19 duction, maritime law enforcement, or transnational inter-
20 diction.

21 (h) TIBET.—

22 (1) FINANCING OF PROJECTS IN TIBET.—The
23 Secretary of the Treasury should instruct the United
24 States executive director of each international finan-
25 cial institution to use the voice and vote of the

1 United States to support financing of projects in
2 Tibet if such projects do not provide incentives for
3 the migration and settlement of non-Tibetans into
4 Tibet or facilitate the transfer of ownership of Ti-
5 betan land and natural resources to non-Tibetans,
6 are based on a thorough needs-assessment, foster
7 self-sufficiency of the Tibetan people and respect Ti-
8 betan culture and traditions, and are subject to ef-
9 fective monitoring.

10 (2) PROGRAMS FOR TIBETAN COMMUNITIES.—

11 (A) Notwithstanding any other provision of law, of
12 the funds appropriated by this Act under the head-
13 ing “Economic Support Fund”, not less than
14 \$8,000,000 shall be made available to nongovern-
15 mental organizations to support activities which pre-
16 serve cultural traditions and promote sustainable de-
17 velopment, education, and environmental conserva-
18 tion in Tibetan communities in the Tibet Autono-
19 mous Region and in other Tibetan communities in
20 China.

21 (B) Of the funds appropriated by this Act
22 under the heading “Economic Support Fund”, not
23 less than \$6,000,000 shall be made available for
24 programs to promote and preserve Tibetan culture
25 and language in the refugee and diaspora Tibetan

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1 communities, development, and the resilience of Ti-
2 betan communities and the Central Tibetan Admin-
3 istration in India and Nepal, and to assist in the
4 education and development of the next generation of
5 Tibetan leaders from such communities: *Provided*,
6 That such funds are in addition to amounts made
7 available in subparagraph (A) for programs inside
8 Tibet.

9 (C) Of the funds appropriated by this Act
10 under the heading “Economic Support Fund”, not
11 less than \$3,000,000 shall be made available for
12 programs to strengthen the capacity of the Central
13 Tibetan Administration: *Provided*, That such funds
14 shall be administered by the United States Agency
15 for International Development.

16 (i) VIETNAM.—Of the funds appropriated under titles
17 III and IV of this Act, not less than \$169,739,000 shall
18 be made available for assistance for Vietnam, of which not
19 less than—

20 (1) \$14,500,000 shall be made available for
21 health and disability programs in areas sprayed with
22 Agent Orange and contaminated with dioxin, to as-
23 sist individuals with severe upper or lower body mo-
24 bility impairment or cognitive or developmental dis-
25 abilities;

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1 (2) \$19,000,000 shall be made available, not-
2 withstanding any other provision of law, for activi-
3 ties related to the remediation of dioxin contami-
4 nated sites in Vietnam and may be made available
5 for assistance for the Government of Vietnam, in-
6 cluding the military, for such purposes; and

7 (3) \$2,500,000 shall be made available for a
8 war legacy reconciliation program.

9 SOUTH AND CENTRAL ASIA

10 SEC. 7044. (a) AFGHANISTAN.—

11 (1) FUNDING AND LIMITATIONS.—Funds ap-
12 propriated by this Act under the headings “Eco-
13 nomic Support Fund” and “International Narcotics
14 Control and Law Enforcement” that are made avail-
15 able for assistance for Afghanistan—

16 (A) shall be made available to implement
17 the South Asia Strategy, the Revised Strategy
18 for United States Engagement in Afghanistan,
19 and the United States Agency for International
20 Development Country Development Cooperation
21 Strategy for Afghanistan;

22 (B) shall be made available for programs
23 that implement and support comprehensive
24 strategies to combat corruption in Afghanistan,
25 with an emphasis on public disclosure of gov-

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1 ernment receipts and expenditures and prosecu-
2 tion and punishment of corrupt officials;

3 (C) shall be made available to continue
4 support for not-for-profit institutions of higher
5 education in Kabul, Afghanistan that are acces-
6 sible to both women and men in a coeducational
7 environment, including for the costs for oper-
8 ations and security for such institutions;

9 (D) shall be made available for programs
10 that protect and strengthen the rights of Af-
11 ghan women and girls and promote the political
12 and economic empowerment of women including
13 their meaningful inclusion in political processes:
14 *Provided*, That such assistance to promote the
15 economic empowerment of women shall be made
16 available as grants to Afghan organizations, to
17 the maximum extent practicable;

18 (E) shall prioritize, unless the Secretary of
19 State or the Administrator of the United States
20 Agency for International Development, as ap-
21 propriate, determines that security conditions
22 do not permit or risk deterioration, assistance
23 to support long-term development in areas pre-
24 viously under the control of the Taliban or
25 other violent extremist groups: *Provided*, That

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1 such funds may be made available notwith-
2 standing any other provision of law and fol-
3 lowing consultation with the Committees on Ap-
4 propriation;

5 (F) may not be made available for any pro-
6 gram, project, or activity pursuant to section
7 7044(a)(1)(C) of the Department of State, For-
8 eign Operations, and Related Programs Appro-
9 priations Act, 2019 (division F of Public Law
10 116–6); and

11 (G) may be made available, notwith-
12 standing any other provision of law, for pro-
13 grams and activities to address the needs of the
14 people of Afghanistan in support of peace and
15 reconciliation, including reintegration of former
16 Taliban and other extremists.

17 (2) AFGHAN WOMEN.—

18 (A) IN GENERAL.—The Secretary of State
19 shall promote and ensure the meaningful par-
20 ticipation of Afghan women in any discussions
21 between the Government of Afghanistan and
22 the Taliban related to the future of Afghanistan
23 in a manner consistent with the Women, Peace,
24 and Security Act of 2017 (Public Law 115–68)
25 and the 2019 United States Strategy on

1 Women, Peace, and Security, including
2 through—

3 (i) advocacy by the United States
4 Government for the inclusion of Afghan
5 women representatives, particularly from
6 civil society and rural provinces, in ongoing
7 and future discussion;

8 (ii) the leveraging of assistance for
9 the protection of women and girls and
10 their rights; and

11 (iii) efforts to ensure that any agree-
12 ment protects women’s and girl’s rights
13 and ensures their freedom of movement,
14 rights to education and work, and access
15 to healthcare and legal representation.

16 (B) ASSISTANCE.—Funds appropriated by
17 this Act and prior Acts making appropriations
18 for the Department of State, foreign operations,
19 and related programs under the heading “Eco-
20 nomic Support Fund” shall be made available
21 for an endowment pursuant to paragraph
22 (3)(A)(iv) of this subsection for a not-for-profit
23 institution of higher education in Kabul, Af-
24 ghanistan that is accessible to both women and
25 men in a coeducational environment: *Provided,*

1 That such endowment shall be established in
2 partnership with a United States-based Amer-
3 ican higher education institution that will serve
4 on its board of trustees: *Provided further*, That
5 prior to the obligation of funds for such an en-
6 dowment, the Administrator of the United
7 States Agency for International Development
8 shall submit a report to the Committees on Ap-
9 propriations describing the governance struc-
10 ture, including a proposed board of trustees,
11 and financial safeguards, including regular
12 audit and reporting requirements, in any en-
13 dowment agreement: *Provided further*, That the
14 USAID Administrator shall provide a report on
15 the expenditure of funds generated from such
16 an endowment to the Committees on Appropria-
17 tions on an annual basis.

18 (3) AUTHORITIES.—

19 (A) Funds appropriated by this Act under
20 titles III through VI that are made available for
21 assistance for Afghanistan may be made avail-
22 able—

23 (i) notwithstanding section 7012 of
24 this Act or any similar provision of law

1 and section 660 of the Foreign Assistance
2 Act of 1961;

3 (ii) for reconciliation programs and
4 disarmament, demobilization, and re-
5 integration activities for former combat-
6 ants who have renounced violence against
7 the Government of Afghanistan, including
8 in accordance with section
9 7046(a)(2)(B)(ii) of the Department of
10 State, Foreign Operations, and Related
11 Programs Appropriations Act, 2012 (divi-
12 sion I of Public Law 112–74);

13 (iii) for an endowment to empower
14 women and girls; and

15 (iv) for an endowment for higher edu-
16 cation.

17 (B) Section 7046(a)(2)(A) of the Depart-
18 ment of State, Foreign Operations, and Related
19 Programs Appropriations Act, 2012 (division I
20 of Public Law 112–74) shall apply to funds ap-
21 propriated by this Act for assistance for Af-
22 ghanistan.

23 (C) Of the funds appropriated by this Act
24 under the heading “Diplomatic Programs”, up
25 to \$3,000,000 may be transferred to any other

1 appropriation of any department or agency of
2 the United States Government, upon the con-
3 currence of the head of such department or
4 agency, to support operations in, and assistance
5 for, Afghanistan and to carry out the provisions
6 of the Foreign Assistance Act of 1961: *Pro-*
7 *vided*, That any such transfer shall be subject
8 to the regular notification procedures of the
9 Committees on Appropriations.

10 (4) AGREEMENT, REPORT, AND CERTIFI-
11 CATION.—Funds appropriated by this Act shall be
12 made available for the following purposes—

13 (A) the submission to the appropriate con-
14 gressional committees by the President of a
15 copy of any agreement or arrangement between
16 the Government of the United States and the
17 Taliban relating to the United States presence
18 in Afghanistan or Taliban commitments on the
19 future of Afghanistan, which shall be submitted
20 not later than 30 days after finalizing or
21 amending such an agreement or arrangement:
22 *Provided*, That not later than 30 days after en-
23 actment of this Act and every 60 days there-
24 after until September 30, 2021, the Secretary
25 of State shall submit to such committees a re-

1 port detailing and assessing the activities of the
2 Taliban to abide by their commitments in such
3 agreement or arrangement; and

4 (B) the submission to the appropriate con-
5 gressional committees of a joint certification by
6 the Secretary of State and Secretary of Defense
7 that such agreement or arrangement, or any
8 amendment to such agreement or arrangement,
9 will further the objective of setting conditions
10 for the long-term defeat of al Qaeda and Is-
11 lamic State and will not make the United
12 States more vulnerable to terrorist attacks orig-
13 inating from Afghanistan or supported by ter-
14 rorist elements in Afghanistan: *Provided*, That
15 the initial joint certification to such committees
16 shall be submitted upon enactment of this Act,
17 and additional joint certifications, as appro-
18 priate, shall be submitted to such committees
19 not later than 30 days after any amendment to
20 such agreement or arrangement.

21 (5) UPDATED STRATEGY.—Not less than 90
22 days after enactment of this Act, the Secretary of
23 State, in consultation with the heads of other rel-
24 evant Federal agencies, shall submit to the appro-
25 priate congressional committees a comprehensive,

1 multi-year strategy for diplomatic and development
2 engagement with the Government of Afghanistan
3 that reflects the agreement between the United
4 States and the Taliban, as well as intra-Afghan ne-
5 gotiations: *Provided*, That such strategy shall in-
6 clude a component to protect and strengthen women
7 and girl’s welfare and rights, including in any intra-
8 Afghan negotiation and during the implementation
9 of any peace agreement: *Provided further*, That such
10 strategy shall describe the anticipated United States
11 diplomatic and military presence in Afghanistan over
12 a multi-year period and related strategy for miti-
13 gating and countering ongoing terrorist threats and
14 violent extremism: *Provided further*, That the Sec-
15 retary of State shall consult with such committees
16 on the parameters of such strategy: *Provided further*,
17 That the strategy required by this paragraph shall
18 be submitted in unclassified form, but may be ac-
19 companied by a classified annex.

20 (6) BASING RIGHTS AGREEMENT.—None of the
21 funds made available by this Act may be used by the
22 United States Government to enter into a perma-
23 nent basing rights agreement between the United
24 States and Afghanistan.

1 (b) BANGLADESH.—Of the funds appropriated under
2 titles III and IV of this Act, not less than \$198,323,000
3 shall be made available for assistance for Bangladesh, of
4 which—

5 (1) not less than \$23,500,000 shall be made
6 available to address the needs of communities im-
7 pacted by refugees from Burma;

8 (2) not less than \$10,000,000 shall be made
9 available for programs to protect freedom of expres-
10 sion and due process of law; and

11 (3) not less than \$23,300,000 shall be made
12 available for democracy programs, of which not less
13 than \$2,000,000 shall be made available for such
14 programs for the Rohingya community in Ban-
15 gladesh.

16 (c) NEPAL.—

17 (1) ASSISTANCE.—Of the funds appropriated
18 under titles III and IV of this Act, not less than
19 \$130,265,000 shall be made available for assistance
20 for Nepal, including for development and democracy
21 programs.

22 (2) FOREIGN MILITARY FINANCING PRO-
23 GRAM.—Funds appropriated by this Act under the
24 heading “Foreign Military Financing Program”
25 shall only be made available for humanitarian and

1 disaster relief and reconstruction activities in Nepal,
2 and in support of international peacekeeping oper-
3 ations: *Provided*, That such funds may only be made
4 available for any additional uses if the Secretary of
5 State certifies and reports to the Committees on Ap-
6 propriations that the Government of Nepal is inves-
7 tigating and prosecuting violations of human rights
8 and the laws of war, and the Nepal Army is cooper-
9 ating fully with civilian judicial authorities in such
10 cases.

11 (d) PAKISTAN.—

12 (1) TERMS AND CONDITIONS.—The terms and
13 conditions of section 7044(c) of the Department of
14 State, Foreign Operations, and Related Programs
15 Appropriations Act, 2019 (division F of Public Law
16 116–6) shall continue in effect during fiscal year
17 2021.

18 (2) ASSISTANCE.—Of the funds appropriated
19 under title III of this Act that are made available
20 for assistance for Pakistan, not less than
21 \$15,000,000 shall be made available for democracy
22 programs and not less than \$10,000,000 shall be
23 made available for gender programs.

24 (3) CLARIFICATION.—Notwithstanding para-
25 graph (1), section 7044(d)(4)(A) of the Department

1 of State, Foreign Operations, and Related Programs
2 Appropriations Act, 2015 (division J of Public Law
3 113–235) is amended by striking “shall” and insert-
4 ing in lieu thereof “may”.

5 (e) SRI LANKA.—

6 (1) ASSISTANCE.—Funds appropriated under
7 title III of this Act shall be made available for as-
8 sistance for Sri Lanka for democracy and economic
9 development programs, particularly in areas recov-
10 ering from ethnic and religious conflict: *Provided*,
11 That such funds shall be made available for pro-
12 grams to assist in the identification and resolution
13 of cases of missing persons.

14 (2) CERTIFICATION.—Funds appropriated by
15 this Act for assistance for the central Government of
16 Sri Lanka may be made available only if the Sec-
17 retary of State certifies and reports to the Commit-
18 tees on Appropriations that such Government is tak-
19 ing effective and consistent steps to—

20 (A) respect and uphold the rights and free-
21 doms of the people of Sri Lanka regardless of
22 ethnicity and religious belief, including by inves-
23 tigating violations of human rights and holding
24 perpetrators of such violations accountable;

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1 (B) increase transparency and account-
2 ability in governance;

3 (C) assert its sovereignty against influence
4 by the People's Republic of China; and

5 (D) promote reconciliation between ethnic
6 and religious groups, particularly arising from
7 past conflict in Sri Lanka, including by—

8 (i) addressing land confiscation and
9 ownership issues;

10 (ii) resolving cases of missing persons,
11 including by maintaining a functioning of-
12 fice of missing persons;

13 (iii) reducing the presence of the
14 armed forces in former conflict zones and
15 restructuring the armed forces for a peace-
16 time role that contributes to post-conflict
17 reconciliation and regional security;

18 (iv) repealing or amending laws on ar-
19 rest and detention by security forces to
20 comply with international standards; and

21 (v) investigating allegations of arbi-
22 trary arrest and torture, and supporting a
23 credible justice mechanism:

24 *Provided*, That the limitations of this paragraph
25 shall not apply to funds made available for hu-

1 manitarian assistance and disaster relief; to
2 protect human rights, locate and identify miss-
3 ing persons, and assist victims of torture and
4 trauma; to promote justice, accountability, and
5 reconciliation; to enhance maritime security and
6 domain awareness; to promote fiscal trans-
7 parency and sovereignty; and for International
8 Military Education and Training.

9 (3) INTERNATIONAL SECURITY ASSISTANCE.—

10 Of the funds appropriated by this Act and prior Acts
11 making appropriations for the Department of State,
12 foreign operations, and related programs under the
13 heading “Foreign Military Financing Program”, up
14 to \$15,000,000 may be made available for assistance
15 for Sri Lanka for the refurbishing of a high endur-
16 ance cutter: *Provided*, That in addition to such
17 funds, up to \$500,000 may be made available only
18 for programs to support humanitarian assistance,
19 disaster relief, instruction in human rights and re-
20 lated curricula development, and maritime security
21 and domain awareness, including professionalization
22 and training for the navy and coast guard: *Provided*
23 *further*, That amounts repurposed pursuant to this
24 paragraph that were previously designated by the
25 Congress, respectively, as an emergency requirement

1 or for Overseas Contingency Operations/Global War
2 on Terrorism pursuant to the Balanced Budget and
3 Emergency Deficit Control Act of 1985 are des-
4 ignated by the Congress as being for an emergency
5 requirement pursuant to section 251(b)(2)(A)(i) of
6 such Act or for Overseas Contingency Operations/
7 Global War on Terrorism pursuant to section
8 251(b)(2)(A)(ii) of such Act.

9 (f) REGIONAL PROGRAMS.—Funds appropriated by
10 this Act shall be made available for assistance for Afghani-
11 stan, Pakistan, and other countries in South and Central
12 Asia to significantly increase the recruitment, training,
13 and retention of women in the judiciary, police, and other
14 security forces, and to train judicial and security personnel
15 in such countries to prevent and address gender-based vio-
16 lence, human trafficking, and other practices that dis-
17 proportionately harm women and girls.

18 LATIN AMERICA AND THE CARIBBEAN

19 SEC. 7045. (a) CENTRAL AMERICA.—

20 (1) ASSISTANCE.—Of the funds appropriated by
21 this Act under titles III and IV, \$505,925,000
22 should be made available for assistance for Belize,
23 Costa Rica, El Salvador, Guatemala, Honduras,
24 Nicaragua, and Panama, including through the Cen-
25 tral America Regional Security Initiative: *Provided,*

1 That such assistance shall be prioritized for pro-
2 grams and activities that address the key factors
3 that contribute to the migration of unaccompanied,
4 undocumented minors to the United States and such
5 funds shall be made available for global health, hu-
6 manitarian, development, democracy, border secu-
7 rity, and law enforcement programs for such coun-
8 tries, including for programs to reduce violence
9 against women and girls and to combat corruption,
10 and for support of commissions against corruption
11 and impunity, as appropriate: *Provided further*, That
12 not less than \$45,000,000 shall be made available
13 for support of offices of Attorneys General and of
14 other entities and activities to combat corruption
15 and impunity in such countries.

16 (2) NORTHERN TRIANGLE.—

17 (A) LIMITATION ON ASSISTANCE TO CER-
18 TAIN CENTRAL GOVERNMENTS.—Of the funds
19 made available pursuant to paragraph (1)
20 under the heading “Economic Support Fund”
21 and under title IV of this Act that are made
22 available for assistance for each of the central
23 governments of El Salvador, Guatemala, and
24 Honduras, 50 percent may only be obligated
25 after the Secretary of State certifies and re-

1 ports to the Committees on Appropriations that
2 such government is—

3 (i) combating corruption and impu-
4 nity, including prosecuting corrupt govern-
5 ment officials;

6 (ii) implementing reforms, policies,
7 and programs to increase transparency and
8 strengthen public institutions;

9 (iii) protecting the rights of civil soci-
10 ety, opposition political parties, and the
11 independence of the media;

12 (iv) providing effective and account-
13 able law enforcement and security for its
14 citizens, and upholding due process of law;

15 (v) implementing policies to reduce
16 poverty and promote equitable economic
17 growth and opportunity;

18 (vi) upholding the independence of the
19 judiciary and of electoral institutions;

20 (vii) improving border security;

21 (viii) combating human smuggling
22 and trafficking and countering the activi-
23 ties of criminal gangs, drug traffickers,
24 and transnational criminal organizations;

1 (ix) informing its citizens of the dan-
2 gers of the journey to the southwest border
3 of the United States; and

4 (x) resolving disputes involving the
5 confiscation of real property of United
6 States entities.

7 (B) REPROGRAMMING.—If the Secretary is
8 unable to make the certification required by
9 subparagraph (A) for one or more of the gov-
10 ernments, such assistance for such central gov-
11 ernment shall be reprogrammed for assistance
12 for other countries in Latin America and the
13 Caribbean, notwithstanding the minimum fund-
14 ing requirements of this subsection and of sec-
15 tion 7019 of this Act: *Provided*, That any such
16 reprogramming shall be subject to the regular
17 notification procedures of the Committees on
18 Appropriations.

19 (C) EXCEPTIONS.—The limitation of sub-
20 paragraph (A) shall not apply to funds appro-
21 priated by this Act that are made available
22 for—

23 (i) offices of Attorneys General and
24 other judicial entities and activities related
25 to combating corruption and impunity;

1 (ii) programs to combat gender-based
2 violence;

3 (iii) humanitarian assistance; and

4 (iv) food security programs.

5 (D) FOREIGN MILITARY FINANCING PRO-
6 GRAM.—None of the funds appropriated by this
7 Act under the heading “Foreign Military Fi-
8 nancing Program” may be made available for
9 assistance for El Salvador, Guatemala, or Hon-
10 duras.

11 (b) COLOMBIA.—

12 (1) ASSISTANCE.—Of the funds appropriated by
13 this Act under titles III and IV, not less than
14 \$461,375,000 shall be made available for assistance
15 for Colombia: *Provided*, That such funds shall be
16 made available for the programs and activities de-
17 scribed under this section in House Report 116–444.

18 (2) WITHHOLDING OF FUNDS.—

19 (A) COUNTERNARCOTICS.—Of the funds
20 appropriated by this Act under the heading
21 “International Narcotics Control and Law En-
22 forcement” and made available for assistance
23 for Colombia, 20 percent may be obligated only
24 after the Secretary of State certifies and re-
25 ports to the Committees on Appropriations that

1 the Government of Colombia is continuing to
2 implement a national whole-of-government
3 counternarcotics strategy designed to reduce by
4 50 percent cocaine production and coca cultiva-
5 tion levels in Colombia by 2023 and such strat-
6 egy is not in violation of the 2016 peace accord
7 between the Government of Colombia and the
8 Revolutionary Armed Forces of Colombia.

9 (B) HUMAN RIGHTS.—Of the funds appro-
10 priated by this Act under the heading “Foreign
11 Military Financing Program” and made avail-
12 able for assistance for Colombia, 20 percent
13 may be obligated only after the Secretary of
14 State certifies and reports to the Committees
15 on Appropriations that—

16 (i) the Special Jurisdiction for Peace
17 and other judicial authorities are taking ef-
18 fective steps to hold accountable perpetra-
19 tors of gross violations of human rights in
20 a manner consistent with international law,
21 including for command responsibility, and
22 sentence them to deprivation of liberty;

23 (ii) the Government of Colombia is
24 taking effective steps to prevent attacks
25 against human rights defenders and other

1 civil society activists, trade unionists, and
2 journalists, and judicial authorities are
3 prosecuting those responsible for such at-
4 tacks;

5 (iii) the Government of Colombia is
6 taking effective steps to protect Afro-Co-
7 lombian and indigenous communities and
8 is respecting their rights and territory;

9 (iv) senior military officers responsible
10 for ordering, committing, and covering up
11 cases of false positives are being held ac-
12 countable, including removal from active
13 duty if found guilty through criminal or
14 disciplinary proceedings; and

15 (v) the Government of Colombia has
16 investigated and is taking steps to hold ac-
17 countable Government officials credibly al-
18 leged to have directed, authorized, or con-
19 ducted illegal surveillance of political oppo-
20 nents, government officials, journalists,
21 and human rights defenders, including
22 through the use of assets provided by the
23 United States for combating counterter-
24 rorism and counternarcotics for such pur-
25 poses.

1 (3) EXCEPTIONS.—The limitations of para-
2 graph (2) shall not apply to funds made available for
3 aviation instruction and maintenance, and maritime
4 and riverine security programs.

5 (4) AUTHORITY.—Aircraft supported by funds
6 appropriated by this Act and prior Acts making ap-
7 propriations for the Department of State, foreign
8 operations, and related programs and made available
9 for assistance for Colombia may be used to trans-
10 port personnel and supplies involved in drug eradi-
11 cation and interdiction, including security for such
12 activities, and to provide transport in support of al-
13 ternative development programs and investigations
14 by civilian judicial authorities.

15 (5) LIMITATION.—None of the funds appro-
16 priated by this Act or prior Acts making appropria-
17 tions for the Department of State, foreign oper-
18 ations, and related programs that are made available
19 for assistance for Colombia may be made available
20 for payment of reparations to conflict victims or
21 compensation to demobilized combatants associated
22 with a peace agreement between the Government of
23 Colombia and illegal armed groups.

24 (c) HAITI.—

1 (1) CERTIFICATION.—The certification require-
2 ment contained in section 7045(e)(1) of the Depart-
3 ment of State, Foreign Operations, and Related Pro-
4 grams Appropriations Act, 2020 (division G of Pub-
5 lic Law 116–94) shall continue in effect during fis-
6 cal year 2021 and shall also apply to funds appro-
7 priated by this Act under the heading “Development
8 Assistance” that are made available for assistance
9 for Haiti.

10 (2) HAITIAN COAST GUARD.—The Government
11 of Haiti shall be eligible to purchase defense articles
12 and services under the Arms Export Control Act (22
13 U.S.C. 2751 et seq.) for the Coast Guard.

14 (3) LIMITATION.—None of the funds made
15 available by this Act may be used to provide assist-
16 ance to the armed forces of Haiti.

17 (d) THE CARIBBEAN.—Of the funds appropriated by
18 this Act under titles III and IV, not less than \$74,800,000
19 shall be made available for the Caribbean Basin Security
20 Initiative.

21 (e) VENEZUELA.—

22 (1) Of the funds appropriated by this Act under
23 the heading “Economic Support Fund”, not less
24 than \$33,000,000 shall be made available for democ-
25 racy programs for Venezuela.

1 (2) Funds appropriated under title III of this
2 Act and prior Acts making appropriations for the
3 Department of State, foreign operations, and related
4 programs shall be made available for assistance for
5 communities in countries supporting or otherwise
6 impacted by refugees from Venezuela, including Co-
7 lombia, Peru, Ecuador, Curacao, and Trinidad and
8 Tobago: *Provided*, That such amounts are in addi-
9 tion to funds otherwise made available for assistance
10 for such countries, subject to prior consultation
11 with, and the regular notification procedures of, the
12 Committees on Appropriations.

13 EUROPE AND EURASIA

14 SEC. 7046. (a) ASSISTANCE.—

15 (1) GEORGIA.—Of the funds appropriated by
16 this Act under titles III and IV, not less than
17 \$132,025,000 shall be made available for assistance
18 for Georgia: *Provided*, That not later than 90 days
19 after enactment of this Act, the Secretary of State
20 shall submit to the Committees on Appropriations a
21 report on the rule of law and accountable institu-
22 tions in Georgia as described under this heading in
23 the explanatory statement described in section 4 (in
24 the matter preceding division A of this consolidated
25 Act).

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1 (2) UKRAINE.—Of the funds appropriated by
2 this Act under titles III and IV, not less than
3 \$453,000,000 shall be made available for assistance
4 for Ukraine.

5 (b) TERRITORIAL INTEGRITY.—None of the funds
6 appropriated by this Act may be made available for assist-
7 ance for a government of an Independent State of the
8 former Soviet Union if such government directs any action
9 in violation of the territorial integrity or national sov-
10 ereignty of any other Independent State of the former So-
11 viet Union, such as those violations included in the Hel-
12 sinki Final Act: *Provided*, That except as otherwise pro-
13 vided in section 7047(a) of this Act, funds may be made
14 available without regard to the restriction in this sub-
15 section if the President determines that to do so is in the
16 national security interest of the United States: *Provided*
17 *further*, That prior to executing the authority contained
18 in the previous proviso, the Secretary of State shall con-
19 sult with the Committees on Appropriations on how such
20 assistance supports the national security interest of the
21 United States.

22 (c) SECTION 907 OF THE FREEDOM SUPPORT
23 ACT.—Section 907 of the FREEDOM Support Act (22
24 U.S.C. 5812 note) shall not apply to—

1 (1) activities to support democracy or assist-
2 ance under title V of the FREEDOM Support Act
3 (22 U.S.C. 5851 et seq.) and section 1424 of the
4 Defense Against Weapons of Mass Destruction Act
5 of 1996 (50 U.S.C. 2333) or non-proliferation as-
6 sistance;

7 (2) any assistance provided by the Trade and
8 Development Agency under section 661 of the For-
9 eign Assistance Act of 1961;

10 (3) any activity carried out by a member of the
11 United States and Foreign Commercial Service while
12 acting within his or her official capacity;

13 (4) any insurance, reinsurance, guarantee, or
14 other assistance provided by the United States
15 International Development Finance Corporation as
16 authorized by the BUILD Act of 2018 (division F
17 of Public Law 115–254);

18 (5) any financing provided under the Export-
19 Import Bank Act of 1945 (Public Law 79–173); or

20 (6) humanitarian assistance.

21 (d) TURKEY.—None of the funds made available by
22 this Act may be used to facilitate or support the sale of
23 defense articles or defense services to the Turkish Presi-
24 dential Protection Directorate (TPPD) under Chapter 2
25 of the Arms Export Control Act (22 U.S.C. 2761 et seq.)

1 unless the Secretary of State determines and reports to
2 the appropriate congressional committees that members of
3 the TPPD who are named in the July 17, 2017, indict-
4 ment by the Superior Court of the District of Columbia,
5 and against whom there are pending charges, have re-
6 turned to the United States to stand trial in connection
7 with the offenses contained in such indictment or have
8 otherwise been brought to justice: *Provided*, That the limi-
9 tation in this paragraph shall not apply to the use of funds
10 made available by this Act for border security purposes,
11 for North Atlantic Treaty Organization or coalition oper-
12 ations, or to enhance the protection of United States offi-
13 cials and facilities in Turkey.

14 COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

15 SEC. 7047. (a) LIMITATION.—None of the funds ap-
16 propriated by this Act may be made available for assist-
17 ance for the central Government of the Russian Federa-
18 tion.

19 (b) ANNEXATION OF CRIMEA.—

20 (1) PROHIBITION.—None of the funds appro-
21 priated by this Act may be made available for assist-
22 ance for the central government of a country that
23 the Secretary of State determines and reports to the
24 Committees on Appropriations has taken affirmative
25 steps intended to support or be supportive of the

1 Russian Federation annexation of Crimea or other
2 territory in Ukraine: *Provided*, That except as other-
3 wise provided in subsection (a), the Secretary may
4 waive the restriction on assistance required by this
5 paragraph if the Secretary determines and reports to
6 such Committees that to do so is in the national in-
7 terest of the United States, and includes a justifica-
8 tion for such interest.

9 (2) LIMITATION.—None of the funds appro-
10 priated by this Act may be made available for—

11 (A) the implementation of any action or
12 policy that recognizes the sovereignty of the
13 Russian Federation over Crimea or other terri-
14 tory in Ukraine;

15 (B) the facilitation, financing, or guarantee
16 of United States Government investments in
17 Crimea or other territory in Ukraine under the
18 control of Russian-backed separatists, if such
19 activity includes the participation of Russian
20 Government officials, or other Russian owned
21 or controlled financial entities; or

22 (C) assistance for Crimea or other terri-
23 tory in Ukraine under the control of Russian-
24 backed separatists, if such assistance includes
25 the participation of Russian Government offi-

1 cials, or other Russian owned or controlled fi-
2 nancial entities.

3 (3) INTERNATIONAL FINANCIAL INSTITU-
4 TIONS.—The Secretary of the Treasury shall in-
5 struct the United States executive directors of each
6 international financial institution to use the voice
7 and vote of the United States to oppose any assist-
8 ance by such institution (including any loan, credit,
9 or guarantee) for any program that violates the sov-
10 ereignty or territorial integrity of Ukraine.

11 (4) DURATION.—The requirements and limita-
12 tions of this subsection shall cease to be in effect if
13 the Secretary of State determines and reports to the
14 Committees on Appropriations that the Government
15 of Ukraine has reestablished sovereignty over Cri-
16 mea and other territory in Ukraine under the con-
17 trol of Russian-backed separatists.

18 (c) OCCUPATION OF THE GEORGIAN TERRITORIES OF
19 ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

20 (1) PROHIBITION.—None of the funds appro-
21 priated by this Act may be made available for assist-
22 ance for the central government of a country that
23 the Secretary of State determines and reports to the
24 Committees on Appropriations has recognized the
25 independence of, or has established diplomatic rela-

1 tions with, the Russian Federation occupied Geor-
2 gian territories of Abkhazia and Tskhinvali Region/
3 South Ossetia: *Provided*, That the Secretary shall
4 publish on the Department of State website a list of
5 any such central governments in a timely manner:
6 *Provided further*, That the Secretary may waive the
7 restriction on assistance required by this paragraph
8 if the Secretary determines and reports to the Com-
9 mittees on Appropriations that to do so is in the na-
10 tional interest of the United States, and includes a
11 justification for such interest.

12 (2) LIMITATION.—None of the funds appro-
13 priated by this Act may be made available to sup-
14 port the Russian Federation occupation of the Geor-
15 gian territories of Abkhazia and Tskhinvali Region/
16 South Ossetia.

17 (3) INTERNATIONAL FINANCIAL INSTITU-
18 TIONS.—The Secretary of the Treasury shall in-
19 struct the United States executive directors of each
20 international financial institution to use the voice
21 and vote of the United States to oppose any assist-
22 ance by such institution (including any loan, credit,
23 or guarantee) for any program that violates the sov-
24 ereignty and territorial integrity of Georgia.

25 (d) COUNTERING RUSSIAN INFLUENCE FUND.—

1 (1) ASSISTANCE.—Of the funds appropriated by
2 this Act under the headings “Assistance for Europe,
3 Eurasia and Central Asia”, “International Narcotics
4 Control and Law Enforcement”, “International Military
5 Education and Training”, and “Foreign Military
6 Financing Program”, not less than
7 \$290,000,000 shall be made available to carry out
8 the purposes of the Countering Russian Influence
9 Fund, as authorized by section 254 of the Countering
10 Russian Influence in Europe and Eurasia Act
11 of 2017 (Public Law 115–44; 22 U.S.C. 9543) and
12 notwithstanding the country limitation in subsection
13 (b) of such section, and programs to enhance the capacity
14 of law enforcement and security forces in
15 countries in Europe, Eurasia, and Central Asia and
16 strengthen security cooperation between such countries
17 and the United States and the North Atlantic
18 Treaty Organization, as appropriate.

19 (2) ECONOMICS AND TRADE.—Funds appropriated
20 by this Act and made available for assistance
21 for the Eastern Partnership countries shall be made
22 available to advance the implementation of Association
23 Agreements and trade agreements with the European
24 Union, and to reduce their vulnerability to

1 external economic and political pressure from the
2 Russian Federation.

3 (e) DEMOCRACY PROGRAMS.—Funds appropriated by
4 this Act shall be made available to support democracy pro-
5 grams in the Russian Federation and other countries in
6 Europe, Eurasia, and Central Asia, including to promote
7 Internet freedom: *Provided*, That of the funds appro-
8 priated under the heading “Assistance for Europe, Eur-
9 asia and Central Asia”, not less than \$20,000,000 shall
10 be made available to strengthen democracy and civil soci-
11 ety in Central Europe, including for transparency, inde-
12 pendent media, rule of law, minority rights, and programs
13 to combat anti-Semitism.

14 UNITED NATIONS

15 SEC. 7048. (a) TRANSPARENCY AND ACCOUNT-
16 ABILITY.—Not later than 180 days after enactment of this
17 Act, the Secretary of State shall report to the Committees
18 on Appropriations whether each organization, department,
19 or agency receiving a contribution from funds appro-
20 priated by this Act under the headings “Contributions to
21 International Organizations” and “International Organi-
22 zations and Programs” is—

23 (1) posting on a publicly available website, con-
24 sistent with privacy regulations and due process,
25 regular financial and programmatic audits of such

1 organization, department, or agency, and providing
2 the United States Government with necessary access
3 to such financial and performance audits;

4 (2) effectively implementing and enforcing poli-
5 cies and procedures which meet or exceed best prac-
6 tices in the United States for the protection of whis-
7 tleblowers from retaliation, including—

8 (A) protection against retaliation for inter-
9 nal and lawful public disclosures;

10 (B) legal burdens of proof;

11 (C) statutes of limitation for reporting re-
12 tialiation;

13 (D) access to binding independent adju-
14 dicative bodies, including shared cost and selec-
15 tion of external arbitration; and

16 (E) results that eliminate the effects of
17 proven retaliation, including provision for the
18 restoration of prior employment; and

19 (3) effectively implementing and enforcing poli-
20 cies and procedures on the appropriate use of travel
21 funds, including restrictions on first-class and busi-
22 ness-class travel.

23 (b) RESTRICTIONS ON UNITED NATIONS DELEGA-
24 TIONS AND ORGANIZATIONS.—

1 (1) RESTRICTIONS ON UNITED STATES DELEGA-
2 TIONS.—None of the funds made available by this
3 Act may be used to pay expenses for any United
4 States delegation to any specialized agency, body, or
5 commission of the United Nations if such agency,
6 body, or commission is chaired or presided over by
7 a country, the government of which the Secretary of
8 State has determined, for purposes of section
9 1754(c) of the Export Reform Control Act of 2018
10 (50 U.S.C. 4813(c)), supports international ter-
11 rorism.

12 (2) RESTRICTIONS ON CONTRIBUTIONS.—None
13 of the funds made available by this Act may be used
14 by the Secretary of State as a contribution to any
15 organization, agency, commission, or program within
16 the United Nations system if such organization,
17 agency, commission, or program is chaired or pre-
18 sided over by a country the government of which the
19 Secretary of State has determined, for purposes of
20 section 620A of the Foreign Assistance Act of 1961,
21 section 40 of the Arms Export Control Act, section
22 1754(c) of the Export Reform Control Act of 2018
23 (50 U.S.C. 4813(c)), or any other provision of law,
24 is a government that has repeatedly provided sup-
25 port for acts of international terrorism.

1 (3) WAIVER.—The Secretary of State may
2 waive the restriction in this subsection if the Sec-
3 retary determines and reports to the Committees on
4 Appropriations that to do so is important to the na-
5 tional interest of the United States, including a de-
6 scription of the national interest served.

7 (c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—
8 None of the funds appropriated by this Act may be made
9 available in support of the United Nations Human Rights
10 Council unless the Secretary of State determines and re-
11 ports to the Committees on Appropriations that partici-
12 pation in the Council is important to the national interest
13 of the United States and that such Council is taking sig-
14 nificant steps to remove Israel as a permanent agenda
15 item and ensure integrity in the election of members to
16 such Council: *Provided*, That such report shall include a
17 description of the national interest served and the steps
18 taken to remove Israel as a permanent agenda item and
19 ensure integrity in the election of members to such Coun-
20 cil: *Provided further*, That the Secretary of State shall re-
21 port to the Committees on Appropriations not later than
22 September 30, 2021, on the resolutions considered in the
23 United Nations Human Rights Council during the pre-
24 vious 12 months, and on steps taken to remove Israel as

1 a permanent agenda item and ensure integrity in the elec-
2 tion of members to such Council.

3 (d) UNITED NATIONS RELIEF AND WORKS AGEN-
4 CY.—Prior to the initial obligation of funds for the United
5 Nations Relief and Works Agency (UNRWA), the Sec-
6 retary of State shall report to the Committees on Appro-
7 priations, in writing, on whether UNRWA is—

8 (1) utilizing Operations Support Officers in the
9 West Bank, Gaza, and other fields of operation to
10 inspect UNRWA installations and reporting any in-
11 appropriate use;

12 (2) acting promptly to address any staff or ben-
13 eficiary violation of its own policies (including the
14 policies on neutrality and impartiality of employees)
15 and the legal requirements under section 301(c) of
16 the Foreign Assistance Act of 1961;

17 (3) implementing procedures to maintain the
18 neutrality of its facilities, including implementing a
19 no-weapons policy, and conducting regular inspec-
20 tions of its installations, to ensure they are only
21 used for humanitarian or other appropriate pur-
22 poses;

23 (4) taking necessary and appropriate measures
24 to ensure it is operating in compliance with the con-
25 ditions of section 301(c) of the Foreign Assistance

1 Act of 1961 and continuing regular reporting to the
2 Department of State on actions it has taken to en-
3 sure conformance with such conditions;

4 (5) taking steps to ensure the content of all
5 educational materials currently taught in UNRWA-
6 administered schools and summer camps is con-
7 sistent with the values of human rights, dignity, and
8 tolerance and does not induce incitement;

9 (6) not engaging in operations with financial in-
10 stitutions or related entities in violation of relevant
11 United States law, and is taking steps to improve
12 the financial transparency of the organization; and

13 (7) in compliance with the United Nations
14 Board of Auditors' biennial audit requirements and
15 is implementing in a timely fashion the Board's rec-
16 ommendations.

17 (e) PROHIBITION OF PAYMENTS TO UNITED NA-
18 TIONS MEMBERS.—None of the funds appropriated or
19 made available pursuant to titles III through VI of this
20 Act for carrying out the Foreign Assistance Act of 1961,
21 may be used to pay in whole or in part any assessments,
22 arrearages, or dues of any member of the United Nations
23 or, from funds appropriated by this Act to carry out chap-
24 ter 1 of part I of the Foreign Assistance Act of 1961,
25 the costs for participation of another country's delegation

1 at international conferences held under the auspices of
2 multilateral or international organizations.

3 (f) REPORT.—Not later than 45 days after enactment
4 of this Act, the Secretary of State shall submit a report
5 to the Committees on Appropriations detailing the amount
6 of funds available for obligation or expenditure in fiscal
7 year 2021 for contributions to any organization, depart-
8 ment, agency, or program within the United Nations sys-
9 tem or any international program that are withheld from
10 obligation or expenditure due to any provision of law: *Pro-*
11 *vided*, That the Secretary shall update such report each
12 time additional funds are withheld by operation of any
13 provision of law: *Provided further*, That the reprogram-
14 ming of any withheld funds identified in such report, in-
15 cluding updates thereof, shall be subject to prior consulta-
16 tion with, and the regular notification procedures of, the
17 Committees on Appropriations.

18 (g) SEXUAL EXPLOITATION AND ABUSE IN PEACE-
19 KEEPING OPERATIONS.—The Secretary of State should
20 withhold assistance to any unit of the security forces of
21 a foreign country if the Secretary has credible information
22 that such unit has engaged in sexual exploitation or abuse,
23 including while serving in a United Nations peacekeeping
24 operation, until the Secretary determines that the govern-
25 ment of such country is taking effective steps to hold the

1 responsible members of such unit accountable and to pre-
2 vent future incidents: *Provided*, That the Secretary shall
3 promptly notify the government of each country subject
4 to any withholding of assistance pursuant to this para-
5 graph, and shall notify the appropriate congressional com-
6 mittees of such withholding not later than 10 days after
7 a determination to withhold such assistance is made: *Pro-*
8 *vided further*, That the Secretary shall, to the maximum
9 extent practicable, assist such government in bringing the
10 responsible members of such unit to justice.

11 (h) ADDITIONAL AVAILABILITY.—Subject to the reg-
12 ular notification procedures of the Committees on Appro-
13 priations, funds appropriated by this Act which are re-
14 turned or not made available due to the third proviso
15 under the heading “Contributions for International Peace-
16 keeping Activities” in title I of this Act or section 307(a)
17 of the Foreign Assistance Act of 1961 (22 U.S.C.
18 2227(a)), shall remain available for obligation until Sep-
19 tember 30, 2022: *Provided*, That the requirement to with-
20 hold funds for programs in Burma under section 307(a)
21 of the Foreign Assistance Act of 1961 shall not apply to
22 funds appropriated by this Act.

23 WAR CRIMES TRIBUNALS

24 SEC. 7049. (a) If the President determines that doing
25 so will contribute to a just resolution of charges regarding

1 genocide or other violations of international humanitarian
2 law, the President may direct a drawdown pursuant to sec-
3 tion 552(c) of the Foreign Assistance Act of 1961 of up
4 to \$30,000,000 of commodities and services for the United
5 Nations War Crimes Tribunal established with regard to
6 the former Yugoslavia by the United Nations Security
7 Council or such other tribunals or commissions as the
8 Council may establish or authorize to deal with such viola-
9 tions, without regard to the ceiling limitation contained
10 in paragraph (2) thereof: *Provided*, That the determina-
11 tion required under this section shall be in lieu of any de-
12 terminations otherwise required under section 552(c): *Pro-*
13 *vided further*, That funds made available pursuant to this
14 section shall be made available subject to the regular noti-
15 fication procedures of the Committees on Appropriations.

16 (b) None of the funds appropriated by this Act may
17 be made available for a United States contribution to the
18 International Criminal Court: *Provided*, That funds may
19 be made available for technical assistance, training, assist-
20 ance for victims, protection of witnesses, and law enforce-
21 ment support related to international investigations, ap-
22 prehensions, prosecutions, and adjudications of genocide,
23 crimes against humanity, and war crimes: *Provided fur-*
24 *ther*, That the previous proviso shall not apply to inves-
25 tigation, apprehensions, or prosecutions of American

1 service members and other United States citizens or na-
2 tionals, or nationals of the North Atlantic Treaty Organi-
3 zation (NATO) or major non-NATO allies initially des-
4 igned pursuant to section 517(b) of the Foreign Assist-
5 ance Act of 1961.

6 GLOBAL INTERNET FREEDOM

7 SEC. 7050. (a) FUNDING.—Of the funds available for
8 obligation during fiscal year 2021 under the headings
9 “International Broadcasting Operations”, “Economic
10 Support Fund”, “Democracy Fund”, and “Assistance for
11 Europe, Eurasia and Central Asia”, not less than
12 \$70,000,000 shall be made available for programs to pro-
13 mote Internet freedom globally: *Provided*, That such pro-
14 grams shall be prioritized for countries whose governments
15 restrict freedom of expression on the Internet, and that
16 are important to the national interest of the United
17 States: *Provided further*, That funds made available pursu-
18 ant to this section shall be matched, to the maximum ex-
19 tent practicable, by sources other than the United States
20 Government, including from the private sector.

21 (b) REQUIREMENTS.—

22 (1) DEPARTMENT OF STATE AND UNITED
23 STATES AGENCY FOR INTERNATIONAL DEVELOP-
24 MENT.—Funds appropriated by this Act under the
25 headings “Economic Support Fund”, “Democracy

1 Fund”, and “Assistance for Europe, Eurasia and
2 Central Asia” that are made available pursuant to
3 subsection (a) shall be—

4 (A) coordinated with other democracy pro-
5 grams funded by this Act under such headings,
6 and shall be incorporated into country assist-
7 ance and democracy promotion strategies, as
8 appropriate;

9 (B) for programs to implement the May
10 2011, International Strategy for Cyberspace,
11 the Department of State International Cyber-
12 space Policy Strategy required by section 402
13 of the Cybersecurity Act of 2015 (division N of
14 Public Law 114–113), and the comprehensive
15 strategy to promote Internet freedom and ac-
16 cess to information in Iran, as required by sec-
17 tion 414 of the Iran Threat Reduction and
18 Syria Human Rights Act of 2012 (22 U.S.C.
19 8754);

20 (C) made available for programs that sup-
21 port the efforts of civil society to counter the
22 development of repressive Internet-related laws
23 and regulations, including countering threats to
24 Internet freedom at international organizations;
25 to combat violence against bloggers and other

1 users; and to enhance digital security training
2 and capacity building for democracy activists;

3 (D) made available for research of key
4 threats to Internet freedom; the continued de-
5 velopment of technologies that provide or en-
6 hance access to the Internet, including cir-
7 cumvention tools that bypass Internet blocking,
8 filtering, and other censorship techniques used
9 by authoritarian governments; and maintenance
10 of the technological advantage of the United
11 States Government over such censorship tech-
12 niques: *Provided*, That the Secretary of State,
13 in consultation with the United States Agency
14 for Global Media Chief Executive Officer
15 (USAGM CEO) and the President of the Open
16 Technology Fund (OTF), shall coordinate any
17 such research and development programs with
18 other relevant United States Government de-
19 partments and agencies in order to share infor-
20 mation, technologies, and best practices, and to
21 assess the effectiveness of such technologies;
22 and

23 (E) made available only after the Assistant
24 Secretary for Democracy, Human Rights, and

1 Labor, Department of State, concurs that such
2 funds are allocated consistent with—

3 (i) the strategies referenced in sub-
4 paragraph (B) of this paragraph;

5 (ii) best practices regarding security
6 for, and oversight of, Internet freedom pro-
7 grams; and

8 (iii) sufficient resources and support
9 for the development and maintenance of
10 anti-censorship technology and tools.

11 (2) UNITED STATES AGENCY FOR GLOBAL
12 MEDIA.—Funds appropriated by this Act under the
13 heading “International Broadcasting Operations”
14 that are made available pursuant to subsection (a)
15 shall be—

16 (A) made available only for open-source
17 tools and techniques to securely develop and
18 distribute USAGM digital content, facilitate au-
19 dience access to such content on websites that
20 are censored, coordinate the distribution of
21 USAGM digital content to targeted regional au-
22 diences, and to promote and distribute such
23 tools and techniques, including digital security
24 techniques;

1 (B) coordinated by the USAGM CEO, in
2 consultation with the OTF President, with pro-
3 grams funded by this Act under the heading
4 “International Broadcasting Operations”, and
5 shall be incorporated into country broadcasting
6 strategies, as appropriate;

7 (C) coordinated by the USAGM CEO, in
8 consultation with the OTF President, to solicit
9 project proposals through an open, transparent,
10 and competitive application process, seek input
11 from technical and subject matter experts to se-
12 lect proposals, and support Internet circumven-
13 tion tools and techniques for audiences in coun-
14 tries that are strategic priorities for the OTF
15 and in a manner consistent with the United
16 States Government Internet freedom strategy;
17 and

18 (D) made available for the research and
19 development of new tools or techniques author-
20 ized in subparagraph (A) only after the
21 USAGM CEO, in consultation with the Sec-
22 retary of State, the OTF President, and other
23 relevant United States Government depart-
24 ments and agencies, evaluates the risks and
25 benefits of such new tools or techniques, and

1 establishes safeguards to minimize the use of
2 such new tools or techniques for illicit purposes.

3 (c) COORDINATION AND SPEND PLANS.—After con-
4 sultation among the relevant agency heads to coordinate
5 and de-conflict planned activities, but not later than 90
6 days after enactment of this Act, the Secretary of State
7 and the USAGM CEO, in consultation with the OTF
8 President, shall submit to the Committees on Appropria-
9 tions spend plans for funds made available by this Act for
10 programs to promote Internet freedom globally, which
11 shall include a description of safeguards established by rel-
12 evant agencies to ensure that such programs are not used
13 for illicit purposes: *Provided*, That the Department of
14 State spend plan shall include funding for all such pro-
15 grams for all relevant Department of State and the United
16 States Agency for International Development offices and
17 bureaus.

18 (d) SECURITY AUDITS.—Funds made available pur-
19 suant to this section to promote Internet freedom globally
20 may only be made available to support open-source tech-
21 nologies that undergo comprehensive security audits con-
22 sistent with the requirements of the Bureau of Democracy,
23 Human Rights, and Labor, Department of State to ensure
24 that such technology is secure and has not been com-
25 promised in a manner detrimental to the interest of the

1 United States or to individuals and organizations bene-
2 fitting from programs supported by such funds: *Provided*,
3 That the security auditing procedures used by such Bu-
4 reau shall be reviewed and updated periodically to reflect
5 current industry security standards.

6 (e) SURGE.—Of the funds appropriated by this Act
7 under the heading “Economic Support Fund”, up to
8 \$2,500,000 may be made available to surge Internet free-
9 dom programs in closed societies if the Secretary of State
10 determines and reports to the appropriate congressional
11 committees that such use of funds is in the national inter-
12 est: *Provided*, That such funds are in addition to amounts
13 made available for such purposes: *Provided further*, That
14 such funds may be transferred to, and merged with, funds
15 appropriated by this Act under the heading “International
16 Broadcasting Operations” following consultation with, and
17 the regular notification procedures of, the Committees on
18 Appropriations.

19 TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING
20 TREATMENT OR PUNISHMENT

21 SEC. 7051. (a) LIMITATION.—None of the funds
22 made available by this Act may be used to support or jus-
23 tify the use of torture and other cruel, inhuman, or de-
24 grading treatment or punishment by any official or con-
25 tract employee of the United States Government.

1 (b) ASSISTANCE.—Funds appropriated under titles
2 III and IV of this Act shall be made available, notwith-
3 standing section 660 of the Foreign Assistance Act of
4 1961 and following consultation with the Committees on
5 Appropriations, for assistance to eliminate torture and
6 other cruel, inhuman, or degrading treatment or punish-
7 ment by foreign police, military or other security forces
8 in countries receiving assistance from funds appropriated
9 by this Act.

10 AIRCRAFT TRANSFER, COORDINATION, AND USE

11 SEC. 7052. (a) TRANSFER AUTHORITY.—Notwith-
12 standing any other provision of law or regulation, aircraft
13 procured with funds appropriated by this Act and prior
14 Acts making appropriations for the Department of State,
15 foreign operations, and related programs under the head-
16 ings “Diplomatic Programs”, “International Narcotics
17 Control and Law Enforcement”, “Andean Counterdrug
18 Initiative”, and “Andean Counterdrug Programs” may be
19 used for any other program and in any region.

20 (b) PROPERTY DISPOSAL.—The authority provided
21 in subsection (a) shall apply only after the Secretary of
22 State determines and reports to the Committees on Appro-
23 priations that the equipment is no longer required to meet
24 programmatic purposes in the designated country or re-
25 gion: *Provided*, That any such transfer shall be subject

1 to prior consultation with, and the regular notification
2 procedures of, the Committees on Appropriations.

3 (c) AIRCRAFT COORDINATION.—

4 (1) AUTHORITY.—The uses of aircraft pur-
5 chased or leased by the Department of State and the
6 United States Agency for International Development
7 with funds made available in this Act or prior Acts
8 making appropriations for the Department of State,
9 foreign operations, and related programs shall be co-
10 ordinated under the authority of the appropriate
11 Chief of Mission: *Provided*, That notwithstanding
12 section 7063(b) of this Act, such aircraft may be
13 used to transport, on a reimbursable or non-reim-
14 bursable basis, Federal and non-Federal personnel
15 supporting Department of State and USAID pro-
16 grams and activities: *Provided further*, That official
17 travel for other agencies for other purposes may be
18 supported on a reimbursable basis, or without reim-
19 bursement when traveling on a space available basis:
20 *Provided further*, That funds received by the Depart-
21 ment of State in connection with the use of aircraft
22 owned, leased, or chartered by the Department of
23 State may be credited to the Working Capital Fund
24 of the Department and shall be available for ex-

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1 (b) REPAYMENT.—The Secretary of the Treasury
2 shall instruct the United States Executive Director of the
3 International Monetary Fund (IMF) to seek to ensure
4 that any loan will be repaid to the IMF before other pri-
5 vate or multilateral creditors.

6 EXTRADITION

7 SEC. 7055. (a) LIMITATION.—None of the funds ap-
8 propriated in this Act may be used to provide assistance
9 (other than funds provided under the headings “Develop-
10 ment Assistance”, “International Disaster Assistance”,
11 “Complex Crises Fund”, “International Narcotics Control
12 and Law Enforcement”, “Migration and Refugee Assist-
13 ance”, “United States Emergency Refugee and Migration
14 Assistance Fund”, and “Nonproliferation, Anti-terrorism,
15 Demining and Related Assistance”) for the central gov-
16 ernment of a country which has notified the Department
17 of State of its refusal to extradite to the United States
18 any individual indicted for a criminal offense for which
19 the maximum penalty is life imprisonment without the
20 possibility of parole or for killing a law enforcement offi-
21 cer, as specified in a United States extradition request.

22 (b) CLARIFICATION.—Subsection (a) shall only apply
23 to the central government of a country with which the
24 United States maintains diplomatic relations and with
25 which the United States has an extradition treaty and the

1 government of that country is in violation of the terms
2 and conditions of the treaty.

3 (c) WAIVER.—The Secretary of State may waive the
4 restriction in subsection (a) on a case-by-case basis if the
5 Secretary certifies to the Committees on Appropriations
6 that such waiver is important to the national interest of
7 the United States.

8 IMPACT ON JOBS IN THE UNITED STATES

9 SEC. 7056. None of the funds appropriated or other-
10 wise made available under titles III through VI of this
11 Act may be obligated or expended to provide—

12 (1) any financial incentive to a business enter-
13 prise currently located in the United States for the
14 purpose of inducing such an enterprise to relocate
15 outside the United States if such incentive or in-
16 ducement is likely to reduce the number of employ-
17 ees of such business enterprise in the United States
18 because United States production is being replaced
19 by such enterprise outside the United States;

20 (2) assistance for any program, project, or ac-
21 tivity that contributes to the violation of internation-
22 ally recognized workers' rights, as defined in section
23 507(4) of the Trade Act of 1974, of workers in the
24 recipient country, including any designated zone or
25 area in that country: *Provided*, That the application

1 of section 507(4)(D) and (E) of such Act (19 U.S.C.
2 2467(4)(D) and (E)) should be commensurate with
3 the level of development of the recipient country and
4 sector, and shall not preclude assistance for the in-
5 formal sector in such country, micro and small-scale
6 enterprise, and smallholder agriculture;

7 (3) any assistance to an entity outside the
8 United States if such assistance is for the purpose
9 of directly relocating or transferring jobs from the
10 United States to other countries and adversely im-
11 pacts the labor force in the United States; or

12 (4) for the enforcement of any rule, regulation,
13 policy, or guidelines implemented pursuant to the
14 Supplemental Guidelines for High Carbon Intensity
15 Projects approved by the Export-Import Bank of the
16 United States on December 12, 2013, when enforce-
17 ment of such rule, regulation, policy, or guidelines
18 would prohibit, or have the effect of prohibiting, any
19 coal-fired or other power-generation project the pur-
20 pose of which is to—

21 (A) provide affordable electricity in Inter-
22 national Development Association (IDA)-eligible
23 countries and IDA-blend countries; and

1 (B) increase exports of goods and services
2 from the United States or prevent the loss of
3 jobs from the United States.

4 UNITED NATIONS POPULATION FUND

5 SEC. 7057. (a) CONTRIBUTION.—Of the funds made
6 available under the heading “International Organizations
7 and Programs” in this Act for fiscal year 2021,
8 \$32,500,000 shall be made available for the United Na-
9 tions Population Fund (UNFPA).

10 (b) AVAILABILITY OF FUNDS.—Funds appropriated
11 by this Act for UNFPA, that are not made available for
12 UNFPA because of the operation of any provision of law,
13 shall be transferred to the “Global Health Programs” ac-
14 count and shall be made available for family planning, ma-
15 ternal, and reproductive health activities, subject to the
16 regular notification procedures of the Committees on Ap-
17 propriations.

18 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
19 None of the funds made available by this Act may be used
20 by UNFPA for a country program in the People’s Repub-
21 lic of China.

22 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
23 Funds made available by this Act for UNFPA may not
24 be made available unless—

1 (1) UNFPA maintains funds made available by
2 this Act in an account separate from other accounts
3 of UNFPA and does not commingle such funds with
4 other sums; and

5 (2) UNFPA does not fund abortions.

6 (e) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-
7 LAR WITHHOLDING OF FUNDS.—

8 (1) Not later than 4 months after the date of
9 enactment of this Act, the Secretary of State shall
10 submit a report to the Committees on Appropria-
11 tions indicating the amount of funds that UNFPA
12 is budgeting for the year in which the report is sub-
13 mitted for a country program in the People's Repub-
14 lic of China.

15 (2) If a report under paragraph (1) indicates
16 that UNFPA plans to spend funds for a country
17 program in the People's Republic of China in the
18 year covered by the report, then the amount of such
19 funds UNFPA plans to spend in the People's Re-
20 public of China shall be deducted from the funds
21 made available to UNFPA after March 1 for obliga-
22 tion for the remainder of the fiscal year in which the
23 report is submitted.

1 GLOBAL HEALTH ACTIVITIES

2 SEC. 7058. (a) IN GENERAL.—Funds appropriated
3 by titles III and IV of this Act that are made available
4 for bilateral assistance for child survival activities or dis-
5 ease programs including activities relating to research on,
6 and the prevention, treatment and control of, HIV/AIDS
7 may be made available notwithstanding any other provi-
8 sion of law except for provisions under the heading “Glob-
9 al Health Programs” and the United States Leadership
10 Against HIV/AIDS, Tuberculosis, and Malaria Act of
11 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-
12 ed: *Provided*, That of the funds appropriated under title
13 III of this Act, not less than \$575,000,000 should be made
14 available for family planning/reproductive health, includ-
15 ing in areas where population growth threatens biodiver-
16 sity or endangered species.

17 (b) INFECTIOUS DISEASE OUTBREAKS.—

18 (1) GLOBAL HEALTH SECURITY.—Funds appro-
19 priated by this Act under the heading “Global
20 Health Programs” shall be made available for global
21 health security programs, which shall prioritize and
22 accelerate efforts to strengthen public health capac-
23 ity in countries where there is a high risk of emerg-
24 ing zoonotic and other infectious diseases and to
25 support the collection, analysis, and sharing of data

1 on unknown viruses and other pathogens: *Provided*,
2 That not later than 60 days after enactment of this
3 Act, the USAID Administrator shall consult with
4 the Committees on Appropriations on the planned
5 uses of such funds.

6 (2) EXTRAORDINARY MEASURES.—If the Sec-
7 retary of State determines and reports to the Com-
8 mittees on Appropriations that an international in-
9 fectionous disease outbreak is sustained, severe, and is
10 spreading internationally, or that it is in the na-
11 tional interest to respond to a Public Health Emer-
12 gency of International Concern, not to exceed an ag-
13 gregate total of \$200,000,000 of the funds appro-
14 priated by this Act under the headings “Global
15 Health Programs”, “Development Assistance”,
16 “International Disaster Assistance”, “Complex Cri-
17 ses Fund”, “Economic Support Fund”, “Democracy
18 Fund”, “Assistance for Europe, Eurasia and Cen-
19 tral Asia”, “Migration and Refugee Assistance”, and
20 “Millennium Challenge Corporation” may be made
21 available to combat such infectious disease or public
22 health emergency, and may be transferred to, and
23 merged with, funds appropriated under such head-
24 ings for the purposes of this paragraph.

1533

1 (3) EMERGENCY RESERVE FUND.—Up to
2 \$50,000,000 of the funds made available under the
3 heading “Global Health Programs” may be made
4 available for the Emergency Reserve Fund estab-
5 lished pursuant to section 7058(c)(1) of the Depart-
6 ment of State, Foreign Operations, and Related Pro-
7 grams Appropriations Act, 2017 (division J of Pub-
8 lic Law 115–31): *Provided*, That such funds shall be
9 made available under the same terms and conditions
10 of such section.

11 (4) CONSULTATION AND NOTIFICATION.—
12 Funds made available by this subsection shall be
13 subject to prior consultation with the appropriate
14 congressional committees and the regular notifica-
15 tion procedures of the Committees on Appropria-
16 tions.

17 (c) CHILDHOOD CANCER.—Funds appropriated
18 under titles III and VI of this Act may be made available
19 for public-private partnerships, including in coordination
20 with relevant multilateral organizations and research enti-
21 ties, to address childhood cancer: *Provided*, That the Sec-
22 retary of State, in consultation with the USAID Adminis-
23 trator and the Office of Global Partnerships, Department
24 of State, shall submit a report to the Committees on Ap-
25 propriations on the feasibility of such partnerships prior

1 to any obligation of funds and not later than 90 days after
2 enactment of this Act.

3 GENDER EQUALITY

4 SEC. 7059. (a) WOMEN'S EMPOWERMENT.—

5 (1) GENDER EQUALITY.—Funds appropriated
6 by this Act shall be made available to promote gen-
7 der equality in United States Government diplomatic
8 and development efforts by raising the status, in-
9 creasing the participation, and protecting the rights
10 of women and girls worldwide.

11 (2) WOMEN'S ECONOMIC EMPOWERMENT.—

12 Funds appropriated by this Act are available to im-
13 plement the Women's Entrepreneurship and Eco-
14 nomic Empowerment Act of 2018 (Public Law 115-
15 428): *Provided*, That the Secretary of State and the
16 Administrator of the United States Agency for
17 International Development, as appropriate, shall
18 consult with the Committees on Appropriations on
19 the implementation of such Act.

20 (3) WOMEN'S GLOBAL DEVELOPMENT AND

21 PROSPERITY FUND.—Of the funds appropriated
22 under title III of this Act, up to \$200,000,000 may
23 be made available for the Women's Global Develop-
24 ment and Prosperity Fund.

1 (b) WOMEN'S LEADERSHIP.—Of the funds appro-
2 priated by title III of this Act, not less than \$50,000,000
3 shall be made available for programs specifically designed
4 to increase leadership opportunities for women in coun-
5 tries where women and girls suffer discrimination due to
6 law, policy, or practice, by strengthening protections for
7 women's political status, expanding women's participation
8 in political parties and elections, and increasing women's
9 opportunities for leadership positions in the public and
10 private sectors at the local, provincial, and national levels.

11 (c) GENDER-BASED VIOLENCE.—

12 (1) Of the funds appropriated under titles III
13 and IV of this Act, not less than \$165,000,000 shall
14 be made available to implement a multi-year strat-
15 egy to prevent and respond to gender-based violence
16 in countries where it is common in conflict and non-
17 conflict settings.

18 (2) Funds appropriated under titles III and IV
19 of this Act that are available to train foreign police,
20 judicial, and military personnel, including for inter-
21 national peacekeeping operations, shall address,
22 where appropriate, prevention and response to gen-
23 der-based violence and trafficking in persons, and
24 shall promote the integration of women into the po-
25 lice and other security forces.

1 (d) WOMEN, PEACE, AND SECURITY.—Of the funds
2 appropriated by this Act under the headings “Develop-
3 ment Assistance”, “Economic Support Fund”, “Assist-
4 ance for Europe, Eurasia and Central Asia”, and “Inter-
5 national Narcotics Control and Law Enforcement”, not
6 less than \$130,000,000 should be made available to sup-
7 port a multi-year strategy to expand, and improve coordi-
8 nation of, United States Government efforts to empower
9 women as equal partners in conflict prevention, peace
10 building, transitional processes, and reconstruction efforts
11 in countries affected by conflict or in political transition,
12 and to ensure the equitable provision of relief and recovery
13 assistance to women and girls.

14 (e) WOMEN AND GIRLS AT RISK FROM EXTREMISM
15 AND CONFLICT.—Of the funds appropriated by this Act
16 under the heading “Economic Support Fund”, not less
17 than \$15,000,000 shall be made available to support
18 women and girls who are at risk from extremism and con-
19 flict, and for the activities described in section 7059(e)(1)
20 of the Department of State, Foreign Operations, and Re-
21 lated Programs Appropriations Act, 2018 (division K of
22 Public Law 115–141): *Provided*, That such funds are in
23 addition to amounts otherwise made available by this Act
24 for such purposes, and shall be made available following

1 state schools in this Act and prior Acts making
2 appropriations for the Department of State,
3 foreign operations, and related programs shall
4 be subject to the regular notification procedures
5 of the Committees on Appropriations.

6 (B) Of the funds appropriated under title
7 III of this Act for assistance for basic education
8 programs, not less than \$150,000,000 shall be
9 made available for contributions to multilateral
10 partnerships that support education.

11 (C) Funds appropriated under title III of
12 this Act and made available for assistance for
13 basic education as provided for in this para-
14 graph shall be referred to as the “Nita M.
15 Lowey Basic Education Fund”.

16 (2) HIGHER EDUCATION.—Of the funds appro-
17 priated by title III of this Act, not less than
18 \$235,000,000 shall be made available for assistance
19 for higher education: *Provided*, That such funds may
20 be made available notwithstanding any other provi-
21 sion of law that restricts assistance to foreign coun-
22 tries, and shall be subject to the regular notification
23 procedures of the Committees on Appropriations:
24 *Provided further*, That of such amount, not less than
25 \$35,000,000 shall be made available for new and on-

1 going partnerships between higher education institu-
2 tions in the United States and developing countries
3 focused on building the capacity of higher education
4 institutions and systems in developing countries:
5 *Provided further*, That not later than 45 days after
6 enactment of this Act, the USAID Administrator
7 shall consult with the Committees on Appropriations
8 on the proposed uses of funds for such partnerships.

9 (3) HIGHER EDUCATION IN COUNTRIES IM-
10 PACTED BY ECONOMIC CRISES.—In addition to
11 amounts made available pursuant to paragraph (2),
12 of the funds appropriated by this Act under the
13 heading “Economic Support Fund”, not less than
14 \$50,000,000 shall be made available, notwith-
15 standing any other provision of law that restricts as-
16 sistance to foreign countries and following consulta-
17 tion with the Committees on Appropriations, for the
18 following institutions that are recipients of United
19 States assistance and located in countries impacted
20 by economic crises—

21 (A) United States-accredited institutions of
22 higher education in the Middle East; and

23 (B) not-for-profit, coeducational American
24 institutions of higher education in the Middle
25 East and Asia.

1 (b) DEVELOPMENT PROGRAMS.—Of the funds appro-
2 priated by this Act under the heading “Development As-
3 sistance”, not less than \$18,500,000 shall be made avail-
4 able for USAID cooperative development programs and
5 not less than \$30,000,000 shall be made available for the
6 American Schools and Hospitals Abroad program.

7 (c) ENVIRONMENT PROGRAMS.—

8 (1)(A) Funds appropriated by this Act to carry
9 out the provisions of sections 103 through 106, and
10 chapter 4 of part II, of the Foreign Assistance Act
11 of 1961 may be used, notwithstanding any other
12 provision of law, except for the provisions of this
13 subsection, to support environment programs.

14 (B) Funds made available pursuant to this sub-
15 section shall be subject to the regular notification
16 procedures of the Committees on Appropriations.

17 (2)(A) Of the funds appropriated under title III
18 of this Act, not less than \$320,000,000 shall be
19 made available for biodiversity conservation pro-
20 grams.

21 (B) Not less than \$100,664,000 of the funds
22 appropriated under titles III and IV of this Act shall
23 be made available to combat the transnational threat
24 of wildlife poaching and trafficking.

1 (C) None of the funds appropriated under title
2 IV of this Act may be made available for training or
3 other assistance for any military unit or personnel
4 that the Secretary of State determines has been
5 credibly alleged to have participated in wildlife
6 poaching or trafficking, unless the Secretary reports
7 to the appropriate congressional committees that to
8 do so is in the national security interest of the
9 United States.

10 (D) Funds appropriated by this Act for bio-
11 diversity programs shall not be used to support the
12 expansion of industrial scale logging or any other in-
13 dustrial scale extractive activity into areas that were
14 primary/intact tropical forests as of December 30,
15 2013, and the Secretary of the Treasury shall in-
16 struct the United States executive directors of each
17 international financial institution (IFI) to use the
18 voice and vote of the United States to oppose any
19 financing of any such activity.

20 (3) The Secretary of the Treasury shall instruct
21 the United States executive director of each IFI that
22 it is the policy of the United States to use the voice
23 and vote of the United States, in relation to any
24 loan, grant, strategy, or policy of such institution,
25 regarding the construction of any large dam con-

1 sistent with the criteria set forth in Senate Report
2 114–79, while also considering whether the project
3 involves important foreign policy objectives.

4 (4) Of the funds appropriated under title III of
5 this Act, not less than \$135,000,000 shall be made
6 available for sustainable landscapes programs.

7 (5) Of the funds appropriated under title III of
8 this Act, not less than \$177,000,000 shall be made
9 available for adaptation programs, including in sup-
10 port of the implementation of the Indo-Pacific Strat-
11 egy.

12 (6) Of the funds appropriated under title III of
13 this Act, not less than \$179,000,000 shall be made
14 available for renewable energy programs, including
15 in support of carrying out the purposes of the Elec-
16 trify Africa Act (Public Law 114–121) and imple-
17 mentation of the Power Africa initiative.

18 (7) Of the funds appropriated under title III of
19 this Act, not less than \$75,000,000 shall be made
20 available for programs to address ocean plastic pol-
21 lution and other marine debris, including technical
22 assistance for waste management: *Provided*, That
23 the Secretary of State, in consultation with the Sec-
24 retary of the Treasury, the USAID Administrator,
25 and the heads of other relevant Federal agencies,

1 shall seek to enter into negotiations with key bilat-
2 eral and multilateral donors, including the World
3 Bank, to establish a new multilateral fund for ocean
4 plastic pollution and other marine debris: *Provided*
5 *further*, That such funds may be made available for
6 a contribution to such new fund, and for a USAID-
7 administered multi-donor fund for such purposes:
8 *Provided further*, That such funds are in addition to
9 amounts otherwise made available by this Act for
10 such purposes: *Provided further*, That such funds
11 may only be made available following consultation
12 with the Committees on Appropriations.

13 (d) FOOD SECURITY AND AGRICULTURAL DEVELOP-
14 MENT.—Of the funds appropriated by title III of this Act,
15 not less than \$1,010,600,000 shall be made available for
16 food security and agricultural development programs to
17 carry out the purposes of the Global Food Security Act
18 of 2016 (Public Law 114–195): *Provided*, That funds may
19 be made available for a contribution as authorized by sec-
20 tion 3202 of the Food, Conservation, and Energy Act of
21 2008 (Public Law 110–246), as amended by section 3310
22 of the Agriculture Improvement Act of 2018 (Public Law
23 115–334).

24 (e) MICRO, SMALL, AND MEDIUM-SIZED ENTER-
25 PRISES.—Of the funds appropriated by this Act, not less

1 than \$265,000,000 shall be made available to support the
2 development of, and access to financing for, micro, small,
3 and medium-sized enterprises that benefit the poor, espe-
4 cially women.

5 (f) PROGRAMS TO COMBAT TRAFFICKING IN PER-
6 SONS.—Of the funds appropriated by this Act under the
7 headings “Development Assistance”, “Economic Support
8 Fund”, “Assistance for Europe, Eurasia and Central
9 Asia”, and “International Narcotics Control and Law En-
10 forcement”, not less than \$99,000,000 shall be made
11 available for activities to combat trafficking in persons
12 internationally, including for the Program to End Modern
13 Slavery, of which not less than \$77,000,000 shall be from
14 funds made available under the heading “International
15 Narcotics Control and Law Enforcement”: *Provided*, That
16 funds made available by this Act under the headings “De-
17 velopment Assistance”, “Economic Support Fund”, and
18 “Assistance for Europe, Eurasia and Central Asia” that
19 are made available for activities to combat trafficking in
20 persons should be obligated and programmed consistent
21 with the country-specific recommendations included in the
22 annual Trafficking in Persons Report, and shall be coordi-
23 nated with the Office to Monitor and Combat Trafficking
24 in Persons, Department of State.

1 (g) RECONCILIATION PROGRAMS.—Of the funds ap-
2 propriated by this Act under the heading “Development
3 Assistance”, not less than \$25,000,000 shall be made
4 available to support people-to-people reconciliation pro-
5 grams which bring together individuals of different ethnic,
6 religious, and political backgrounds from areas of civil
7 strife and war: *Provided*, That the USAID Administrator
8 shall consult with the Committees on Appropriations, prior
9 to the initial obligation of funds, on the uses of such funds,
10 and such funds shall be subject to the regular notification
11 procedures of the Committees on Appropriations: *Provided*
12 *further*, That to the maximum extent practicable, such
13 funds shall be matched by sources other than the United
14 States Government: *Provided further*, That such funds
15 shall be administered by the Office of Conflict Manage-
16 ment and Mitigation, USAID.

17 (h) WATER AND SANITATION.—Of the funds appro-
18 priated by this Act, not less than \$450,000,000 shall be
19 made available for water supply and sanitation projects
20 pursuant to section 136 of the Foreign Assistance Act of
21 1961, of which not less than \$225,000,000 shall be for
22 programs in sub-Saharan Africa, and of which not less
23 than \$15,000,000 shall be made available to support ini-
24 tiatives by local communities in developing countries to
25 build and maintain safe latrines.

1 BUDGET DOCUMENTS

2 SEC. 7061. (a) OPERATING PLANS.—Not later than
3 45 days after enactment of this Act, each department,
4 agency, or organization funded in titles I, II, and VI of
5 this Act, and the Department of the Treasury and Inde-
6 pendent Agencies funded in title III of this Act, including
7 the Inter-American Foundation and the United States Af-
8 rican Development Foundation, shall submit to the Com-
9 mittees on Appropriations an operating plan for funds ap-
10 propriated to such department, agency, or organization in
11 such titles of this Act, or funds otherwise available for ob-
12 ligation in fiscal year 2021, that provides details of the
13 uses of such funds at the program, project, and activity
14 level: *Provided*, That such plans shall include, as applica-
15 ble, a comparison between the congressional budget jus-
16 tification funding levels, the most recent congressional di-
17 rectives or approved funding levels, and the funding levels
18 proposed by the department or agency; and a clear, con-
19 cise, and informative description/justification: *Provided*
20 *further*, That operating plans that include changes in lev-
21 els of funding for programs, projects, and activities speci-
22 fied in the congressional budget justification, in this Act,
23 or amounts specifically designated in the respective tables
24 included in the explanatory statement described in section
25 4 (in the matter preceding division A of this consolidated

1 Act), as applicable, shall be subject to the notification and
2 reprogramming requirements of section 7015 of this Act.

3 (b) SPEND PLANS.—

4 (1) Not later than 90 days after enactment of
5 this Act, the Secretary of State or Administrator of
6 the United States Agency for International Develop-
7 ment, as appropriate, shall submit to the Commit-
8 tees on Appropriations a spend plan for funds made
9 available by this Act, for—

10 (A) assistance for Afghanistan, Iraq, Leb-
11 anon, Pakistan, Syria, Colombia, and countries
12 in Central America;

13 (B) assistance made available pursuant to
14 section 7047(d) of this Act to counter Russian
15 influence and aggression, except that such plan
16 shall be on a country-by-country basis;

17 (C) assistance made available pursuant to
18 section 7059 of this Act;

19 (D) the Indo-Pacific Strategy and the
20 Countering Chinese Influence Fund;

21 (E) democracy programs, the Power Africa
22 and Prosper Africa initiatives, and sectors enu-
23 merated in subsections (a), (c), (d), (e), (f), (g)
24 and (h) of section 7060 of this Act;

1 (F) funds provided under the heading
2 “International Narcotics Control and Law En-
3 forcement” for International Organized Crime
4 and for Cybercrime and Intellectual Property
5 Rights: *Provided*, That the spend plans shall in-
6 clude bilateral and global programs funded
7 under such heading along with a brief descrip-
8 tion of the activities planned for each country;
9 and

10 (G) the regional security initiatives de-
11 scribed under this heading in section 7050 in
12 Senate Report 116–126.

13 (2) Not later than 90 days after enactment of
14 this Act, the Secretary of the Treasury shall submit
15 to the Committees on Appropriations a detailed
16 spend plan for funds made available by this Act
17 under the heading “Department of the Treasury,
18 International Affairs Technical Assistance” in title
19 III.

20 (c) CLARIFICATION.—The spend plans referenced in
21 subsection (b) shall not be considered as meeting the noti-
22 fication requirements in this Act or under section 634A
23 of the Foreign Assistance Act of 1961.

24 (d) CONGRESSIONAL BUDGET JUSTIFICATION.—

1 States Agency for International Development, or any
2 other Federal department, agency, or organization
3 funded by this Act without prior consultation by the
4 head of such department, agency, or organization
5 with the appropriate congressional committees: *Pro-*
6 *vided*, That such funds shall be subject to the reg-
7 ular notification procedures of the Committees on
8 Appropriations: *Provided further*, That any such no-
9 tification submitted to such Committees shall include
10 a detailed justification for any proposed action, in-
11 cluding the information specified under section 7073
12 of the joint explanatory statement accompanying the
13 Department of State, Foreign Operations, and Re-
14 lated Programs Appropriations Act, 2019 (division
15 F of Public Law 116–6): *Provided further*, That con-
16 gressional notifications submitted in prior fiscal
17 years pursuant to similar provisions of law in prior
18 Acts making appropriations for the Department of
19 State, foreign operations, and related programs may
20 be deemed to meet the notification requirements of
21 this section.

22 (2) DESCRIPTION OF ACTIVITIES.—Pursuant to
23 paragraph (1), a reorganization, redesign, or other
24 plan shall include any action to—

1 (A) expand, eliminate, consolidate, or
2 downsize covered departments, agencies, or or-
3 ganizations, including bureaus and offices with-
4 in or between such departments, agencies, or
5 organizations, including the transfer to other
6 agencies of the authorities and responsibilities
7 of such bureaus and offices;

8 (B) expand, eliminate, consolidate, or
9 downsize the United States official presence
10 overseas, including at bilateral, regional, and
11 multilateral diplomatic facilities and other plat-
12 forms; or

13 (C) expand or reduce the size of the per-
14 manent Civil Service, Foreign Service, eligible
15 family member, and locally employed staff
16 workforce of the Department of State and
17 USAID from the levels specified in sections
18 7063(d) and 7064(i) of this Act.

19 (b) ADDITIONAL REQUIREMENTS AND LIMITA-
20 TIONS.—

21 (1) BUREAU OF POPULATION, REFUGEES, AND
22 MIGRATION, DEPARTMENT OF STATE.—None of the
23 funds appropriated by this Act, prior Acts making
24 appropriations for the Department of State, foreign
25 operations, and related programs, or any other Act

1 may be used to downsize, downgrade, consolidate,
2 close, move, or relocate the Bureau of Population,
3 Refugees, and Migration, Department of State, or
4 any activities of such Bureau, to another Federal
5 agency.

6 (2) ADMINISTRATION OF FUNDS.—Funds made
7 available by this Act—

8 (A) under the heading “Migration and
9 Refugee Assistance” shall be administered by
10 the Assistant Secretary for Population, Refu-
11 gees, and Migration, Department of State, and
12 this responsibility shall not be delegated; and

13 (B) that are made available for the Office
14 of Global Women’s Issues shall be administered
15 by the United States Ambassador-at-Large for
16 Global Women’s Issues, Department of State,
17 and this responsibility shall not be delegated.

18 DEPARTMENT OF STATE MANAGEMENT

19 SEC. 7063. (a) FINANCIAL SYSTEMS IMPROVE-
20 MENT.—Funds appropriated by this Act for the operations
21 of the Department of State under the headings “Diplo-
22 matic Programs” and “Capital Investment Fund” shall be
23 made available to implement the recommendations con-
24 tained in the Foreign Assistance Data Review Findings
25 Report (FADR) and the Office of Inspector General (OIG)

1 report entitled “Department Financial Systems Are Insuf-
2 ficient to Track and Report on Foreign Assistance
3 Funds”: *Provided*, That such funds may not be obligated
4 for enhancements to, or expansions of, the Budget System
5 Modernization Financial System, Central Resource Man-
6 agement System, Joint Financial Management System, or
7 Foreign Assistance Coordination and Tracking System
8 until such updated plan is submitted to the Committees
9 on Appropriations: *Provided further*, That such funds may
10 not be obligated for new, or expansion of existing, ad hoc
11 electronic systems to track commitments, obligations, or
12 expenditures of funds unless the Secretary of State, fol-
13 lowing consultation with the Chief Information Officer of
14 the Department of State, has reviewed and certified that
15 such new system or expansion is consistent with the
16 FADR and OIG recommendations: *Provided further*, That
17 not later than 45 days after enactment of this Act, the
18 Secretary of State shall submit to the Committees on Ap-
19 propriations an update to the plan required under section
20 7006 of the Department of State, Foreign Operations, and
21 Related Programs Appropriations Act, 2017 (division J of
22 Public Law 115–31) for implementing the FADR and
23 OIG recommendations.

24 (b) WORKING CAPITAL FUND.—Funds appropriated
25 by this Act or otherwise made available to the Department

1 of State for payments to the Working Capital Fund may
2 only be used for the service centers included in the Con-
3 gressional Budget Justification, Department of State,
4 Foreign Operations, and Related Programs, Fiscal Year
5 2021: *Provided*, That the amounts for such service centers
6 shall be the amounts included in such budget justification,
7 except as provided in section 7015(b) of this Act: *Provided*
8 *further*, That Federal agency components shall be charged
9 only for their direct usage of each Working Capital Fund
10 service: *Provided further*, That prior to increasing the per-
11 centage charged to Department of State bureaus and of-
12 fices for procurement-related activities, the Secretary of
13 State shall include the proposed increase in the Depart-
14 ment of State budget justification or, at least 60 days
15 prior to the increase, provide the Committees on Appro-
16 priations a justification for such increase, including a de-
17 tailed assessment of the cost and benefit of the services
18 provided by the procurement fee: *Provided further*, That
19 Federal agency components may only pay for Working
20 Capital Fund services that are consistent with the purpose
21 and authorities of such components: *Provided further*,
22 That the Working Capital Fund shall be paid in advance
23 or reimbursed at rates which will return the full cost of
24 each service.

25 (c) CERTIFICATION.—

1 (1) COMPLIANCE.—Not later than 45 days
2 after the initial obligation of funds appropriated
3 under titles III and IV of this Act that are made
4 available to a Department of State bureau or office
5 with responsibility for the management and over-
6 sight of such funds, the Secretary of State shall cer-
7 tify and report to the Committees on Appropria-
8 tions, on an individual bureau or office basis, that
9 such bureau or office is in compliance with Depart-
10 ment and Federal financial and grants management
11 policies, procedures, and regulations, as applicable.

12 (2) CONSIDERATIONS.—When making a certifi-
13 cation required by paragraph (1), the Secretary of
14 State shall consider the capacity of a bureau or of-
15 fice to—

16 (A) account for the obligated funds at the
17 country and program level, as appropriate;

18 (B) identify risks and develop mitigation
19 and monitoring plans;

20 (C) establish performance measures and
21 indicators;

22 (D) review activities and performance; and

23 (E) assess final results and reconcile fi-
24 nances.

1 (3) PLAN.—If the Secretary of State is unable
2 to make a certification required by paragraph (1),
3 the Secretary shall submit a plan and timeline de-
4 tailing the steps to be taken to bring such bureau
5 or office into compliance.

6 (d) PERSONNEL LEVELS.—Funds made available by
7 this Act are made available to support the permanent For-
8 eign Service and Civil Service staff levels of the Depart-
9 ment of State at not less than the hiring targets estab-
10 lished in the fiscal year 2020 operating plan.

11 (e) INFORMATION TECHNOLOGY PLATFORM.—

12 (1) None of the funds appropriated in title I of
13 this Act under the heading “Administration of For-
14 eign Affairs” may be made available for a new major
15 information technology (IT) investment without the
16 concurrence of the Chief Information Officer, De-
17 partment of State.

18 (2) None of the funds appropriated in title I of
19 this Act under the heading “Administration of For-
20 eign Affairs” may be used by an agency to submit
21 a project proposal to the Technology Modernization
22 Board for funding from the Technology Moderniza-
23 tion Fund unless, not later than 15 days in advance
24 of submitting the project proposal to the Board, the
25 head of the agency—

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1 (A) notifies the Committees on Appropria-
2 tions of the proposed submission of the project
3 proposal; and

4 (B) submits to the Committees on Appro-
5 priations a copy of the project proposal.

6 (3) None of the funds appropriated in title I of
7 this Act and prior Acts making appropriations for
8 the Department of State, foreign operations, and re-
9 lated programs under the heading “Administration
10 of Foreign Affairs” may be used by an agency to
11 carry out a project that is approved by the Board
12 unless the head of the agency—

13 (A) submits to the Committees on Appro-
14 priations a copy of the approved project pro-
15 posal, including the terms of reimbursement of
16 funding received for the project; and

17 (B) agrees to submit to the Committees on
18 Appropriations a copy of each report relating to
19 the project that the head of the agency submits
20 to the Board.

21 UNITED STATES AGENCY FOR INTERNATIONAL

22 DEVELOPMENT MANAGEMENT

23 SEC. 7064. (a) AUTHORITY.—Up to \$110,000,000 of
24 the funds made available in title III of this Act pursuant
25 to or to carry out the provisions of part I of the Foreign

1 Assistance Act of 1961, including funds appropriated
2 under the heading “Assistance for Europe, Eurasia and
3 Central Asia”, may be used by the United States Agency
4 for International Development to hire and employ individ-
5 uals in the United States and overseas on a limited ap-
6 pointment basis pursuant to the authority of sections 308
7 and 309 of the Foreign Service Act of 1980 (22 U.S.C.
8 3948 and 3949).

9 (b) RESTRICTION.—The authority to hire individuals
10 contained in subsection (a) shall expire on September 30,
11 2022.

12 (c) PROGRAM ACCOUNT CHARGED.—The account
13 charged for the cost of an individual hired and employed
14 under the authority of this section shall be the account
15 to which the responsibilities of such individual primarily
16 relate: *Provided*, That funds made available to carry out
17 this section may be transferred to, and merged with, funds
18 appropriated by this Act in title II under the heading “Op-
19 erating Expenses”.

20 (d) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
21 viduals hired and employed by USAID, with funds made
22 available in this Act or prior Acts making appropriations
23 for the Department of State, foreign operations, and re-
24 lated programs, pursuant to the authority of section 309
25 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may

1 be extended for a period of up to 4 years notwithstanding
2 the limitation set forth in such section.

3 (e) DISASTER SURGE CAPACITY.—Funds appro-
4 priated under title III of this Act to carry out part I of
5 the Foreign Assistance Act of 1961, including funds ap-
6 propriated under the heading “Assistance for Europe,
7 Eurasia and Central Asia”, may be used, in addition to
8 funds otherwise available for such purposes, for the cost
9 (including the support costs) of individuals detailed to or
10 employed by USAID whose primary responsibility is to
11 carry out programs in response to natural disasters, or
12 man-made disasters subject to the regular notification
13 procedures of the Committees on Appropriations.

14 (f) PERSONAL SERVICES CONTRACTORS.—Funds ap-
15 propriated by this Act to carry out chapter 1 of part I,
16 chapter 4 of part II, and section 667 of the Foreign As-
17 sistance Act of 1961, and title II of the Food for Peace
18 Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be
19 used by USAID to employ up to 40 personal services con-
20 tractors in the United States, notwithstanding any other
21 provision of law, for the purpose of providing direct, in-
22 terim support for new or expanded overseas programs and
23 activities managed by the agency until permanent direct
24 hire personnel are hired and trained: *Provided*, That not
25 more than 15 of such contractors shall be assigned to any

1 bureau or office: *Provided further*, That such funds appro-
2 priated to carry out title II of the Food for Peace Act
3 (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be made
4 available only for personal services contractors assigned
5 to the Bureau for Humanitarian Assistance.

6 (g) SMALL BUSINESS.—In entering into multiple
7 award indefinite-quantity contracts with funds appro-
8 priated by this Act, USAID may provide an exception to
9 the fair opportunity process for placing task orders under
10 such contracts when the order is placed with any category
11 of small or small disadvantaged business.

12 (h) SENIOR FOREIGN SERVICE LIMITED APPOINT-
13 MENTS.—Individuals hired pursuant to the authority pro-
14 vided by section 7059(o) of the Department of State, For-
15 eign Operations, and Related Programs Appropriations
16 Act, 2010 (division F of Public Law 111–117) may be
17 assigned to or support programs in Afghanistan or Paki-
18 stan with funds made available in this Act and prior Acts
19 making appropriations for the Department of State, for-
20 eign operations, and related programs.

21 (i) PERSONNEL LEVELS.—Funds made available by
22 this Act under the heading “Operating Expenses” are
23 made available to support not less than 1,850 permanent
24 Foreign Service Officers and 1,600 permanent Civil Serv-
25 ice staff.

1 STABILIZATION AND DEVELOPMENT IN REGIONS
2 IMPACTED BY EXTREMISM AND CONFLICT
3 SEC. 7065. (a) PREVENTION AND STABILIZATION
4 FUND.—
5 (1) FUNDS AND TRANSFER AUTHORITY.—Of
6 the funds appropriated by this Act under the head-
7 ings “Economic Support Fund”, “International Nar-
8 cotics Control and Law Enforcement”, “Non-
9 proliferation, Anti-terrorism, Demining and Related
10 Programs”, “Peacekeeping Operations”, and “For-
11 eign Military Financing Program”, not less than
12 \$100,000,000 shall be made available for the pur-
13 poses of the Prevention and Stabilization Fund, as
14 authorized by, and for the purposes enumerated in,
15 section 509(a) of the Global Fragility Act of 2019
16 (title V of division J of Public Law 116–94), of
17 which \$25,000,000 may be made available for the
18 Multi-Donor Global Fragility Fund authorized by
19 section 510(c) of such Act: *Provided*, That such
20 funds appropriated under such headings may be
21 transferred to, and merged with, funds appropriated
22 under such headings: *Provided further*, That such
23 transfer authority is in addition to any other trans-
24 fer authority provided by this Act or any other Act,

1 and is subject to the regular notification procedures
2 of the Committees on Appropriations.

3 (2) TRANSITIONAL JUSTICE.—Of the funds ap-
4 propriated by this Act under the headings “Eco-
5 nomic Support Fund” and “International Narcotics
6 Control and Law Enforcement” that are made avail-
7 able for the Prevention and Stabilization Fund, not
8 less than \$10,000,000 shall be made available for
9 programs to promote accountability for genocide,
10 crimes against humanity, and war crimes, including
11 in Iraq and Syria, which shall be in addition to any
12 other funds made available by this Act for such pur-
13 poses: *Provided*, That such programs shall include
14 components to develop local investigative and judi-
15 cial skills, and to collect and preserve evidence and
16 maintain the chain of custody of evidence, including
17 for use in prosecutions, and may include the estab-
18 lishment of, and assistance for, transitional justice
19 mechanisms: *Provided further*, That such funds shall
20 be administered by the Special Coordinator for the
21 Office of Global Criminal Justice, Department of
22 State: *Provided further*, That funds made available
23 by this paragraph shall be made available on an
24 open and competitive basis.

1 (b) GLOBAL FRAGILITY ACT IMPLEMENTATION.—
2 Funds appropriated by this Act shall be made available
3 to implement the Global Fragility Act of 2019 (title V of
4 division J of Public Law 116–94): *Provided*, That not
5 later than 180 days after enactment of this Act, the Sec-
6 retary of State, in consultation with the Administrator of
7 the United States Agency for International Development,
8 shall submit a spend plan to the Committees on Appro-
9 priations detailing the use of funds made available by this
10 Act for such purposes.

11 (c) GLOBAL COMMUNITY ENGAGEMENT AND RESIL-
12 IENCE FUND.—Funds appropriated by this Act and prior
13 Acts making appropriations for the Department of State,
14 foreign operations, and related programs under the head-
15 ing “Economic Support Fund” may be made available to
16 the Global Community Engagement and Resilience Fund
17 (GCERF), including as a contribution: *Provided*, That any
18 such funds made available for the GCERF shall be made
19 available on a cost-matching basis from sources other than
20 the United States Government, to the maximum extent
21 practicable, and shall be subject to the regular notification
22 procedures of the Committees on Appropriations.

23 (d) GLOBAL CONCESSIONAL FINANCING FACILITY.—
24 Of the funds appropriated by this Act under the heading
25 “Economic Support Fund”, \$25,000,000 shall be made

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1 available for the Global Concessional Financing Facility
2 of the World Bank to provide financing to support refu-
3 gees and host communities: *Provided*, That such funds
4 shall be in addition to funds allocated for bilateral assist-
5 ance in the report required by section 653(a) of the For-
6 eign Assistance Act of 1961, and may only be made avail-
7 able subject to prior to consultation with the Committees
8 on Appropriations: *Provided further*, That such funds may
9 be transferred to the Department of the Treasury.

10

DISABILITY PROGRAMS

11 SEC. 7066. (a) ASSISTANCE.—Funds appropriated by
12 this Act under the heading “Development Assistance”
13 shall be made available for programs and activities admin-
14 istered by the United States Agency for International De-
15 velopment to address the needs and protect and promote
16 the rights of people with disabilities in developing coun-
17 tries, including initiatives that focus on independent living,
18 economic self-sufficiency, advocacy, education, employ-
19 ment, transportation, sports, political and electoral par-
20 ticipation, and integration of individuals with disabilities,
21 including for the cost of translation.

22 (b) MANAGEMENT, OVERSIGHT, AND TECHNICAL
23 SUPPORT.—Of the funds made available pursuant to this
24 section, 5 percent may be used by USAID for manage-
25 ment, oversight, and technical support.

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1 DEBT-FOR-DEVELOPMENT

2 SEC. 7067. In order to enhance the continued partici-
3 pation of nongovernmental organizations in debt-for-devel-
4 opment and debt-for-nature exchanges, a nongovern-
5 mental organization which is a grantee or contractor of
6 the United States Agency for International Development
7 may place in interest bearing accounts local currencies
8 which accrue to that organization as a result of economic
9 assistance provided under title III of this Act and, subject
10 to the regular notification procedures of the Committees
11 on Appropriations, any interest earned on such investment
12 shall be used for the purpose for which the assistance was
13 provided to that organization.

14 ENTERPRISE FUNDS

15 SEC. 7068. (a) NOTIFICATION.—None of the funds
16 made available under titles III through VI of this Act may
17 be made available for Enterprise Funds unless the appro-
18 priate congressional committees are notified at least 15
19 days in advance.

20 (b) DISTRIBUTION OF ASSETS PLAN.—Prior to the
21 distribution of any assets resulting from any liquidation,
22 dissolution, or winding up of an Enterprise Fund, in whole
23 or in part, the President shall submit to the appropriate
24 congressional committees a plan for the distribution of the
25 assets of the Enterprise Fund.

1 tees on Appropriations that to do so is necessary to sus-
2 tain consular operations, following consultation with such
3 Committees: *Provided*, That such transfer authority is in
4 addition to any transfer authority otherwise available in
5 this Act and under any other provision of law: *Provided*
6 *further*, That no amounts may be transferred from
7 amounts designated for Overseas Contingency Operations/
8 Global War on Terrorism or as emergency requirements
9 pursuant to a concurrent resolution on the budget or sec-
10 tion 251(b)(2)(A) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 (d) In addition to the uses permitted pursuant to sec-
13 tion 286(v)(2)(A) of the Immigration and Nationality Act
14 (8 U.S.C. 1356(v)(2)(A)), for fiscal year 2021, the Sec-
15 retary of State may also use fees deposited into the Fraud
16 Prevention and Detection Account for the costs of pro-
17 viding consular services.

18 (e) Amounts provided pursuant to subsections (a),
19 (b), and (d) are designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 PROTECTIVE SERVICES

24 SEC. 7070. Of the funds appropriated under the
25 heading “Diplomatic Programs” by this Act and prior

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1 Acts making appropriations for the Department of State,
2 foreign operations, and related programs, except for funds
3 designated by the Congress as an emergency requirement
4 pursuant to a concurrent resolution on the budget or the
5 Balanced Budget and Emergency Deficit Control Act of
6 1985, up to \$15,000,000 may be made available to provide
7 protective services to former or retired senior Department
8 of State officials or employees that the Secretary of State,
9 in consultation with the Director of National Intelligence,
10 determines and reports to congressional leadership and the
11 appropriate congressional committees, face a serious and
12 credible threat from a foreign power or the agent of a for-
13 eign power arising from duties performed by such official
14 or employee while employed by the Department: *Provided*,
15 That such determination shall include a justification for
16 the provision of protective services by the Department, in-
17 cluding the identification of the specific nature of the
18 threat and the anticipated duration of such services pro-
19 vided, which may be submitted in classified form, if nec-
20 essary: *Provided further*, That such protective services
21 shall be consistent with other such services performed by
22 the Bureau of Diplomatic Security under 22 U.S.C. 2709
23 for Department officials, and shall be made available for
24 an initial period of not more than 180 days, which may
25 be extended for additional consecutive periods of 60 days

1 upon a subsequent determination by the Secretary that
2 the specific threat persists: *Provided further*, That not
3 later than 45 days after enactment of this Act and quar-
4 terly thereafter, the Secretary shall submit a report to con-
5 gressional leadership and the appropriate congressional
6 committees detailing the number of individuals receiving
7 protective services and the amount of funds expended for
8 such services on a case-by-case basis, which may be sub-
9 mitted in classified form, if necessary: *Provided further*,
10 That for purposes of this section a former or retired senior
11 Department of State official or employee means a person
12 that served in the Department at the Assistant Secretary,
13 Special Representative, or Senior Advisor level, or in a
14 comparable or more senior position, and has separated
15 from service at the Department: *Provided further*, That
16 funds made available pursuant to this section are in addi-
17 tion to amounts otherwise made available for such pur-
18 poses: *Provided further*, That amounts repurposed pursu-
19 ant to this section that were previously designated by the
20 Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
22 the Balanced Budget and Emergency Deficit Control Act
23 of 1985 are designated by the Congress for Overseas Con-
24 tingency Operations/Global War on Terrorism pursuant to
25 section 251(b)(2)(A)(ii) of such Act.

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1 RESCISSIONS
2 (INCLUDING RESCISSIONS OF FUNDS)

3 SEC. 7071. (a) OVERSEAS CONTINGENCY OPER-
4 ATIONS RESCISSIONS.—

5 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

6 Of the unobligated balances from amounts made
7 available under the heading “Diplomatic and Con-
8 sular Programs” in title II of the Security Assist-
9 ance Appropriations Act, 2017 (division B of Public
10 Law 114–254), \$360,123,000 are rescinded.

11 (2) PEACEKEEPING OPERATIONS.—Of the un-
12 obligated balances from amounts made available
13 under the heading “Peacekeeping Operations” from
14 prior Acts making appropriations for the Depart-
15 ment of State, foreign operations, and related pro-
16 grams and designated by the Congress for Overseas
17 Contingency Operations/Global War on Terrorism
18 pursuant to section 251(b)(2)(A)(ii) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985,
20 \$40,000,000 are rescinded.

21 (3) FOREIGN MILITARY FINANCING PRO-
22 GRAM.—Of the unobligated balances from amounts
23 made available under the heading “Foreign Military
24 Financing Program” from prior Acts making appro-
25 priations for the Department of State, foreign oper-

1 ations, and related programs and designated by the
2 Congress for Overseas Contingency Operations/Glob-
3 al War on Terrorism pursuant to section
4 251(b)(2)(A)(ii) of the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985, \$25,000,000 are
6 rescinded.

7 (4) DESIGNATION.—For the purposes of this
8 subsection, funds that were previously designated by
9 the Congress for Overseas Contingency Operations/
10 Global War on Terrorism pursuant to section
11 251(b)(2)(A)(ii) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985 are designated by
13 the Congress for Overseas Contingency Operations/
14 Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of such Act.

16 (b) ADDITIONAL RESCISSIONS.—

17 (1) ECONOMIC SUPPORT FUND.—Of the unobli-
18 gated balances from amounts made available under
19 the heading “Economic Support Fund” from prior
20 Acts making appropriations for the Department of
21 State, foreign operations, and related programs,
22 \$75,000,000 are rescinded.

23 (2) PEACE CORPS.—Of the unobligated bal-
24 ances from amounts made available under the head-
25 ing “Peace Corps” from prior Acts making appro-

1 appropriations for the Department of State, foreign oper-
2 ations, and related programs, \$30,000,000 are re-
3 scinded.

4 (3) INTERNATIONAL NARCOTICS CONTROL AND
5 LAW ENFORCEMENT.—Of the unobligated balances
6 from amounts made available under the heading
7 “International Narcotics Control and Law Enforce-
8 ment” from prior Acts making appropriations for
9 the Department of State, foreign operations, and re-
10 related programs, \$50,411,000 are rescinded.

11 (4) LIMITATION.—For the purposes of this sub-
12 section, no amounts may be rescinded from amounts
13 that were designated by Congress as an emergency
14 requirement or for Overseas Contingency Oper-
15 ations/Global War on Terrorism pursuant to a con-
16 current resolution on the budget or the Balanced
17 Budget and Emergency Deficit Control Act of 1985.

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1 TITLE VIII
2 NITA M. LOWEY MIDDLE EAST PARTNERSHIP
3 FOR PEACE ACT OF 2020

4 SHORT TITLE

5 SEC. 8001. This title may be cited as the “Nita M.
6 Lowey Middle East Partnership for Peace Act of 2020”.

7 FINDINGS

8 SEC. 8002. Congress finds the following:

9 (1) Economic development in conflict settings
10 has been shown to support stabilization by empow-
11 ering entrepreneurs, growing the middle class, and
12 mitigating unemployment.

13 (2) In 2018, unemployment in the Palestinian
14 territories was 32.4 percent. Gross Domestic Prod-
15 uct (GDP) growth in the Palestinian territories de-
16 clined from 2017 to 2019, and it is projected to fur-
17 ther decline in 2020.

18 (3) According to the World Bank Ad Hoc Liai-
19 son Committee’s April 2019 Economic Monitoring
20 Report, “to achieve sustainable economic growth, in
21 the Palestinian territories, growth and job creation
22 going forward will need to be private sector driven”.

23 (4) According to the 2018 Joint Strategic Plan
24 of the Department of State and the United States
25 Agency for International Development, “assistance

1 can help prevent new recruitment to terrorist organi-
2 zations, reduce levels of violence, promote legitimate
3 governance structures that strengthen inclusion, and
4 reduce policies that marginalize communities”.

5 (5) Although economic development is an im-
6 portant tool for stabilizing conflict-prone settings
7 and establishing connections between communities,
8 economic development by itself will not lead to last-
9 ing peace. People-to-people peace-building programs
10 further advance reconciliation efforts by promoting
11 greater understanding, mutual trust, and coopera-
12 tion between communities.

13 (6) While the United States and its inter-
14 national partners continue to support diplomatic and
15 political negotiations between the representatives of
16 the parties to the Israeli-Palestinian conflict, such
17 efforts require broad popular support among the
18 people on the ground to succeed.

19 (7) Achieving sustainable, high-level agreements
20 for lasting peace in the Middle East must come
21 through, and with the support of, the people who
22 live there, and the United States and its inter-
23 national partners can help the people of the region
24 build popular support for sustainable agreements for
25 lasting peace.

1 in order to benefit the Palestinian, American, and
2 Israeli peoples and economies.

3 PEOPLE-TO-PEOPLE PARTNERSHIP FOR PEACE FUND

4 SEC. 8004. Chapter 4 of part II of the Foreign As-
5 sistance Act of 1961 (22 U.S.C. 2346 et seq.) is amended
6 by adding at the end the following:

7 **“SEC. 535 PEOPLE-TO-PEOPLE PARTNERSHIP FOR PEACE**
8 **FUND.**

9 “(a) ESTABLISHMENT.—Beginning on the date that
10 is one year after the date of enactment of this section,
11 the Administrator of the United States Agency for Inter-
12 national Development is authorized to establish a program
13 to provide funding for projects to help build the founda-
14 tion for peaceful co-existence between Israelis and Pal-
15 estinians and for a sustainable two-state solution. The
16 program established under this subsection shall be known
17 as the ‘People-to-People Partnership for Peace Fund’ (re-
18 ferred to in this section as the ‘Fund’).

19 “(b) ELIGIBILITY FOR SUPPORT.—In providing fund-
20 ing for projects through the Fund, the Administrator may
21 provide support for qualified organizations, prioritizing
22 those organizations that seek to build better cooperation
23 between Israelis and Palestinians, including Palestinian
24 organizations, Israeli organizations, and international or-
25 ganizations that bring Israelis and Palestinians together.

1 “(c) ADDITIONAL ELIGIBILITY FOR SUPPORT.—In
2 providing funding for projects through the Fund, the Ad-
3 ministrator may additionally provide support to qualified
4 organizations that further shared community building,
5 peaceful co-existence, dialogue, and reconciliation between
6 Arab and Jewish citizens of Israel.

7 “(d) CONTRIBUTIONS.—The Administrator—

8 “(1) is encouraged to work with foreign govern-
9 ments and international organizations to leverage
10 the impact of United States resources and achieve
11 the objectives of this section; and

12 “(2) is authorized to accept contributions for
13 the purposes of the Fund, consistent with subsection
14 (d) of section 635.

15 “(e) ADVISORY BOARD.—

16 “(1) ESTABLISHMENT.—The Administrator
17 shall establish an advisory board to make rec-
18 ommendations to the Administrator regarding the
19 types of projects that should be considered for fund-
20 ing through the Fund.

21 “(2) MEMBERSHIP.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the advisory board shall be com-
24 posed of 13 members, none of whom may be

1 Members of Congress, who shall be appointed
2 for renewable periods of 3 years, as follows:

3 “(i) One member to serve as chair,
4 appointed by the Administrator, in con-
5 sultation with the Secretary of State.

6 “(ii) One member appointed by the
7 chair, and one member appointed by the
8 ranking member, of the Committee on For-
9 eign Relations of the Senate.

10 “(iii) One member appointed by the
11 chair, and one member appointed by the
12 ranking member, of the Committee on For-
13 eign Affairs of the House of Representa-
14 tives.

15 “(iv) One member appointed by the
16 chair, and one member appointed by the
17 ranking member, of the Committee on Ap-
18 propriations of the Senate.

19 “(v) One member appointed by the
20 chair, and one member appointed by the
21 ranking member, of the Committee on Ap-
22 propriations of the House of Representa-
23 tives.

24 “(vi) One member appointed by the
25 majority leader, and one member ap-

1 pointed by the minority leader, of the Sen-
2 ate.

3 “(vii) One member appointed by the
4 Speaker, and one member appointed by the
5 minority leader, of the House of Rep-
6 resentatives.

7 “(B) INTERNATIONAL PARTICIPATION.—
8 The Administrator may appoint up to two addi-
9 tional members to the advisory board who are
10 representatives of foreign governments or inter-
11 national organizations for renewable periods of
12 3 years.

13 “(C) QUALIFICATIONS.—Members of the
14 advisory board shall have demonstrated regional
15 expertise and experience and expertise in con-
16 flict mitigation and people-to-people programs,
17 and shall not receive compensation on account
18 of their service on the advisory board.

19 “(f) USAID MISSION RECOMMENDATIONS.—The
20 Administrator shall consider the input and recommenda-
21 tions from missions of the United States Agency for Inter-
22 national Development in the region and mission directors
23 regarding projects that should be considered for funding
24 through the Fund.

1 “(g) COORDINATION.—The Administrator shall co-
2 ordinate with the Secretary of State in carrying out the
3 provisions of this section.”.

4 JOINT INVESTMENT FOR PEACE INITIATIVE

5 SEC. 8005. (a) ESTABLISHMENT.—Beginning on the
6 date that is 180 days after the date of the enactment of
7 this Act, the Chief Executive Officer of the United States
8 International Development Finance Corporation (referred
9 to in this section as the “Chief Executive Officer” and
10 the “Corporation”, respectively) is authorized to establish
11 a program to provide investments in, and support to, enti-
12 ties that carry out projects that contribute to the develop-
13 ment of the Palestinian private sector economy in the
14 West Bank and Gaza. The program established under this
15 subsection shall be known as the “Joint Investment for
16 Peace Initiative” (referred to in this section as the “Initia-
17 tive”) and shall be subject to all existing terms, conditions,
18 restrictions, oversight requirements, and applicable provi-
19 sions of law, including the Better Utilization of Invest-
20 ments Leading to Development Act of 2018 (22 U.S.C.
21 9611 et seq), including through strict adherence to the
22 less-developed country focus under section 1412(c) of such
23 Act.

24 (b) PARTICIPATION REQUIREMENT.—In carrying out
25 the Initiative, the Chief Executive Officer shall ensure par-

1 participation by small and medium-sized enterprises owned
2 by Palestinians, which may include the technology sector,
3 the agriculture sector, and other high value-added or
4 emerging industries.

5 (c) PRIORITY.—In carrying out the Initiative, the
6 Chief Executive Officer shall prioritize support to projects
7 that increase economic cooperation between Israelis and
8 Palestinians.

9 (d) USE OF EXISTING AUTHORITIES.—In carrying
10 out the Initiative, the Chief Executive Officer shall utilize
11 the authorities under section 1421 of the Better Utiliza-
12 tion of Investments Leading to Development Act of 2018
13 (22 U.S.C. 9621), including to—

14 (1) select a manager of the Initiative;

15 (2) oversee and direct the operation of the Ini-
16 tiative consistent with such Act and other provisions
17 of law;

18 (3) provide the Initiative with loans, guaranties,
19 equity, and insurance, as appropriate, to enable the
20 Initiative to attract private investment;

21 (4) support the private sector in entering into
22 joint ventures between Palestinian and Israeli enti-
23 ties; and

1 (5) carry out the purposes of the Initiative con-
2 sistent with the provisions of this section and other
3 applicable provisions of law.

4 (e) ANNUAL REPORT.—

5 (1) IN GENERAL.—Not later than December 31,
6 2021, and each December 31 thereafter until De-
7 cember 31, 2031, the Chief Executive Officer shall
8 submit to the appropriate congressional committees
9 a report that describes the following:

10 (A) The extent to which the Initiative has
11 contributed to promoting and supporting Pales-
12 tinian economic development.

13 (B) The extent to which the Initiative has
14 contributed to greater integration of the Pales-
15 tinian economy into the international rules-
16 based business system.

17 (C) The extent to which projects that in-
18 crease economic cooperation between Palestin-
19 ians and Israelis and between Palestinians and
20 Americans have been prioritized, including
21 through support to the private sector to enter
22 into joint ventures.

23 (D) Information on the following:

24 (i) Investments received and provided
25 through the Initiative.

1 (ii) The mechanisms established for
2 transparency and accountability of invest-
3 ments provided through the Initiative.

4 (E) The extent to which entities supported
5 by the Initiative have impacted the efficacy of
6 people-to-people programs.

7 (F) To the extent practicable, an assess-
8 ment of the sustainability of commercial en-
9 deavors that receive support from the Initiative.

10 (G) A description of the process for vetting
11 and oversight of entities eligible for support
12 from the Initiative to ensure compliance with
13 the requirements of section 8006(b) of this Act.

14 (2) FORM.—The reports required under this
15 subsection shall be submitted in unclassified form,
16 without the designation “For Official Use Only” or
17 any related or successor designation, but may be ac-
18 companied by a classified annex.

19 (f) TERMINATION.—

20 (1) IN GENERAL.—The Initiative shall termi-
21 nate at the end of the fiscal year that is 10 years
22 after the date on which the Chief Executive Officer
23 makes the first investment under the Initiative.

24 (2) EXCEPTION.—The Chief Executive Officer
25 is authorized to continue to manage investments

1 made under the Initiative on and after the date
2 specified in paragraph (1).

3 (g) COORDINATION.—The Chief Executive Officer
4 shall coordinate with the Secretary of State and the Ad-
5 ministrators of the United States Agency for International
6 Development in carrying out the provisions of this section.

7 LIMITATIONS, VETTING, COORDINATION, AND OVERSIGHT

8 SEC. 8006. (a) LIMITATIONS.—None of the funds
9 made available to carry out this title, or any amendment
10 made by this title, may be used to provide—

11 (1) financial assistance to the national govern-
12 ment of any foreign country;

13 (2) assistance for—

14 (A) any individual or group the Secretary
15 of State determines to be involved in, or advo-
16 cating, terrorist activity; or

17 (B) any individual who is a member of a
18 foreign terrorist organization (as designated
19 pursuant to section 219 of the Immigration and
20 Nationality Act (8 U.S.C. 1189)); or

21 (3) assistance for the Palestinian Authority or
22 the Palestine Liberation Organization.

23 (b) APPLICABLE REGULATIONS.—Assistance made
24 available under this title, and any amendment made by
25 this title, shall adhere to the mission directives and vetting

1 practices for assistance for the West Bank and Gaza, as
2 set forth by the United States Agency for International
3 Development.

4 (c) COORDINATION.—

5 (1) The Chief Executive Officer of the United
6 States International Development Finance Corpora-
7 tion, acting through the Chief Development Officer
8 of such Corporation, shall coordinate with the Ad-
9 ministrator of the United States Agency for Inter-
10 national Development and the Secretary of State to
11 ensure that all expenditures from the Joint Invest-
12 ment for Peace Initiative comply with this section.

13 (2) To the extent practicable, the Administrator
14 of the United States Agency for International Devel-
15 opment and the Chief Executive Officer of the
16 United States International Development Finance
17 Corporation should coordinate and share information
18 in advance of providing resources through the Peo-
19 ple-to-People Partnership for Peace Fund and the
20 Joint Investment for Peace Initiative.

21 (d) REPORT.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the end of the first fiscal year in which both the
24 People-to-People Partnership for Peace Fund and
25 the Joint Investment for Peace Initiative are in ef-

1 fect, and annually thereafter, the Administrator of
2 the United States Agency for International Develop-
3 ment and the Chief Executive Officer of the United
4 States International Development Finance Corpora-
5 tion shall, in coordination with the Secretary of
6 State, jointly submit to the appropriate congress-
7 sional committees a report in writing that de-
8 scribes—

9 (A)(i) lessons learned and best practices
10 developed from funding for projects under the
11 People-to-People Partnership for Peace Fund
12 during the prior fiscal year; and

13 (ii) the extent to which such projects have
14 contributed to the purposes of the People-to-
15 People Partnership for Peace Fund;

16 (B)(i) lessons learned and best practices
17 developed from investments provided under the
18 Joint Investment for Peace Initiative during the
19 prior fiscal year; and

20 (ii) the extent to which such investments
21 have contributed to the purposes of the Joint
22 Investment for Peace Initiative; and

23 (C) how the United States International
24 Development Finance Corporation and the
25 United States Agency for International Devel-

1 opment coordinate and share information with
2 respect to the People-to-People Partnership for
3 Peace Fund and the Joint Investment for Peace
4 Initiative.

5 (2) CONSULTATION.—The Administrator of the
6 United States Agency for International Develop-
7 ment, in consultation with the Secretary of State,
8 shall consult with the advisory board established by
9 subsection (e) of section 535 of the Foreign Assist-
10 ance Act of 1961 (as added by section 8004 of this
11 Act) to inform the reports required by paragraph
12 (1).

13 APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED

14 SEC. 8007. In this title, the term “appropriate con-
15 gressional committees” has the meaning given that term
16 in section 1402 of the Better Utilization of Investments
17 Leading to Development Act of 2018 (22 U.S.C. 9601).

18 AUTHORIZATION OF APPROPRIATIONS

19 SEC. 8008. (a) IN GENERAL.—There is authorized
20 to be appropriated to carry out this title, and the amend-
21 ments made by this title, \$50,000,000 for each of the first
22 5 fiscal years beginning after the date of the enactment
23 of this Act.

24 (b) CONSULTATION REQUIREMENT.—Not later than
25 90 days after enactment of this Act, and prior to the obli-

1 gation of funds made available to implement this title, the
2 Administrator of the United States Agency for Inter-
3 national Development and the Chief Executive Officer of
4 the United States International Development Finance
5 Corporation, in coordination with the Secretary of State,
6 shall consult with the Committees on Appropriations on
7 the proposed uses of funds.

8 (c) ADMINISTRATIVE EXPENSES.—Not more than 5
9 percent of amounts authorized to be appropriated by sub-
10 section (a) for a fiscal year should be made available for
11 administrative expenses to carry out section 535 of the
12 Foreign Assistance Act of 1961 (as added by section 8004
13 of this Act).

14 (d) AVAILABILITY.—Amounts authorized to be ap-
15 propriated by subsection (a) for a fiscal year are author-
16 ized to remain available for such fiscal year and the subse-
17 quent 4 fiscal years.

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1 TITLE IX
2 EMERGENCY FUNDING AND OTHER MATTERS
3 DEPARTMENT OF STATE
4 ADMINISTRATION OF FOREIGN AFFAIRS
5 CONSULAR AND BORDER SECURITY PROGRAMS

6 For an additional amount for “Consular and Border
7 Security Programs”, \$300,000,000, to remain available
8 until expended, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, which shall be
10 for offsetting losses resulting from the coronavirus pan-
11 demic of fees and surcharges collected and deposited into
12 the account pursuant to section 7081 of division J of Pub-
13 lic Law 115–31: *Provided*, That funds made available
14 under this heading in this Act shall be in addition to any
15 other funds made available for this purpose: *Provided fur-*
16 *ther*, That such amount is designated by the Congress as
17 being for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 SUDAN CLAIMS

21 For necessary expenses to carry out section 7 of the
22 Sudan Claims Resolution Act, notwithstanding any other
23 provision of law, \$150,000,000, to remain available until
24 expended: *Provided*, That any unexpended balances re-
25 maining following the distributions described in section

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1 7(b)(1) of the Sudan Claims Resolution Act that are de-
2 termined by the Secretary of State, not later than Sep-
3 tember 30, 2030, and at the close of each fiscal year there-
4 after, to be excess to the needs of such distributions, shall
5 be returned to the general fund of the Treasury: *Provided*
6 *further*, That such amount is designated by the Congress
7 as being for an emergency requirement pursuant to sec-
8 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985.

10 BILATERAL ECONOMIC ASSISTANCE

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 GLOBAL HEALTH PROGRAMS

13 For an additional amount for “Global Health Pro-
14 grams”, \$4,000,000,000, to remain available until Sep-
15 tember 30, 2022, to prevent, prepare for, and respond to
16 coronavirus, including for vaccine procurement and deliv-
17 ery: *Provided*, That such funds shall be administered by
18 the Administrator of the United States Agency for Inter-
19 national Development and shall be made available as a
20 contribution to The GAVI Alliance: *Provided further*, That
21 such amount is designated by the Congress as being for
22 an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 ECONOMIC SUPPORT FUND

2 For an additional amount for “Economic Support
3 Fund”, \$700,000,000, to remain available until Sep-
4 tember 30, 2022, which shall be for assistance for Sudan,
5 and which may be made available as contributions: *Pro-*
6 *vided*, That up to \$100,000,000 of such funds may be
7 transferred to, and merged with, funds made available
8 under the headings “Global Health Programs” and
9 “Transition Initiatives” in Acts making appropriations for
10 the Department of State, foreign operations, and related
11 programs: *Provided further*, That upon a determination by
12 the Secretary of State that funds transferred pursuant to
13 the preceding proviso are not necessary for the purposes
14 provided, such amounts may be transferred back to such
15 accounts: *Provided further*, That funds appropriated under
16 this heading in this title may be made available notwith-
17 standing any other provision of law for contributions au-
18 thorized under this heading, agriculture and economic
19 growth programs, and economic assistance for
20 marginalized areas in Sudan and Abyei: *Provided further*,
21 That prior to the initial obligation of funds appropriated
22 under this heading in this title, the Secretary of State
23 shall consult with the Committees on Appropriations: *Pro-*
24 *vided further*, That such amount is designated by the Con-
25 gress as being for an emergency requirement pursuant to

1 section 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 DEPARTMENT OF THE TREASURY

4 DEBT RESTRUCTURING

5 For an additional amount for “Debt Restructuring”,
6 \$120,000,000, to remain available until expended, which
7 may be used, notwithstanding any other provision of law,
8 for payment by the Secretary of the Treasury to the Inter-
9 national Monetary Fund for Heavily Indebted Poor Coun-
10 tries debt relief for Sudan: *Provided*, That such amount
11 is designated by the Congress as being for an emergency
12 requirement pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 GENERAL PROVISIONS—THIS TITLE

16 SEC. 9001. Each amount appropriated or made avail-
17 able by this title is in addition to amounts otherwise ap-
18 propriated for fiscal year 2021.

19 SEC. 9002. Notwithstanding section 7034(q)(7) of
20 this division of this Act, the additional amounts appro-
21 priated by this title to appropriations accounts shall be
22 available under the authorities and conditions applicable
23 to such appropriations accounts for funds appropriated in
24 fiscal year 2021, unless otherwise directed by this title.

1 SEC. 9003. Notwithstanding the limitations in sec-
2 tions 609(i) and 609(j) of the Millennium Challenge Act
3 of 2003 (2211 U.S.C. 7708(j), 7715), the Millennium
4 Challenge Corporation may, subject to the availability of
5 funds, extend any compact in effect as of January 29,
6 2020, for up to one additional year, to account for delays
7 related to coronavirus: *Provided*, That the Corporation
8 shall notify the appropriate congressional committees prior
9 to providing any such extension.

10 This division may be cited as the “Department of
11 State, Foreign Operations, and Related Programs Appro-
12 priations Act, 2021”.

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1 **DIVISION L—TRANSPORTATION, HOUSING**
2 **AND URBAN DEVELOPMENT, AND RE-**
3 **LATED AGENCIES APPROPRIATIONS**
4 **ACT, 2021**

5 TITLE I

6 DEPARTMENT OF TRANSPORTATION

7 OFFICE OF THE SECRETARY

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of the Secretary,
10 \$126,174,000, of which not to exceed \$3,360,000 shall be
11 available for the immediate Office of the Secretary; not
12 to exceed \$1,200,000 shall be available for the immediate
13 Office of the Deputy Secretary; not to exceed \$22,210,000
14 shall be available for the Office of the General Counsel;
15 not to exceed \$11,797,000 shall be available for the Office
16 of the Under Secretary of Transportation for Policy; not
17 to exceed \$16,394,000 shall be available for the Office of
18 the Assistant Secretary for Budget and Programs; not to
19 exceed \$3,010,000 shall be available for the Office of the
20 Assistant Secretary for Governmental Affairs; not to ex-
21 ceed \$32,239,000 shall be available for the Office of the
22 Assistant Secretary for Administration; not to exceed
23 \$2,610,000 shall be available for the Office of Public Af-
24 fairs; not to exceed \$2,018,000 shall be available for the
25 Office of the Executive Secretariat; not to exceed

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1 \$13,576,000 shall be available for the Office of Intel-
2 ligence, Security, and Emergency Response; and not to ex-
3 ceed \$17,760,000 shall be available for the Office of the
4 Chief Information Officer: *Provided*, That the Secretary
5 of Transportation (referred to in this title as the “Sec-
6 retary”) is authorized to transfer funds appropriated for
7 any office of the Office of the Secretary to any other office
8 of the Office of the Secretary: *Provided further*, That no
9 appropriation for any office shall be increased or de-
10 creased by more than 7 percent by all such transfers: *Pro-*
11 *vided further*, That notice of any change in funding greater
12 than 7 percent shall be submitted for approval to the
13 House and Senate Committees on Appropriations: *Pro-*
14 *vided further*, That not to exceed \$70,000 shall be for allo-
15 cation within the Department for official reception and
16 representation expenses as the Secretary may determine:
17 *Provided further*, That notwithstanding any other provi-
18 sion of law, there may be credited to this appropriation
19 up to \$2,500,000 in funds received in user fees: *Provided*
20 *further*, That none of the funds provided in this Act shall
21 be available for the position of Assistant Secretary for
22 Public Affairs.

23 RESEARCH AND TECHNOLOGY

24 For necessary expenses related to the Office of the
25 Assistant Secretary for Research and Technology,

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1 \$22,800,000, of which \$16,485,000 shall remain available
2 until expended: *Provided*, That there may be credited to
3 this appropriation, to be available until expended, funds
4 received from States, counties, municipalities, other public
5 authorities, and private sources for expenses incurred for
6 training: *Provided further*, That any reference in law, reg-
7 ulation, judicial proceedings, or elsewhere to the Research
8 and Innovative Technology Administration shall continue
9 to be deemed to be a reference to the Office of the Assist-
10 ant Secretary for Research and Technology of the Depart-
11 ment of Transportation.

12 NATIONAL INFRASTRUCTURE INVESTMENTS

13 (INCLUDING TRANSFER OF FUNDS)

14 For capital investments in surface transportation in-
15 frastructure, \$1,000,000,000 to remain available until
16 September 30, 2024: *Provided*, That the Secretary shall
17 distribute amounts made available under this heading as
18 discretionary grants to be awarded to a State, local or
19 tribal government, U.S. territory, transit agency, port au-
20 thority, metropolitan planning organization, political sub-
21 division of a State or local government, or a collaboration
22 among such entities on a competitive basis for projects
23 that will have a significant local or regional impact: *Pro-*
24 *vided further*, That projects eligible for amounts made
25 available under this heading shall include, but not be lim-

1 ited to, highway or bridge projects eligible under title 23,
2 United States Code; public transportation projects eligible
3 under chapter 53 of title 49, United States Code; pas-
4 senger and freight rail transportation projects; port infra-
5 structure investments (including inland port infrastruc-
6 ture and land ports of entry); and projects investing in
7 surface transportation facilities that are located on tribal
8 land and for which title or maintenance responsibility is
9 vested in the Federal Government: *Provided further*, That
10 of the amount made available under this heading, the Sec-
11 retary shall use an amount not more than \$30,000,000
12 for the planning, preparation or design of projects eligible
13 for amounts made available under this heading, of which
14 not less than \$10,000,000 is for projects eligible for
15 amounts made available under this heading located in or
16 to directly benefit areas of persistent poverty: *Provided*
17 *further*, That the term “areas of persistent poverty”
18 means any county that has consistently had greater than
19 or equal to 20 percent of the population living in poverty
20 during the 30-year period preceding the date of enactment
21 of this Act, as measured by the 1990 and 2000 decennial
22 census and the most recent annual Small Area Income and
23 Poverty Estimates as estimated by the Bureau of the Cen-
24 sus; any census tract with a poverty rate of at least 20
25 percent as measured by the 2014–2018 5-year data series

1 available from the American Community Survey of the
2 Bureau of the Census; or any territory or possession of
3 the United States: *Provided further*, That grants awarded
4 under the previous two provisos shall not be subject to
5 a minimum grant size: *Provided further*, That the Sec-
6 retary may use up to 20 percent of the amounts made
7 available under this heading for the purpose of paying the
8 subsidy and administrative costs of projects eligible for
9 Federal credit assistance under chapter 6 of title 23,
10 United States Code, or sections 501 through 504 of the
11 Railroad Revitalization and Regulatory Reform Act of
12 1976 (Public Law 94–210), if the Secretary finds that
13 such use of the funds would advance the purposes of this
14 heading: *Provided further*, That in distributing amounts
15 made available under this heading, the Secretary shall
16 take such measures so as to ensure an equitable geo-
17 graphic distribution of funds, an appropriate balance in
18 addressing the needs of urban and rural areas, including
19 tribal areas, and the investment in a variety of transpor-
20 tation modes: *Provided further*, That a grant award under
21 this heading shall be not less than \$5,000,000 and not
22 greater than \$25,000,000: *Provided further*, That not
23 more than 10 percent of the amounts made available
24 under this heading may be awarded to projects in a single
25 State: *Provided further*, That the Federal share of the

1 costs for which an amount is provided under this heading
2 shall be, at the option of the recipient, up to 80 percent:
3 *Provided further*, That the Secretary shall give priority to
4 projects that require a contribution of Federal funds in
5 order to complete an overall financing package: *Provided*
6 *further*, That an award under this heading is an urban
7 award if it is to a project located within or on the bound-
8 ary of an Urbanized Area (UA), as designated by the Bu-
9 reau of the Census, that had a population greater than
10 200,000 in the 2010 decennial census: *Provided further*,
11 That for the purpose of determining if an award for plan-
12 ning, preparation or design is an urban award, the project
13 location is the location of the project being planned, pre-
14 pared or designed: *Provided further*, That each award
15 under this heading that is not an urban award is a rural
16 award: *Provided further*, That of the amounts awarded
17 under this heading, not more than 50 percent shall be
18 awarded as urban awards and rural awards, respectively:
19 *Provided further*, That for rural awards, the minimum
20 grant size shall be \$1,000,000: *Provided further*, That for
21 rural awards and areas of persistent poverty awards the
22 Secretary may increase the Federal share of costs above
23 80 percent: *Provided further*, That projects conducted
24 using amounts made available under this heading shall
25 comply with the requirements of subchapter IV of chapter

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1 31 of title 40, United States Code: *Provided further*, That
2 the Secretary shall conduct a new competition to select
3 the grants and credit assistance awarded under this head-
4 ing: *Provided further*, That the Secretary may retain up
5 to \$20,000,000 of the amounts made available under this
6 heading, and may transfer portions of such amounts to
7 the Administrators of the Federal Highway Administra-
8 tion, the Federal Transit Administration, the Federal
9 Railroad Administration and the Maritime Administration
10 to fund the award and oversight of grants and credit as-
11 sistance made under the National Infrastructure Invest-
12 ments program: *Provided further*, That none of the
13 amounts made available in the previous proviso may be
14 used to hire additional personnel: *Provided further*, That
15 the Secretary shall consider and award projects based sole-
16 ly on the selection criteria from the fiscal year 2017 Notice
17 of Funding Opportunity: *Provided further*, That, notwith-
18 standing the previous proviso, the Secretary shall not use
19 the Federal share or an applicant's ability to generate
20 non-Federal revenue as a selection criteria in awarding
21 projects: *Provided further*, That the Secretary shall issue
22 the Notice of Funding Opportunity no later than 120 days
23 after enactment of this Act: *Provided further*, That such
24 Notice of Funding Opportunity shall require application
25 submissions 90 days after the publishing of such Notice:

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1 *Provided further*, That of the applications submitted under
2 the previous two provisos, the Secretary shall make grants
3 no later than 330 days after enactment of this Act in such
4 amounts that the Secretary determines.

5 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
6 FINANCE BUREAU

7 For necessary expenses of the National Surface
8 Transportation and Innovative Finance Bureau as author-
9 ized by 49 U.S.C. 116, \$5,000,000, to remain available
10 until expended: *Provided*, That the Secretary may collect
11 and spend fees, as authorized by title 23, United States
12 Code, to cover the costs of services of expert firms, includ-
13 ing counsel, in the field of municipal and project finance
14 to assist in the underwriting and servicing of Federal cred-
15 it instruments and all or a portion of the costs to the Fed-
16 eral Government of servicing such credit instruments: *Pro-*
17 *vided further*, That such fees are available until expended
18 to pay for such costs: *Provided further*, That such amounts
19 are in addition to other amounts made available for such
20 purposes and are not subject to any obligation limitation
21 or the limitation on administrative expenses under section
22 608 of title 23, United States Code.

1602

1 RAILROAD REHABILITATION AND IMPROVEMENT

2 FINANCING PROGRAM

3 The Secretary is authorized to issue direct loans and
4 loan guarantees pursuant to sections 501 through 504 of
5 the Railroad Revitalization and Regulatory Reform Act of
6 1976 (Public Law 94–210), as amended, such authority
7 shall exist as long as any such direct loan or loan guar-
8 antee is outstanding.

9 FINANCIAL MANAGEMENT CAPITAL

10 For necessary expenses for upgrading and enhancing
11 the Department of Transportation’s financial systems and
12 re-engineering business processes, \$2,000,000, to remain
13 available through September 30, 2022.

14 CYBER SECURITY INITIATIVES

15 For necessary expenses for cyber security initiatives,
16 including necessary upgrades to network and information
17 technology infrastructure, improvement of identity man-
18 agement and authentication capabilities, securing and pro-
19 tecting data, implementation of Federal cyber security ini-
20 tiatives, and implementation of enhanced security controls
21 on agency computers and mobile devices, \$22,000,000, to
22 remain available until September 30, 2022.

23 OFFICE OF CIVIL RIGHTS

24 For necessary expenses of the Office of Civil Rights,
25 \$9,600,000.

1 available to the Department of Transportation: *Provided*,
2 That such services shall be provided on a competitive basis
3 to entities within the Department of Transportation
4 (DOT): *Provided further*, That the limitation in the pre-
5 ceding proviso on operating expenses shall not apply to
6 non-DOT entities: *Provided further*, That no funds made
7 available by this Act to an agency of the Department shall
8 be transferred to the Working Capital Fund without ma-
9 jority approval of the Working Capital Fund Steering
10 Committee and approval of the Secretary: *Provided fur-*
11 *ther*, That no assessments may be levied against any pro-
12 gram, budget activity, subactivity, or project funded by
13 this Act unless notice of such assessments and the basis
14 therefor are presented to the House and Senate Commit-
15 tees on Appropriations and are approved by such Commit-
16 tees.

17 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
18 OUTREACH

19 For necessary expenses for small and disadvantaged
20 business utilization and outreach activities, \$4,714,000, to
21 remain available until September 30, 2022: *Provided*,
22 That notwithstanding section 332 of title 49, United
23 States Code, such amounts may be used for business op-
24 portunities related to any mode of transportation: *Pro-*
25 *vided further*, That appropriations made available under

1606

1 credited to the account established under section 45303
2 of title 49, United States Code.

3 TRANSPORTATION DEMONSTRATION PROGRAM

4 To expand intermodal and multimodal freight and
5 cargo transportation infrastructure, including airport de-
6 velopment under chapter 471 of title 49, United States
7 Code, \$100,000,000, to remain available until expended:
8 *Provided*, That the Secretary shall distribute funds pro-
9 vided under this heading as discretionary grants to mari-
10 time port authorities or former military airports classified
11 as general aviation airports in the National Plan on Inte-
12 grated Airport System report for fiscal years 2019 to
13 2023: *Provided further*, That eligible applicants that are
14 maritime port authorities shall use a terminal railway and
15 be located not more than 10 miles from a former military
16 airport classified as a general aviation airport in the Na-
17 tional Plan on Integrated Airport System report for fiscal
18 years 2019 to 2023: *Provided further*, That eligible appli-
19 cants that are former military airports classified as gen-
20 eral aviation airports in the National Plan on Integrated
21 Airport System report for fiscal years 2019 to 2023 shall
22 be located not more than 10 miles from a maritime port
23 authority that uses a terminal railway: *Provided further*,
24 That projects eligible under this heading shall be located
25 not more than 10 miles from at least two highways on

1 the Interstate System: *Provided further*, That the Sec-
2 retary shall issue the Notice of Funding Opportunity no
3 later than 60 days after enactment of this Act.

4 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
5 SECRETARY OF TRANSPORTATION
6 (INCLUDING RESCISSIONS)

7 SEC. 101. None of the funds made available by this
8 Act to the Department of Transportation may be obligated
9 for the Office of the Secretary of Transportation to ap-
10 prove assessments or reimbursable agreements pertaining
11 to funds appropriated to the operating administrations in
12 this Act, except for activities underway on the date of en-
13 actment of this Act, unless such assessments or agree-
14 ments have completed the normal reprogramming process
15 for congressional notification.

16 SEC. 102. The Secretary shall post on the web site
17 of the Department of Transportation a schedule of all
18 meetings of the Council on Credit and Finance, including
19 the agenda for each meeting, and require the Council on
20 Credit and Finance to record the decisions and actions
21 of each meeting.

22 SEC. 103. In addition to authority provided by section
23 327 of title 49, United States Code, the Department's
24 Working Capital Fund is authorized to provide partial or
25 full payments in advance and accept subsequent reim-

1 bursements from all Federal agencies from available funds
2 for transit benefit distribution services that are necessary
3 to carry out the Federal transit pass transportation fringe
4 benefit program under Executive Order No. 13150 and
5 section 3049 of SAFETEA-LU (5 U.S.C. 7905 note):
6 *Provided*, That the Department shall maintain a reason-
7 able operating reserve in the Working Capital Fund, to
8 be expended in advance to provide uninterrupted transit
9 benefits to Government employees: *Provided further*, That
10 such reserve shall not exceed 1 month of benefits payable
11 and may be used only for the purpose of providing for
12 the continuation of transit benefits: *Provided further*, That
13 the Working Capital Fund shall be fully reimbursed by
14 each customer agency from available funds for the actual
15 cost of the transit benefit.

16 SEC. 104. Receipts collected in the Department's
17 Working Capital Fund, as authorized by section 327 of
18 title 49, United States Code, for unused van pool benefits,
19 in an amount not to exceed 10 percent of fiscal year 2021
20 collections, shall be available until expended in the Depart-
21 ment's Working Capital Fund to provide contractual serv-
22 ices in support of section 199A of this Act: *Provided*, That
23 obligations in fiscal year 2021 of such collections shall not
24 exceed \$1,000,000.

1 SEC. 105. The remaining unobligated balances, as of
2 September 30, 2021, from amounts made available for the
3 “Department of Transportation—Office of the Sec-
4 retary—National Infrastructure Investments” in division
5 G of the Consolidated Appropriations Act, 2019 (Public
6 Law 116–6) are hereby permanently rescinded, and an
7 amount of additional new budget authority equivalent to
8 the amount rescinded is hereby appropriated on Sep-
9 tember 30, 2021, to remain available until September 30,
10 2022, and shall be available, without additional competi-
11 tion, for completing the funding of awards made pursuant
12 to the fiscal year 2019 national infrastructure investments
13 program.

14 SEC. 106. None of the funds in this Act may be obli-
15 gated or expended for retention or senior executive bo-
16 nuses for an employee of the Department of Transpor-
17 tation without the prior written approval of the Assistant
18 Secretary for Administration.

19 SEC. 107. In addition to authority provided by section
20 327 of title 49, United States Code, the Department’s Ad-
21 ministrative Working Capital Fund is hereby authorized
22 to transfer information technology equipment, software,
23 and systems from Departmental sources or other entities
24 and collect and maintain a reserve at rates which will re-
25 turn full cost of transferred assets.

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1 SEC. 108. None of the funds provided in this Act to
2 the Department of Transportation may be used to provide
3 credit assistance unless not less than 3 days before any
4 application approval to provide credit assistance under
5 sections 603 and 604 of title 23, United States Code, the
6 Secretary provides notification in writing to the following
7 committees: the House and Senate Committees on Appro-
8 priations; the Committee on Environment and Public
9 Works and the Committee on Banking, Housing and
10 Urban Affairs of the Senate; and the Committee on Trans-
11 portation and Infrastructure of the House of Representa-
12 tives: *Provided*, That such notification shall include, but
13 not be limited to, the name of the project sponsor; a de-
14 scription of the project; whether credit assistance will be
15 provided as a direct loan, loan guarantee, or line of credit;
16 and the amount of credit assistance.

17 FEDERAL AVIATION ADMINISTRATION

18 OPERATIONS

19 (AIRPORT AND AIRWAY TRUST FUND)

20 For necessary expenses of the Federal Aviation Ad-
21 ministration, not otherwise provided for, including oper-
22 ations and research activities related to commercial space
23 transportation, administrative expenses for research and
24 development, establishment of air navigation facilities, the
25 operation (including leasing) and maintenance of aircraft,

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1 subsidizing the cost of aeronautical charts and maps sold
2 to the public, the lease or purchase of passenger motor
3 vehicles for replacement only, \$11,001,500,000, to remain
4 available until September 30, 2022, of which
5 \$10,519,000,000 shall be derived from the Airport and
6 Airway Trust Fund: *Provided*, That of the sums appro-
7 priated under this heading—

8 (1) not less than \$1,479,039,000 shall be avail-
9 able for aviation safety activities;

10 (2) \$8,205,821,000 shall be available for air
11 traffic organization activities;

12 (3) \$27,555,000 shall be available for commer-
13 cial space transportation activities;

14 (4) \$836,141,000 shall be available for finance
15 and management activities;

16 (5) \$62,862,000 shall be available for NextGen
17 and operations planning activities;

18 (6) \$124,928,000 shall be available for security
19 and hazardous materials safety; and

20 (7) \$265,154,000 shall be available for staff of-
21 fices:

22 *Provided further*, That not to exceed 5 percent of any
23 budget activity, except for aviation safety budget activity,
24 may be transferred to any budget activity under this head-
25 ing: *Provided further*, That no transfer may increase or

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1 decrease any appropriation under this heading by more
2 than 5 percent: *Provided further*, That any transfer in ex-
3 cess of 5 percent shall be treated as a reprogramming of
4 funds under section 405 of this Act and shall not be avail-
5 able for obligation or expenditure except in compliance
6 with the procedures set forth in that section: *Provided fur-*
7 *ther*, That not later than 60 days after the submission of
8 the budget request, the Administrator of the Federal Avia-
9 tion Administration shall transmit to Congress an annual
10 update to the report submitted to Congress in December
11 2004 pursuant to section 221 of the Vision 100-Century
12 of Aviation Reauthorization Act (49 U.S.C. 40101 note):
13 *Provided further*, That the amounts made available under
14 this heading shall be reduced by \$100,000 for each day
15 after 60 days after the submission of the budget request
16 that such report has not been transmitted to Congress:
17 *Provided further*, That not later than 60 days after the
18 submission of the budget request, the Administrator shall
19 transmit to Congress a companion report that describes
20 a comprehensive strategy for staffing, hiring, and training
21 flight standards and aircraft certification staff in a format
22 similar to the one utilized for the controller staffing plan,
23 including stated attrition estimates and numerical hiring
24 goals by fiscal year: *Provided further*, That the amounts
25 made available under this heading shall be reduced by

1 \$100,000 for each day after the date that is 60 days after
2 the submission of the budget request that such report has
3 not been submitted to Congress: *Provided further*, That
4 funds may be used to enter into a grant agreement with
5 a nonprofit standard-setting organization to assist in the
6 development of aviation safety standards: *Provided fur-*
7 *ther*, That none of the funds made available by this Act
8 shall be available for new applicants for the second career
9 training program: *Provided further*, That none of the
10 funds in this Act shall be available for the Federal Avia-
11 tion Administration to finalize or implement any regula-
12 tion that would promulgate new aviation user fees not spe-
13 cifically authorized by law after the date of the enactment
14 of this Act: *Provided further*, That there may be credited
15 to this appropriation, as offsetting collections, funds re-
16 ceived from States, counties, municipalities, foreign au-
17 thorities, other public authorities, and private sources for
18 expenses incurred in the provision of agency services, in-
19 cluding receipts for the maintenance and operation of air
20 navigation facilities, and for issuance, renewal or modifica-
21 tion of certificates, including airman, aircraft, and repair
22 station certificates, or for tests related thereto, or for proc-
23 essing major repair or alteration forms: *Provided further*,
24 That of the amounts made available under this heading,
25 not less than \$172,800,000 shall be used to fund direct

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1 operations of the current air traffic control towers in the
2 contract tower program, including the contract tower cost
3 share program, and any airport that is currently qualified
4 or that will qualify for the program during the fiscal year:
5 *Provided further*, That none of the funds made available
6 by this Act for aeronautical charting and cartography are
7 available for activities conducted by, or coordinated
8 through, the Working Capital Fund: *Provided further*,
9 That none of the funds appropriated or otherwise made
10 available by this Act or any other Act may be used to
11 eliminate the Contract Weather Observers program at any
12 airport.

13 FACILITIES AND EQUIPMENT

14 (AIRPORT AND AIRWAY TRUST FUND)

15 For necessary expenses, not otherwise provided for,
16 for acquisition, establishment, technical support services,
17 improvement by contract or purchase, and hire of national
18 airspace systems and experimental facilities and equip-
19 ment, as authorized under part A of subtitle VII of title
20 49, United States Code, including initial acquisition of
21 necessary sites by lease or grant; engineering and service
22 testing, including construction of test facilities and acqui-
23 sition of necessary sites by lease or grant; construction
24 and furnishing of quarters and related accommodations
25 for officers and employees of the Federal Aviation Admin-

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1 istration stationed at remote localities where such accom-
2 modations are not available; and the purchase, lease, or
3 transfer of aircraft from funds available under this head-
4 ing, including aircraft for aviation regulation and certifi-
5 cation; to be derived from the Airport and Airway Trust
6 Fund, \$3,015,000,000, of which \$545,000,000 shall re-
7 main available until September 30, 2022, \$2,330,400,000
8 shall remain available until September 30, 2023, and
9 \$139,600,000 shall remain available until expended: *Pro-*
10 *vided*, That there may be credited to this appropriation
11 funds received from States, counties, municipalities, other
12 public authorities, and private sources, for expenses in-
13 curred in the establishment, improvement, and moderniza-
14 tion of national airspace systems: *Provided further*, That
15 not later than 60 days after submission of the budget re-
16 quest, the Secretary shall transmit to the Congress an in-
17 vestment plan for the Federal Aviation Administration
18 which includes funding for each budget line item for fiscal
19 years 2022 through 2026, with total funding for each year
20 of the plan constrained to the funding targets for those
21 years as estimated and approved by the Office of Manage-
22 ment and Budget.

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1 RESEARCH, ENGINEERING, AND DEVELOPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
4 for research, engineering, and development, as authorized
5 under part A of subtitle VII of title 49, United States
6 Code, including construction of experimental facilities and
7 acquisition of necessary sites by lease or grant,
8 \$198,000,000, to be derived from the Airport and Airway
9 Trust Fund and to remain available until September 30,
10 2023: *Provided*, That there may be credited to this appro-
11 priation as offsetting collections, funds received from
12 States, counties, municipalities, other public authorities,
13 and private sources, which shall be available for expenses
14 incurred for research, engineering, and development: *Pro-*
15 *vided further*, That funds made available under this head-
16 ing shall be used in accordance with the explanatory state-
17 ment described in section 4 (in the matter preceding divi-
18 sion A of this consolidated Act): *Provided further*, That
19 not to exceed 10 percent of any funding level specified
20 under this heading in the explanatory statement described
21 in section 4 (in the matter preceding division A of this
22 consolidated Act) may be transferred to any other funding
23 level specified under this heading in the explanatory state-
24 ment described in section 4 (in the matter preceding divi-
25 sion A of this consolidated Act): *Provided further*, That

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1 no transfer may increase or decrease any funding level by
2 more than 10 percent: *Provided further*, That any transfer
3 in excess of 10 percent shall be treated as a reprogram-
4 ming of funds under section 405 of this Act and shall not
5 be available for obligation or expenditure except in compli-
6 ance with the procedures set forth in that section.

7 GRANTS-IN-AID FOR AIRPORTS
8 (LIQUIDATION OF CONTRACT AUTHORIZATION)
9 (LIMITATION ON OBLIGATIONS)
10 (AIRPORT AND AIRWAY TRUST FUND)
11 (INCLUDING TRANSFER OF FUNDS)

12 For liquidation of obligations incurred for grants-in-
13 aid for airport planning and development, and noise com-
14 patibility planning and programs as authorized under sub-
15 chapter I of chapter 471 and subchapter I of chapter 475
16 of title 49, United States Code, and under other law au-
17 thorizing such obligations; for procurement, installation,
18 and commissioning of runway incursion prevention devices
19 and systems at airports of such title; for grants authorized
20 under section 41743 of title 49, United States Code; and
21 for inspection activities and administration of airport safe-
22 ty programs, including those related to airport operating
23 certificates under section 44706 of title 49, United States
24 Code, \$3,350,000,000, to be derived from the Airport and
25 Airway Trust Fund and to remain available until ex-

1 pended: *Provided*, That none of the amounts made avail-
2 able under this heading shall be available for the planning
3 or execution of programs the obligations for which are in
4 excess of \$3,350,000,000, in fiscal year 2021, notwith-
5 standing section 47117(g) of title 49, United States Code:
6 *Provided further*, That none of the amounts made available
7 under this heading shall be available for the replacement
8 of baggage conveyor systems, reconfiguration of terminal
9 baggage areas, or other airport improvements that are
10 necessary to install bulk explosive detection systems: *Pro-*
11 *vided further*, That notwithstanding section 47109(a) of
12 title 49, United States Code, the Government's share of
13 allowable project costs under paragraph (2) of such sec-
14 tion for subgrants or paragraph (3) of such section shall
15 be 95 percent for a project at other than a large or me-
16 dium hub airport that is a successive phase of a multi-
17 phased construction project for which the project sponsor
18 received a grant in fiscal year 2011 for the construction
19 project: *Provided further*, That notwithstanding any other
20 provision of law, of amounts limited under this heading,
21 not more than \$119,402,000 shall be available for admin-
22 istration, not less than \$15,000,000 shall be available for
23 the Airport Cooperative Research Program, not less than
24 \$40,666,000 shall be available for Airport Technology Re-
25 search, and \$10,000,000, to remain available until ex-

1 pending, shall be available and transferred to “Office of
2 the Secretary, Salaries and Expenses” to carry out the
3 Small Community Air Service Development Program: *Pro-*
4 *vided further*, That in addition to airports eligible under
5 section 41743 of title 49, United States Code, such pro-
6 gram may include the participation of an airport that
7 serves a community or consortium that is not larger than
8 a small hub airport, according to FAA hub classifications
9 effective at the time the Office of the Secretary issues a
10 request for proposals.

11 GRANTS-IN-AID FOR AIRPORTS

12 For an additional amount for “Grants-In-Aid for Air-
13 ports”, to enable the Secretary to make grants for projects
14 as authorized by subchapter 1 of chapter 471 and sub-
15 chapter 1 of chapter 475 of title 49, United States Code,
16 \$400,000,000, to remain available through September 30,
17 2023: *Provided*, That amounts made available under this
18 heading shall be derived from the general fund, and such
19 funds shall not be subject to apportionment formulas, spe-
20 cial apportionment categories, or minimum percentages
21 under chapter 471: *Provided further*, That the Secretary
22 shall distribute funds provided under this heading as dis-
23 cretionary grants to airports: *Provided further*, That the
24 amount made available under this heading shall not be
25 subject to any limitation on obligations for the Grants-

1 in-Aid for Airports program set forth in any Act: *Provided*
2 *further*, That the Administrator of the Federal Aviation
3 Administration may retain up to 0.5 percent of the funds
4 provided under this heading to fund the award and over-
5 sight by the Administrator of grants made under this
6 heading.

7 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

8 ADMINISTRATION

9 SEC. 110. None of the funds made available by this
10 Act may be used to compensate in excess of 600 technical
11 staff-years under the federally funded research and devel-
12 opment center contract between the Federal Aviation Ad-
13 ministration and the Center for Advanced Aviation Sys-
14 tems Development during fiscal year 2021.

15 SEC. 111. None of the funds made available by this
16 Act shall be used to pursue or adopt guidelines or regula-
17 tions requiring airport sponsors to provide to the Federal
18 Aviation Administration without cost building construc-
19 tion, maintenance, utilities and expenses, or space in air-
20 port sponsor-owned buildings for services relating to air
21 traffic control, air navigation, or weather reporting: *Pro-*
22 *vided*, That the prohibition on the use of funds in this
23 section does not apply to negotiations between the agency
24 and airport sponsors to achieve agreement on “below-mar-
25 ket” rates for these items or to grant assurances that re-

1 quire airport sponsors to provide land without cost to the
2 Federal Aviation Administration for air traffic control fa-
3 cilities.

4 SEC. 112. The Administrator of the Federal Aviation
5 Administration may reimburse amounts made available to
6 satisfy section 41742(a)(1) of title 49, United States
7 Code, from fees credited under section 45303 of title 49,
8 United States Code, and any amount remaining in such
9 account at the close of any fiscal year may be made avail-
10 able to satisfy section 41742(a)(1) of title 49, United
11 States Code, for the subsequent fiscal year.

12 SEC. 113. Amounts collected under section 40113(e)
13 of title 49, United States Code, shall be credited to the
14 appropriation current at the time of collection, to be
15 merged with and available for the same purposes as such
16 appropriation.

17 SEC. 114. None of the funds made available by this
18 Act shall be available for paying premium pay under sub-
19 section 5546(a) of title 5, United States Code, to any Fed-
20 eral Aviation Administration employee unless such em-
21 ployee actually performed work during the time cor-
22 responding to such premium pay.

23 SEC. 115. None of the funds made available by this
24 Act may be obligated or expended for an employee of the
25 Federal Aviation Administration to purchase a store gift

1 card or gift certificate through use of a Government-issued
2 credit card.

3 SEC. 116. Notwithstanding any other provision of
4 law, none of the funds made available under this Act or
5 any prior Act may be used to implement or to continue
6 to implement any limitation on the ability of any owner
7 or operator of a private aircraft to obtain, upon a request
8 to the Administrator of the Federal Aviation Administra-
9 tion, a blocking of that owner's or operator's aircraft reg-
10 istration number, Mode S transponder code, flight identi-
11 fication, call sign, or similar identifying information from
12 any ground based display to the public that would allow
13 the real-time or near real-time flight tracking of that air-
14 craft's movements, except data made available to a Gov-
15 ernment agency, for the noncommercial flights of that
16 owner or operator.

17 SEC. 117. None of the funds made available by this
18 Act shall be available for salaries and expenses of more
19 than nine political and Presidential appointees in the Fed-
20 eral Aviation Administration.

21 SEC. 118. None of the funds made available by this
22 Act may be used to increase fees pursuant to section
23 44721 of title 49, United States Code, until the Federal
24 Aviation Administration provides to the House and Senate
25 Committees on Appropriations a report that justifies all

1 fees related to aeronautical navigation products and ex-
2 plains how such fees are consistent with Executive Order
3 No. 13642.

4 SEC. 119. None of the funds made available by this
5 Act may be used to close a regional operations center of
6 the Federal Aviation Administration or reduce its services
7 unless the Administrator notifies the House and Senate
8 Committees on Appropriations not less than 90 full busi-
9 ness days in advance.

10 SEC. 119A. None of the funds made available by or
11 limited by this Act may be used to change weight restric-
12 tions or prior permission rules at Teterboro airport in
13 Teterboro, New Jersey.

14 SEC. 119B. None of the funds made available by this
15 Act may be used by the Administrator of the Federal Avia-
16 tion Administration to withhold from consideration and
17 approval any new application for participation in the Con-
18 tract Tower Program, or for reevaluation of Cost-share
19 Program participants so long as the Federal Aviation Ad-
20 ministration has received an application from the airport,
21 and so long as the Administrator determines such tower
22 is eligible using the factors set forth in Federal Aviation
23 Administration published establishment criteria.

24 SEC. 119C. None of the funds made available by this
25 Act may be used to open, close, redesignate as a lesser

1 office, or reorganize a regional office, the aeronautical cen-
2 ter, or the technical center unless the Administrator sub-
3 mits a request for the reprogramming of funds under sec-
4 tion 405 of this Act.

5 FEDERAL HIGHWAY ADMINISTRATION

6 LIMITATION ON ADMINISTRATIVE EXPENSES

7 (HIGHWAY TRUST FUND)

8 (INCLUDING TRANSFER OF FUNDS)

9 Not to exceed \$475,649,049 together with advances
10 and reimbursements received by the Federal Highway Ad-
11 ministration, shall be obligated for necessary expenses for
12 administration and operation of the Federal Highway Ad-
13 ministration: *Provided*, That in addition, \$3,248,000 shall
14 be transferred to the Appalachian Regional Commission
15 in accordance with section 104(a) of title 23, United
16 States Code.

17 FEDERAL-AID HIGHWAYS

18 (LIMITATION ON OBLIGATIONS)

19 (HIGHWAY TRUST FUND)

20 Funds available for the implementation or execution
21 of Federal-aid highway and highway safety construction
22 programs authorized under titles 23 and 49, United States
23 Code, and the provisions of the Fixing America's Surface
24 Transportation (FAST) Act (Public Law 114–94) shall

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1 not exceed total obligations of \$46,365,092,000 for fiscal
2 year 2021.

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (HIGHWAY TRUST FUND)

5 For the payment of obligations incurred in carrying
6 out Federal-aid highway and highway safety construction
7 programs authorized under title 23, United States Code,
8 \$47,104,092,000 derived from the Highway Trust Fund
9 (other than the Mass Transit Account), to remain avail-
10 able until expended.

11 HIGHWAY INFRASTRUCTURE PROGRAMS

12 There is hereby appropriated to the Secretary
13 \$2,000,000,000: *Provided*, That the funds made available
14 under this heading shall be derived from the general fund,
15 shall be in addition to any funds provided for fiscal year
16 2021 in this or any other Act for: (1) “Federal-aid High-
17 ways” under chapter 1 of title 23, United States Code;
18 or (2) the Appalachian Development Highway System as
19 authorized under section 1069(y) of Public Law 102–240,
20 and shall not affect the distribution or amount of funds
21 provided in any other Act: *Provided further*, That section
22 1101(b) of Public Law 114–94 shall apply to funds made
23 available under this heading: *Provided further*, That unless
24 otherwise specified, amounts made available under this
25 heading shall be available until September 30, 2024: *Pro-*

1 *vided further*, That of the funds made available under this
2 heading—

3 (1) \$640,650,000 shall be for activities eligible
4 under section 133(b) of title 23, United States Code,
5 and to provide necessary charging infrastructure
6 along corridor-ready or corridor-pending alternative
7 fuel corridors designated pursuant to section 151 of
8 title 23, United States Code;

9 (2) \$2,700,000 shall be for activities eligible
10 under the Puerto Rico Highway Program as de-
11 scribed in section 165(b)(2)(C) of title 23, United
12 States Code;

13 (3) \$650,000 shall be for activities eligible
14 under the Territorial Highway Program, as de-
15 scribed in section 165(e)(6) of title 23, United
16 States Code;

17 (4) \$100,000,000 shall be for the nationally
18 significant Federal lands and tribal projects program
19 under section 1123 of the FAST Act;

20 (5) \$1,080,000,000 shall be for a bridge re-
21 placement and rehabilitation program;

22 (6) \$100,000,000 shall be for necessary ex-
23 penses for construction of the Appalachian Develop-
24 ment Highway System as authorized under section
25 1069(y) of Public Law 102–240;

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1 (7) \$16,000,000 shall be for the national scenic
2 byways program under section 162 of title 23,
3 United States Code;

4 (8) \$50,000,000 shall be for competitive grants
5 for activities described in section 130(a) of title 23,
6 United States Code;

7 (9) \$5,000,000 shall be for the Regional Infra-
8 structure Accelerator Demonstration Program au-
9 thorized under section 1441 of the FAST Act; and

10 (10) \$5,000,000 shall be for a National Road
11 Network Pilot Program for the Federal Highway
12 Administration to create a national level, geo-spatial
13 dataset that uses data already collected under the
14 Highway Performance Monitoring System:

15 *Provided further*, That for the purposes of funds made
16 available under this heading, in paragraph (1) of the
17 fourth proviso, the term “State” means any of the 50
18 States or the District of Columbia: *Provided further*, That
19 the funds made available under this heading, in paragraph
20 (1) of the fourth proviso, shall be suballocated in the man-
21 ner described in section 133(d) of title 23, United States
22 Code, except that the set-aside described in section 133(h)
23 of such title shall not apply to funds made available under
24 this heading, in paragraph (1) of the fourth proviso: *Pro-*
25 *vided further*, That the funds made available under this

1 heading, in paragraphs (1), (5), (7), and (8) of the fourth
2 proviso, shall be administered as if apportioned under
3 chapter 1 of such title: *Provided further*, That, the funds
4 made available under this heading, in paragraph (1) of
5 the fourth proviso, shall be apportioned to the States in
6 the same ratio as the obligation limitation for fiscal year
7 2021 is distributed among the States in section 120(a)(5)
8 of this Act: *Provided further*, That, except as provided in
9 the following proviso, the funds made available under this
10 heading for activities eligible under the Puerto Rico High-
11 way Program and activities eligible under the Territorial
12 Highway Program shall be administered as if allocated
13 under sections 165(b) and 165(c), respectively, of title 23,
14 United States Code: *Provided further*, That the funds
15 made available under this heading for activities eligible
16 under the Puerto Rico Highway Program shall not be sub-
17 ject to the requirements of sections 165(b)(2)(A) or
18 165(b)(2)(B) of such title: *Provided further*, That not less
19 than 25 percent of the funds made available under this
20 heading for the nationally significant Federal lands and
21 tribal projects program under section 1123 of the FAST
22 Act shall be for competitive grants to tribal governments:
23 *Provided further*, That for the purposes of funds made
24 available under this heading for a bridge replacement and
25 rehabilitation program, (1) the term “State” means any

1 of the 50 States or the District of Columbia, and (2) the
2 term “qualifying State” means any State in which the per-
3 centage of total deck area of bridges classified as in poor
4 condition in such State is at least 5 percent or in which
5 the percentage of total bridges classified as in poor condi-
6 tion in such State is at least 5 percent: *Provided further,*
7 That, of the funds made available under this heading for
8 a bridge replacement and rehabilitation program, the Sec-
9 retary shall reserve \$6,000,000 for each State that does
10 not meet the definition of a qualifying State: *Provided fur-*
11 *ther,* That, after making the reservations under the pre-
12 ceding proviso, the Secretary shall distribute the remain-
13 ing funds made available under this heading for a bridge
14 replacement and rehabilitation program to each qualifying
15 State by the proportion that the percentage of total deck
16 area of bridges classified as in poor condition in such
17 qualifying State bears to the sum of the percentages of
18 total deck area of bridges classified as in poor condition
19 in all qualifying States: *Provided further,* That for the
20 bridge replacement and rehabilitation program:

21 (1) no qualifying State shall receive more than
22 \$60,000,000;

23 (2) each State shall receive an amount not less
24 than \$6,000,000; and

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1 (3) after calculating the distribution of funds
2 pursuant to the preceding proviso, any amount in
3 excess of \$60,000,000 shall be redistributed equally
4 among each State that does not meet the definition
5 of a qualifying State:

6 *Provided further*, That funds provided to States that do
7 not meet the definition of a qualifying State for the bridge
8 replacement and rehabilitation program shall be: (1)
9 merged with amounts made available to such State under
10 this heading, in paragraph (1) of the fourth proviso; (2)
11 available for activities eligible under paragraph (1) of the
12 fourth proviso; and (3) administered as if apportioned
13 under chapter 1 of title 23, United States Code: *Provided*
14 *further*, That, except as provided in the preceding proviso,
15 the funds made available under this heading for a bridge
16 replacement and rehabilitation program shall be used for
17 highway bridge replacement or rehabilitation projects on
18 public roads: *Provided further*, That for purposes of this
19 heading for the bridge replacement and rehabilitation pro-
20 gram, the Secretary shall calculate the percentages of total
21 deck area of bridges (including the percentages of total
22 deck area classified as in poor condition) and the percent-
23 ages of total bridge counts (including the percentages of
24 total bridges classified as in poor condition) based on the
25 National Bridge Inventory as of December 31, 2018: *Pro-*

1 *vided further*, That for the purposes of funds made avail-
2 able under this heading for construction of the Appa-
3 lachian Development Highway System, the term “Appa-
4 lachian State” means a State that contains 1 or more
5 counties (including any political subdivision located within
6 the area) in the Appalachian region as defined in section
7 14102(a) of title 40, United States Code: *Provided further*,
8 That funds made available under this heading for con-
9 struction of the Appalachian Development Highway Sys-
10 tem shall remain available until expended: *Provided fur-*
11 *ther*, That a project carried out with funds made available
12 under this heading for construction of the Appalachian
13 Development Highway System shall be carried out in the
14 same manner as a project under section 14501 of title 40,
15 United States Code: *Provided further*, That subject to the
16 following proviso, funds made available under this heading
17 for construction of the Appalachian Development Highway
18 System shall be apportioned to Appalachian States accord-
19 ing to the percentages derived from the 2012 Appalachian
20 Development Highway System Cost-to-Complete Esti-
21 mate, adopted in Appalachian Regional Commission Reso-
22 lution Number 736, and confirmed as each Appalachian
23 State’s relative share of the estimated remaining need to
24 complete the Appalachian Development Highway System,
25 adjusted to exclude those corridors that such States have

1 no current plans to complete, as reported in the 2013 Ap-
2 palachian Development Highway System Completion Re-
3 port, unless those States have modified and assigned a
4 higher priority for completion of an Appalachian Develop-
5 ment Highway System corridor, as reported in the 2020
6 Appalachian Development Highway System Future Out-
7 look: *Provided further*, That the Secretary shall adjust ap-
8 portionments made under the preceding proviso so that
9 no Appalachian State shall be apportioned an amount in
10 excess of 30 percent of the amount made available for con-
11 struction of the Appalachian Development Highway Sys-
12 tem under this heading: *Provided further*, That the Sec-
13 retary shall consult with the Appalachian Regional Com-
14 mission in making adjustments under the preceding two
15 provisos: *Provided further*, That the Federal share of the
16 costs for which an expenditure is made for construction
17 of the Appalachian Development Highway System under
18 this heading shall be up to 100 percent: *Provided further*,
19 That the funds made available under this heading, in
20 paragraph (8) of the fourth proviso, shall be available for
21 projects eligible under section 130(a) of title 23, United
22 States Code, for commuter authorities, as defined in sec-
23 tion 24102(2) of title 49, United States Code, that experi-
24 enced at least one accident investigated by the National
25 Transportation Safety Board between January 1, 2008

1 and December 31, 2018, and for which the National
2 Transportation Safety Board issued an accident report:
3 *Provided further*, That for amounts made available under
4 this heading, in paragraphs (8), (9), and (10) of the
5 fourth proviso, the Federal share of the costs shall be, at
6 the option of the recipient, up to 100 percent.

7 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

8 ADMINISTRATION

9 SEC. 120. (a) For fiscal year 2021, the Secretary of
10 Transportation shall—

11 (1) not distribute from the obligation limitation
12 for Federal-aid highways—

13 (A) amounts authorized for administrative
14 expenses and programs by section 104(a) of
15 title 23, United States Code; and

16 (B) amounts authorized for the Bureau of
17 Transportation Statistics;

18 (2) not distribute an amount from the obliga-
19 tion limitation for Federal-aid highways that is equal
20 to the unobligated balance of amounts—

21 (A) made available from the Highway
22 Trust Fund (other than the Mass Transit Ac-
23 count) for Federal-aid highway and highway
24 safety construction programs for previous fiscal
25 years the funds for which are allocated by the

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1 Secretary (or apportioned by the Secretary
2 under sections 202 or 204 of title 23, United
3 States Code); and

4 (B) for which obligation limitation was
5 provided in a previous fiscal year;

6 (3) determine the proportion that—

7 (A) the obligation limitation for Federal-
8 aid highways, less the aggregate of amounts not
9 distributed under paragraphs (1) and (2) of
10 this subsection; bears to

11 (B) the total of the sums authorized to be
12 appropriated for the Federal-aid highway and
13 highway safety construction programs (other
14 than sums authorized to be appropriated for
15 provisions of law described in paragraphs (1)
16 through (11) of subsection (b) and sums au-
17 thorized to be appropriated for section 119 of
18 title 23, United States Code, equal to the
19 amount referred to in subsection (b)(12) for
20 such fiscal year), less the aggregate of the
21 amounts not distributed under paragraphs (1)
22 and (2) of this subsection;

23 (4) distribute the obligation limitation for Fed-
24 eral-aid highways, less the aggregate amounts not
25 distributed under paragraphs (1) and (2), for each

1 of the programs (other than programs to which
2 paragraph (1) applies) that are allocated by the Sec-
3 retary under the Fixing America's Surface Trans-
4 portation Act and title 23, United States Code, or
5 apportioned by the Secretary under sections 202 or
6 204 of that title, by multiplying—

7 (A) the proportion determined under para-
8 graph (3); by

9 (B) the amounts authorized to be appro-
10 priated for each such program for such fiscal
11 year; and

12 (5) distribute the obligation limitation for Fed-
13 eral-aid highways, less the aggregate amounts not
14 distributed under paragraphs (1) and (2) and the
15 amounts distributed under paragraph (4), for Fed-
16 eral-aid highway and highway safety construction
17 programs that are apportioned by the Secretary
18 under title 23, United States Code (other than the
19 amounts apportioned for the National Highway Per-
20 formance Program in section 119 of title 23, United
21 States Code, that are exempt from the limitation
22 under subsection (b)(12) and the amounts appor-
23 tioned under sections 202 and 204 of that title) in
24 the proportion that—

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1 (A) amounts authorized to be appropriated
2 for the programs that are apportioned under
3 title 23, United States Code, to each State for
4 such fiscal year; bears to

5 (B) the total of the amounts authorized to
6 be appropriated for the programs that are ap-
7 portioned under title 23, United States Code, to
8 all States for such fiscal year.

9 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
10 The obligation limitation for Federal-aid highways shall
11 not apply to obligations under or for—

12 (1) section 125 of title 23, United States Code;

13 (2) section 147 of the Surface Transportation
14 Assistance Act of 1978 (23 U.S.C. 144 note; 92
15 Stat. 2714);

16 (3) section 9 of the Federal-Aid Highway Act
17 of 1981 (95 Stat. 1701);

18 (4) subsections (b) and (j) of section 131 of the
19 Surface Transportation Assistance Act of 1982 (96
20 Stat. 2119);

21 (5) subsections (b) and (c) of section 149 of the
22 Surface Transportation and Uniform Relocation As-
23 sistance Act of 1987 (101 Stat. 198);

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1 (6) sections 1103 through 1108 of the Inter-
2 modal Surface Transportation Efficiency Act of
3 1991 (105 Stat. 2027);

4 (7) section 157 of title 23, United States Code
5 (as in effect on June 8, 1998);

6 (8) section 105 of title 23, United States Code
7 (as in effect for fiscal years 1998 through 2004, but
8 only in an amount equal to \$639,000,000 for each
9 of those fiscal years);

10 (9) Federal-aid highway programs for which ob-
11 ligation authority was made available under the
12 Transportation Equity Act for the 21st Century
13 (112 Stat. 107) or subsequent Acts for multiple
14 years or to remain available until expended, but only
15 to the extent that the obligation authority has not
16 lapsed or been used;

17 (10) section 105 of title 23, United States Code
18 (as in effect for fiscal years 2005 through 2012, but
19 only in an amount equal to \$639,000,000 for each
20 of those fiscal years);

21 (11) section 1603 of SAFETEA-LU (23
22 U.S.C. 118 note; 119 Stat. 1248), to the extent that
23 funds obligated in accordance with that section were
24 not subject to a limitation on obligations at the time

1 at which the funds were initially made available for
2 obligation; and

3 (12) section 119 of title 23, United States Code
4 (but, for each of fiscal years 2013 through 2021,
5 only in an amount equal to \$639,000,000).

6 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
7 THORITY.—Notwithstanding subsection (a), the Secretary
8 shall, after August 1 of such fiscal year—

9 (1) revise a distribution of the obligation limita-
10 tion made available under subsection (a) if an
11 amount distributed cannot be obligated during that
12 fiscal year; and

13 (2) redistribute sufficient amounts to those
14 States able to obligate amounts in addition to those
15 previously distributed during that fiscal year, giving
16 priority to those States having large unobligated bal-
17 ances of funds apportioned under sections 144 (as in
18 effect on the day before the date of enactment of
19 Public Law 112–141) and 104 of title 23, United
20 States Code.

21 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
22 TRANSPORTATION RESEARCH PROGRAMS.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the obligation limitation for Federal-aid

1 highways shall apply to contract authority for trans-
2 portation research programs carried out under—

3 (A) chapter 5 of title 23, United States
4 Code; and

5 (B) title VI of the Fixing America's Sur-
6 face Transportation Act.

7 (2) EXCEPTION.—Obligation authority made
8 available under paragraph (1) shall—

9 (A) remain available for a period of 4 fis-
10 cal years; and

11 (B) be in addition to the amount of any
12 limitation imposed on obligations for Federal-
13 aid highway and highway safety construction
14 programs for future fiscal years.

15 (e) REDISTRIBUTION OF CERTAIN AUTHOR-
16 IZED FUNDS.—

17 (1) IN GENERAL.—Not later than 30 days after
18 the date of distribution of obligation limitation
19 under subsection (a), the Secretary shall distribute
20 to the States any funds (excluding funds authorized
21 for the program under section 202 of title 23,
22 United States Code) that—

23 (A) are authorized to be appropriated for
24 such fiscal year for Federal-aid highway pro-
25 grams; and

1 (B) the Secretary determines will not be
2 allocated to the States (or will not be appor-
3 tioned to the States under section 204 of title
4 23, United States Code), and will not be avail-
5 able for obligation, for such fiscal year because
6 of the imposition of any obligation limitation for
7 such fiscal year.

8 (2) **RATIO.**—Funds shall be distributed under
9 paragraph (1) in the same proportion as the dis-
10 tribution of obligation authority under subsection
11 (a)(5).

12 (3) **AVAILABILITY.**—Funds distributed to each
13 State under paragraph (1) shall be available for any
14 purpose described in section 133(b) of title 23,
15 United States Code.

16 **SEC. 121.** Notwithstanding 31 U.S.C. 3302, funds re-
17 ceived by the Bureau of Transportation Statistics from the
18 sale of data products, for necessary expenses incurred pur-
19 suant to chapter 63 of title 49, United States Code, may
20 be credited to the Federal-aid highways account for the
21 purpose of reimbursing the Bureau for such expenses:
22 *Provided,* That such funds shall be subject to the obliga-
23 tion limitation for Federal-aid highway and highway safety
24 construction programs.

1 SEC. 122. Not less than 15 days prior to waiving,
2 under his or her statutory authority, any Buy America re-
3 quirement for Federal-aid highways projects, the Sec-
4 retary of Transportation shall make an informal public no-
5 tice and comment opportunity on the intent to issue such
6 waiver and the reasons therefor: *Provided*, That the Sec-
7 retary shall provide an annual report to the House and
8 Senate Committees on Appropriations on any waivers
9 granted under the Buy America requirements.

10 SEC. 123. None of the funds made available in this
11 Act may be used to make a grant for a project under sec-
12 tion 117 of title 23, United States Code, unless the Sec-
13 retary, at least 60 days before making a grant under that
14 section, provides written notification to the House and
15 Senate Committees on Appropriations of the proposed
16 grant, including an evaluation and justification for the
17 project and the amount of the proposed grant award: *Pro-*
18 *vided*, That the written notification required in the pre-
19 ceding proviso shall be made not later than 180 days after
20 the date of enactment of this Act.

21 SEC. 124. (a) A State or territory, as defined in sec-
22 tion 165 of title 23, United States Code, may use for any
23 project eligible under section 133(b) of title 23 or section
24 165 of title 23 and located within the boundary of the
25 State or territory any earmarked amount, and any associ-

1 ated obligation limitation: *Provided*, That the Department
2 of Transportation for the State or territory for which the
3 earmarked amount was originally designated or directed
4 notifies the Secretary of its intent to use its authority
5 under this section and submits an annual report to the
6 Secretary identifying the projects to which the funding
7 would be applied. Notwithstanding the original period of
8 availability of funds to be obligated under this section,
9 such funds and associated obligation limitation shall re-
10 main available for obligation for a period of 3 fiscal years
11 after the fiscal year in which the Secretary is notified. The
12 Federal share of the cost of a project carried out with
13 funds made available under this section shall be the same
14 as associated with the earmark.

15 (b) In this section, the term “earmarked amount”
16 means—

17 (1) congressionally directed spending, as de-
18 fined in rule XLIV of the Standing Rules of the
19 Senate, identified in a prior law, report, or joint ex-
20 planatory statement, and administered by the Fed-
21 eral Highway Administration; or

22 (2) a congressional earmark, as defined in rule
23 XXI of the Rules of the House of Representatives,
24 identified in a prior law, report, or joint explanatory

1 statement, and administered by the Federal High-
2 way Administration.

3 (c) The authority under subsection (a) may be exer-
4 cised only for those projects or activities that have obli-
5 gated less than 10 percent of the amount made available
6 for obligation as of October 1 of the current fiscal year,
7 and shall be applied to projects within the same general
8 geographic area within 25 miles for which the funding was
9 designated, except that a State or territory may apply
10 such authority to unexpended balances of funds from
11 projects or activities the State or territory certifies have
12 been closed and for which payments have been made under
13 a final voucher.

14 (d) The Secretary shall submit consolidated reports
15 of the information provided by the States and territories
16 annually to the House and Senate Committees on Appro-
17 priations.

18 SEC. 125. Until final guidance is published, the Ad-
19 ministrator of the Federal Highway Administration shall
20 adjudicate requests for Buy America waivers under the
21 criteria that were in effect prior to April 17, 2018.

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1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

2 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 (INCLUDING TRANSFERS OF FUNDS)

7 For payment of obligations incurred in the implemen-
8 tation, execution and administration of motor carrier safe-
9 ty operations and programs pursuant to section 31110 of
10 title 49, United States Code, as amended by the Fixing
11 America's Surface Transportation Act (Public Law 114-
12 94), \$328,143,124, to be derived from the Highway Trust
13 Fund (other than the Mass Transit Account), of which
14 \$9,896,127 is to be transferred and made available from
15 prior year unobligated contract authority provided for Na-
16 tional Motor Carrier Safety Program or Motor Carrier
17 Safety in the Transportation Equity Act for the 21st Cen-
18 tury (Public Law 105-178), SAFETEA-LU (Public Law
19 109-59), or other appropriations or authorization Acts,
20 together with advances and reimbursements received by
21 the Federal Motor Carrier Safety Administration, the sum
22 of which shall remain available until expended: *Provided*,
23 That funds available for implementation, execution, or ad-
24 ministration of motor carrier safety operations and pro-
25 grams authorized under title 49, United States Code, shall

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1 not exceed total obligations of \$328,143,124, for “Motor
2 Carrier Safety Operations and Programs” for fiscal year
3 2021, of which \$9,073,000, to remain available for obliga-
4 tion until September 30, 2023, is for the research and
5 technology program, and of which not less than
6 \$75,447,124, to remain available for obligation until Sep-
7 tember 30, 2023, is for development, modernization, en-
8 hancement, continued operation, and maintenance of in-
9 formation technology and information management.

10

MOTOR CARRIER SAFETY GRANTS

11

(LIQUIDATION OF CONTRACT AUTHORIZATION)

12

(LIMITATION ON OBLIGATIONS)

13

(HIGHWAY TRUST FUND)

14

(INCLUDING TRANSFERS OF FUNDS)

15

For payment of obligations incurred in carrying out
16 sections 31102, 31103, 31104, and 31313 of title 49,
17 United States Code, as amended by the Fixing America’s
18 Surface Transportation Act (Public Law 114–94),
19 \$389,800,000, to be derived from the Highway Trust
20 Fund (other than the Mass Transit Account) and to re-
21 main available until expended: *Provided*, That funds avail-
22 able for the implementation or execution of motor carrier
23 safety programs shall not exceed total obligations of
24 \$389,800,000 in fiscal year 2021 for “Motor Carrier Safe-

1 ty Grants’’: *Provided further*, That of the sums appro-
2 priated under this heading:

3 (1) \$308,700,000 shall be available for the
4 motor carrier safety assistance program;

5 (2) \$33,200,000 shall be available for the com-
6 mercial driver’s license program implementation pro-
7 gram;

8 (3) \$45,900,000 shall be available for the high
9 priority activities program, of which \$1,000,000 is to
10 be made available from prior year unobligated con-
11 tract authority provided for Motor Carrier Safety
12 Grants in the Transportation Equity Act for the
13 21st Century (Public Law 105–178), SAFETEA–
14 LU (Public Law 109–59), or other appropriations or
15 authorization Acts; and

16 (4) \$2,000,000 shall be made available for com-
17 mercial motor vehicle operators grants, of which
18 \$1,000,000 is to be made available from prior year
19 unobligated contract authority provided for Motor
20 Carrier Safety Grants in the Transportation Equity
21 Act for the 21st Century (Public Law 105–178),
22 SAFETEA–LU (Public Law 109–59), or other ap-
23 propriations or authorization Acts:

24 *Provided further*, That of the unobligated amounts pro-
25 vided for Motor Carrier Safety Grants in the Transpor-

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1 tation Equity Act for the 21st Century (Public Law 105–
2 178), SAFETEA–LU (Public Law 109–59), the FAST
3 Act (Public Law 114–94) or other appropriation or au-
4 thorization acts prior to fiscal year 2021, \$30,000,000 in
5 additional obligation limitation, shall be transferred and
6 made available for a study of the cause of large truck
7 crashes and shall remain available until expended: *Pro-*
8 *vided further*, That the activities funded by the previous
9 proviso may be accomplished through direct expenditure,
10 direct research activities, grants, cooperative agreements,
11 contracts, intra or interagency agreements, or other agree-
12 ments with public organizations: *Provided further*, That
13 such amounts, payments, and obligation limitation as may
14 be necessary to carry out the study of the cause of large
15 truck crashes may be transferred and credited to appro-
16 priate accounts of other participating Federal agencies:
17 *Provided further*, That \$30,000,000 for payment of obliga-
18 tions incurred in carrying out this section shall be derived
19 from the Highway Trust Fund (other than the Mass Tran-
20 sit Account), to be available until expended.

21 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

22 CARRIER SAFETY ADMINISTRATION

23 SEC. 130. The Federal Motor Carrier Safety Admin-
24 istration shall send notice of section 385.308 of title 49,
25 Code of Federal Regulations, violations by certified mail,

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1 \$40,000,000 shall remain available through September
2 30, 2022.

3 OPERATIONS AND RESEARCH
4 (LIQUIDATION OF CONTRACT AUTHORIZATION)
5 (LIMITATION ON OBLIGATIONS)
6 (HIGHWAY TRUST FUND)

7 For payment of obligations incurred in carrying out
8 the provisions of 23 U.S.C. 403, including behavioral re-
9 search on Automated Driving Systems and Advanced
10 Driver Assistance Systems and improving consumer re-
11 sponses to safety recalls, section 4011 of the Fixing Amer-
12 ica's Surface Transportation Act (Public Law 114–94),
13 and chapter 303 of title 49, United States Code,
14 \$155,300,000, to be derived from the Highway Trust
15 Fund (other than the Mass Transit Account) and to re-
16 main available until expended: *Provided*, That none of the
17 funds in this Act shall be available for the planning or
18 execution of programs the total obligations for which, in
19 fiscal year 2021, are in excess of \$155,300,000: *Provided*
20 *further*, That of the sums appropriated under this head-
21 ing—

22 (1) \$149,800,000 shall be for programs author-
23 ized under 23 U.S.C. 403, including behavioral re-
24 search on Automated Driving Systems and Ad-
25 vanced Driver Assistance Systems and improving

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1 consumer responses to safety recalls, and section
2 4011 of the Fixing America's Surface Transpor-
3 tation Act (Public Law 114–94); and

4 (2) \$5,500,000 shall be for the National Driver
5 Register authorized under chapter 303 of title 49,
6 United States Code:

7 *Provided further*, That within the \$155,300,000 obligation
8 limitation for operations and research, \$20,000,000 shall
9 remain available until September 30, 2022, and
10 \$3,000,000, for impaired driving detection, shall remain
11 available until expended, and shall be in addition to the
12 amount of any limitation imposed on obligations for future
13 years: *Provided further*, That amounts for behavioral re-
14 search on Automated Driving Systems and Advanced
15 Driver Assistance Systems and improving consumer re-
16 sponses to safety recalls are in addition to any other funds
17 provided for those purposes for fiscal year 2021 in this
18 Act.

19 HIGHWAY TRAFFIC SAFETY GRANTS
20 (LIQUIDATION OF CONTRACT AUTHORIZATION)

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 For payment of obligations incurred in carrying out
24 provisions of 23 U.S.C. 402, 404, and 405, and section
25 4001(a)(6) of the Fixing America's Surface Transpor-

1 tation Act (Public Law 114–94), to remain available until
2 expended, \$623,017,000, to be derived from the Highway
3 Trust Fund (other than the Mass Transit Account): *Pro-*
4 *vided*, That none of the funds in this Act shall be available
5 for the planning or execution of programs for which the
6 total obligations in fiscal year 2021 are in excess of
7 \$623,017,000 for programs authorized under 23 U.S.C.
8 402, 404, and 405, and section 4001(a)(6) of the Fixing
9 America’s Surface Transportation Act: *Provided further*,
10 That of the sums appropriated under this heading—

11 (1) \$279,800,000 shall be for “Highway Safety
12 Programs” under 23 U.S.C. 402;

13 (2) \$285,900,000 shall be for “National Pri-
14 ority Safety Programs” under 23 U.S.C. 405;

15 (3) \$30,500,000 shall be for the “High Visi-
16 bility Enforcement Program” under 23 U.S.C. 404;
17 and

18 (4) \$26,817,000 shall be for “Administrative
19 Expenses” under section 4001(a)(6) of the Fixing
20 America’s Surface Transportation Act:

21 *Provided further*, That none of these funds shall be used
22 for construction, rehabilitation, or remodeling costs, or for
23 office furnishings and fixtures for State, local or private
24 buildings or structures: *Provided further*, That not to ex-
25 ceed \$500,000 of the funds made available for “National

1 Priority Safety Programs” under 23 U.S.C. 405 for “Im-
2 paired Driving Countermeasures” (as described in sub-
3 section (d) of that section) shall be available for technical
4 assistance to the States: *Provided further*, That with re-
5 spect to the “Transfers” provision under 23 U.S.C.
6 405(a)(8), any amounts transferred to increase the
7 amounts made available under section 402 shall include
8 the obligation authority for such amounts: *Provided fur-*
9 *ther*, That the Administrator shall notify the House and
10 Senate Committees on Appropriations of any exercise of
11 the authority granted under the previous proviso or under
12 23 U.S.C. 405(a)(8) within 5 days.

13 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

14 TRAFFIC SAFETY ADMINISTRATION

15 SEC. 140. An additional \$130,000 shall be made
16 available to the National Highway Traffic Safety Adminis-
17 tration, out of the amount limited for section 402 of title
18 23, United States Code, to pay for travel and related ex-
19 penses for State management reviews and to pay for core
20 competency development training and related expenses for
21 highway safety staff.

22 SEC. 141. The limitations on obligations for the pro-
23 grams of the National Highway Traffic Safety Adminis-
24 tration set in this Act shall not apply to obligations for
25 which obligation authority was made available in previous

1 public laws but only to the extent that the obligation au-
2 thority has not lapsed or been used.

3 SEC. 142. In addition to the amounts made available
4 under the heading, “Operations and Research (Liquida-
5 tion of Contract Authorization) (Limitation on Obliga-
6 tions) (Highway Trust Fund)” for carrying out the provi-
7 sions of section 403 of title 23, United States Code,
8 \$17,000,000, to remain available until September 30,
9 2022, shall be made available to the National Highway
10 Traffic Safety Administration from the general fund: *Pro-*
11 *vided*, That of the sums provided under this provision—

12 (1) not to exceed \$7,000,000 shall be available
13 to provide funding for grants, pilot program activi-
14 ties, and innovative solutions to reduce impaired-
15 driving fatalities in collaboration with eligible enti-
16 ties under section 403 of title 23, United States
17 Code; and

18 (2) not to exceed \$10,000,000 shall be available
19 to continue a high visibility enforcement paid-media
20 campaign regarding highway-rail grade crossing
21 safety in collaboration with the Federal Railroad Ad-
22 ministration.

23 SEC. 143. None of the funds in this Act or any other
24 Act shall be used to enforce the requirements of section
25 405(a)(9) of title 23, United States Code.

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1 FEDERAL RAILROAD ADMINISTRATION

2 SAFETY AND OPERATIONS

3 For necessary expenses of the Federal Railroad Ad-
4 ministration, not otherwise provided for, \$234,905,000, of
5 which \$25,000,000 shall remain available until expended.

6 RAILROAD RESEARCH AND DEVELOPMENT

7 For necessary expenses for railroad research and de-
8 velopment, \$41,000,000, to remain available until ex-
9 pended.

10 FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD

11 REPAIR

12 For necessary expenses related to Federal-State
13 Partnership for State of Good Repair Grants as author-
14 ized by section 24911 of title 49, United States Code,
15 \$200,000,000, to remain available until expended: *Pro-*
16 *vided*, That expenses incidental to the acquisition or con-
17 struction (including designing, engineering, location sur-
18 veying, mapping, environmental studies, and acquiring
19 rights-of-way) of a capital project as defined under section
20 24911(a)(2) of title 49, United States Code, are eligible
21 for funding independently or in conjunction with proposed
22 funding for construction: *Provided further*, That the Sec-
23 retary may withhold up to 1 percent of the amount pro-
24 vided under this heading for the costs of award and

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1 project management oversight of grants carried out under
2 section 24911 of title 49, United States Code.

3 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
4 IMPROVEMENTS
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses related to Consolidated Rail
7 Infrastructure and Safety Improvements Grants, as au-
8 thorized by section 22907 of title 49, United States Code,
9 \$375,000,000, to remain available until expended: *Pro-*
10 *vided*, That of the amounts made available under this
11 heading—

12 (1) not less than \$75,000,000 shall be for
13 projects eligible under section 22907(c)(2) of title
14 49, United States Code, that support the develop-
15 ment of new intercity passenger rail service routes
16 including alignments for existing routes: *Provided*,
17 That the Secretary shall give preference for pre-con-
18 struction elements including preliminary engineering
19 and final design of such projects; and

20 (2) not less than \$25,000,000 shall be for cap-
21 ital projects and engineering solutions targeting tres-
22 passing: *Provided*, That the Secretary shall give
23 preference for such projects that are located in coun-
24 ties with the most pedestrian trespasser casualties as
25 identified in the Federal Railroad Administration's

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1 National Strategy to Prevent Trespassing on Rail-
2 road Property:

3 *Provided further*, That section 22905(f) of title 49, United
4 States Code, shall not apply to projects for the implemen-
5 tation of positive train control systems otherwise eligible
6 under section 22907(c)(1) of title 49, United States Code:

7 *Provided further*, That amounts made available under this
8 heading for projects selected for commuter rail passenger
9 transportation may be transferred by the Secretary, after
10 selection, to the appropriate agencies to be administered

11 in accordance with chapter 53 of title 49, United States
12 Code: *Provided further*, That the Secretary shall not limit
13 eligible projects from consideration for funding for plan-
14 ning, engineering, environmental, construction, and design

15 elements of the same project in the same application: *Pro-
16 vided further*, That for amounts available under this head-
17 ing eligible recipients under section 22907(b) of title 49,

18 United States Code, shall include any holding company of
19 a Class II railroad or Class III railroad (as those terms
20 are defined in section 20102 of title 49, United States

21 Code): *Provided further*, That unobligated balances re-
22 maining after 6 years from the date of enactment of this
23 Act may be used for any eligible project under section

24 22907(c) of title 49, United States Code: *Provided further*,

25 That the Secretary may withhold up to 1 percent of the

1 thORIZED by section 11101(a) of the Fixing America’s Sur-
2 face Transportation Act (division A of Public Law 114–
3 94), \$700,000,000, to remain available until expended:
4 *Provided*, That the Secretary may retain up to one-half
5 of 1 percent of the funds provided under both this heading
6 and the “National Network Grants to the National Rail-
7 road Passenger Corporation” heading to fund the costs
8 of project management and oversight of activities author-
9 ized by section 11101(c) of division A of Public Law 114–
10 94: *Provided further*, That in addition to the project man-
11 agement oversight funds authorized under section
12 11101(c) of division A of Public Law 114–94, the Sec-
13 retary may retain up to an additional \$5,000,000 of the
14 funds provided under this heading to fund expenses associ-
15 ated with the Northeast Corridor Commission established
16 under section 24905 of title 49, United States Code: *Pro-*
17 *vided further*, That of the amounts made available under
18 this heading and the “National Network Grants to the Na-
19 tional Railroad Passenger Corporation” heading, not less
20 than \$75,000,000 shall be made available to bring Am-
21 trak-served facilities and stations into compliance with the
22 Americans with Disabilities Act: *Provided further*, That of
23 the amounts made available under this heading and the
24 “National Network Grants to the National Railroad Pas-
25 senger Corporation” heading, \$100,000,000 shall be made

1 available to fund the replacement of the single-level pas-
2 senger cars used on the Northeast Corridor, State-sup-
3 ported routes, and long-distance routes, as such terms are
4 defined in section 24102 of title 49, United States Code.

5 NATIONAL NETWORK GRANTS TO THE NATIONAL
6 RAILROAD PASSENGER CORPORATION

7 To enable the Secretary of Transportation to make
8 grants to the National Railroad Passenger Corporation for
9 activities associated with the National Network as author-
10 ized by section 11101(b) of the Fixing America's Surface
11 Transportation Act (division A of Public Law 114–94),
12 \$1,300,000,000, to remain available until expended: *Pro-*
13 *vided*, That the Secretary may retain up to an additional
14 \$2,000,000 of the funds provided under this heading to
15 fund expenses associated with the State-Supported Route
16 Committee established under section 24712 of title 49,
17 United States Code: *Provided further*, That at least
18 \$50,000,000 of the amount provided under this heading
19 shall be available for the development, installation and op-
20 eration of railroad safety technology, including the imple-
21 mentation of a positive train control system, on State-sup-
22 ported routes as defined under section 24102(13) of title
23 49, United States Code, on which positive train control
24 systems are not required by law or regulation: *Provided*
25 *further*, That none of the funds provided under this head-

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1 ing shall be used by Amtrak to give notice under sub-
2 section (a) or (b) of section 24706 of title 49, United
3 States Code, with respect to long-distance routes (as de-
4 fined in section 24102 of title 49, United States Code)
5 on which Amtrak is the sole operator on a host railroad's
6 line and a positive train control system is not required by
7 law or regulation, or, except in an emergency or during
8 maintenance or construction outages impacting such
9 routes, to otherwise discontinue, reduce the frequency of,
10 suspend, or substantially alter the route of rail service on
11 any portion of such route operated in fiscal year 2018,
12 including implementation of service permitted by section
13 24305(a)(3)(A) of title 49, United States Code, in lieu of
14 rail service.

15 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

16 ADMINISTRATION

17 (INCLUDING RESCISSIONS)

18 SEC. 150. None of the funds made available to the
19 National Railroad Passenger Corporation may be used to
20 fund any overtime costs in excess of \$35,000 for any indi-
21 vidual employee: *Provided*, That the President of Amtrak
22 may waive the cap set in the preceding proviso for specific
23 employees when the President of Amtrak determines such
24 a cap poses a risk to the safety and operational efficiency
25 of the system: *Provided further*, That the President of Am-

1 trak shall report to the House and Senate Committees on
2 Appropriations no later than 60 days after the date of en-
3 actment of this Act, a summary of all overtime payments
4 incurred by Amtrak for 2020 and the 3 prior calendar
5 years: *Provided further*, That such summary shall include
6 the total number of employees that received waivers and
7 the total overtime payments Amtrak paid to employees re-
8 ceiving waivers for each month for 2020 and for the 3
9 prior calendar years.

10 SEC. 151. None of the funds made available to the
11 National Railroad Passenger Corporation under the head-
12 ings “Northeast Corridor Grants to the National Railroad
13 Passenger Corporation” and “National Network Grants to
14 the National Railroad Passenger Corporation” may be
15 used to reduce the total number of Amtrak Police Depart-
16 ment uniformed officers patrolling on board passenger
17 trains or at stations, facilities or rights-of-way below the
18 staffing level on May 1, 2019.

19 SEC. 152. None of the funds made available by this
20 Act may be used by the National Railroad Passenger Cor-
21 poration in contravention of the Worker Adjustment and
22 Retraining Notification Act (29 U.S.C. 2101 et seq.).

23 SEC. 153. The matter under the heading “Depart-
24 ment of Transportation—Federal Railroad Administra-

1 tion—Consolidated Rail Infrastructure and Safety Im-
2 provements”—

3 (1) in division G of the Consolidated Appropria-
4 tions Act, 2019 (Public Law 116–6) is amended by
5 striking “4 years” and inserting “6 years” in the
6 fourth proviso; and

7 (2) in division H of the Further Consolidated
8 Appropriations Act, 2020 (Public Law 116–94) is
9 amended by striking “4 years” and inserting “6
10 years” in the fourth proviso.

11 SEC. 154. Of the unobligated balances of funds re-
12 maining from—

13 (1) “Capital and Debt Service Grants to the
14 National Railroad Passenger Corporation” accounts
15 totaling \$10,458,135.54 appropriated by the fol-
16 lowing public laws are hereby permanently rescinded:

17 (A) Public Law 112–10 a total of
18 \$289,234.48;

19 (B) Public Law 112–55 a total of
20 \$4,760,000.00;

21 (C) Public Law 113–76 a total of
22 \$792,502.52;

23 (D) Public Law 113–235 a total of
24 \$1,698,806.61; and

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1 (E) Public Law 114–113 a total of
2 \$2,917,591.93;

3 (2) “Railroad Safety Technology Program” ac-
4 count totaling \$613,252.29 appropriated by Public
5 Law 111–117 is hereby permanently rescinded;

6 (3) “Capital Assistance to States—Intercity
7 Passenger Rail Service” account totaling
8 \$10,164,885.13 appropriated by Public Law 111–8
9 is hereby permanently rescinded;

10 (4) “Rail Line Relocation and Improvement
11 Program” accounts totaling \$12,650,365.14 appro-
12 priated by the following public laws are hereby per-
13 manently rescinded:

14 (A) Public Law 110–161 a total of
15 \$923,214.63;

16 (B) Public Law 111–8 a total of
17 \$5,558,233.95;

18 (C) Public Law 111–117 a total of
19 \$3,763,767.95; and

20 (D) Public Law 112–10 a total of
21 \$2,405,148.61; and

22 (5) “Next Generation High-Speed Rail” ac-
23 counts totaling \$3,034,848.52 appropriated by the
24 following public laws are hereby permanently re-
25 scinded:

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1 (A) Public Law 104–50 a total of
2 \$610,807.00;

3 (B) Public Law 104–205 a total of
4 \$5,963.71;

5 (C) Public Law 105–66 a total of
6 \$1,218,742.47;

7 (D) Public Law 105–277 a total of
8 \$17,097.00;

9 (E) Public Law 106–69 a total of
10 \$1,005,969.00;

11 (F) Public Law 108–7 a total of
12 \$43,951.57;

13 (G) Public Law 108–199 a total of
14 \$24,263.48; and

15 (H) Public Law 108–447 a total of
16 \$108,054.29.

17 SEC. 155. It is the sense of Congress that—

18 (1) long-distance passenger rail routes provide
19 much-needed transportation access for 4,700,000
20 riders in 325 communities in 40 States and are par-
21 ticularly important in rural areas; and

22 (2) long-distance passenger rail routes and
23 services should be sustained to ensure connectivity
24 throughout the National Network (as defined in sec-
25 tion 24102 of title 49, United States Code).

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1 FEDERAL TRANSIT ADMINISTRATION

2 ADMINISTRATIVE EXPENSES

3 For necessary administrative expenses of the Federal
4 Transit Administration's programs authorized by chapter
5 53 of title 49, United States Code, \$121,052,000 which
6 shall remain available until September 30, 2022, and up
7 to \$1,000,000 shall be available to carry out the provisions
8 of section 5326 of such title: *Provided*, That upon submis-
9 sion to the Congress of the fiscal year 2022 President's
10 budget, the Secretary of Transportation shall transmit to
11 Congress the annual report on Capital Investment Grants,
12 including proposed allocations for fiscal year 2022.

13 TRANSIT FORMULA GRANTS

14 (LIQUIDATION OF CONTRACT AUTHORIZATION)

15 (LIMITATION ON OBLIGATIONS)

16 (HIGHWAY TRUST FUND)

17 For payment of obligations incurred in the Federal
18 Public Transportation Assistance Program in this ac-
19 count, and for payment of obligations incurred in carrying
20 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,
21 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and
22 5340, as amended by the Fixing America's Surface Trans-
23 portation Act, section 20005(b) of Public Law 112-141,
24 and section 3006(b) of the Fixing America's Surface
25 Transportation Act, \$10,800,000,000, to be derived from

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1 the Mass Transit Account of the Highway Trust Fund
2 and to remain available until expended: *Provided*, That
3 funds available for the implementation or execution of pro-
4 grams authorized under 49 U.S.C. 5305, 5307, 5310,
5 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339,
6 and 5340, as amended by the Fixing America's Surface
7 Transportation Act, section 20005(b) of Public Law 112-
8 141, and section 3006(b) of the Fixing America's Surface
9 Transportation Act, shall not exceed total obligations of
10 \$10,150,348,462 in fiscal year 2021: *Provided further*,
11 That the Federal share of the cost of activities carried
12 out under 49 U.S.C. section 5312 shall not exceed 80 per-
13 cent, except that if there is substantial public interest or
14 benefit, the Secretary may approve a greater Federal
15 share.

16 TRANSIT INFRASTRUCTURE GRANTS

17 For an additional amount for buses and bus facilities
18 grants under section 5339 of title 49, United States Code,
19 low or no emission grants under section 5339(c) of such
20 title, formula grants to rural areas under section 5311 of
21 such title, high density state apportionments under section
22 5340(d) of such title, state of good repair grants under
23 section 5337 of such title, ferry boats grants under section
24 5307(h) of such title, bus testing facilities under section
25 5318 of such title, grants to areas of persistent poverty,

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1 innovative mobility solutions grants under section 5312 of
2 such title, and accelerating innovative mobility initiative
3 grants under section 5312 such title, \$516,220,000, to re-
4 main available until expended: *Provided*, That of the sums
5 provided under this heading—

6 (1) \$243,000,000 shall be available for the
7 buses and bus facilities grants as authorized under
8 section 5339 of such title, of which \$118,000,000
9 shall be available for the buses and bus facilities for-
10 mula grants as authorized under section 5339(a) of
11 such title, and \$125,000,000 shall be available for
12 buses and bus facilities competitive grants as au-
13 thorized under section 5339(b) of such title;

14 (2) \$125,000,000 shall be available for the low
15 or no emission grants as authorized under section
16 5339(c) of such title: *Provided*, That the minimum
17 grant award shall be not less than \$750,000;

18 (3) \$40,000,000 shall be available for formula
19 grants for rural areas as authorized under section
20 5311 of such title;

21 (4) \$40,000,000 shall be available for the high
22 density state apportionments as authorized under
23 section 5340(d) of such title;

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1 (5) \$40,000,000 shall be available for state of
2 good repair grants as authorized under section 5337
3 of such title;

4 (6) \$8,000,000 shall be available for ferry boat
5 grants as authorized under section 5307(h) of such
6 title: *Provided*, That of the amounts provided under
7 this subparagraph, \$4,000,000 shall only be avail-
8 able for low or zero-emission ferries or ferries using
9 electric battery or fuel cell components and the in-
10 frastructure to support such ferries;

11 (7) \$2,000,000 shall be available for the oper-
12 ation and maintenance of the bus testing facilities
13 selected under section 5318 of such title;

14 (8) \$16,220,000 shall be available for competi-
15 tive grants to eligible entities to assist areas of per-
16 sistent poverty: *Provided*, That the term “areas of
17 persistent poverty” means any county that has con-
18 sistently had greater than or equal to 20 percent of
19 the population living in poverty during the 30 year
20 period preceding the date of enactment of this Act,
21 as measured by the 1990 and 2000 decennial census
22 and the most recent Small Area Income and Poverty
23 Estimates as estimated by the Bureau of the Cen-
24 sus; any census tract with a poverty rate of at least
25 20 percent as measured by the 2014–2018 5-year

1 data series available from the American Community
2 Survey of the Bureau of the Census; or any territory
3 or possession of the United States: *Provided further*,
4 That grants shall be for planning, engineering, or
5 development of technical or financing plans for
6 projects eligible under chapter 53 of title 49, United
7 States Code: *Provided further*, That eligible entities
8 are those defined as eligible recipients or subrecipi-
9 ents under sections 5307, 5310 or 5311 of title 49,
10 United States Code, and are in areas of persistent
11 poverty: *Provided further*, That the Federal Transit
12 Administration should complete outreach to such
13 counties and the departments of transportation with-
14 in applicable States via personal contact, webinars,
15 web materials and other appropriate methods deter-
16 mined by the Administrator of the Federal Transit
17 Administration: *Provided further*, That State depart-
18 ments of transportation may apply on behalf of eligi-
19 ble entities within their States: *Provided further*,
20 That the Federal Transit Administration should en-
21 courage grantees to work with non-profits or other
22 entities of their choosing in order to develop plan-
23 ning, technical, engineering, or financing plans: *Pro-*
24 *vided further*, That the Federal Transit Administra-
25 tion shall encourage grantees to partner with non-

1 profits that can assist with making projects low or
2 no emissions;

3 (9) \$1,000,000 shall be available for the dem-
4 onstration and deployment of innovative mobility so-
5 lutions as authorized under section 5312 of title 49,
6 United States Code: *Provided*, That such amounts
7 shall be available for competitive grants or coopera-
8 tive agreements for the development of software to
9 facilitate the provision of demand-response public
10 transportation service that dispatches public trans-
11 portation fleet vehicles through riders mobile devices
12 or other advanced means: *Provided further*, That the
13 Secretary shall evaluate the potential for software
14 developed with grants or cooperative agreements to
15 be shared for use by public transportation agencies;
16 and

17 (10) \$1,000,000 shall be for the accelerating in-
18 novative mobility initiative as authorized under sec-
19 tion 5312 of title 49, United States Code: *Provided*,
20 That such amounts shall be available for competitive
21 grants to improve mobility and enhance the rider ex-
22 perience with a focus on innovative service delivery
23 models, creative financing, novel partnerships, and
24 integrated payment solutions in order to help dis-

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1 seminate proven innovation mobility practices
2 throughout the public transportation industry:

3 *Provided further*, That projects funded under paragraph
4 (8) of this heading shall be for not less than 90 percent
5 of the net total project cost: *Provided further*, That
6 amounts made available by this heading shall be derived
7 from the general fund: *Provided further*, That the amounts
8 made available under this heading shall not be subject to
9 any limitation on obligations for transit programs set forth
10 in any Act.

11 TECHNICAL ASSISTANCE AND TRAINING

12 For necessary expenses to carry out section 5314 of
13 title 49, United States Code, \$7,500,000, to remain avail-
14 able until September 30, 2022: *Provided*, That the assist-
15 ance provided under this heading does not duplicate the
16 activities of section 5311(b) or section 5312 of title 49,
17 United States Code.

18 CAPITAL INVESTMENT GRANTS

19 For necessary expenses to carry out fixed guideway
20 capital investment grants under section 5309 of title 49,
21 United States Code, and section 3005(b) of the Fixing
22 America's Surface Transportation Act (Public Law 114-
23 94), \$2,014,000,000, to remain available until September
24 30, 2024: *Provided*, That of the amounts made available
25 under this heading, \$1,169,000,000 shall be available for

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1 projects authorized under section 5309(d) of title 49,
2 United States Code, \$525,000,000 shall be available for
3 projects authorized under section 5309(e) of title 49,
4 United States Code, \$200,000,000 shall be available for
5 projects authorized under section 5309(h) of title 49,
6 United States Code, and \$100,000,000 shall be available
7 for projects authorized under section 3005(b) of the Fix-
8 ing America's Surface Transportation Act: *Provided fur-*
9 *ther*, That the Secretary shall continue to administer the
10 capital investment grants program in accordance with the
11 procedural and substantive requirements of section 5309
12 of title 49, United States Code, and of section 3005(b)
13 of the Fixing America's Surface Transportation Act: *Pro-*
14 *vided further*, That projects that receive a grant agreement
15 under the Expedited Project Delivery for Capital Invest-
16 ment Grants Pilot Program under section 3005(b) of the
17 Fixing America's Surface Transportation Act shall be
18 deemed eligible for funding provided for projects under
19 section 5309 of title 49, United States Code, without fur-
20 ther evaluation or rating under such section: *Provided fur-*
21 *ther*, That such funding shall not exceed the Federal share
22 under section 3005(b): *Provided Further*, That funds allo-
23 cated pursuant to 49 U.S.C. 5309 to any project during
24 fiscal years 2015 or 2017 shall remain allocated to that
25 project until December 31, 2021.

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1 GRANTS TO THE WASHINGTON METROPOLITAN AREA
2 TRANSIT AUTHORITY

3 For grants to the Washington Metropolitan Area
4 Transit Authority as authorized under section 601 of divi-
5 sion B of the Passenger Rail Investment and Improvement
6 Act of 2008 (Public Law 110–432), \$150,000,000, to re-
7 main available until expended: *Provided*, That the Sec-
8 retary of Transportation shall approve grants for capital
9 and preventive maintenance expenditures for the Wash-
10 ington Metropolitan Area Transit Authority only after re-
11 ceiving and reviewing a request for each specific project:
12 *Provided further*, That the Secretary shall determine that
13 the Washington Metropolitan Area Transit Authority has
14 placed the highest priority on those investments that will
15 improve the safety of the system before approving such
16 grants: *Provided further*, That the Secretary, in order to
17 ensure safety throughout the rail system, may waive the
18 requirements of section 601(e)(1) of division B of the Pas-
19 senger Rail Investment and Improvement Act of 2008
20 (Public Law 110–432).

21 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT
22 ADMINISTRATION
23 (INCLUDING RESCISSIONS)

24 SEC. 160. The limitations on obligations for the pro-
25 grams of the Federal Transit Administration shall not

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1 apply to any authority under 49 U.S.C. 5338, previously
2 made available for obligation, or to any other authority
3 previously made available for obligation.

4 SEC. 161. Notwithstanding any other provision of
5 law, funds appropriated or limited by this Act under the
6 heading “Capital Investment Grants” of the Federal
7 Transit Administration for projects specified in this Act
8 or identified in the explanatory statement described in sec-
9 tion 4 (in the matter preceding division A of this consoli-
10 dated Act) not obligated by September 30, 2024, and
11 other recoveries, shall be directed to projects eligible to
12 use the funds for the purposes for which they were origi-
13 nally provided.

14 SEC. 162. Notwithstanding any other provision of
15 law, any funds appropriated before October 1, 2020, under
16 any section of chapter 53 of title 49, United States Code,
17 that remain available for expenditure, may be transferred
18 to and administered under the most recent appropriation
19 heading for any such section.

20 SEC. 163. None of the funds made available by this
21 Act or any other Act shall be used to adjust appor-
22 tionments or withhold funds from apportionments pursuant
23 to section 9503(e)(4) of the Internal Revenue Code of
24 1986 (26 U.S.C. 9503(e)(4)).

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1 SEC. 164. An eligible recipient of a grant under sec-
2 tion 5339(c) may submit an application in partnership
3 with other entities, including a transit vehicle manufac-
4 turer, that intend to participate in the implementation of
5 a project under section 5339(c) of title 49, United States
6 Code, and a project awarded with such partnership shall
7 be treated as satisfying the requirement for a competitive
8 procurement under section 5325(a) of title 49, United
9 States Code, for the named entity.

10 SEC. 165. None of the funds made available by this
11 Act or any other Act shall be used to impede or hinder
12 project advancement or approval for any project seeking
13 a Federal contribution from the capital investment grant
14 program of greater than 40 percent of project costs as
15 authorized under section 5309 of title 49, United States
16 Code.

17 SEC. 166. None of the funds made available in this
18 Act may be used by the Department of Transportation
19 to implement any policy that requires a capital investment
20 grant project to receive a medium or higher project rating
21 before taking actions to finalize an environmental impact
22 statement.

23 SEC. 167. Of the unobligated amounts made available
24 for prior fiscal years to Formula Grants in Treasury Ac-
25 count 69-X-1129, a total of \$1,606,849 are hereby per-

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1 manently rescinded: *Provided*, That no amounts may be
2 rescinded from amounts that were designated by the Con-
3 gress as an emergency or disaster relief requirement pur-
4 suant to a concurrent resolution on the budget or the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 SEC. 168. Of the unobligated amounts made available
7 for the Job Access and Reverse Commute program, as au-
8 thorized by Public Law 105–178, as amended, a total of
9 \$320,230 are hereby permanently rescinded.

10 SEC. 169. Of the unobligated amounts made available
11 for Research, Training, and Human Resources, as author-
12 ized by Public Law 95–599, as amended, a total of
13 \$31,634 are hereby permanently rescinded.

14 SEC. 169A. Any unexpended balances from amounts
15 previously appropriated for low or no emission vehicle
16 component assessment under 49 U.S.C. 5312(h) under the
17 headings “Transit Formula Grants” and “Transit Infra-
18 structure Grants” in fiscal years 2016 through 2020 may
19 be used by the facilities selected for such vehicle compo-
20 nent assessment for capital projects in order to build new
21 infrastructure and enhance existing facilities in order to
22 expand bus and component testing capability, in accord-
23 ance with the industry stakeholder testing objectives and
24 capabilities as outlined through the work of the Federal
25 Transit Administration Transit Vehicle Innovation and

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1 Deployment Centers program and included in the Center
2 for Transportation and the Environment report submitted
3 to the Federal Transit Administration for review.

4 SAINT LAWRENCE SEAWAY DEVELOPMENT
5 CORPORATION

6 The Saint Lawrence Seaway Development Corpora-
7 tion is hereby authorized to make such expenditures, with-
8 in the limits of funds and borrowing authority available
9 to the Corporation, and in accord with law, and to make
10 such contracts and commitments without regard to fiscal
11 year limitations, as provided by section 9104 of title 31,
12 United States Code, as may be necessary in carrying out
13 the programs set forth in the Corporation's budget for the
14 current fiscal year.

15 OPERATIONS AND MAINTENANCE
16 (HARBOR MAINTENANCE TRUST FUND)

17 For necessary expenses to conduct the operations,
18 maintenance, and capital infrastructure activities on por-
19 tions of the Saint Lawrence Seaway owned, operated, and
20 maintained by the Saint Lawrence Seaway Development
21 Corporation, \$38,000,000, to be derived from the Harbor
22 Maintenance Trust Fund, pursuant to section 210 of the
23 Water Resources Development Act of 1986 (33 U.S.C.
24 2238): *Provided*, That of the amounts made available

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1 under this heading, not less than \$14,500,000 shall be for
2 the seaway infrastructure program.

3 MARITIME ADMINISTRATION

4 MARITIME SECURITY PROGRAM

5 For necessary expenses to maintain and preserve a
6 U.S.-flag merchant fleet to serve the national security
7 needs of the United States, \$314,007,780, to remain avail-
8 able until expended, of which \$7,780 shall be derived from
9 unobligated balances from prior year appropriations avail-
10 able under this heading.

11 CABLE SECURITY FLEET

12 For the Cable Security Fleet program, as authorized
13 by chapter 532 of title 46, United States Code,
14 \$10,000,000, to remain available until expended.

15 OPERATIONS AND TRAINING

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of operations and training ac-
18 tivities authorized by law, \$155,616,000: *Provided*, That
19 of the amounts made available under this heading—

20 (1) \$80,000,000, to remain available until Sep-
21 tember 30, 2022, shall be for the operations of the
22 United States Merchant Marine Academy;

23 (2) \$5,944,000, to remain available until ex-
24 pended, shall be for facilities maintenance and re-

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1 pair, and equipment, at the United States Merchant
2 Marine Academy;

3 (3) \$3,000,000, to remain available until Sep-
4 tember 30, 2022, shall be for the Maritime Environ-
5 mental and Technical Assistance program authorized
6 under section 50307 of title 46, United States Code;
7 and

8 (4) \$10,819,000, to remain available until ex-
9 pended, shall be for the Short Sea Transportation
10 Program (America's Marine Highways) to make
11 grants for the purposes authorized under paragraphs
12 (1) and (3) of section 55601(b) of title 46, United
13 States Code:

14 *Provided further*, That the Administrator of the Maritime
15 Administration shall transmit to the House and Senate
16 Committees on Appropriations the annual report on sexual
17 assault and sexual harassment at the United States Mer-
18 chant Marine Academy as required pursuant to section
19 3510 of the National Defense Authorization Act for Fiscal
20 Year 2017 (46 U.S.C. 51318): *Provided further*, That
21 available balances under this heading for the Short Sea
22 Transportation Program (America's Marine Highways)
23 from prior year recoveries shall be available to carry out
24 activities authorized under paragraphs (1) and (3) of sec-
25 tion 55601(b) of title 46, United States Code: *Provided*

1 *further*, That any unobligated balances and obligated bal-
2 ances not yet expended from previous appropriations
3 under this heading for programs and activities supporting
4 State Maritime Academies shall be transferred to and
5 merged with the appropriations for “Maritime Adminis-
6 tration—State Maritime Academy Operations” and shall
7 be made available for the same purposes as the appropria-
8 tions for “Maritime Administration—State Maritime
9 Academy Operations”.

10 STATE MARITIME ACADEMY OPERATIONS

11 For necessary expenses of operations, support, and
12 training activities for State Maritime Academies,
13 \$432,700,000: *Provided*, That of the sums appropriated
14 under this heading—

15 (1) \$30,500,000, to remain available until ex-
16 pended, shall be for maintenance, repair, life exten-
17 sion, insurance, and capacity improvement of Na-
18 tional Defense Reserve Fleet training ships, and for
19 support of training ship operations at the State
20 Maritime Academies, of which \$8,500,000, to re-
21 main available until expended, shall be for expenses
22 related to training mariners; and for costs associated
23 with training vessel sharing pursuant to 46 U.S.C.
24 51504(g)(3) for costs associated with mobilizing, op-
25 erating and demobilizing the vessel, including travel

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1 costs for students, faculty and crew, the costs of the
2 general agent, crew costs, fuel, insurance, oper-
3 ational fees, and vessel hire costs, as determined by
4 the Secretary;

5 (2) \$390,000,000, to remain available until ex-
6 pended, shall be for the National Security Multi-Mis-
7 sion Vessel Program, including funds for construc-
8 tion, planning, administration, and design of school
9 ships;

10 (3) \$2,400,000 to remain available through
11 September 30, 2022, shall be for the Student Incen-
12 tive Program;

13 (4) \$3,800,000 shall remain available until ex-
14 pended, shall be for training ship fuel assistance;
15 and

16 (5) \$6,000,000, to remain available until Sep-
17 tember 30, 2022, shall be for direct payments for
18 State Maritime Academies.

19 ASSISTANCE TO SMALL SHIPYARDS

20 To make grants to qualified shipyards as authorized
21 under section 54101 of title 46, United States Code,
22 \$20,000,000, to remain available until expended.

23 SHIP DISPOSAL

24 For necessary expenses related to the disposal of ob-
25 solete vessels in the National Defense Reserve Fleet of the

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1 Maritime Administration, \$4,200,000, to remain available
2 until expended.

3 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

4 ACCOUNT

5 (INCLUDING TRANSFER OF FUNDS)

6 For administrative expenses to carry out the guaran-
7 teed loan program, \$3,000,000, which shall be transferred
8 to and merged with the appropriations for “Maritime Ad-
9 ministration—Operations and Training”.

10 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

11 To make grants to improve port facilities as author-
12 ized under section 50302(c) of title 46, United States
13 Code, \$230,000,000, to remain available until expended:
14 *Provided*, That projects eligible for amounts made avail-
15 able under this heading shall be projects for coastal sea-
16 ports, inland river ports, or Great Lakes ports: *Provided*
17 *further*, That of the amounts made available under this
18 heading, not less than \$205,000,000 shall be for coastal
19 seaports or Great Lakes ports: *Provided further*, That the
20 Maritime Administration shall distribute amounts made
21 available under this heading as discretionary grants to
22 port authorities or commissions or their subdivisions and
23 agents under existing authority, as well as to a State or
24 political subdivision of a State or local government, a Trib-
25 al Government, a public agency or publicly chartered au-

1 thority established by one or more States, a special pur-
2 pose district with a transportation function, a multistate
3 or multijurisdictional group of entities, or a lead entity
4 described above jointly with a private entity or group of
5 private entities: *Provided further*, That projects eligible for
6 amounts made available under this heading shall be de-
7 signed to improve the safety, efficiency, or reliability of
8 the movement of goods into, out of, around, or within a
9 port and located—

10 (1) within the boundary of a port; or

11 (2) outside the boundary of a port, and directly
12 related to port operations, or to an intermodal con-
13 nection to a port:

14 *Provided further*, That project awards eligible under this
15 heading shall be only for—

16 (1) port gate improvements;

17 (2) road improvements both within and con-
18 necting to the port;

19 (3) rail improvements both within and con-
20 necting to the port;

21 (4) berth improvements (including docks,
22 wharves, piers and dredging incidental to the im-
23 provement project);

24 (5) fixed landside improvements in support of
25 cargo operations (such as silos, elevators, conveyors,

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1 container terminals, Ro/Ro structures including
2 parking garages necessary for intermodal freight
3 transfer, warehouses including refrigerated facilities,
4 lay-down areas, transit sheds, and other such facili-
5 ties);

6 (6) utilities necessary for safe operations (in-
7 cluding lighting, stormwater, and other such im-
8 provements that are incidental to a larger infrastruc-
9 ture project); or

10 (7) a combination of activities described above:

11 *Provided further*, That the Federal share of the costs for
12 which an amount is provided under this heading shall be
13 up to 80 percent: *Provided further*, That for grants award-
14 ed under this heading, the minimum grant size shall be
15 \$1,000,000: *Provided further*, That for grant awards less
16 than \$10,000,000, the Secretary shall prioritize ports that
17 handled less than 10,000,000 short tons in 2017, as iden-
18 tified by the Corps of Engineers: *Provided further*, That
19 for grant awards less than \$10,000,000, the Secretary
20 may increase the Federal share of costs above 80 percent:
21 *Provided further*, That not to exceed 2 percent of the
22 amounts made available under this heading shall be avail-
23 able for necessary costs of grant administration.

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1 ADMINISTRATIVE PROVISIONS—MARITIME

2 ADMINISTRATION

3 SEC. 170. Notwithstanding any other provision of
4 this Act, in addition to any existing authority, the Mari-
5 time Administration is authorized to furnish utilities and
6 services and make necessary repairs in connection with
7 any lease, contract, or occupancy involving Government
8 property under control of the Maritime Administration:
9 *Provided*, That payments received therefor shall be cred-
10 ited to the appropriation charged with the cost thereof and
11 shall remain available until expended: *Provided further*,
12 That rental payments under any such lease, contract, or
13 occupancy for items other than such utilities, services, or
14 repairs shall be deposited into the Treasury as miscella-
15 neous receipts.

16 PIPELINE AND HAZARDOUS MATERIALS SAFETY

17 ADMINISTRATION

18 OPERATIONAL EXPENSES

19 For necessary operational expenses of the Pipeline
20 and Hazardous Materials Safety Administration,
21 \$28,715,000, of which \$4,500,000 shall remain available
22 until September 30, 2023.

23 HAZARDOUS MATERIALS SAFETY

24 For expenses necessary to discharge the hazardous
25 materials safety functions of the Pipeline and Hazardous

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1 Materials Safety Administration, \$62,000,000, of which
2 \$14,000,000 shall remain available until September 30,
3 2023: *Provided*, That up to \$800,000 in fees collected
4 under 49 U.S.C. 5108(g) shall be deposited in the general
5 fund of the Treasury as offsetting receipts: *Provided fur-*
6 *ther*, That there may be credited to this appropriation, to
7 be available until expended, funds received from States,
8 counties, municipalities, other public authorities, and pri-
9 vate sources for expenses incurred for training, for reports
10 publication and dissemination, and for travel expenses in-
11 curred in performance of hazardous materials exemptions
12 and approvals functions.

13 PIPELINE SAFETY

14 (PIPELINE SAFETY FUND)

15 (OIL SPILL LIABILITY TRUST FUND)

16 For expenses necessary to carry out a pipeline safety
17 program, as authorized by 49 U.S.C. 60107, and to dis-
18 charge the pipeline program responsibilities of the Oil Pol-
19 lution Act of 1990, \$168,000,000, to remain available
20 until September 30, 2023, of which \$23,000,000 shall be
21 derived from the Oil Spill Liability Trust Fund; of which
22 \$137,000,000 shall be derived from the Pipeline Safety
23 Fund; and of which \$8,000,000 shall be derived from fees
24 collected under 49 U.S.C. 60302 and deposited in the Un-
25 derground Natural Gas Storage Facility Safety Account

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1 for the purpose of carrying out 49 U.S.C. 60141: *Pro-*
2 *vided*, That not less than \$1,058,000 of the funds pro-
3 vided under this heading shall be for the One-Call State
4 grant program: *Provided further*, That any amounts pro-
5 vided under this heading in this Act or in prior Acts for
6 research contracts, grants, cooperative agreements or re-
7 search other transactions agreements (“OTAs”) shall re-
8 quire written notification to the House and Senate Com-
9 mittees on Appropriations not less than 3 full business
10 days before such research contracts, grants, cooperative
11 agreements, or research OTAs are announced by the De-
12 partment of Transportation: *Provided further*, That the
13 Administrator may obligate amounts made available under
14 this heading to engineer, erect, alter, and repair buildings
15 or make any other public improvements for research facili-
16 ties at the Transportation Technology Center after the
17 Administrator submits an updated research plan to the
18 House and Senate Committees on Appropriations and
19 after such plan is approved by the House and Senate Com-
20 mittees on Appropriations.

21 EMERGENCY PREPAREDNESS GRANTS

22 (LIMITATION ON OBLIGATIONS)

23 (EMERGENCY PREPAREDNESS FUND)

24 For expenses necessary to carry out the Emergency
25 Preparedness Grants program, not more than

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1 \$28,318,000 shall remain available until September 30,
2 2023, from amounts made available by section 5116(h)
3 and subsections (b) and (c) of section 5128 of title 49,
4 United States Code: *Provided*, That notwithstanding sec-
5 tion 5116(h)(4) of title 49, United States Code, not more
6 than 4 percent of the amounts made available from this
7 account shall be available to pay administrative costs: *Pro-*
8 *vided further*, That notwithstanding subsections (b) and
9 (c) of section 5128 of title 49, United States Code, and
10 the limitation on obligations provided under this heading,
11 prior year recoveries recognized in the current year shall
12 be available to develop and deliver hazardous materials
13 emergency response training for emergency responders, in-
14 cluding response activities for the transportation of crude
15 oil, ethanol, flammable liquids, and other hazardous com-
16 modities by rail, consistent with National Fire Protection
17 Association standards, and to make such training avail-
18 able through an electronic format: *Provided further*, That
19 the prior year recoveries made available under this head-
20 ing shall also be available to carry out sections
21 5116(a)(1)(C), 5116(h), 5116(i), and 5107(e) of title 49,
22 United States Code.

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1 ADMINISTRATIVE PROVISIONS—PIPELINE AND
2 HAZARDOUS MATERIALS SAFETY ADMINISTRATION

3 SEC. 180. In addition to the amounts made available
4 under the heading, “Emergency Preparedness Grants”,
5 \$1,000,000, to remain available until September 30, 2023,
6 shall be made available to the Pipeline and Hazardous Ma-
7 terials Safety Administration from the general fund of the
8 Treasury, in addition to amounts otherwise available for
9 such purposes, to develop and deliver hazardous materials
10 emergency response training for emergency responders, in-
11 cluding response activities for the transportation of crude
12 oil, ethanol, flammable liquids, and other hazardous com-
13 modities by rail, consistent with National Fire Protection
14 Association standards, and to make such training avail-
15 able through an electronic format.

16 OFFICE OF INSPECTOR GENERAL
17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Inspector
19 General to carry out the provisions of the Inspector Gen-
20 eral Act of 1978, as amended, \$98,150,000: *Provided*,
21 That the Inspector General shall have all necessary au-
22 thority, in carrying out the duties specified in the Inspec-
23 tor General Act, as amended (5 U.S.C. App. 3), to inves-
24 tigate allegations of fraud, including false statements to
25 the government (18 U.S.C. 1001), by any person or entity

1 that is subject to regulation by the Department of Trans-
2 portation.

3 GENERAL PROVISIONS—DEPARTMENT OF
4 TRANSPORTATION

5 SEC. 190. (a) During the current fiscal year, applica-
6 ble appropriations to the Department of Transportation
7 shall be available for maintenance and operation of air-
8 craft; hire of passenger motor vehicles and aircraft; pur-
9 chase of liability insurance for motor vehicles operating
10 in foreign countries on official department business; and
11 uniforms or allowances therefor, as authorized by sections
12 5901 and 5902 of title 5, United States Code.

13 (b) During the current fiscal year, applicable appro-
14 priations to the Department and its operating administra-
15 tions shall be available for the purchase, maintenance, op-
16 eration, and deployment of unmanned aircraft systems
17 that advance the missions of the Department of Transpor-
18 tation or an operating administration of the Department
19 of Transportation.

20 (c) Any unmanned aircraft system purchased, pro-
21 cured, or contracted for by the Department prior to the
22 date of enactment of this Act shall be deemed authorized
23 by Congress as if this provision was in effect when the
24 system was purchased, procured, or contracted for.

1 SEC. 191. Appropriations contained in this Act for
2 the Department of Transportation shall be available for
3 services as authorized by section 3109 of title 5, United
4 States Code, but at rates for individuals not to exceed the
5 per diem rate equivalent to the rate for an Executive Level
6 IV.

7 SEC. 192. (a) No recipient of amounts made available
8 by this Act shall disseminate personal information (as de-
9 fined in section 2725(3) of title 18, United States Code)
10 obtained by a State department of motor vehicles in con-
11 nection with a motor vehicle record as defined in section
12 2725(1) of title 18, United States Code, except as pro-
13 vided in section 2721 of title 18, United States Code, for
14 a use permitted under section 2721 of title 18, United
15 States Code.

16 (b) Notwithstanding subsection (a), the Secretary
17 shall not withhold amounts made available by this Act for
18 any grantee if a State is in noncompliance with this provi-
19 sion.

20 SEC. 193. None of the funds made available by this
21 Act shall be available for salaries and expenses of more
22 than 125 political and Presidential appointees in the De-
23 partment of Transportation: *Provided*, That none of the
24 personnel covered by this provision may be assigned on

1 temporary detail outside the Department of Transpor-
2 tation.

3 SEC. 194. Funds received by the Federal Highway
4 Administration and Federal Railroad Administration from
5 States, counties, municipalities, other public authorities,
6 and private sources for expenses incurred for training may
7 be credited respectively to the Federal Highway Adminis-
8 tration's "Federal-Aid Highways" account and to the Fed-
9 eral Railroad Administration's "Safety and Operations"
10 account, except for State rail safety inspectors partici-
11 pating in training pursuant to section 20105 of title 49,
12 United States Code.

13 SEC. 195. None of the funds made available by this
14 Act to the Department of Transportation may be used to
15 make a loan, loan guarantee, line of credit, letter of intent,
16 federally funded cooperative agreement, full funding grant
17 agreement, or discretionary grant unless the Secretary of
18 Transportation notifies the House and Senate Committees
19 on Appropriations not less than 3 full business days before
20 any project competitively selected to receive any discre-
21 tionary grant award, letter of intent, loan commitment,
22 loan guarantee commitment, line of credit commitment,
23 federally funded cooperative agreement, or full funding
24 grant agreement is announced by the Department or its
25 operating administrations: *Provided*, That the Secretary

1 of Transportation shall provide the House and Senate
2 Committees on Appropriations with a comprehensive list
3 of all such loans, loan guarantees, lines of credit, letters
4 of intent, federally funded cooperative agreements, full
5 funding grant agreements, and discretionary grants prior
6 to the notification required under the previous proviso:
7 *Provided further*, That the Secretary gives concurrent noti-
8 fication to the House and Senate Committees on Appro-
9 priations for any “quick release” of funds from the emer-
10 gency relief program: *Provided further*, That no notifica-
11 tion shall involve funds that are not available for obliga-
12 tion.

13 SEC. 196. Rebates, refunds, incentive payments,
14 minor fees, and other funds received by the Department
15 of Transportation from travel management centers,
16 charge card programs, the subleasing of building space,
17 and miscellaneous sources are to be credited to appropria-
18 tions of the Department of Transportation and allocated
19 to elements of the Department of Transportation using
20 fair and equitable criteria and such funds shall be avail-
21 able until expended.

22 SEC. 197. Amounts made available by this Act or any
23 prior Act that the Secretary determines represent im-
24 proper payments by the Department of Transportation to
25 a third-party contractor under a financial assistance

1 award, which are recovered pursuant to law, shall be avail-
2 able—

3 (1) to reimburse the actual expenses incurred
4 by the Department of Transportation in recovering
5 improper payments: *Provided*, That amounts made
6 available by this Act shall be available until ex-
7 pended; and

8 (2) to pay contractors for services provided in
9 recovering improper payments or contractor support
10 in the implementation of the Improper Payments In-
11 formation Act of 2002 (Public Law 107–300), as
12 amended by the Improper Payments Elimination
13 and Recovery Act of 2010 (Public Law 111–204)
14 and Improper Payments Elimination and Recovery
15 Improvement Act of 2012 (Public Law 112–248),
16 and Fraud Reduction and Data Analytics Act of
17 2015 (Public Law 114–186): *Provided*, That
18 amounts in excess of that required for paragraphs
19 (1) and (2)—

20 (A) shall be credited to and merged with
21 the appropriation from which the improper pay-
22 ments were made, and shall be available for the
23 purposes and period for which such appropria-
24 tions are available: *Provided further*, That
25 where specific project or accounting information

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1 associated with the improper payment or pay-
2 ments is not readily available, the Secretary
3 may credit an appropriate account, which shall
4 be available for the purposes and period associ-
5 ated with the account so credited; or

6 (B) if no such appropriation remains avail-
7 able, shall be deposited in the Treasury as mis-
8 cellaneous receipts: *Provided further*, That prior
9 to depositing such recovery in the Treasury, the
10 Secretary shall notify the House and Senate
11 Committees on Appropriations of the amount
12 and reasons for such transfer: *Provided further*,
13 That for purposes of this section, the term “im-
14 proper payments” has the same meaning as
15 that provided in section 2(e)(2) of the Improper
16 Payments Elimination and Recovery Act of
17 2010 (Public Law 111–204).

18 SEC. 198. Notwithstanding any other provision of
19 law, if any funds provided by or limited by this Act are
20 subject to a reprogramming action that requires notice to
21 be provided to the House and Senate Committees on Ap-
22 propriations, transmission of such reprogramming notice
23 shall be provided solely to the House and Senate Commit-
24 tees on Appropriations, and such reprogramming action
25 shall be approved or denied solely by the House and Sen-

1 ate Committees on Appropriations: *Provided*, That the
2 Secretary of Transportation may provide notice to other
3 congressional committees of the action of the House and
4 Senate Committees on Appropriations on such reprogram-
5 ming but not sooner than 30 days after the date on which
6 the reprogramming action has been approved or denied by
7 the House and Senate Committees on Appropriations.

8 SEC. 199. Funds appropriated by this Act to the op-
9 erating administrations may be obligated for the Office of
10 the Secretary for the costs related to assessments or reim-
11 bursable agreements only when such amounts are for the
12 costs of goods and services that are purchased to provide
13 a direct benefit to the applicable operating administration
14 or administrations.

15 SEC. 199A. The Secretary of Transportation is au-
16 thorized to carry out a program that establishes uniform
17 standards for developing and supporting agency transit
18 pass and transit benefits authorized under section 7905
19 of title 5, United States Code, including distribution of
20 transit benefits by various paper and electronic media.

21 SEC. 199B. The Department of Transportation may
22 use funds provided by this Act, or any other Act, to assist
23 a contract under title 49 U.S.C. or title 23 U.S.C. utilizing
24 geographic, economic, or any other hiring preference not
25 otherwise authorized by law, or to amend a rule, regula-

1 tion, policy or other measure that forbids a recipient of
2 a Federal Highway Administration or Federal Transit Ad-
3 ministration grant from imposing such hiring preference
4 on a contract or construction project with which the De-
5 partment of Transportation is assisting, only if the grant
6 recipient certifies the following:

7 (1) that except with respect to apprentices or
8 trainees, a pool of readily available but unemployed
9 individuals possessing the knowledge, skill, and abil-
10 ity to perform the work that the contract requires
11 resides in the jurisdiction;

12 (2) that the grant recipient will include appro-
13 priate provisions in its bid document ensuring that
14 the contractor does not displace any of its existing
15 employees in order to satisfy such hiring preference;
16 and

17 (3) that any increase in the cost of labor, train-
18 ing, or delays resulting from the use of such hiring
19 preference does not delay or displace any transpor-
20 tation project in the applicable Statewide Transpor-
21 tation Improvement Program or Transportation Im-
22 provement Program.

23 SEC. 199C. The Secretary of Transportation shall co-
24 ordinate with the Secretary of Homeland Security to en-
25 sure that best practices for Industrial Control Systems

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1 Procurement are up-to-date and shall ensure that systems
2 procured with funds provided under this title were pro-
3 cured using such practices.

4 SEC. 199D. None of the funds made available by this
5 Act to the Department of Transportation may be used in
6 contravention of section 306108 of title 54, United States
7 Code.

8 This title may be cited as the “Department of Trans-
9 portation Appropriations Act, 2021”.

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1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 EXECUTIVE OFFICES

6 For necessary salaries and expenses for Executive Of-
7 fices, which shall be comprised of the offices of the Sec-
8 retary, Deputy Secretary, Adjudicatory Services, Congres-
9 sional and Intergovernmental Relations, Public Affairs,
10 Small and Disadvantaged Business Utilization, and the
11 Center for Faith-Based and Neighborhood Partnerships,
12 \$17,292,000, to remain available until September 30,
13 2022: *Provided*, That not to exceed \$25,000 of the amount
14 made available under this heading shall be available to the
15 Secretary of Housing and Urban Development (referred
16 to in this title as “the Secretary”) for official reception
17 and representation expenses as the Secretary may deter-
18 mine.

19 ADMINISTRATIVE SUPPORT OFFICES

20 For necessary salaries and expenses for Administra-
21 tive Support Offices, \$576,689,000, to remain available
22 until September 30, 2022: *Provided*, That of the sums ap-
23 propriated under this heading—

24 (1) \$74,462,000 shall be available for the Office
25 of the Chief Financial Officer;

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1 (2) \$107,254,000 shall be available for the Of-
2 fice of the General Counsel, of which not less than
3 \$20,050,000 shall be for the Departmental Enforce-
4 ment Center;

5 (3) \$207,693,000 shall be available for the Of-
6 fice of Administration, of which not more than
7 \$10,000,000 may be for modernizing the Weaver
8 Building and space consolidation;

9 (4) \$38,933,000 shall be available for the Office
10 of the Chief Human Capital Officer;

11 (5) \$59,652,000 shall be available for the Office
12 of Field Policy and Management;

13 (6) \$21,013,000 shall be available for the Office
14 of the Chief Procurement Officer;

15 (7) \$4,239,000 shall be available for the Office
16 of Departmental Equal Employment Opportunity;
17 and

18 (8) \$63,443,000 shall be available for the Office
19 of the Chief Information Officer:

20 *Provided further*, That funds made available under this
21 heading may be used for necessary administrative and
22 non-administrative expenses of the Department, not other-
23 wise provided for, including purchase of uniforms, or al-
24 lowances therefor, as authorized by sections 5901 and
25 5902 of title 5, United States Code; hire of passenger

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1 motor vehicles; and services as authorized by section 3109
2 of title 5, United States Code: *Provided further*, That not-
3 withstanding any other provision of law, funds appro-
4 priated under this heading may be used for advertising
5 and promotional activities that directly support program
6 activities funded in this title: *Provided further*, That the
7 Secretary shall provide the House and Senate Committees
8 on Appropriations quarterly written notification regarding
9 the status of pending congressional reports: *Provided fur-*
10 *ther*, That the Secretary shall provide in electronic form
11 all signed reports required by Congress: *Provided further*,
12 That not more than 10 percent of the funds made avail-
13 able under this heading for the Office of the Chief Finan-
14 cial Officer for the financial transformation initiative may
15 be obligated until the Secretary submits to the House and
16 Senate Committees on Appropriations, for approval, a
17 plan for expenditure that includes the financial and inter-
18 nal control capabilities to be delivered and the mission
19 benefits to be realized, key milestones to be met, and the
20 relationship between the proposed use of funds made avail-
21 able under this heading and the projected total cost and
22 scope of the initiative.

23

PROGRAM OFFICES

24

For necessary salaries and expenses for Program Of-
25 fices, \$904,673,000, to remain available until September

1 30, 2022: *Provided*, That of the sums appropriated under
2 this heading—

3 (1) \$243,056,000 shall be available for the Of-
4 fice of Public and Indian Housing;

5 (2) \$131,107,000 shall be available for the Of-
6 fice of Community Planning and Development;

7 (3) \$404,194,000 shall be available for the Of-
8 fice of Housing, of which not less than \$13,200,000
9 shall be for the Office of Recapitalization;

10 (4) \$36,250,000 shall be available for the Office
11 of Policy Development and Research;

12 (5) \$79,763,000 shall be available for the Office
13 of Fair Housing and Equal Opportunity; and

14 (6) \$10,303,000 shall be available for the Office
15 of Lead Hazard Control and Healthy Homes.

16 WORKING CAPITAL FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 For the working capital fund for the Department of
19 Housing and Urban Development (referred to in this para-
20 graph as the “Fund”), pursuant, in part, to section 7(f)
21 of the Department of Housing and Urban Development
22 Act (42 U.S.C. 3535(f)), amounts transferred, including
23 reimbursements pursuant to section 7(f), to the Fund
24 under this heading shall be available only for Federal
25 shared services used by offices and agencies of the Depart-

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1 ment, and for any such portion of any office or agency's
2 printing, records management, space renovation, fur-
3 niture, or supply services the Secretary has determined
4 shall be provided through the Fund, and the operational
5 expenses of the Fund: *Provided*, That amounts within the
6 Fund shall not be available to provide services not specifi-
7 cally authorized under this heading: *Provided further*,
8 That upon a determination by the Secretary that any
9 other service (or portion thereof) authorized under this
10 heading shall be provided through the Fund, amounts
11 made available in this title for salaries and expenses under
12 the headings "Executive Offices", "Administrative Sup-
13 port Offices", "Program Offices", and "Government Na-
14 tional Mortgage Association", for such services shall be
15 transferred to the Fund, to remain available until ex-
16 pended: *Provided further*, That the Secretary shall notify
17 the House and Senate Committees on Appropriations of
18 its plans for executing such transfers at least 15 days in
19 advance of such transfers.

20 PUBLIC AND INDIAN HOUSING

21 TENANT-BASED RENTAL ASSISTANCE

22 For activities and assistance for the provision of ten-
23 ant-based rental assistance authorized under the United
24 States Housing Act of 1937, as amended (42 U.S.C. 1437
25 et seq.) (in this title "the Act"), not otherwise provided

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1 for, \$21,777,439,000, to remain available until expended,
2 which shall be available on October 1, 2020 (in addition
3 to the \$4,000,000,000 previously appropriated under this
4 heading that shall be available on October 1, 2020), and
5 \$4,000,000,000, to remain available until expended, which
6 shall be available on October 1, 2021: *Provided*, That the
7 amounts made available under this heading are provided
8 as follows:

9 (1) \$23,080,000,000 shall be available for re-
10 renewals of expiring section 8 tenant-based annual
11 contributions contracts (including renewals of en-
12 hanced vouchers under any provision of law author-
13 izing such assistance under section 8(t) of the Act)
14 and including renewal of other special purpose incre-
15 mental vouchers: *Provided*, That notwithstanding
16 any other provision of law, from amounts provided
17 under this paragraph and any carryover, the Sec-
18 retary for the calendar year 2021 funding cycle shall
19 provide renewal funding for each public housing
20 agency based on validated voucher management sys-
21 tem (VMS) leasing and cost data for the prior cal-
22 endar year and by applying an inflation factor as es-
23 tablished by the Secretary, by notice published in
24 the Federal Register, and by making any necessary
25 adjustments for the costs associated with the first-

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1 time renewal of vouchers under this paragraph in-
2 cluding tenant protection and Choice Neighborhoods
3 vouchers: *Provided further*, That none of the funds
4 provided under this paragraph may be used to fund
5 a total number of unit months under lease which ex-
6 ceeds a public housing agency's authorized level of
7 units under contract, except for public housing agen-
8 cies participating in the Moving to Work (MTW)
9 demonstration, which are instead governed in ac-
10 cordance with the requirements of the MTW dem-
11 onstration program or their MTW agreements, if
12 any: *Provided further*, That the Secretary shall, to
13 the extent necessary to stay within the amount spec-
14 ified under this paragraph (except as otherwise
15 modified under this paragraph), prorate each public
16 housing agency's allocation otherwise established
17 pursuant to this paragraph: *Provided further*, That
18 except as provided in the following provisos, the en-
19 tire amount specified under this paragraph (except
20 as otherwise modified under this paragraph) shall be
21 obligated to the public housing agencies based on the
22 allocation and pro rata method described above, and
23 the Secretary shall notify public housing agencies of
24 their annual budget by the latter of 60 days after
25 enactment of this Act or March 1, 2021: *Provided*

1 *further*, That the Secretary may extend the notifica-
2 tion period with the prior written approval of the
3 House and Senate Committees on Appropriations:
4 *Provided further*, That public housing agencies par-
5 ticipating in the MTW demonstration shall be fund-
6 ed in accordance with the requirements of the MTW
7 demonstration program or their MTW agreements,
8 if any, and shall be subject to the same pro rata ad-
9 justments under the previous provisos: *Provided fur-*
10 *ther*, That the Secretary may offset public housing
11 agencies' calendar year 2021 allocations based on
12 the excess amounts of public housing agencies' net
13 restricted assets accounts, including HUD-held pro-
14 grammatic reserves (in accordance with VMS data
15 in calendar year 2020 that is verifiable and com-
16 plete), as determined by the Secretary: *Provided fur-*
17 *ther*, That public housing agencies participating in
18 the MTW demonstration shall also be subject to the
19 offset, as determined by the Secretary, excluding
20 amounts subject to the single fund budget authority
21 provisions of their MTW agreements, from the agen-
22 cies' calendar year 2021 MTW funding allocation:
23 *Provided further*, That the Secretary shall use any
24 offset referred to in the previous two provisos
25 throughout the calendar year to prevent the termi-

1 nation of rental assistance for families as the result
2 of insufficient funding, as determined by the Sec-
3 retary, and to avoid or reduce the proration of re-
4 newal funding allocations: *Provided further*, That up
5 to \$110,000,000 shall be available only: (1) for ad-
6 justments in the allocations for public housing agen-
7 cies, after application for an adjustment by a public
8 housing agency that experienced a significant in-
9 crease, as determined by the Secretary, in renewal
10 costs of vouchers (including Mainstream vouchers)
11 resulting from unforeseen circumstances or from
12 portability under section 8(r) of the Act; (2) for
13 vouchers that were not in use during the previous
14 12-month period in order to be available to meet a
15 commitment pursuant to section 8(o)(13) of the Act,
16 or an adjustment for a funding obligation not yet ex-
17 pended in the previous calendar year for a MTW-eli-
18 gible activity to develop affordable housing for an
19 agency added to the MTW demonstration under the
20 expansion authority provided in section 239 of the
21 Transportation, Housing and Urban Development,
22 and Related Agencies Appropriations Act, 2016 (di-
23 vision L of Public Law 114–113); (3) for adjust-
24 ments for costs associated with HUD–Veterans Af-
25 fairs Supportive Housing (HUD–VASH) vouchers;

1 (4) for public housing agencies that despite taking
2 reasonable cost savings measures, as determined by
3 the Secretary, would otherwise be required to termi-
4 nate rental assistance for families, including Main-
5 stream families, as a result of insufficient funding;
6 (5) for adjustments in the allocations for public
7 housing agencies that (i) are leasing a lower-than-
8 average percentage of their authorized vouchers, (ii)
9 have low amounts of budget authority in their net
10 restricted assets accounts and HUD-held pro-
11 grammatic reserves, relative to other agencies, and
12 (iii) are not participating in the Moving to Work
13 demonstration, to enable such agencies to lease more
14 vouchers; and (6) for public housing agencies that
15 have experienced increased costs or loss of units in
16 an area for which the President declared a disaster
17 under title IV of the Robert T. Stafford Disaster
18 Relief and Emergency Assistance Act (42 U.S.C.
19 5170 et seq.): *Provided further*, That the Secretary
20 shall allocate amounts under the previous proviso
21 based on need, as determined by the Secretary;

22 (2) \$116,000,000 shall be for section 8 rental
23 assistance for relocation and replacement of housing
24 units that are demolished or disposed of pursuant to
25 section 18 of the Act, conversion of section 23

1 projects to assistance under section 8, the family
2 unification program under section 8(x) of the Act,
3 relocation of witnesses (including victims of violent
4 crimes) in connection with efforts to combat crime
5 in public and assisted housing pursuant to a request
6 from a law enforcement or prosecution agency, en-
7 hanced vouchers under any provision of law author-
8 izing such assistance under section 8(t) of the Act,
9 Choice Neighborhood vouchers, mandatory and vol-
10 untary conversions, and tenant protection assistance
11 including replacement and relocation assistance or
12 for project-based assistance to prevent the displace-
13 ment of unassisted elderly tenants currently residing
14 in section 202 properties financed between 1959 and
15 1974 that are refinanced pursuant to Public Law
16 106–569, as amended, or under the authority as
17 provided under this Act: *Provided*, That when a pub-
18 lic housing development is submitted for demolition
19 or disposition under section 18 of the Act, the Sec-
20 retary may provide section 8 rental assistance when
21 the units pose an imminent health and safety risk to
22 residents: *Provided further*, That the Secretary may
23 provide section 8 rental assistance from amounts
24 made available under this paragraph for units as-
25 sisted under a project-based subsidy contract funded

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1 under the “Project-Based Rental Assistance” head-
2 ing under this title where the owner has received a
3 Notice of Default and the units pose an imminent
4 health and safety risk to residents: *Provided further,*
5 That to the extent that the Secretary determines
6 that such units are not feasible for continued rental
7 assistance payments or transfer of the subsidy con-
8 tract associated with such units to another project
9 or projects and owner or owners, any remaining
10 amounts associated with such units under such con-
11 tract shall be recaptured and used to reimburse
12 amounts used under this paragraph for rental assist-
13 ance under the previous proviso: *Provided further,*
14 That of the amounts made available under this para-
15 graph, at least \$5,000,000 may be available to pro-
16 vide tenant protection assistance, not otherwise pro-
17 vided under this paragraph, to residents residing in
18 low vacancy areas and who may have to pay rents
19 greater than 30 percent of household income, as the
20 result of: (A) the maturity of a HUD-insured, HUD-
21 held or section 202 loan that requires the permission
22 of the Secretary prior to loan prepayment; (B) the
23 expiration of a rental assistance contract for which
24 the tenants are not eligible for enhanced voucher or
25 tenant protection assistance under existing law; or

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1 (C) the expiration of affordability restrictions accom-
2 panying a mortgage or preservation program admin-
3 istered by the Secretary: *Provided further*, That such
4 tenant protection assistance made available under
5 the previous proviso may be provided under the au-
6 thority of section 8(t) or section 8(o)(13) of the
7 United States Housing Act of 1937 (42 U.S.C.
8 1437f(t)): *Provided further*, That the Secretary shall
9 issue guidance to implement the previous provisos,
10 including, but not limited to, requirements for defin-
11 ing eligible at-risk households within 60 days of the
12 enactment of this Act: *Provided further*, That any
13 tenant protection voucher made available from
14 amounts under this paragraph shall not be reissued
15 by any public housing agency, except the replace-
16 ment vouchers as defined by the Secretary by notice,
17 when the initial family that received any such vouch-
18 er no longer receives such voucher, and the authority
19 for any public housing agency to issue any such
20 voucher shall cease to exist: *Provided further*, That
21 the Secretary may only provide replacement vouch-
22 ers for units that were occupied within the previous
23 24 months that cease to be available as assisted
24 housing, subject only to the availability of funds;

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1 (3) \$2,159,000,000 shall be for administrative
2 and other expenses of public housing agencies in ad-
3 ministering the section 8 tenant-based rental assist-
4 ance program, of which up to \$30,000,000 shall be
5 available to the Secretary to allocate to public hous-
6 ing agencies that need additional funds to admin-
7 ister their section 8 programs, including fees associ-
8 ated with section 8 tenant protection rental assist-
9 ance, the administration of disaster related vouchers,
10 HUD-VASH vouchers, and other special purpose in-
11 cremental vouchers: *Provided*, That no less than
12 \$2,129,000,000 of the amount provided in this para-
13 graph shall be allocated to public housing agencies
14 for the calendar year 2021 funding cycle based on
15 section 8(q) of the Act (and related Appropriation
16 Act provisions) as in effect immediately before the
17 enactment of the Quality Housing and Work Re-
18 sponsibility Act of 1998 (Public Law 105-276): *Pro-*
19 *vided further*, That if the amounts made available
20 under this paragraph are insufficient to pay the
21 amounts determined under the previous proviso, the
22 Secretary may decrease the amounts allocated to
23 agencies by a uniform percentage applicable to all
24 agencies receiving funding under this paragraph or
25 may, to the extent necessary to provide full payment

1 of amounts determined under the previous proviso,
2 utilize unobligated balances, including recaptures
3 and carryover, remaining from funds appropriated to
4 the Department of Housing and Urban Development
5 under this heading from prior fiscal years, excluding
6 special purpose vouchers, notwithstanding the pur-
7 poses for which such amounts were appropriated:
8 *Provided further*, That all public housing agencies
9 participating in the MTW demonstration shall be
10 funded in accordance with the requirements of the
11 MTW demonstration program or their MTW agree-
12 ments, if any, and shall be subject to the same uni-
13 form percentage decrease as under the previous pro-
14 viso: *Provided further*, That amounts provided under
15 this paragraph shall be only for activities related to
16 the provision of tenant-based rental assistance au-
17 thorized under section 8, including related develop-
18 ment activities;

19 (4) \$314,000,000 for the renewal of tenant-
20 based assistance contracts under section 811 of the
21 Cranston-Gonzalez National Affordable Housing Act
22 (42 U.S.C. 8013), including necessary administra-
23 tive expenses: *Provided*, That administrative and
24 other expenses of public housing agencies in admin-
25 istering the special purpose vouchers in this para-

1 graph shall be funded under the same terms and be
2 subject to the same pro rata reduction as the per-
3 cent decrease for administrative and other expenses
4 to public housing agencies under paragraph (3) of
5 this heading: *Provided further*, That upon turnover,
6 section 811 special purpose vouchers funded under
7 this heading in this or prior Acts, or under any
8 other heading in prior Acts, shall be provided to
9 non-elderly persons with disabilities;

10 (5) Of the amounts provided under paragraph
11 (1) up to \$5,000,000 shall be for rental assistance
12 and associated administrative fees for Tribal HUD-
13 VASH to serve Native American veterans that are
14 homeless or at-risk of homelessness living on or near
15 a reservation or other Indian areas: *Provided*, That
16 such amount shall be made available for renewal
17 grants to recipients that received assistance under
18 prior Acts under the Tribal HUD-VASH program:
19 *Provided further*, That the Secretary shall be author-
20 ized to specify criteria for renewal grants, including
21 data on the utilization of assistance reported by
22 grant recipients: *Provided further*, That such assist-
23 ance shall be administered in accordance with pro-
24 gram requirements under the Native American
25 Housing Assistance and Self-Determination Act of

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1 1996 and modeled after the HUD–VASH program:
2 *Provided further*, That the Secretary shall be author-
3 ized to waive, or specify alternative requirements for
4 any provision of any statute or regulation that the
5 Secretary administers in connection with the use of
6 funds made available under this paragraph (except
7 for requirements related to fair housing, non-
8 discrimination, labor standards, and the environ-
9 ment), upon a finding by the Secretary that any
10 such waivers or alternative requirements are nec-
11 essary for the effective delivery and administration
12 of such assistance: *Provided further*, That grant re-
13 cipients shall report to the Secretary on utilization
14 of such rental assistance and other program data, as
15 prescribed by the Secretary: *Provided further*, That
16 the Secretary may reallocate, as determined by the
17 Secretary, amounts returned or recaptured from
18 awards under the Tribal HUD–VASH program
19 under prior Acts to existing recipients under the
20 Tribal HUD–VASH program;

21 (6) \$40,000,000 for incremental rental voucher
22 assistance for use through a supported housing pro-
23 gram administered in conjunction with the Depart-
24 ment of Veterans Affairs as authorized under section
25 8(o)(19) of the United States Housing Act of 1937:

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1 *Provided*, That the Secretary of Housing and Urban
2 Development shall make such funding available, not-
3 withstanding section 203 (competition provision) of
4 this title, to public housing agencies that partner
5 with eligible VA Medical Centers or other entities as
6 designated by the Secretary of the Department of
7 Veterans Affairs, based on geographical need for
8 such assistance as identified by the Secretary of the
9 Department of Veterans Affairs, public housing
10 agency administrative performance, and other fac-
11 tors as specified by the Secretary of Housing and
12 Urban Development in consultation with the Sec-
13 retary of the Department of Veterans Affairs: *Pro-*
14 *vided further*, That the Secretary of Housing and
15 Urban Development may waive, or specify alter-
16 native requirements for (in consultation with the
17 Secretary of the Department of Veterans Affairs),
18 any provision of any statute or regulation that the
19 Secretary of Housing and Urban Development ad-
20 ministers in connection with the use of funds made
21 available under this paragraph (except for require-
22 ments related to fair housing, nondiscrimination,
23 labor standards, and the environment), upon a find-
24 ing by the Secretary that any such waivers or alter-
25 native requirements are necessary for the effective

1 delivery and administration of such voucher assist-
2 ance: *Provided further*, That assistance made avail-
3 able under this paragraph shall continue to remain
4 available for homeless veterans upon turn-over;

5 (7) \$25,000,000 shall be made available for the
6 family unification program as authorized under sec-
7 tion 8(x) of the Act: *Provided*, That the amounts
8 made available under this paragraph are provided as
9 follows:

10 (A) \$5,000,000 shall be for new incre-
11 mental voucher assistance: *Provided*, That the
12 assistance made available under this subpara-
13 graph shall continue to remain available for
14 family unification upon turnover; and

15 (B) \$20,000,000 shall be for new incre-
16 mental voucher assistance to assist eligible
17 youth as defined by such section 8(x)(2)(B):
18 *Provided*, That assistance made available under
19 this subparagraph shall continue to remain
20 available for such eligible youth upon turnover:
21 *Provided further*, That of the total amount
22 made available under this subparagraph, up to
23 \$10,000,000 shall be available on a noncompeti-
24 tive basis to public housing agencies that part-
25 ner with public child welfare agencies to iden-

1 tify such eligible youth, that request such as-
2 sistance to timely assist such eligible youth, and
3 that meet any other criteria as specified by the
4 Secretary: *Provided further*, That the Secretary
5 shall review utilization of the assistance made
6 available under the previous proviso, at an in-
7 terval to be determined by the Secretary, and
8 unutilized voucher assistance that is no longer
9 needed shall be recaptured by the Secretary and
10 reallocated pursuant to the previous proviso:

11 *Provided further*, That for any public housing agency
12 administering voucher assistance appropriated in a
13 prior Act under the family unification program, or
14 made available and competitively selected under this
15 paragraph, that determines that it no longer has an
16 identified need for such assistance upon turnover,
17 such agency shall notify the Secretary, and the Sec-
18 retary shall recapture such assistance from the agen-
19 cy and reallocate it to any other public housing
20 agency or agencies based on need for voucher assist-
21 ance in connection with such specified program or
22 eligible youth, as applicable;

23 (8) \$43,439,000 shall be for incremental rental
24 voucher assistance under section 8(o) of the United
25 States Housing Act of 1937 for use by individuals

1 and families who are homeless, as defined in section
2 103(a) of the McKinney-Vento Homeless Assistance
3 Act (42 U.S.C. 11302(a)), at risk of homelessness,
4 as defined in section 401(1) of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11360(1)), flee-
6 ing, or attempting to flee, domestic violence, dating
7 violence, sexual assault, or stalking, or veterans and
8 families that include a veteran family member that
9 meet one of the preceding criteria: *Provided*, That
10 assistance made available under this paragraph shall
11 continue to remain available for such eligible individ-
12 uals and families upon turnover: *Provided further*,
13 That the Secretary shall make such funding avail-
14 able, notwithstanding section 203 of this title (com-
15 petition provision) to public housing agencies that
16 partner with eligible continuums of care or other en-
17 tities as designated by the Secretary, based on geo-
18 graphical need of such assistance, public housing
19 agency administrative performance, and other fac-
20 tors as specified by the Secretary: *Provided further*,
21 That the Secretary shall review utilization of the as-
22 sistance made available under the preceding proviso,
23 at an interval to be determined by the Secretary,
24 and unutilized voucher assistance that is no longer
25 needed shall be recaptured by the Secretary and re-

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1 allocated pursuant to the preceding proviso: *Pro-*
2 *vided further*, That, the Secretary shall give pref-
3 erence to applicants that demonstrate a strategy to
4 coordinate assistance with services available in the
5 community: *Provided further*, That none of the funds
6 provided in this paragraph may be used to require
7 people experiencing homelessness to receive treat-
8 ment or perform any other prerequisite activities as
9 a condition for receiving shelter, housing or other
10 services: *Provided further*, That the Secretary shall
11 issue guidance to implement the preceding proviso;
12 and

13 (9) the Secretary shall separately track all spe-
14 cial purpose vouchers funded under this heading.

15 HOUSING CERTIFICATE FUND

16 (INCLUDING RESCISSIONS)

17 Unobligated balances, including recaptures and car-
18 ryover, remaining from funds appropriated to the Depart-
19 ment of Housing and Urban Development under this
20 heading, the heading “Annual Contributions for Assisted
21 Housing” and the heading “Project-Based Rental Assist-
22 ance”, for fiscal year 2021 and prior years may be used
23 for renewal of or amendments to section 8 project-based
24 contracts and for performance-based contract administra-
25 tors, notwithstanding the purposes for which such funds

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1 were appropriated: *Provided*, That any obligated balances
2 of contract authority from fiscal year 1974 and prior fiscal
3 years that have been terminated shall be rescinded: *Pro-*
4 *vided further*, That amounts heretofore recaptured, or re-
5 captured during the current fiscal year, from section 8
6 project-based contracts from source years fiscal year 1975
7 through fiscal year 1987 are hereby rescinded, and an
8 amount of additional new budget authority, equivalent to
9 the amount rescinded is hereby appropriated, to remain
10 available until expended, for the purposes set forth under
11 this heading, in addition to amounts otherwise available.

12

PUBLIC HOUSING FUND

13 For the operation and management of public housing,
14 as authorized by section 9(e) of the United States Housing
15 Act of 1937 (42 U.S.C. 1437g(e)) (the“Act”), and to
16 carry out capital and management activities for public
17 housing agencies, as authorized under section 9(d) of the
18 Act (42 U.S.C. 1437g(d)), \$7,806,000,000, to remain
19 available until September 30, 2024: *Provided*, That the
20 amounts made available under this heading are provided
21 as follows:

22

23

24

25

(1) \$4,839,000,000 shall be available to the
Secretary to allocate pursuant to the Operating
Fund formula at part 990 of title 24, Code of Fed-
eral Regulations, for 2021 payments;

1 (2) \$25,000,000 shall be available to the Sec-
2 retary to allocate pursuant to a need-based applica-
3 tion process notwithstanding section 203 of this title
4 and not subject to such Operating Fund formula to
5 public housing agencies that experience, or are at
6 risk of, financial shortfalls, as determined by the
7 Secretary: *Provided*, That after all such shortfall
8 needs are met, the Secretary may distribute any re-
9 maining funds to all public housing agencies on a
10 pro-rata basis pursuant to such Operating Fund for-
11 mula;

12 (3) \$2,765,000,000 shall be available to the
13 Secretary to allocate pursuant to the Capital Fund
14 formula at section 905.400 of title 24, Code of Fed-
15 eral Regulations: *Provided*, That for funds provided
16 under this paragraph, the limitation in section
17 9(g)(1) of the Act shall be 25 percent: *Provided fur-*
18 *ther*, That the Secretary may waive the limitation in
19 the previous proviso to allow public housing agencies
20 to fund activities authorized under section
21 9(e)(1)(C) of the Act: *Provided further*, That the
22 Secretary shall notify public housing agencies re-
23 questing waivers under the previous proviso if the
24 request is approved or denied within 14 days of sub-
25 mitting the request: *Provided further*, That from the

1 funds made available under this paragraph, the Sec-
2 retary shall provide bonus awards in fiscal year
3 2021 to public housing agencies that are designated
4 high performers: *Provided further*, That the Depart-
5 ment shall notify public housing agencies of their
6 formula allocation within 60 days of enactment of
7 this Act;

8 (4) \$75,000,000 shall be available for the Sec-
9 retary to make grants, notwithstanding section 203
10 of this title, to public housing agencies for emer-
11 gency capital needs, including safety and security
12 measures necessary to address crime and drug-re-
13 lated activity, as well as needs resulting from unfore-
14 seen or unpreventable emergencies and natural dis-
15 asters excluding Presidentially declared emergencies
16 and natural disasters under the Robert T. Stafford
17 Disaster Relief and Emergency Act (42 U.S.C. 5121
18 et seq.) occurring in fiscal year 2021, of which
19 \$45,000,000 shall be available for public housing
20 agencies under administrative and judicial receiver-
21 ships or under the control of a Federal monitor:
22 *Provided*, That of the amount made available under
23 this paragraph, not less than \$10,000,000 shall be
24 for safety and security measures: *Provided further*,
25 That in addition to the amount in the previous pro-

1 viso for such safety and security measures, any
2 amounts that remain available, after all applications
3 received on or before September 30, 2022, for emer-
4 gency capital needs have been processed, shall be al-
5 located to public housing agencies for such safety
6 and security measures;

7 (5) \$25,000,000 shall be for competitive grants
8 to public housing agencies to evaluate and reduce
9 lead-based paint hazards in public housing by car-
10 rying out the activities of risk assessments, abate-
11 ment, and interim controls (as those terms are de-
12 fined in section 1004 of the Residential Lead-Based
13 Paint Hazard Reduction Act of 1992 (42 U.S.C.
14 4851b)): *Provided*, That for purposes of environ-
15 mental review, a grant under this paragraph shall be
16 considered funds for projects or activities under title
17 I of the United States Housing Act of 1937 (42
18 U.S.C. 1437 et seq.) for purposes of section 26 of
19 such Act (42 U.S.C. 1437x) and shall be subject to
20 the regulations implementing such section;

21 (6) \$35,000,000 shall be for competitive grants
22 to public housing agencies for activities authorized
23 under the Healthy Homes Initiative, pursuant to
24 sections 501 and 502 of the Housing and Urban De-
25 velopment Act of 1970, which shall include research,

1 studies, testing, and demonstration efforts, including
2 education and outreach concerning mold, radon, car-
3 bon monoxide poisoning, and other housing-related
4 diseases and hazards;

5 (7) \$15,000,000 shall be to support the costs of
6 administrative and judicial receiverships and for
7 competitive grants to PHAs in receivership, des-
8 ignated troubled or substandard, or otherwise at
9 risk, as determined by the Secretary, for costs asso-
10 ciated with public housing asset improvement, in ad-
11 dition to other amounts for that purpose provided
12 under any heading under this title;

13 (8) \$23,000,000 shall be to support ongoing
14 public housing financial and physical assessment ac-
15 tivities; and

16 (9) \$4,000,000 shall be for a radon testing and
17 mitigation resident safety demonstration program
18 (the radon demonstration) in public housing: *Pro-*
19 *vided*, That the testing method, mitigation method,
20 or action level used under the radon demonstration
21 shall be as specified by applicable State or local law,
22 if such law is more protective of human health or
23 the environment than the method or level specified
24 by the Secretary:

1 *Provided further*, That notwithstanding any other provi-
2 sion of law or regulation, during fiscal year 2021, the Sec-
3 retary of Housing and Urban Development may not dele-
4 gate to any Department official other than the Deputy
5 Secretary and the Assistant Secretary for Public and In-
6 dian Housing any authority under paragraph (2) of sec-
7 tion 9(j) of the Act regarding the extension of the time
8 periods under such section: *Provided further*, That for pur-
9 poses of such section 9(j), the term “obligate” means, with
10 respect to amounts, that the amounts are subject to a
11 binding agreement that will result in outlays, immediately
12 or in the future.

13 CHOICE NEIGHBORHOODS INITIATIVE

14 For competitive grants under the Choice Neighbor-
15 hoods Initiative (subject to section 24 of the United States
16 Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise
17 specified under this heading), for transformation, rehabili-
18 tation, and replacement housing needs of both public and
19 HUD-assisted housing and to transform neighborhoods of
20 poverty into functioning, sustainable mixed income neigh-
21 borhoods with appropriate services, schools, public assets,
22 transportation and access to jobs, \$200,000,000, to re-
23 main available until September 30, 2023: *Provided*, That
24 grant funds may be used for resident and community serv-
25 ices, community development, and affordable housing

1 needs in the community, and for conversion of vacant or
2 foreclosed properties to affordable housing: *Provided fur-*
3 *ther*, That the use of funds made available under this
4 heading shall not be deemed to be for public housing not-
5 withstanding section 3(b)(1) of such Act: *Provided further*,
6 That grantees shall commit to an additional period of af-
7 fordability determined by the Secretary of not fewer than
8 20 years: *Provided further*, That grantees shall provide a
9 match in State, local, other Federal or private funds: *Pro-*
10 *vided further*, That grantees may include local govern-
11 ments, Tribal entities, public housing agencies, and non-
12 profit organizations: *Provided further*, That for-profit de-
13 velopers may apply jointly with a public entity: *Provided*
14 *further*, That for purposes of environmental review, a
15 grantee shall be treated as a public housing agency under
16 section 26 of the United States Housing Act of 1937 (42
17 U.S.C. 1437x), and grants made with amounts available
18 under this heading shall be subject to the regulations
19 issued by the Secretary to implement such section: *Pro-*
20 *vided further*, That of the amount provided under this
21 heading, not less than \$100,000,000 shall be awarded to
22 public housing agencies: *Provided further*, That such
23 grantees shall create partnerships with other local organi-
24 zations, including assisted housing owners, service agen-
25 cies, and resident organizations: *Provided further*, That

1 the Secretary shall consult with the Secretaries of Edu-
2 cation, Labor, Transportation, Health and Human Serv-
3 ices, Agriculture, and Commerce, the Attorney General,
4 and the Administrator of the Environmental Protection
5 Agency to coordinate and leverage other appropriate Fed-
6 eral resources: *Provided further*, That not more than
7 \$5,000,000 of funds made available under this heading
8 may be provided as grants to undertake comprehensive
9 local planning with input from residents and the commu-
10 nity: *Provided further*, That unobligated balances, includ-
11 ing recaptures, remaining from funds appropriated under
12 the heading “Revitalization of Severely Distressed Public
13 Housing (HOPE VI)” in fiscal year 2011 and prior fiscal
14 years may be used for purposes under this heading, not-
15 withstanding the purposes for which such amounts were
16 appropriated: *Provided further*, That the Secretary shall
17 make grant awards not later than 1 year after the date
18 of enactment of this Act in such amounts that the Sec-
19 retary determines: *Provided further*, That notwithstanding
20 section 24(o) of the United States Housing Act of 1937
21 (42 U.S.C. 1437v(o)), the Secretary may, until September
22 30, 2023, obligate any available unobligated balances
23 made available under this heading in this or any prior Act.

1 SELF-SUFFICIENCY PROGRAMS

2 For activities and assistance related to Self-Suffi-
3 ciency Programs, to remain available until September 30,
4 2024, \$155,000,000: *Provided*, That the amounts made
5 available under this heading are provided as follows:

6 (1) \$105,000,000 shall be for the Family Self-
7 Sufficiency program to support family self-suffi-
8 ciency coordinators under section 23 of the United
9 States Housing Act of 1937 (42 U.S.C. 1437u), to
10 promote the development of local strategies to co-
11 ordinate the use of assistance under sections 8 and
12 9 of such Act with public and private resources, and
13 enable eligible families to achieve economic inde-
14 pendence and self-sufficiency: *Provided*, That the
15 Secretary may, by Federal Register notice, waive or
16 specify alternative requirements under subsections
17 (b)(3), (b)(4), (b)(5), or (c)(1) of section 23 of such
18 Act in order to facilitate the operation of a unified
19 self-sufficiency program for individuals receiving as-
20 sistance under different provisions of such Act, as
21 determined by the Secretary: *Provided further*, That
22 owners or sponsors of a multifamily property receiv-
23 ing project-based rental assistance under section 8
24 of such Act may voluntarily make a Family Self-Suf-
25 ficiency program available to the assisted tenants of

1 such property in accordance with procedures estab-
2 lished by the Secretary: *Provided further*, That such
3 procedures established pursuant to the previous pro-
4 viso shall permit participating tenants to accrue es-
5 crow funds in accordance with section 23(d)(2) of
6 such Act and shall allow owners to use funding from
7 residual receipt accounts to hire coordinators for
8 their own Family Self-Sufficiency program;

9 (2) \$35,000,000 shall be for the Resident Op-
10 portunity and Self-Sufficiency program to provide
11 for supportive services, service coordinators, and
12 congregate services as authorized by section 34 of
13 the United States Housing Act of 1937 (42 U.S.C.
14 1437z-6) and the Native American Housing Assist-
15 ance and Self-Determination Act of 1996 (25 U.S.C.
16 4101 et seq.); and

17 (3) \$15,000,000 shall be for a Jobs-Plus initia-
18 tive, modeled after the Jobs-Plus demonstration:
19 *Provided*, That funding provided under this para-
20 graph shall be available for competitive grants to
21 partnerships between public housing authorities,
22 local workforce investment boards established under
23 section 107 of the Workforce Innovation and Oppor-
24 tunity Act of 2014 (29 U.S.C. 3122), and other
25 agencies and organizations that provide support to

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1 help public housing residents obtain employment and
2 increase earnings: *Provided further*, That applicants
3 must demonstrate the ability to provide services to
4 residents, partner with workforce investment boards,
5 and leverage service dollars: *Provided further*, That
6 the Secretary may allow public housing agencies to
7 request exemptions from rent and income limitation
8 requirements under sections 3 and 6 of the United
9 States Housing Act of 1937 (42 U.S.C. 1437a,
10 1437d), as necessary to implement the Jobs-Plus
11 program, on such terms and conditions as the Sec-
12 retary may approve upon a finding by the Secretary
13 that any such waivers or alternative requirements
14 are necessary for the effective implementation of the
15 Jobs-Plus initiative as a voluntary program for resi-
16 dents: *Provided further*, That the Secretary shall
17 publish by notice in the Federal Register any waiv-
18 ers or alternative requirements pursuant to the pre-
19 ceding proviso no later than 10 days before the ef-
20 fective date of such notice.

21 NATIVE AMERICAN PROGRAMS

22 For activities and assistance authorized under title
23 I of the Native American Housing Assistance and Self-
24 Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111
25 et seq.), title I of the Housing and Community Develop-

1 ment Act of 1974 with respect to Indian tribes (42 U.S.C.
2 5306(a)(1)), and related training and technical assistance,
3 \$825,000,000, to remain available until September 30,
4 2025: *Provided*, That the amounts made available under
5 this heading are provided as follows:

6 (1) \$647,000,000 shall be available for the Na-
7 tive American Housing Block Grants program, as
8 authorized under title I of NAHASDA: *Provided*,
9 That, notwithstanding NAHASDA, to determine the
10 amount of the allocation under title I of such Act for
11 each Indian tribe, the Secretary shall apply the for-
12 mula under section 302 of NAHASDA with the need
13 component based on single-race census data and
14 with the need component based on multi-race census
15 data, and the amount of the allocation for each In-
16 dian tribe shall be the greater of the two resulting
17 allocation amounts: *Provided further*, That the Sec-
18 retary will notify grantees of their formula allocation
19 within 60 days of the date of enactment of this Act;

20 (2) \$100,000,000 shall be available for competi-
21 tive grants under the Native American Housing
22 Block Grants program, as authorized under title I of
23 NAHASDA: *Provided*, That the Secretary shall obli-
24 gate this additional amount for competitive grants to
25 eligible recipients authorized under NAHASDA that

1 apply for funds: *Provided further*, That in awarding
2 this additional amount, the Secretary shall consider
3 need and administrative capacity, and shall give pri-
4 ority to projects that will spur construction and re-
5 habilitation of housing: *Provided further*, That a
6 grant funded pursuant to this paragraph shall be in
7 an amount not less than \$500,000 and not greater
8 than \$10,000,000: *Provided further*, That any funds
9 transferred for the necessary costs of administering
10 and overseeing the obligation and expenditure of
11 such additional amounts in prior Acts may also be
12 used for the necessary costs of administering and
13 overseeing such additional amount;

14 (3) \$1,000,000 shall be available for the cost of
15 guaranteed notes and other obligations, as author-
16 ized by title VI of NAHASDA: *Provided*, That such
17 costs, including the costs of modifying such notes
18 and other obligations, shall be as defined in section
19 502 of the Congressional Budget Act of 1974, as
20 amended: *Provided further*, That for fiscal year 2021
21 funds made available in this Act for the cost of
22 guaranteed notes and other obligations and any un-
23 obligated balances, including recaptures and carry-
24 over, remaining from amounts appropriated for this
25 purpose under this heading or under the heading

1 “Native American Housing Block Grants” in prior
2 Acts are available to subsidize the total principal
3 amount of any notes and other obligations, any part
4 of which is to be guaranteed, not to exceed
5 \$45,649,452;

6 (4) \$70,000,000 shall be available for grants to
7 Indian tribes for carrying out the Indian Community
8 Development Block Grant program under title I of
9 the Housing and Community Development Act of
10 1974, notwithstanding section 106(a)(1) of such
11 Act, of which, notwithstanding any other provision
12 of law (including section 203 of this Act), up to
13 \$4,000,000 may be used for emergencies that con-
14 stitute imminent threats to health and safety: *Pro-*
15 *vided*, That not to exceed 20 percent of any grant
16 made with funds appropriated under this paragraph
17 shall be expended for planning and management de-
18 velopment and administration; and

19 (5) \$7,000,000 shall be available for providing
20 training and technical assistance to Indian tribes,
21 Indian housing authorities, and tribally designated
22 housing entities, to support the inspection of Indian
23 housing units, contract expertise, and for training
24 and technical assistance related to funding provided
25 under this heading and other headings under this

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1 Act for the needs of Native American families and
2 Indian country: *Provided*, That of the funds made
3 available under this paragraph, not less than
4 \$2,000,000 shall be available for a national organi-
5 zation as authorized under section 703 of
6 NAHASDA (25 U.S.C. 4212): *Provided further*,
7 That amounts made available under this paragraph
8 may be used, contracted, or competed as determined
9 by the Secretary: *Provided further*, That notwith-
10 standing the provisions of the Federal Grant and
11 Cooperative Agreements Act of 1977 (31 U.S.C.
12 6301–6308), the amounts made available under this
13 paragraph may be used by the Secretary to enter
14 into cooperative agreements with public and private
15 organizations, agencies, institutions, and other tech-
16 nical assistance providers to support the administra-
17 tion of negotiated rulemaking under section 106 of
18 NAHASDA (25 U.S.C. 4116), the administration of
19 the allocation formula under section 302 of
20 NAHASDA (25 U.S.C. 4152), and the administra-
21 tion of performance tracking and reporting under
22 section 407 of NAHASDA (25 U.S.C. 4167).

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1 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

2 ACCOUNT

3 For the cost of guaranteed loans, as authorized by
4 section 184 of the Housing and Community Development
5 Act of 1992 (12 U.S.C. 1715z–13a), \$1,500,000, to re-
6 main available until expended: *Provided*, That such costs,
7 including the costs of modifying such loans, shall be as
8 defined in section 502 of the Congressional Budget Act
9 of 1974: *Provided further*, That an additional \$500,000,
10 to remain available until expended, shall be available for
11 administrative contract expenses including management
12 processes to carry out the loan guarantee program: *Pro-*
13 *vided further*, That for fiscal year 2021 funds made avail-
14 able in this and prior Acts for the cost of guaranteed
15 loans, as authorized by section 184 of the Housing and
16 Community Development Act of 1992 (12 U.S.C. 1715z–
17 13a), that are unobligated, including recaptures and car-
18 ryover, are available to subsidize total loan principal, any
19 part of which is to be guaranteed, up to \$1,000,000,000.

20 NATIVE HAWAIIAN HOUSING BLOCK GRANT

21 For the Native Hawaiian Housing Block Grant pro-
22 gram, as authorized under title VIII of the Native Amer-
23 ican Housing Assistance and Self-Determination Act of
24 1996 (25 U.S.C. 4221 et seq.), \$2,000,000, to remain
25 available until September 30, 2025: *Provided*, That not-

1 withstanding section 812(b) of such Act, the Department
2 of Hawaiian Home Lands may not invest grant amounts
3 made available under this heading in investment securities
4 and other obligations: *Provided further*, That amounts
5 made available under this heading in this and prior fiscal
6 years may be used to provide rental assistance to eligible
7 Native Hawaiian families both on and off the Hawaiian
8 Home Lands, notwithstanding any other provision of law.

9 COMMUNITY PLANNING AND DEVELOPMENT

10 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

11 For carrying out the Housing Opportunities for Per-
12 sons with AIDS program, as authorized by the AIDS
13 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
14 \$430,000,000, to remain available until September 30,
15 2022, except that amounts allocated pursuant to section
16 854(c)(5) of such Act shall remain available until Sep-
17 tember 30, 2023: *Provided*, That the Secretary shall renew
18 or replace all expiring contracts for permanent supportive
19 housing that initially were funded under section 854(c)(5)
20 of such Act from funds made available under this heading
21 in fiscal year 2010 and prior fiscal years that meet all
22 program requirements before awarding funds for new con-
23 tracts under such section: *Provided further*, That the proc-
24 ess for submitting amendments and approving replace-
25 ment contracts shall be established by the Secretary in a

1 notice: *Provided further*, That the Department shall notify
2 grantees of their formula allocation within 60 days of en-
3 actment of this Act.

4 COMMUNITY DEVELOPMENT FUND

5 For carrying out the community development block
6 grant program under title I of the Housing and Commu-
7 nity Development Act of 1974, as amended (42 U.S.C.
8 5301 et seq.) (in this heading “the Act”), \$3,475,000,000,
9 to remain available until September 30, 2023, unless oth-
10 erwise specified: *Provided*, That unless explicitly provided
11 for under this heading, not to exceed 20 percent of any
12 grant made with funds made available under this heading
13 shall be expended for planning and management develop-
14 ment and administration: *Provided further*, That a metro-
15 politan city, urban county, unit of general local govern-
16 ment, or insular area that directly or indirectly receives
17 funds under this heading may not sell, trade, or otherwise
18 transfer all or any portion of such funds to another such
19 entity in exchange for any other funds, credits, or non-
20 Federal considerations, but shall use such funds for activi-
21 ties eligible under title I of the Act: *Provided further*, That
22 notwithstanding section 105(e)(1) of the Act, no funds
23 made available under this heading may be provided to a
24 for-profit entity for an economic development project
25 under section 105(a)(17) unless such project has been

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1 evaluated and selected in accordance with guidelines re-
2 quired under subsection (e)(2) of section 105: *Provided*
3 *further*, That of the total amount provided under this
4 heading, \$25,000,000 shall be for activities authorized
5 under section 8071 of the SUPPORT for Patients and
6 Communities Act (Public Law 115–271): *Provided further*,
7 That the funds allocated pursuant to the preceding proviso
8 shall not adversely affect the amount of any formula as-
9 sistance received by a State under this heading: *Provided*
10 *further*, That the Secretary shall allocate the funds for
11 such activities based on the notice establishing the funding
12 formula published in 84 FR 16027 (April 17, 2019) ex-
13 cept that the formula shall use age-adjusted rates of drug
14 overdose deaths for 2018 based on data from the Centers
15 for Disease Control and Prevention: *Provided further*,
16 That the Department of Housing and Urban Development
17 shall notify grantees of their formula allocation within 60
18 days of enactment of this Act.

19 COMMUNITY DEVELOPMENT LOAN GUARANTEES

20 PROGRAM ACCOUNT

21 Subject to section 502 of the Congressional Budget
22 Act of 1974 (2 U.S.C. 661a), during fiscal year 2021,
23 commitments to guarantee loans under section 108 of the
24 Housing and Community Development Act of 1974 (42
25 U.S.C. 5308), any part of which is guaranteed, shall not

1 exceed a total principal amount of \$300,000,000, notwith-
2 standing any aggregate limitation on outstanding obliga-
3 tions guaranteed in subsection (k) of such section 108:
4 *Provided*, That the Secretary shall collect fees from bor-
5 rowers, notwithstanding subsection (m) of such section
6 108, to result in a credit subsidy cost of zero for guaran-
7 teeing such loans, and any such fees shall be collected in
8 accordance with section 502(7) of the Congressional
9 Budget Act of 1974: *Provided further*, That such commit-
10 ment authority funded by fees may be used to guarantee,
11 or make commitments to guarantee, notes or other obliga-
12 tions issued by any State on behalf of non-entitlement
13 communities in the State in accordance with the require-
14 ments of such section 108: *Provided further*, That any
15 State receiving such a guarantee or commitment under the
16 preceding proviso shall distribute all funds subject to such
17 guarantee to the units of general local government in non-
18 entitlement areas that received the commitment.

19 HOME INVESTMENT PARTNERSHIPS PROGRAM

20 For the HOME Investment Partnerships program, as
21 authorized under title II of the Cranston-Gonzalez Na-
22 tional Affordable Housing Act, as amended (42 U.S.C.
23 12721 et seq.), \$1,350,000,000, to remain available until
24 September 30, 2024: *Provided*, That notwithstanding the
25 amount made available under this heading, the threshold

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1 reduction requirements in sections 216(10) and 217(b)(4)
2 of such Act shall not apply to allocations of such amount:
3 *Provided further*, That the Department shall notify grant-
4 ees of their formula allocations within 60 days after enact-
5 ment of this Act: *Provided further*, That section 218(g)
6 of such Act (42 U.S.C. 12748(g)) shall not apply with re-
7 spect to the right of a jurisdiction to draw funds from
8 its HOME Investment Trust Fund that otherwise expired
9 or would expire in 2016, 2017, 2018, 2019, 2020, 2021,
10 2022, or 2023 under that section: *Provided further*, That
11 section 231(b) of such Act (42 U.S.C. 12771(b)) shall not
12 apply to any uninvested funds that otherwise were de-
13 ducted or would be deducted from the line of credit in
14 the participating jurisdiction's HOME Investment Trust
15 Fund in 2018, 2019, 2020, 2021, 2022, or 2023 under
16 that section.

17 SELF-HELP AND ASSISTED HOMEOWNERSHIP

18 OPPORTUNITY PROGRAM

19 For the Self-Help and Assisted Homeownership Op-
20 portunity Program, as authorized under section 11 of the
21 Housing Opportunity Program Extension Act of 1996 (42
22 U.S.C. 12805 note), \$60,000,000, to remain available
23 until September 30, 2023: *Provided*, That of the total
24 amount made available under this heading, \$10,000,000
25 shall be for the Self-Help Homeownership Opportunity

1 Program as authorized under such section 11: *Provided*
2 *further*, That of the total amount made available under
3 this heading, \$41,000,000 shall be for the second, third,
4 and fourth capacity building entities specified in section
5 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C.
6 9816 note), of which not less than \$5,000,000 shall be
7 for rural capacity building activities: *Provided further*,
8 That of the total amount made available under this head-
9 ing, \$5,000,000 shall be for capacity building by national
10 rural housing organizations having experience assessing
11 national rural conditions and providing financing, train-
12 ing, technical assistance, information, and research to
13 local nonprofit organizations, local governments, and In-
14 dian Tribes serving high need rural communities: *Provided*
15 *further*, That of the total amount provided under this
16 heading, \$4,000,000, shall be made available for a pro-
17 gram to rehabilitate and modify the homes of disabled or
18 low-income veterans, as authorized under section 1079 of
19 Public Law 113–291: *Provided further*, That the issuance
20 of a Notice of Funding Availability for the funds provided
21 under the previous proviso shall be completed within 120
22 days of enactment of this Act and such funds shall be
23 awarded within 180 days of such issuance.

1 HOMELESS ASSISTANCE GRANTS

2 For assistance under title IV of the McKinney-Vento
3 Homeless Assistance Act (42 U.S.C. 11360 et seq.),
4 \$3,000,000,000, to remain available until September 30,
5 2023: *Provided*, That of the amounts made available
6 under this heading—

7 (1) not less than \$290,000,000 shall be for the
8 Emergency Solutions Grants program authorized
9 under subtitle B of such title IV (42 U.S.C. 11371
10 et seq.): *Provided further*, That the Department shall
11 notify grantees of their formula allocation from
12 amounts allocated (which may represent initial or
13 final amounts allocated) for the Emergency Solu-
14 tions Grant program not later than 60 days after
15 enactment of this Act;

16 (2) not less than \$2,569,000,000 shall be for
17 the Continuum of Care program authorized under
18 subtitle C of such title IV (42 U.S.C. 11381 et seq.)
19 and the Rural Housing Stability Assistance pro-
20 grams authorized under subtitle D of such title IV
21 (42 U.S.C. 11408): *Provided further*, That the Sec-
22 retary shall prioritize funding under the Continuum
23 of Care program to continuums of care that have
24 demonstrated a capacity to reallocate funding from
25 lower performing projects to higher performing

1 projects: *Provided further*, That the Secretary shall
2 provide incentives to create projects that coordinate
3 with housing providers and healthcare organizations
4 to provide permanent supportive housing and rapid
5 re-housing services: *Provided further*, That amounts
6 made available for the Continuum of Care program
7 under this heading in this Act and any remaining
8 unobligated balances from prior Acts may be used to
9 competitively or non-competitively renew or replace
10 grants for youth homeless demonstration projects
11 under the Continuum of Care program, notwith-
12 standing any conflict with the requirements of the
13 Continuum of Care program;

14 (3) up to \$52,000,000 shall be for grants for
15 rapid re-housing projects and supportive service
16 projects providing coordinated entry, and for eligible
17 activities the Secretary determines to be critical in
18 order to assist survivors of domestic violence, dating
19 violence, sexual assault, or stalking, except that the
20 Secretary may make additional grants for such
21 projects and purposes from amounts made available
22 for such Continuum of Care program: *Provided fur-*
23 *ther*, That such projects shall be eligible for renewal
24 under the Continuum of Care program subject to

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1 the same terms and conditions as other renewal ap-
2 plicants;

3 (4) up to \$7,000,000 shall be for the national
4 homeless data analysis project: *Provided further,*
5 That notwithstanding the provisions of the Federal
6 Grant and Cooperative Agreements Act of 1977 (31
7 U.S.C. 6301–6308), the amounts made available
8 under this paragraph and any remaining unobligated
9 balances under this heading for such purposes in
10 prior Acts may be used by the Secretary to enter
11 into cooperative agreements with such entities as
12 may be determined by the Secretary, including pub-
13 lic and private organizations, agencies, and institu-
14 tions; and

15 (5) up to \$82,000,000 shall be to implement
16 projects to demonstrate how a comprehensive ap-
17 proach to serving homeless youth, age 24 and under,
18 in up to 25 communities with a priority for commu-
19 nities with substantial rural populations in up to
20 eight locations, can dramatically reduce youth home-
21 lessness: *Provided further,* That of the amount made
22 available under this paragraph, up to \$10,000,000
23 shall be to provide technical assistance on improving
24 system responses to youth homelessness, and collec-
25 tion, analysis, use, and reporting of data and per-

1 formance measures under the comprehensive ap-
2 proaches to serve homeless youth, in addition to and
3 in coordination with other technical assistance funds
4 provided under this title: *Provided further*, That the
5 Secretary may use up to 10 percent of the amount
6 made available under the previous proviso to build
7 the capacity of current technical assistance providers
8 or to train new technical assistance providers with
9 verifiable prior experience with systems and pro-
10 grams for youth experiencing homelessness:

11 *Provided further*, That youth aged 24 and under seeking
12 assistance under this heading shall not be required to pro-
13 vide third party documentation to establish their eligibility
14 under subsection (a) or (b) of section 103 of the McKin-
15 ney-Vento Homeless Assistance Act (42 U.S.C. 11302) to
16 receive services: *Provided further*, That unaccompanied
17 youth aged 24 and under or families headed by youth aged
18 24 and under who are living in unsafe situations may be
19 served by youth-serving providers funded under this head-
20 ing: *Provided further*, That persons eligible under section
21 103(a)(5) of the McKinney-Vento Homeless Assistance
22 Act may be served by any project funded under this head-
23 ing to provide both transitional housing and rapid re-hous-
24 ing: *Provided further*, That for all matching funds require-
25 ments applicable to funds made available under this head-

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1 ing for this fiscal year and prior fiscal years, a grantee
2 may use (or could have used) as a source of match funds
3 other funds administered by the Secretary and other Fed-
4 eral agencies unless there is (or was) a specific statutory
5 prohibition on any such use of any such funds: *Provided*
6 *further*, That none of the funds made available under this
7 heading shall be available to provide funding for new
8 projects, except for projects created through reallocation,
9 unless the Secretary determines that the continuum of
10 care has demonstrated that projects are evaluated and
11 ranked based on the degree to which they improve the con-
12 tinuum of care's system performance: *Provided further*,
13 That any unobligated amounts remaining from funds
14 made available under this heading in fiscal year 2012 and
15 prior years for project-based rental assistance for rehabili-
16 tation projects with 10-year grant terms may be used for
17 purposes under this heading, notwithstanding the pur-
18 poses for which such funds were appropriated: *Provided*
19 *further*, That unobligated balances, including recaptures
20 and carryover, remaining from funds transferred to or ap-
21 propriated under this heading in fiscal year 2019 or prior
22 years, except for rental assistance amounts that were re-
23 captured and made available until expended, shall be avail-
24 able for the current purposes authorized under this head-

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1 ing in addition to the purposes for which such funds origi-
2 nally were appropriated.

3 HOUSING PROGRAMS

4 PROJECT-BASED RENTAL ASSISTANCE

5 For activities and assistance for the provision of
6 project-based subsidy contracts under the United States
7 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
8 Act”), not otherwise provided for, \$13,065,000,000, to re-
9 main available until expended, shall be available on Octo-
10 ber 1, 2020 (in addition to the \$400,000,000 previously
11 appropriated under this heading that became available Oc-
12 tober 1, 2020), and \$400,000,000, to remain available
13 until expended, shall be available on October 1, 2021: *Pro-*
14 *vided*, That the amounts made available under this head-
15 ing shall be available for expiring or terminating section
16 8 project-based subsidy contracts (including section 8
17 moderate rehabilitation contracts), for amendments to sec-
18 tion 8 project-based subsidy contracts (including section
19 8 moderate rehabilitation contracts), for contracts entered
20 into pursuant to section 441 of the McKinney-Vento
21 Homeless Assistance Act (42 U.S.C. 11401), for renewal
22 of section 8 contracts for units in projects that are subject
23 to approved plans of action under the Emergency Low In-
24 come Housing Preservation Act of 1987 or the Low-In-
25 come Housing Preservation and Resident Homeownership

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1 Act of 1990, and for administrative and other expenses
2 associated with project-based activities and assistance
3 funded under this heading: *Provided further*, That of the
4 total amounts provided under this heading, not to exceed
5 \$350,000,000 shall be available for performance-based
6 contract administrators for section 8 project-based assist-
7 ance, for carrying out 42 U.S.C. 1437(f): *Provided further*,
8 That the Secretary may also use such amounts in the pre-
9 vious proviso for performance-based contract administra-
10 tors for the administration of: interest reduction payments
11 pursuant to section 236(a) of the National Housing Act
12 (12 U.S.C. 1715z-1(a)); rent supplement payments pur-
13 suant to section 101 of the Housing and Urban Develop-
14 ment Act of 1965 (12 U.S.C. 1701s); section 236(f)(2)
15 rental assistance payments (12 U.S.C. 1715z-1(f)(2));
16 project rental assistance contracts for the elderly under
17 section 202(c)(2) of the Housing Act of 1959 (12 U.S.C.
18 1701q); project rental assistance contracts for supportive
19 housing for persons with disabilities under section
20 811(d)(2) of the Cranston-Gonzalez National Affordable
21 Housing Act (42 U.S.C. 8013(d)(2)); project assistance
22 contracts pursuant to section 202(h) of the Housing Act
23 of 1959 (Public Law 86-372; 73 Stat. 667); and loans
24 under section 202 of the Housing Act of 1959 (Public Law
25 86-372; 73 Stat. 667): *Provided further*, That amounts

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1 recaptured under this heading, the heading “Annual Con-
2 tributions for Assisted Housing”, or the heading “Housing
3 Certificate Fund”, may be used for renewals of or amend-
4 ments to section 8 project-based contracts or for perform-
5 ance-based contract administrators, notwithstanding the
6 purposes for which such amounts were appropriated: *Pro-*
7 *vided further*, That, notwithstanding any other provision
8 of law, upon the request of the Secretary, project funds
9 that are held in residual receipts accounts for any project
10 subject to a section 8 project-based Housing Assistance
11 Payments contract that authorizes the Department or a
12 housing finance agency to require that surplus project
13 funds be deposited in an interest-bearing residual receipts
14 account and that are in excess of an amount to be deter-
15 mined by the Secretary, shall be remitted to the Depart-
16 ment and deposited in this account, to be available until
17 expended: *Provided further*, That amounts deposited pur-
18 suant to the previous proviso shall be available in addition
19 to the amount otherwise provided by this heading for uses
20 authorized under this heading.

21 HOUSING FOR THE ELDERLY

22 For capital advances, including amendments to cap-
23 ital advance contracts, for housing for the elderly, as au-
24 thorized by section 202 of the Housing Act of 1959 (12
25 U.S.C. 1701q), for project rental assistance for the elderly

1 under section 202(c)(2) of such Act, including amend-
2 ments to contracts for such assistance and renewal of ex-
3 piring contracts for such assistance for up to a 5-year
4 term, for senior preservation rental assistance contracts,
5 including renewals, as authorized by section 811(e) of the
6 American Homeownership and Economic Opportunity Act
7 of 2000 (12 U.S.C. 1701q note), and for supportive serv-
8 ices associated with the housing, \$855,000,000 to remain
9 available until September 30, 2024: *Provided*, That of the
10 amount made available under this heading, up to
11 \$125,000,000 shall be for service coordinators and the
12 continuation of existing congregate service grants for resi-
13 dents of assisted housing projects: *Provided further*, That
14 amounts made available under this heading shall be avail-
15 able for Real Estate Assessment Center inspections and
16 inspection-related activities associated with section 202
17 projects: *Provided further*, That the Secretary may waive
18 the provisions of section 202 governing the terms and con-
19 ditions of project rental assistance, except that the initial
20 contract term for such assistance shall not exceed 5 years
21 in duration: *Provided further*, That upon request of the
22 Secretary, project funds that are held in residual receipts
23 accounts for any project subject to a section 202 project
24 rental assistance contract, and that upon termination of
25 such contract are in excess of an amount to be determined

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1 by the Secretary, shall be remitted to the Department and
2 deposited in this account, to remain available until Sep-
3 tember 30, 2024: *Provided further*, That amounts depos-
4 ited in this account pursuant to the previous proviso shall
5 be available, in addition to the amounts otherwise provided
6 by this heading, for the purposes authorized under this
7 heading: *Provided further*, That unobligated balances, in-
8 cluding recaptures and carryover, remaining from funds
9 transferred to or appropriated under this heading shall be
10 available for the current purposes authorized under this
11 heading in addition to the purposes for which such funds
12 originally were appropriated: *Provided further*, That of the
13 total amount made available under this heading, up to
14 \$14,000,000 shall be used by the Secretary to continue
15 demonstration programs to test housing with services
16 models for the elderly that demonstrate the potential to
17 delay or avoid the need for nursing home care: *Provided*
18 *further*, That of the total amount made available under
19 this heading, up to \$5,000,000 shall be used to expand
20 the supply of intergenerational dwelling units (as such
21 term is defined in section 202 of the Legacy Act of 2003
22 (12 U.S.C. 1701q note)) for elderly caregivers raising chil-
23 dren.

1 HOUSING FOR PERSONS WITH DISABILITIES

2 For capital advances, including amendments to cap-
3 ital advance contracts, for supportive housing for persons
4 with disabilities, as authorized by section 811 of the Cran-
5 ston-Gonzalez National Affordable Housing Act (42
6 U.S.C. 8013), for project rental assistance for supportive
7 housing for persons with disabilities under section
8 811(d)(2) of such Act, for project assistance contracts
9 pursuant to subsection (h) of section 202 of the Housing
10 Act of 1959, as added by section 205(a) of the Housing
11 and Community Development Amendments of 1978 (Pub-
12 lic Law 95–557: 92 Stat. 2090), including amendments
13 to contracts for such assistance and renewal of expiring
14 contracts for such assistance for up to a 1-year term, for
15 project rental assistance to State housing finance agencies
16 and other appropriate entities as authorized under section
17 811(b)(3) of the Cranston-Gonzalez National Affordable
18 Housing Act, and for supportive services associated with
19 the housing for persons with disabilities as authorized by
20 section 811(b)(1) of such Act, \$227,000,000, to remain
21 available until September 30, 2024: *Provided*, That
22 amounts made available under this heading shall be avail-
23 able for Real Estate Assessment Center inspections and
24 inspection-related activities associated with section 811
25 projects: *Provided further*, That, upon the request of the

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1 Secretary, project funds that are held in residual receipts
2 accounts for any project subject to a section 811 project
3 rental assistance contract, and that upon termination of
4 such contract are in excess of an amount to be determined
5 by the Secretary, shall be remitted to the Department and
6 deposited in this account, to remain available until Sep-
7 tember 30, 2024: *Provided further*, That amounts depos-
8 ited in this account pursuant to the previous proviso shall
9 be available in addition to the amounts otherwise provided
10 by this heading for the purposes authorized under this
11 heading: *Provided further*, That unobligated balances, in-
12 cluding recaptures and carryover, remaining from funds
13 transferred to or appropriated under this heading shall be
14 used for the current purposes authorized under this head-
15 ing in addition to the purposes for which such funds origi-
16 nally were appropriated.

17 HOUSING COUNSELING ASSISTANCE

18 For contracts, grants, and other assistance excluding
19 loans, as authorized under section 106 of the Housing and
20 Urban Development Act of 1968, as amended,
21 \$57,500,000, to remain available until September 30,
22 2022, including up to \$4,500,000 for administrative con-
23 tract services: *Provided*, That funds shall be used for pro-
24 viding counseling and advice to tenants and homeowners,
25 both current and prospective, with respect to property

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1 maintenance, financial management or literacy, and such
2 other matters as may be appropriate to assist them in im-
3 proving their housing conditions, meeting their financial
4 needs, and fulfilling the responsibilities of tenancy or
5 homeownership; for program administration; and for hous-
6 ing counselor training: *Provided further*, That for purposes
7 of providing such grants from amounts provided under
8 this heading, the Secretary may enter into multiyear
9 agreements, as appropriate, subject to the availability of
10 annual appropriations: *Provided further*, That an addi-
11 tional \$20,000,000 (not subject to such section 106), to
12 remain available until September 30, 2023, shall be for
13 competitive grants to nonprofit or governmental entities
14 to provide legal assistance (including assistance related to
15 pretrial activities, trial activities, post-trial activities and
16 alternative dispute resolution) at no cost to eligible low-
17 income tenants at risk of or subject to eviction: *Provided*
18 *further*, That in awarding grants under the preceding pro-
19 viso, the Secretary shall give preference to applicants that
20 include a marketing strategy for residents of areas with
21 high rates of eviction, have experience providing no-cost
22 legal assistance to low-income individuals, including those
23 with limited English proficiency or disabilities, and have
24 sufficient capacity to administer such assistance: *Provided*
25 *further*, That the Secretary shall ensure, to the extent

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1 practicable, that the proportion of eligible tenants living
2 in rural areas who will receive legal assistance with grant
3 funds made available under this heading is not less than
4 the overall proportion of eligible tenants who live in rural
5 areas.

6 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

7 FUND

8 For necessary expenses as authorized by the National
9 Manufactured Housing Construction and Safety Stand-
10 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
11 \$13,000,000, to remain available until expended, of which
12 \$13,000,000 shall be derived from the Manufactured
13 Housing Fees Trust Fund (established under section
14 620(e) of such Act (42 U.S.C. 5419(e)): *Provided*, That
15 not to exceed the total amount appropriated under this
16 heading shall be available from the general fund of the
17 Treasury to the extent necessary to incur obligations and
18 make expenditures pending the receipt of collections to the
19 Fund pursuant to section 620 of such Act: *Provided fur-*
20 *ther*, That the amount made available under this heading
21 from the general fund shall be reduced as such collections
22 are received during fiscal year 2021 so as to result in a
23 final fiscal year 2021 appropriation from the general fund
24 estimated at zero, and fees pursuant to such section 620
25 shall be modified as necessary to ensure such a final fiscal

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1 year 2021 appropriation: *Provided further*, That for the
2 dispute resolution and installation programs, the Sec-
3 retary may assess and collect fees from any program par-
4 ticipant: *Provided further*, That such collections shall be
5 deposited into the Trust Fund, and the Secretary, as pro-
6 vided herein, may use such collections, as well as fees col-
7 lected under section 620 of such Act, for necessary ex-
8 penses of such Act: *Provided further*, That, notwith-
9 standing the requirements of section 620 of such Act, the
10 Secretary may carry out responsibilities of the Secretary
11 under such Act through the use of approved service pro-
12 viders that are paid directly by the recipients of their serv-
13 ices.

14 FEDERAL HOUSING ADMINISTRATION

15 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

16 New commitments to guarantee single family loans
17 insured under the Mutual Mortgage Insurance Fund shall
18 not exceed \$400,000,000,000, to remain available until
19 September 30, 2022: *Provided*, That during fiscal year
20 2021, obligations to make direct loans to carry out the
21 purposes of section 204(g) of the National Housing Act,
22 as amended, shall not exceed \$1,000,000: *Provided fur-*
23 *ther*, That the foregoing amount in the previous proviso
24 shall be for loans to nonprofit and governmental entities
25 in connection with sales of single family real properties

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1 owned by the Secretary and formerly insured under the
2 Mutual Mortgage Insurance Fund: *Provided further*, That
3 for administrative contract expenses of the Federal Hous-
4 ing Administration, \$130,000,000, to remain available
5 until September 30, 2022: *Provided further*, That to the
6 extent guaranteed loan commitments exceed
7 \$200,000,000,000 on or before April 1, 2021, an addi-
8 tional \$1,400 for administrative contract expenses shall be
9 available for each \$1,000,000 in additional guaranteed
10 loan commitments (including a pro rata amount for any
11 amount below \$1,000,000), but in no case shall funds
12 made available by this proviso exceed \$30,000,000: *Pro-*
13 *vided further*, That notwithstanding the limitation in the
14 first sentence of section 255(g) of the National Housing
15 Act (12 U.S.C. 1715z–20(g)), during fiscal year 2021 the
16 Secretary may insure and enter into new commitments to
17 insure mortgages under section 255 of the National Hous-
18 ing Act only to the extent that the net credit subsidy cost
19 for such insurance does not exceed zero.

20 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

21 New commitments to guarantee loans insured under
22 the General and Special Risk Insurance Funds, as author-
23 ized by sections 238 and 519 of the National Housing Act
24 (12 U.S.C. 1715z–3 and 1735c), shall not exceed
25 \$30,000,000,000 in total loan principal, any part of which

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1 is to be guaranteed, to remain available until September
2 30, 2022: *Provided*, That during fiscal year 2021, gross
3 obligations for the principal amount of direct loans, as au-
4 thorized by sections 204(g), 207(l), 238, and 519(a) of
5 the National Housing Act, shall not exceed \$1,000,000,
6 which shall be for loans to nonprofit and governmental en-
7 tities in connection with the sale of single family real prop-
8 erties owned by the Secretary and formerly insured under
9 such Act.

10 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
11 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
12 GUARANTEE PROGRAM ACCOUNT

13 New commitments to issue guarantees to carry out
14 the purposes of section 306 of the National Housing Act,
15 as amended (12 U.S.C. 1721(g)), shall not exceed
16 \$1,300,000,000,000, to remain available until September
17 30, 2022: *Provided*, That \$33,500,000, to remain avail-
18 able until September 30, 2022, shall be for necessary sala-
19 ries and expenses of the Office of Government National
20 Mortgage Association: *Provided further*, That to the extent
21 that guaranteed loan commitments exceed
22 \$155,000,000,000 on or before April 1, 2021, an addi-
23 tional \$100 for necessary salaries and expenses shall be
24 available until expended for each \$1,000,000 in additional
25 guaranteed loan commitments (including a pro rata

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1 amount for any amount below \$1,000,000), but in no case
2 shall funds made available by this proviso exceed
3 \$3,000,000: *Provided further*, That receipts from Commit-
4 ment and Multiclass fees collected pursuant to title III of
5 the National Housing Act (12 U.S.C. 1716 et seq.) shall
6 be credited as offsetting collections to this account.

7 POLICY DEVELOPMENT AND RESEARCH

8 RESEARCH AND TECHNOLOGY

9 For contracts, grants, and necessary expenses of pro-
10 grams of research and studies relating to housing and
11 urban problems, not otherwise provided for, as authorized
12 by title V of the Housing and Urban Development Act
13 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
14 out the functions of the Secretary of Housing and Urban
15 Development under section 1(a)(1)(i) of Reorganization
16 Plan No. 2 of 1968, and for technical assistance,
17 \$105,000,000, to remain available until September 30,
18 2022: *Provided*, That with respect to amounts made avail-
19 able under this heading, notwithstanding section 203 of
20 this title, the Secretary may enter into cooperative agree-
21 ments with philanthropic entities, other Federal agencies,
22 State or local governments and their agencies, Indian
23 Tribes, tribally designated housing entities, or colleges or
24 universities for research projects: *Provided further*, That
25 with respect to the preceding proviso, such partners to the

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1 cooperative agreements shall contribute at least a 50 per-
2 cent match toward the cost of the project: *Provided fur-*
3 *ther*, That for non-competitive agreements entered into in
4 accordance with the preceding two provisos, the Secretary
5 shall comply with section 2(b) of the Federal Funding Ac-
6 countability and Transparency Act of 2006 (Public Law
7 109–282, 31 U.S.C. note) in lieu of compliance with sec-
8 tion 102(a)(4)(C) of the Department of Housing and
9 Urban Development Reform Act of 1989 (42 U.S.C.
10 3545(a)(4)(C)) with respect to documentation of award
11 decisions: *Provided further*, That prior to obligation of
12 technical assistance funding, the Secretary shall submit a
13 plan to the House and Senate Committees on Appropria-
14 tions on how the Secretary will allocate funding for this
15 activity at least 30 days prior to obligation: *Provided fur-*
16 *ther*, That none of the funds provided under this heading
17 may be available for the doctoral dissertation research
18 grant program.

19 FAIR HOUSING AND EQUAL OPPORTUNITY

20 FAIR HOUSING ACTIVITIES

21 For contracts, grants, and other assistance, not oth-
22 erwise provided for, as authorized by title VIII of the Civil
23 Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section
24 561 of the Housing and Community Development Act of
25 1987 (42 U.S.C. 3616a), \$72,555,000, to remain available

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1 until September 30, 2022: *Provided*, That notwithstanding
2 section 3302 of title 31, United States Code, the Secretary
3 may assess and collect fees to cover the costs of the Fair
4 Housing Training Academy, and may use such funds to
5 develop on-line courses and provide such training: *Pro-*
6 *vided further*, That none of the funds made available under
7 this heading may be used to lobby the executive or legisla-
8 tive branches of the Federal Government in connection
9 with a specific contract, grant, or loan: *Provided further*,
10 That of the funds made available under this heading,
11 \$350,000 shall be available to the Secretary for the cre-
12 ation and promotion of translated materials and other pro-
13 grams that support the assistance of persons with limited
14 English proficiency in utilizing the services provided by
15 the Department of Housing and Urban Development.

16 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

17 HOMES

18 LEAD HAZARD REDUCTION

19 (INCLUDING TRANSFER OF FUNDS)

20 For the Lead Hazard Reduction Program, as author-
21 ized by section 1011 of the Residential Lead-Based Paint
22 Hazard Reduction Act of 1992, \$360,000,000, to remain
23 available until September 30, 2023, of which \$60,000,000
24 shall be for the Healthy Homes Initiative, pursuant to sec-
25 tions 501 and 502 of the Housing and Urban Develop-

1 ment Act of 1970, which shall include research, studies,
2 testing, and demonstration efforts, including education
3 and outreach concerning lead-based paint poisoning and
4 other housing-related diseases and hazards: *Provided*,
5 That for purposes of environmental review, pursuant to
6 the National Environmental Policy Act of 1969 (42 U.S.C.
7 4321 et seq.) and other provisions of law that further the
8 purposes of such Act, a grant under the Healthy Homes
9 Initiative, or the Lead Technical Studies program under
10 this heading or under prior appropriations Acts for such
11 purposes under this heading, shall be considered to be
12 funds for a special project for purposes of section 305(c)
13 of the Multifamily Housing Property Disposition Reform
14 Act of 1994: *Provided further*, That not less than
15 \$95,000,000 of the amounts made available under this
16 heading for the award of grants pursuant to section 1011
17 of the Residential Lead-Based Paint Hazard Reduction
18 Act of 1992 shall be provided to areas with the highest
19 lead-based paint abatement needs: *Provided further*, That
20 with respect to obligated amounts appropriated under this
21 heading in title II of division G of the Consolidated Approp-
22 riations Act, 2019 (Public Law 116–6) for the implemen-
23 tation of projects to demonstrate how intensive, extended,
24 multi-year interventions can dramatically reduce the pres-
25 ence of lead-based paint hazards in communities: (1) such

1 projects may serve more than four contiguous census
2 tracts; (2) such projects shall allow for enrollment of fami-
3 lies and homes within the community beyond where the
4 initially targeted census tracts were located, provided that
5 such projects meet the highest lead-based paint abatement
6 needs, as determined by the Secretary; and (3) such
7 projects may exceed 5 years in duration, notwithstanding
8 any inconsistent requirements: *Provided further*, That of
9 the amount made available for the Healthy Homes Initia-
10 tive, \$5,000,000 shall be for the implementation of
11 projects in up to five communities that are served by both
12 the Healthy Homes Initiative and the Department of En-
13 ergy weatherization programs to demonstrate whether the
14 coordination of Healthy Homes remediation activities with
15 weatherization activities achieves cost savings and better
16 outcomes in improving the safety and quality of homes:
17 *Provided further*, That each applicant for a grant or coop-
18 erative agreement under this heading shall certify ade-
19 quate capacity that is acceptable to the Secretary to carry
20 out the proposed use of funds pursuant to a notice of
21 funding availability: *Provided further*, That of the amounts
22 made available under this heading, \$10,000,000 shall be
23 for a program established by the Secretary to make grants
24 to experienced non-profit organizations, States, local gov-
25 ernments, or public housing agencies for safety and func-

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1 tional home modification repairs to meet the needs of low-
2 income elderly homeowners to enable them to remain in
3 their primary residence: *Provided further*, That of the total
4 amount made available under the previous proviso, no less
5 than \$5,000,000 shall be available to meet such needs in
6 communities with substantial rural populations: *Provided*
7 *further*, That amounts made available under this heading,
8 except for amounts in the previous two provisos, in this
9 or prior appropriations Acts, still remaining available, may
10 be used for any purpose under this heading notwith-
11 standing the purpose for which such amounts were appro-
12 priated if a program competition is undersubscribed and
13 there are other program competitions under this heading
14 that are oversubscribed: *Provided further*, That up to
15 \$2,000,000 of the amounts made available under this
16 heading may be transferred to the heading “Policy Devel-
17 opment and Research” for the purposes of conducting re-
18 search and studies and for use in accordance with the pro-
19 visos under that heading for non-competitive agreements.

20 INFORMATION TECHNOLOGY FUND

21 For the development, modernization, and enhance-
22 ment of, modifications to, and infrastructure for Depart-
23 ment-wide and program-specific information technology
24 systems, for the continuing operation and maintenance of
25 both Department-wide and program-specific information

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1 systems, and for program-related maintenance activities,
2 \$300,000,000, of which \$260,000,000 shall remain avail-
3 able until September 30, 2022, and of which \$40,000,000
4 shall remain available until September 30, 2024: *Provided*,
5 That any amounts transferred to this Fund under this Act
6 shall remain available until expended: *Provided further*,
7 That any amounts transferred to this Fund from amounts
8 appropriated by previously enacted appropriations Acts
9 may be used for the purposes specified under this Fund,
10 in addition to any other information technology purposes
11 for which such amounts were appropriated: *Provided fur-*
12 *ther*, That not more than 10 percent of the funds made
13 available under this heading for development, moderniza-
14 tion, and enhancement may be obligated until the Sec-
15 retary submits a performance plan to the House and Sen-
16 ate Committees on Appropriations for approval.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary salaries and expenses of the Office of
19 Inspector General in carrying out the Inspector General
20 Act of 1978, as amended, \$135,514,000: *Provided*, That
21 the Inspector General shall have independent authority
22 over all personnel issues within this office: *Provided fur-*
23 *ther*, That for this fiscal year and each fiscal year there-
24 after, subject to appropriations for that purpose, the Of-
25 fice of Inspector General shall procure and rely upon the

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1 services of an independent external auditor(s) to audit the
2 financial statements of the Department of Housing and
3 Urban Development, including the consolidated financial
4 statement and the financial statements of the Federal
5 Housing Administration and the Government National
6 Mortgage Association: *Provided further*, That in addition
7 to amounts under this heading otherwise available for the
8 purposes specified in the previous proviso, \$1,686,000
9 shall be available only for such specified purposes.

10 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND

11 URBAN DEVELOPMENT

12 (INCLUDING TRANSFER OF FUNDS)

13 (INCLUDING RESCISSIONS)

14 SEC. 201. Fifty percent of the amounts of budget au-
15 thority, or in lieu thereof 50 percent of the cash amounts
16 associated with such budget authority, that are recaptured
17 from projects described in section 1012(a) of the Stewart
18 B. McKinney Homeless Assistance Amendments Act of
19 1988 (42 U.S.C. 1437f note) shall be rescinded or in the
20 case of cash, shall be remitted to the Treasury, and such
21 amounts of budget authority or cash recaptured and not
22 rescinded or remitted to the Treasury shall be used by
23 State housing finance agencies or local governments or
24 local housing agencies with projects approved by the Sec-
25 retary of Housing and Urban Development for which set-

1 tlement occurred after January 1, 1992, in accordance
2 with such section. Notwithstanding the previous sentence,
3 the Secretary may award up to 15 percent of the budget
4 authority or cash recaptured and not rescinded or remitted
5 to the Treasury to provide project owners with incentives
6 to refinance their project at a lower interest rate.

7 SEC. 202. None of the funds made available by this
8 Act may be used during fiscal year 2021 to investigate
9 or prosecute under the Fair Housing Act any otherwise
10 lawful activity engaged in by one or more persons, includ-
11 ing the filing or maintaining of a nonfrivolous legal action,
12 that is engaged in solely for the purpose of achieving or
13 preventing action by a Government official or entity, or
14 a court of competent jurisdiction.

15 SEC. 203. Except as explicitly provided in law, any
16 grant, cooperative agreement or other assistance made
17 pursuant to title II of this Act shall be made on a competi-
18 tive basis and in accordance with section 102 of the De-
19 partment of Housing and Urban Development Reform Act
20 of 1989 (42 U.S.C. 3545).

21 SEC. 204. Funds of the Department of Housing and
22 Urban Development subject to the Government Corpora-
23 tion Control Act or section 402 of the Housing Act of
24 1950 shall be available, without regard to the limitations
25 on administrative expenses, for legal services on a contract

1 or fee basis, and for utilizing and making payment for
2 services and facilities of the Federal National Mortgage
3 Association, Government National Mortgage Association,
4 Federal Home Loan Mortgage Corporation, Federal Fi-
5 nancing Bank, Federal Reserve banks or any member
6 thereof, Federal Home Loan banks, and any insured bank
7 within the meaning of the Federal Deposit Insurance Cor-
8 poration Act, as amended (12 U.S.C. 1811–1).

9 SEC. 205. Unless otherwise provided for in this Act
10 or through a reprogramming of funds, no part of any ap-
11 propriation for the Department of Housing and Urban
12 Development shall be available for any program, project
13 or activity in excess of amounts set forth in the budget
14 estimates submitted to Congress.

15 SEC. 206. Corporations and agencies of the Depart-
16 ment of Housing and Urban Development which are sub-
17 ject to the Government Corporation Control Act are here-
18 by authorized to make such expenditures, within the limits
19 of funds and borrowing authority available to each such
20 corporation or agency and in accordance with law, and to
21 make such contracts and commitments without regard to
22 fiscal year limitations as provided by section 104 of such
23 Act as may be necessary in carrying out the programs set
24 forth in the budget for 2021 for such corporation or agen-
25 cy except as hereinafter provided: *Provided*, That collec-

1 tions of these corporations and agencies may be used for
2 new loan or mortgage purchase commitments only to the
3 extent expressly provided for in this Act (unless such loans
4 are in support of other forms of assistance provided for
5 in this or prior appropriations Acts), except that this pro-
6 viso shall not apply to the mortgage insurance or guaranty
7 operations of these corporations, or where loans or mort-
8 gage purchases are necessary to protect the financial in-
9 terest of the United States Government.

10 SEC. 207. The Secretary shall provide quarterly re-
11 ports to the House and Senate Committees on Appropria-
12 tions regarding all uncommitted, unobligated, recaptured
13 and excess funds in each program and activity within the
14 jurisdiction of the Department and shall submit addi-
15 tional, updated budget information to these Committees
16 upon request.

17 SEC. 208. None of the funds made available by this
18 title may be used for an audit of the Government National
19 Mortgage Association that makes applicable requirements
20 under the Federal Credit Reform Act of 1990 (2 U.S.C.
21 661 et seq.).

22 SEC. 209. (a) Notwithstanding any other provision
23 of law, subject to the conditions listed under this section,
24 for fiscal years 2021 and 2022, the Secretary of Housing
25 and Urban Development may authorize the transfer of

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1 some or all project-based assistance, debt held or insured
2 by the Secretary and statutorily required low-income and
3 very low-income use restrictions if any, associated with one
4 or more multifamily housing project or projects to another
5 multifamily housing project or projects.

6 (b) PHASED TRANSFERS.—Transfers of project-
7 based assistance under this section may be done in phases
8 to accommodate the financing and other requirements re-
9 lated to rehabilitating or constructing the project or
10 projects to which the assistance is transferred, to ensure
11 that such project or projects meet the standards under
12 subsection (c).

13 (c) The transfer authorized in subsection (a) is sub-
14 ject to the following conditions:

15 (1) NUMBER AND BEDROOM SIZE OF UNITS.—

16 (A) For occupied units in the transferring
17 project: The number of low-income and very
18 low-income units and the configuration (i.e.,
19 bedroom size) provided by the transferring
20 project shall be no less than when transferred
21 to the receiving project or projects and the net
22 dollar amount of Federal assistance provided to
23 the transferring project shall remain the same
24 in the receiving project or projects.

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1 (B) For unoccupied units in the transfer-
2 ring project: The Secretary may authorize a re-
3 duction in the number of dwelling units in the
4 receiving project or projects to allow for a re-
5 configuration of bedroom sizes to meet current
6 market demands, as determined by the Sec-
7 retary and provided there is no increase in the
8 project-based assistance budget authority.

9 (2) The transferring project shall, as deter-
10 mined by the Secretary, be either physically obsolete
11 or economically nonviable, or be reasonably expected
12 to become economically nonviable when complying
13 with state or Federal requirements for community
14 integration and reduced concentration of individuals
15 with disabilities.

16 (3) The receiving project or projects shall meet
17 or exceed applicable physical standards established
18 by the Secretary.

19 (4) The owner or mortgagor of the transferring
20 project shall notify and consult with the tenants re-
21 siding in the transferring project and provide a cer-
22 tification of approval by all appropriate local govern-
23 mental officials.

24 (5) The tenants of the transferring project who
25 remain eligible for assistance to be provided by the

1 receiving project or projects shall not be required to
2 vacate their units in the transferring project or
3 projects until new units in the receiving project are
4 available for occupancy.

5 (6) The Secretary determines that this transfer
6 is in the best interest of the tenants.

7 (7) If either the transferring project or the re-
8 ceiving project or projects meets the condition speci-
9 fied in subsection (d)(2)(A), any lien on the receiv-
10 ing project resulting from additional financing ob-
11 tained by the owner shall be subordinate to any
12 FHA-insured mortgage lien transferred to, or placed
13 on, such project by the Secretary, except that the
14 Secretary may waive this requirement upon deter-
15 mination that such a waiver is necessary to facilitate
16 the financing of acquisition, construction, and/or re-
17 habilitation of the receiving project or projects.

18 (8) If the transferring project meets the re-
19 quirements of subsection (d)(2), the owner or mort-
20 gator of the receiving project or projects shall exe-
21 cute and record either a continuation of the existing
22 use agreement or a new use agreement for the
23 project where, in either case, any use restrictions in
24 such agreement are of no lesser duration than the
25 existing use restrictions.

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1 (9) The transfer does not increase the cost (as
2 defined in section 502 of the Congressional Budget
3 Act of 1974(2 U.S.C. 661a)) of any FHA-insured
4 mortgage, except to the extent that appropriations
5 are provided in advance for the amount of any such
6 increased cost.

7 (d) For purposes of this section—

8 (1) the terms “low-income” and “very low-in-
9 come” shall have the meanings provided by the stat-
10 ute and/or regulations governing the program under
11 which the project is insured or assisted;

12 (2) the term “multifamily housing project”
13 means housing that meets one of the following con-
14 ditions—

15 (A) housing that is subject to a mortgage
16 insured under the National Housing Act;

17 (B) housing that has project-based assist-
18 ance attached to the structure including
19 projects undergoing mark to market debt re-
20 structuring under the Multifamily Assisted
21 Housing Reform and Affordability Housing Act;

22 (C) housing that is assisted under section
23 202 of the Housing Act of 1959 (12 U.S.C.
24 1701q);

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1 (D) housing that is assisted under section
2 202 of the Housing Act of 1959 (12 U.S.C.
3 1701q), as such section existed before the en-
4 actment of the Cranston-Gonzales National Af-
5 fordable Housing Act;

6 (E) housing that is assisted under section
7 811 of the Cranston-Gonzales National Afford-
8 able Housing Act (42 U.S.C. 8013); or

9 (F) housing or vacant land that is subject
10 to a use agreement;

11 (3) the term “project-based assistance”
12 means—

13 (A) assistance provided under section 8(b)
14 of the United States Housing Act of 1937 (42
15 U.S.C. 1437f(b));

16 (B) assistance for housing constructed or
17 substantially rehabilitated pursuant to assist-
18 ance provided under section 8(b)(2) of such Act
19 (as such section existed immediately before Oc-
20 tober 1, 1983);

21 (C) rent supplement payments under sec-
22 tion 101 of the Housing and Urban Develop-
23 ment Act of 1965 (12 U.S.C. 1701s);

24 (D) interest reduction payments under sec-
25 tion 236 and/or additional assistance payments

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1 under section 236(f)(2) of the National Hous-
2 ing Act (12 U.S.C. 1715z-1);

3 (E) assistance payments made under sec-
4 tion 202(c)(2) of the Housing Act of 1959 (12
5 U.S.C. 1701q(e)(2)); and

6 (F) assistance payments made under sec-
7 tion 811(d)(2) of the Cranston-Gonzalez Na-
8 tional Affordable Housing Act (42 U.S.C.
9 8013(d)(2));

10 (4) the term “receiving project or projects”
11 means the multifamily housing project or projects to
12 which some or all of the project-based assistance,
13 debt, and statutorily required low-income and very
14 low-income use restrictions are to be transferred;

15 (5) the term “transferring project” means the
16 multifamily housing project which is transferring
17 some or all of the project-based assistance, debt, and
18 the statutorily required low-income and very low-in-
19 come use restrictions to the receiving project or
20 projects; and

21 (6) the term “Secretary” means the Secretary
22 of Housing and Urban Development.

23 (e) RESEARCH REPORT.—The Secretary shall con-
24 duct an evaluation of the transfer authority under this sec-
25 tion, including the effect of such transfers on the oper-

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1 ational efficiency, contract rents, physical and financial
2 conditions, and long-term preservation of the affected
3 properties.

4 SEC. 210. (a) No assistance shall be provided under
5 section 8 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f) to any individual who—

7 (1) is enrolled as a student at an institution of
8 higher education (as defined under section 102 of
9 the Higher Education Act of 1965 (20 U.S.C.
10 1002));

11 (2) is under 24 years of age;

12 (3) is not a veteran;

13 (4) is unmarried;

14 (5) does not have a dependent child;

15 (6) is not a person with disabilities, as such
16 term is defined in section 3(b)(3)(E) of the United
17 States Housing Act of 1937 (42 U.S.C.
18 1437a(b)(3)(E)) and was not receiving assistance
19 under such section 8 as of November 30, 2005;

20 (7) is not a youth who left foster care at age
21 14 or older and is at risk of becoming homeless; and

22 (8) is not otherwise individually eligible, or has
23 parents who, individually or jointly, are not eligible,
24 to receive assistance under section 8 of the United
25 States Housing Act of 1937 (42 U.S.C. 1437f).

1 (b) For purposes of determining the eligibility of a
2 person to receive assistance under section 8 of the United
3 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
4 cial assistance (in excess of amounts received for tuition
5 and any other required fees and charges) that an indi-
6 vidual receives under the Higher Education Act of 1965
7 (20 U.S.C. 1001 et seq.), from private sources, or from
8 an institution of higher education (as defined under sec-
9 tion 102 of the Higher Education Act of 1965 (20 U.S.C.
10 1002)), shall be considered income to that individual, ex-
11 cept for a person over the age of 23 with dependent chil-
12 dren.

13 SEC. 211. The funds made available for Native Alas-
14 kans under paragraph (1) under the heading “Native
15 American Programs” in title II of this Act shall be allo-
16 cated to the same Native Alaskan housing block grant re-
17 cipients that received funds in fiscal year 2005, and only
18 such recipients shall be eligible to apply for funds made
19 available under paragraph (2) of such heading.

20 SEC. 212. Notwithstanding any other provision of
21 law, in fiscal year 2021, in managing and disposing of any
22 multifamily property that is owned or has a mortgage held
23 by the Secretary of Housing and Urban Development, and
24 during the process of foreclosure on any property with a
25 contract for rental assistance payments under section 8

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1 of the United States Housing Act of 1937 (42 U.S.C.
2 1437f) or any other Federal programs, the Secretary shall
3 maintain any rental assistance payments under section 8
4 of the United States Housing Act of 1937 and other pro-
5 grams that are attached to any dwelling units in the prop-
6 erty. To the extent the Secretary determines, in consulta-
7 tion with the tenants and the local government that such
8 a multifamily property owned or having a mortgage held
9 by the Secretary is not feasible for continued rental assist-
10 ance payments under such section 8 or other programs,
11 based on consideration of (1) the costs of rehabilitating
12 and operating the property and all available Federal,
13 State, and local resources, including rent adjustments
14 under section 524 of the Multifamily Assisted Housing
15 Reform and Affordability Act of 1997 (“MAHRAA”) (42
16 U.S.C. 1437f note), and (2) environmental conditions that
17 cannot be remedied in a cost-effective fashion, the Sec-
18 retary may, in consultation with the tenants of that prop-
19 erty, contract for project-based rental assistance payments
20 with an owner or owners of other existing housing prop-
21 erties, or provide other rental assistance. The Secretary
22 shall also take appropriate steps to ensure that project-
23 based contracts remain in effect prior to foreclosure, sub-
24 ject to the exercise of contractual abatement remedies to
25 assist relocation of tenants for imminent major threats to

1 health and safety after written notice to and informed con-
2 sent of the affected tenants and use of other available rem-
3 edies, such as partial abatements or receivership. After
4 disposition of any multifamily property described in this
5 section, the contract and allowable rent levels on such
6 properties shall be subject to the requirements under sec-
7 tion 524 of MAHRAA.

8 SEC. 213. Public housing agencies that own and oper-
9 ate 400 or fewer public housing units may elect to be ex-
10 empt from any asset management requirement imposed by
11 the Secretary in connection with the operating fund rule:
12 *Provided*, That an agency seeking a discontinuance of a
13 reduction of subsidy under the operating fund formula
14 shall not be exempt from asset management requirements.

15 SEC. 214. With respect to the use of amounts pro-
16 vided in this Act and in future Acts for the operation, cap-
17 ital improvement, and management of public housing as
18 authorized by sections 9(d) and 9(e) of the United States
19 Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Sec-
20 retary shall not impose any requirement or guideline relat-
21 ing to asset management that restricts or limits in any
22 way the use of capital funds for central office costs pursu-
23 ant to paragraph (1) or (2) of section 9(g) of the United
24 States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)):
25 *Provided*, That a public housing agency may not use cap-

1 ital funds authorized under section 9(d) for activities that
2 are eligible under section 9(e) for assistance with amounts
3 from the operating fund in excess of the amounts per-
4 mitted under paragraph (1) or (2) of section 9(g).

5 SEC. 215. No official or employee of the Department
6 of Housing and Urban Development shall be designated
7 as an allotment holder unless the Office of the Chief Fi-
8 nancial Officer has determined that such allotment holder
9 has implemented an adequate system of funds control and
10 has received training in funds control procedures and di-
11 rectives. The Chief Financial Officer shall ensure that
12 there is a trained allotment holder for each HUD appro-
13 priation under the accounts “Executive Offices”, “Admin-
14 istrative Support Offices”, “Program Offices”, “Govern-
15 ment National Mortgage Association—Guarantees of
16 Mortgage-Backed Securities Loan Guarantee Program
17 Account”, and “Office of Inspector General” within the
18 Department of Housing and Urban Development.

19 SEC. 216. The Secretary shall, for fiscal year 2021,
20 notify the public through the Federal Register and other
21 means, as determined appropriate, of the issuance of a no-
22 tice of the availability of assistance or notice of funding
23 availability (NOFA) for any program or discretionary
24 fund administered by the Secretary that is to be competi-
25 tively awarded. Notwithstanding any other provision of

1 law, for fiscal year 2021, the Secretary may make the
2 NOFA available only on the Internet at the appropriate
3 Government website or through other electronic media, as
4 determined by the Secretary.

5 SEC. 217. Payment of attorney fees in program-re-
6 lated litigation shall be paid from the individual program
7 office and Office of General Counsel salaries and expenses
8 appropriations. The annual budget submission for the pro-
9 gram offices and the Office of General Counsel shall in-
10 clude any such projected litigation costs for attorney fees
11 as a separate line item request.

12 SEC. 218. The Secretary is authorized to transfer up
13 to 10 percent or \$5,000,000, whichever is less, of funds
14 appropriated for any office under the headings “Adminis-
15 trative Support Offices” or “Program Offices” to any
16 other such office under such headings: *Provided*, That no
17 appropriation for any such office under such headings
18 shall be increased or decreased by more than 10 percent
19 or \$5,000,000, whichever is less, without prior written ap-
20 proval of the House and Senate Committees on Appropria-
21 tions: *Provided further*, That the Secretary shall provide
22 notification to such Committees 3 business days in ad-
23 vance of any such transfers under this section up to 10
24 percent or \$5,000,000, whichever is less.

1 SEC. 219. (a) Any entity receiving housing assistance
2 payments shall maintain decent, safe, and sanitary condi-
3 tions, as determined by the Secretary, and comply with
4 any standards under applicable State or local laws, rules,
5 ordinances, or regulations relating to the physical condi-
6 tion of any property covered under a housing assistance
7 payment contract.

8 (b) The Secretary shall take action under subsection
9 (c) when a multifamily housing project with a contract
10 under section 8 of the United States Housing Act of 1937
11 (42 U.S.C. 1437f) or a contract for similar project-based
12 assistance—

13 (1) receives a Uniform Physical Condition
14 Standards (UPCS) score of 60 or less; or

15 (2) fails to certify in writing to the Secretary
16 within 3 days that all Exigent Health and Safety de-
17 ficiencies identified by the inspector at the project
18 have been corrected.

19 Such requirements shall apply to insured and noninsured
20 projects with assistance attached to the units under sec-
21 tion 8 of the United States Housing Act of 1937 (42
22 U.S.C. 1437f), but shall not apply to such units assisted
23 under section 8(o)(13) of such Act (42 U.S.C.
24 1437f(o)(13)) or to public housing units assisted with cap-

1 ital or operating funds under section 9 of the United
2 States Housing Act of 1937 (42 U.S.C. 1437g).

3 (c)(1) Within 15 days of the issuance of the Real Es-
4 tate Assessment Center (“REAC”) inspection, the Sec-
5 retary shall provide the owner with a Notice of Default
6 with a specified timetable, determined by the Secretary,
7 for correcting all deficiencies. The Secretary shall provide
8 a copy of the Notice of Default to the tenants, the local
9 government, any mortgagees, and any contract adminis-
10 trator. If the owner’s appeal results in a UPCS score of
11 60 or above, the Secretary may withdraw the Notice of
12 Default.

13 (2) At the end of the time period for correcting all
14 deficiencies specified in the Notice of Default, if the owner
15 fails to fully correct such deficiencies, the Secretary may—

16 (A) require immediate replacement of project
17 management with a management agent approved by
18 the Secretary;

19 (B) impose civil money penalties, which shall be
20 used solely for the purpose of supporting safe and
21 sanitary conditions at applicable properties, as des-
22 ignated by the Secretary, with priority given to the
23 tenants of the property affected by the penalty;

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1 (C) abate the section 8 contract, including par-
2 tial abatement, as determined by the Secretary, until
3 all deficiencies have been corrected;

4 (D) pursue transfer of the project to an owner,
5 approved by the Secretary under established proce-
6 dures, who will be obligated to promptly make all re-
7 quired repairs and to accept renewal of the assist-
8 ance contract if such renewal is offered;

9 (E) transfer the existing section 8 contract to
10 another project or projects and owner or owners;

11 (F) pursue exclusionary sanctions, including
12 suspensions or debarments from Federal programs;

13 (G) seek judicial appointment of a receiver to
14 manage the property and cure all project deficiencies
15 or seek a judicial order of specific performance re-
16 quiring the owner to cure all project deficiencies;

17 (H) work with the owner, lender, or other re-
18 lated party to stabilize the property in an attempt
19 to preserve the property through compliance, trans-
20 fer of ownership, or an infusion of capital provided
21 by a third-party that requires time to effectuate; or

22 (I) take any other regulatory or contractual
23 remedies available as deemed necessary and appro-
24 priate by the Secretary.

1 (d) The Secretary shall take appropriate steps to en-
2 sure that project-based contracts remain in effect, subject
3 to the exercise of contractual abatement remedies to assist
4 relocation of tenants for major threats to health and safety
5 after written notice to the affected tenants. To the extent
6 the Secretary determines, in consultation with the tenants
7 and the local government, that the property is not feasible
8 for continued rental assistance payments under such sec-
9 tion 8 or other programs, based on consideration of—

10 (1) the costs of rehabilitating and operating the
11 property and all available Federal, State, and local
12 resources, including rent adjustments under section
13 524 of the Multifamily Assisted Housing Reform
14 and Affordability Act of 1997 (“MAHRAA”); and

15 (2) environmental conditions that cannot be
16 remedied in a cost-effective fashion, the Secretary
17 may contract for project-based rental assistance pay-
18 ments with an owner or owners of other existing
19 housing properties, or provide other rental assist-
20 ance.

21 (e) The Secretary shall report quarterly on all prop-
22 erties covered by this section that are assessed through
23 the Real Estate Assessment Center and have UPCS phys-
24 ical inspection scores of less than 60 or have received an

1 unsatisfactory management and occupancy review within
2 the past 36 months. The report shall include—

3 (1) identification of the enforcement actions
4 being taken to address such conditions, including
5 imposition of civil money penalties and termination
6 of subsidies, and identification of properties that
7 have such conditions multiple times;

8 (2) identification of actions that the Depart-
9 ment of Housing and Urban Development is taking
10 to protect tenants of such identified properties; and

11 (3) any administrative or legislative rec-
12 ommendations to further improve the living condi-
13 tions at properties covered under a housing assist-
14 ance payment contract.

15 This report shall be submitted to the Senate and House
16 Committees on Appropriations not later than 30 days
17 after the enactment of this Act, and on the first business
18 day of each Federal fiscal year quarter thereafter while
19 this section remains in effect.

20 SEC. 220. None of the funds made available by this
21 Act, or any other Act, for purposes authorized under sec-
22 tion 8 (only with respect to the tenant-based rental assist-
23 ance program) and section 9 of the United States Housing
24 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
25 any public housing agency for any amount of salary, in-

1 cluding bonuses, for the chief executive officer of which,
2 or any other official or employee of which, that exceeds
3 the annual rate of basic pay payable for a position at level
4 IV of the Executive Schedule at any time during any pub-
5 lic housing agency fiscal year 2021.

6 SEC. 221. None of the funds made available by this
7 Act and provided to the Department of Housing and
8 Urban Development may be used to make a grant award
9 unless the Secretary notifies the House and Senate Com-
10 mittees on Appropriations not less than 3 full business
11 days before any project, State, locality, housing authority,
12 Tribe, nonprofit organization, or other entity selected to
13 receive a grant award is announced by the Department
14 or its offices.

15 SEC. 222. None of the funds made available by this
16 Act may be used to require or enforce the Physical Needs
17 Assessment (PNA).

18 SEC. 223. None of the funds made available in this
19 Act shall be used by the Federal Housing Administration,
20 the Government National Mortgage Association, or the
21 Department of Housing and Urban Development to in-
22 sure, securitize, or establish a Federal guarantee of any
23 mortgage or mortgage backed security that refinances or
24 otherwise replaces a mortgage that has been subject to

1 eminent domain condemnation or seizure, by a State, mu-
2 nicipality, or any other political subdivision of a State.

3 SEC. 224. None of the funds made available by this
4 Act may be used to terminate the status of a unit of gen-
5 eral local government as a metropolitan city (as defined
6 in section 102 of the Housing and Community Develop-
7 ment Act of 1974 (42 U.S.C. 5302)) with respect to
8 grants under section 106 of such Act (42 U.S.C. 5306).

9 SEC. 225. Amounts made available by this Act that
10 are appropriated, allocated, advanced on a reimbursable
11 basis, or transferred to the Office of Policy Development
12 and Research of the Department of Housing and Urban
13 Development and functions thereof, for research, evalua-
14 tion, or statistical purposes, and that are unexpended at
15 the time of completion of a contract, grant, or cooperative
16 agreement, may be deobligated and shall immediately be-
17 come available and may be reobligated in that fiscal year
18 or the subsequent fiscal year for the research, evaluation,
19 or statistical purposes for which the amounts are made
20 available to that Office subject to reprogramming require-
21 ments in section 405 of this Act.

22 SEC. 226. None of the funds provided in this Act or
23 any other Act may be used for awards, including perform-
24 ance, special act, or spot, for any employee of the Depart-
25 ment of Housing and Urban Development subject to ad-

1 ministrative discipline (including suspension from work),
2 in this fiscal year, but this prohibition shall not be effec-
3 tive prior to the effective date of any such administrative
4 discipline or after any final decision over-turning such dis-
5 cipline.

6 SEC. 227. With respect to grant amounts awarded
7 under the heading “Homeless Assistance Grants” for fis-
8 cal years 2015 through 2021 for the Continuum of Care
9 (CoC) program as authorized under subtitle C of title IV
10 of the McKinney-Vento Homeless Assistance Act, costs
11 paid by program income of grant recipients may count to-
12 ward meeting the recipient’s matching requirements, pro-
13 vided the costs are eligible CoC costs that supplement the
14 recipient’s CoC program.

15 SEC. 228. (a) From amounts made available under
16 this title under the heading “Homeless Assistance
17 Grants”, the Secretary may award 1–year transition
18 grants to recipients of funds for activities under subtitle
19 C of the McKinney-Vento Homeless Assistance Act (42
20 U.S.C. 11381 et seq.) to transition from one Continuum
21 of Care program component to another.

22 (b) In order to be eligible to receive a transition
23 grant, the funding recipient must have the consent of the
24 continuum of care and meet standards determined by the
25 Secretary.

1 SEC. 229. None of the funds made available by this
2 Act may be used by the Department of Housing and
3 Urban Development to direct a grantee to undertake spe-
4 cific changes to existing zoning laws as part of carrying
5 out the final rule entitled “Affirmatively Furthering Fair
6 Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the
7 notice entitled “Affirmatively Furthering Fair Housing
8 Assessment Tool” (79 Fed. Reg. 57949 (September 26,
9 2014)).

10 SEC. 230. The Promise Zone designations and Prom-
11 ise Zone Designation Agreements entered into pursuant
12 to such designations, made by the Secretary in prior fiscal
13 years, shall remain in effect in accordance with the terms
14 and conditions of such agreements.

15 SEC. 231. None of the funds made available by this
16 Act may be used to establish and apply review criteria,
17 including rating factors or preference points, for participa-
18 tion in or coordination with EnVision Centers, in the eval-
19 uation, selection, and award of any funds made available
20 and requiring competitive selection under this Act, except
21 with respect to any such funds otherwise authorized for
22 EnVision Center purposes under this Act.

23 SEC. 232. None of the funds made available by this
24 or any prior Act may be used to require or enforce any
25 changes to the terms and conditions of the public housing

1 annual contributions contract between the Secretary and
2 any public housing agency, as such contract was in effect
3 as of December 31, 2017, unless such changes are mutu-
4 ally agreed upon by the Secretary and such agency: *Pro-*
5 *vided*, That such agreement by an agency may be indi-
6 cated only by a written amendment to the terms and con-
7 ditions containing the duly authorized signature of its
8 chief executive: *Provided further*, That the Secretary may
9 not withhold funds to compel such agreement by an agen-
10 cy which certifies to its compliance with its contract.

11 SEC. 233. None of the amounts made available in this
12 Act may be used to consider Family Self-Sufficiency per-
13 formance measures or performance scores in determining
14 funding awards for programs receiving Family Self-Suffi-
15 ciency program coordinator funding provided in this Act.

16 SEC. 234. Any public housing agency designated as
17 a Moving to Work agency pursuant to section 239 of divi-
18 sion L of Public Law 114–113 (42 U.S.C. 1437f note;
19 129 Stat. 2897) may, upon such designation, use funds
20 (except for special purpose funding, including special pur-
21 pose vouchers) previously allocated to any such public
22 housing agency under section 8 or 9 of the United States
23 Housing Act of 1937, including any reserve funds held by
24 the public housing agency or funds held by the Depart-
25 ment of Housing and Urban Development, pursuant to the

1 authority for use of section 8 or 9 funding provided under
2 such section and section 204 of title II of the Departments
3 of Veterans Affairs and Housing and Urban Development
4 and Independent Agencies Appropriations Act, 1996
5 (Public Law 104–134; 110 Stat. 1321–28), notwith-
6 standing the purposes for which such funds were appro-
7 priated.

8 SEC. 235. None of the amounts made available by
9 this Act may be used to prohibit any public housing agen-
10 cy under receivership or the direction of a Federal monitor
11 from applying for, receiving, or using funds made available
12 under the heading “Public Housing Fund” for competitive
13 grants to evaluate and reduce lead-based paint hazards in
14 this Act or that remain available and not awarded from
15 prior Acts, or be used to prohibit a public housing agency
16 from using such funds to carry out any required work pur-
17 suant to a settlement agreement, consent decree, vol-
18 untary agreement, or similar document for a violation of
19 the Lead Safe Housing or Lead Disclosure Rules.

20 SEC. 236. There are hereby rescinded, from funds ap-
21 propriated under the heading “Department of Housing
22 and Urban Development—Housing Programs—Rental
23 Housing Assistance”—

24 (1) all unobligated balances from recaptured
25 amounts appropriated prior to fiscal year 2006 from

1 terminated contracts under section 236(f)(2) of the
2 National Housing Act (12 U.S.C. 1715z-1(f)(2)),
3 and any unobligated balances, including recaptures
4 and carryover, remaining from funds appropriated
5 under such heading after fiscal year 2005; and

6 (2) any funds remaining from amounts appro-
7 priated under such heading in the prior fiscal year.

8 SEC. 237. None of the funds made available by this
9 title may be used to issue rules or guidance in contraven-
10 tion of section 210 of Public Law 115-254 (132 Stat.
11 3442) or section 312 of the Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act (42 U.S.C. 5155).

13 SEC. 238. No later than September 30, 2021, the re-
14 maining unobligated balances of funds made available for
15 the youth homelessness demonstration under the heading
16 “Department of Housing and Urban Development—Com-
17 munity Planning and Development—Homeless Assistance
18 Grants” in the Consolidated Appropriations Act, 2019
19 (Public Law 116-6) are hereby permanently rescinded,
20 and an amount of additional new budget authority equiva-
21 lent to the amount rescinded is hereby appropriated, to
22 remain available until September 30, 2022, in addition to
23 other funds as may be available for such purposes, and
24 shall be available, without additional competition, for com-

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1 pleting the funding of awards made pursuant to the fiscal
2 year 2019 youth homelessness demonstration.

3 This title may be cited as the “Department of Hous-
4 ing and Urban Development Appropriations Act, 2021”.

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1 TITLE III
2 RELATED AGENCIES
3 ACCESS BOARD
4 SALARIES AND EXPENSES

5 For expenses necessary for the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973
7 (29 U.S.C. 792), \$9,200,000: *Provided*, That, notwith-
8 standing any other provision of law, there may be credited
9 to this appropriation funds received for publications and
10 training expenses.

11 FEDERAL MARITIME COMMISSION
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime
14 Commission as authorized by section 201(d) of the Mer-
15 chant Marine Act, 1936 (46 U.S.C. 307), including serv-
16 ices as authorized by section 3109 of title 5, United States
17 Code; hire of passenger motor vehicles as authorized by
18 section 1343(b) of title 31, United States Code; and uni-
19 forms or allowances therefore, as authorized by sections
20 5901 and 5902 of title 5, United States Code,
21 \$30,300,000: *Provided*, That not to exceed \$3,500 shall
22 be for official reception and representation expenses.

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1 NATIONAL RAILROAD PASSENGER CORPORATION
2 OFFICE OF INSPECTOR GENERAL
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Inspector
5 General for the National Railroad Passenger Corporation
6 to carry out the provisions of the Inspector General Act
7 of 1978 (5 U.S.C. App. 3), \$25,274,000: *Provided*, That
8 the Inspector General shall have all necessary authority,
9 in carrying out the duties specified in such Act, to inves-
10 tigate allegations of fraud, including false statements to
11 the Government under section 1001 of title 18, United
12 States Code, by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within the National Railroad

1798

1 Passenger Corporation: *Provided further*, That concurrent
2 with the President's budget request for fiscal year 2022,
3 the Inspector General shall submit to the House and Sen-
4 ate Committees on Appropriations a budget request for
5 fiscal year 2022 in similar format and substance to budget
6 requests submitted by executive agencies of the Federal
7 Government.

8 NATIONAL TRANSPORTATION SAFETY BOARD
9 SALARIES AND EXPENSES

10 For necessary expenses of the National Transpor-
11 tation Safety Board, including hire of passenger motor ve-
12 hicles and aircraft; services as authorized by 5 U.S.C.
13 3109, but at rates for individuals not to exceed the per
14 diem rate equivalent to the rate for a GS-15; uniforms,
15 or allowances therefor, as authorized by law (5 U.S.C.
16 5901-5902), \$118,400,000, of which not to exceed \$2,000
17 may be used for official reception and representation ex-
18 penses: *Provided*, That the amounts made available to the
19 National Transportation Safety Board in this Act include
20 amounts necessary to make lease payments on an obliga-
21 tion incurred in fiscal year 2001 for a capital lease.

1799

1 NEIGHBORHOOD REINVESTMENT CORPORATION
2 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
3 CORPORATION

4 For payment to the Neighborhood Reinvestment Cor-
5 poration for use in neighborhood reinvestment activities,
6 as authorized by the Neighborhood Reinvestment Corpora-
7 tion Act (42 U.S.C. 8101–8107), \$163,000,000, of which
8 \$5,000,000 shall be for a multi-family rental housing pro-
9 gram: *Provided*, That an additional \$2,000,000, to remain
10 available until September 30, 2024, shall be for the pro-
11 motion and development of shared equity housing models.

12 SURFACE TRANSPORTATION BOARD

13 SALARIES AND EXPENSES

14 For necessary expenses of the Surface Transpor-
15 tation Board, including services authorized by section
16 3109 of title 5, United States Code, \$37,500,000: *Pro-*
17 *vided*, That, notwithstanding any other provision of law,
18 not to exceed \$1,250,000 from fees established by the Sur-
19 face Transportation Board shall be credited to this appro-
20 priation as offsetting collections and used for necessary
21 and authorized expenses under this heading: *Provided fur-*
22 *ther*, That the amounts made available under this heading
23 from the general fund shall be reduced on a dollar-for-
24 dollar basis as such offsetting collections are received dur-

1800

1 ing fiscal year 2021, to result in a final appropriation from
2 the general fund estimated at not more than \$36,250,000.

3 UNITED STATES INTERAGENCY COUNCIL ON
4 HOMELESSNESS
5 OPERATING EXPENSES

6 For necessary expenses, including payment of sala-
7 ries, authorized travel, hire of passenger motor vehicles,
8 the rental of conference rooms, and the employment of ex-
9 perts and consultants under section 3109 of title 5, United
10 States Code, of the United States Interagency Council on
11 Homelessness in carrying out the functions pursuant to
12 title II of the McKinney-Vento Homeless Assistance Act,
13 as amended, \$3,800,000.

1801

1 TITLE IV

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 401. None of the funds in this Act shall be used
4 for the planning or execution of any program to pay the
5 expenses of, or otherwise compensate, non-Federal parties
6 intervening in regulatory or adjudicatory proceedings
7 funded in this Act.

8 SEC. 402. None of the funds appropriated in this Act
9 shall remain available for obligation beyond the current
10 fiscal year, nor may any be transferred to other appropria-
11 tions, unless expressly so provided herein.

12 SEC. 403. The expenditure of any appropriation
13 under this Act for any consulting service through a pro-
14 curement contract pursuant to section 3109 of title 5,
15 United States Code, shall be limited to those contracts
16 where such expenditures are a matter of public record and
17 available for public inspection, except where otherwise pro-
18 vided under existing law, or under existing Executive order
19 issued pursuant to existing law.

20 SEC. 404. (a) None of the funds made available in
21 this Act may be obligated or expended for any employee
22 training that—

23 (1) does not meet identified needs for knowl-
24 edge, skills, and abilities bearing directly upon the
25 performance of official duties;

1 (2) contains elements likely to induce high lev-
2 els of emotional response or psychological stress in
3 some participants;

4 (3) does not require prior employee notification
5 of the content and methods to be used in the train-
6 ing and written end of course evaluation;

7 (4) contains any methods or content associated
8 with religious or quasi-religious belief systems or
9 “new age” belief systems as defined in Equal Em-
10 ployment Opportunity Commission Notice N-
11 915.022, dated September 2, 1988; or

12 (5) is offensive to, or designed to change, par-
13 ticipants’ personal values or lifestyle outside the
14 workplace.

15 (b) Nothing in this section shall prohibit, restrict, or
16 otherwise preclude an agency from conducting training
17 bearing directly upon the performance of official duties.

18 SEC. 405. Except as otherwise provided in this Act,
19 none of the funds provided in this Act, provided by pre-
20 vious appropriations Acts to the agencies or entities fund-
21 ed in this Act that remain available for obligation or ex-
22 penditure in fiscal year 2021, or provided from any ac-
23 counts in the Treasury derived by the collection of fees
24 and available to the agencies funded by this Act, shall be

1 available for obligation or expenditure through a re-
2 programming of funds that—

3 (1) creates a new program;

4 (2) eliminates a program, project, or activity;

5 (3) increases funds or personnel for any pro-
6 gram, project, or activity for which funds have been
7 denied or restricted by the Congress;

8 (4) proposes to use funds directed for a specific
9 activity by either the House or Senate Committees
10 on Appropriations for a different purpose;

11 (5) augments existing programs, projects, or ac-
12 tivities in excess of \$5,000,000 or 10 percent, which-
13 ever is less;

14 (6) reduces existing programs, projects, or ac-
15 tivities by \$5,000,000 or 10 percent, whichever is
16 less; or

17 (7) creates, reorganizes, or restructures a
18 branch, division, office, bureau, board, commission,
19 agency, administration, or department different from
20 the budget justifications submitted to the Commit-
21 tees on Appropriations or the table accompanying
22 the explanatory statement described in section 4 (in
23 the matter preceding division A of this consolidated
24 Act), whichever is more detailed, unless prior ap-
25 proval is received from the House and Senate Com-

1 mittees on Appropriations: *Provided*, That not later
2 than 60 days after the date of enactment of this
3 Act, each agency funded by this Act shall submit a
4 report to the Committees on Appropriations of the
5 Senate and of the House of Representatives to es-
6 tablish the baseline for application of reprogram-
7 ming and transfer authorities for the current fiscal
8 year: *Provided further*, That the report shall in-
9 clude—

10 (A) a table for each appropriation with a
11 separate column to display the prior year en-
12 acted level, the President’s budget request, ad-
13 justments made by Congress, adjustments due
14 to enacted rescissions, if appropriate, and the
15 fiscal year enacted level;

16 (B) a delineation in the table for each ap-
17 propriation and its respective prior year enacted
18 level by object class and program, project, and
19 activity as detailed in this Act, the table accom-
20 panying the explanatory statement described in
21 section 4 (in the matter preceding division A of
22 this consolidated Act), accompanying reports of
23 the House and Senate Committee on Appro-
24 priations, or in the budget appendix for the re-
25 spective appropriations, whichever is more de-

1 tailed, and shall apply to all items for which a
2 dollar amount is specified and to all programs
3 for which new budget (obligational) authority is
4 provided, as well as to discretionary grants and
5 discretionary grant allocations; and

6 (C) an identification of items of special
7 congressional interest.

8 SEC. 406. Except as otherwise specifically provided
9 by law, not to exceed 50 percent of unobligated balances
10 remaining available at the end of fiscal year 2021 from
11 appropriations made available for salaries and expenses
12 for fiscal year 2021 in this Act, shall remain available
13 through September 30, 2022, for each such account for
14 the purposes authorized: *Provided*, That a request shall
15 be submitted to the House and Senate Committees on Ap-
16 propriations for approval prior to the expenditure of such
17 funds: *Provided further*, That these requests shall be made
18 in compliance with reprogramming guidelines under sec-
19 tion 405 of this Act.

20 SEC. 407. No funds in this Act may be used to sup-
21 port any Federal, State, or local projects that seek to use
22 the power of eminent domain, unless eminent domain is
23 employed only for a public use: *Provided*, That for pur-
24 poses of this section, public use shall not be construed to
25 include economic development that primarily benefits pri-

1 vate entities: *Provided further*, That any use of funds for
2 mass transit, railroad, airport, seaport or highway
3 projects, as well as utility projects which benefit or serve
4 the general public (including energy-related, communica-
5 tion-related, water-related and wastewater-related infra-
6 structure), other structures designated for use by the gen-
7 eral public or which have other common-carrier or public-
8 utility functions that serve the general public and are sub-
9 ject to regulation and oversight by the government, and
10 projects for the removal of an immediate threat to public
11 health and safety or brownfields as defined in the Small
12 Business Liability Relief and Brownfields Revitalization
13 Act (Public Law 107–118) shall be considered a public
14 use for purposes of eminent domain.

15 SEC. 408. None of the funds made available in this
16 Act may be transferred to any department, agency, or in-
17 strumentality of the United States Government, except
18 pursuant to a transfer made by, or transfer authority pro-
19 vided in, this Act or any other appropriations Act.

20 SEC. 409. No part of any appropriation contained in
21 this Act shall be available to pay the salary for any person
22 filling a position, other than a temporary position, for-
23 merly held by an employee who has left to enter the Armed
24 Forces of the United States and has satisfactorily com-
25 pleted his or her period of active military or naval service,

1 and has within 90 days after his or her release from such
2 service or from hospitalization continuing after discharge
3 for a period of not more than 1 year, made application
4 for restoration to his or her former position and has been
5 certified by the Office of Personnel Management as still
6 qualified to perform the duties of his or her former posi-
7 tion and has not been restored thereto.

8 SEC. 410. No funds appropriated pursuant to this
9 Act may be expended by an entity unless the entity agrees
10 that in expending the assistance the entity will comply
11 with sections 2 through 4 of the Act of March 3, 1933
12 (41 U.S.C. 8301–8305, popularly known as the “Buy
13 American Act”).

14 SEC. 411. No funds appropriated or otherwise made
15 available under this Act shall be made available to any
16 person or entity that has been convicted of violating the
17 Buy American Act (41 U.S.C. 8301–8305).

18 SEC. 412. None of the funds made available in this
19 Act may be used for first-class airline accommodations in
20 contravention of sections 301–10.122 and 301–10.123 of
21 title 41, Code of Federal Regulations.

22 SEC. 413. (a) None of the funds made available by
23 this Act may be used to approve a new foreign air carrier
24 permit under sections 41301 through 41305 of title 49,
25 United States Code, or exemption application under sec-

1 tion 40109 of that title of an air carrier already holding
2 an air operators certificate issued by a country that is
3 party to the U.S.-E.U.-Iceland-Norway Air Transport
4 Agreement where such approval would contravene United
5 States law or Article 17 bis of the U.S.-E.U.-Iceland-Nor-
6 way Air Transport Agreement.

7 (b) Nothing in this section shall prohibit, restrict or
8 otherwise preclude the Secretary of Transportation from
9 granting a foreign air carrier permit or an exemption to
10 such an air carrier where such authorization is consistent
11 with the U.S.-E.U.-Iceland-Norway Air Transport Agree-
12 ment and United States law.

13 SEC. 414. None of the funds made available in this
14 Act may be used to send or otherwise pay for the attend-
15 ance of more than 50 employees of a single agency or de-
16 partment of the United States Government, who are sta-
17 tioned in the United States, at any single international
18 conference unless the relevant Secretary reports to the
19 House and Senate Committees on Appropriations at least
20 5 days in advance that such attendance is important to
21 the national interest: *Provided*, That for purposes of this
22 section the term “international conference” shall mean a
23 conference occurring outside of the United States attended
24 by representatives of the United States Government and

1 of foreign governments, international organizations, or
2 nongovernmental organizations.

3 SEC. 415. None of the funds appropriated or other-
4 wise made available under this Act may be used by the
5 Surface Transportation Board to charge or collect any fil-
6 ing fee for rate or practice complaints filed with the Board
7 in an amount in excess of the amount authorized for dis-
8 trict court civil suit filing fees under section 1914 of title
9 28, United States Code.

10 SEC. 416. (a) None of the funds made available in
11 this Act may be used to maintain or establish a computer
12 network unless such network blocks the viewing,
13 downloading, and exchanging of pornography.

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

18 SEC. 417. (a) None of the funds made available in
19 this Act may be used to deny an Inspector General funded
20 under this Act timely access to any records, documents,
21 or other materials available to the department or agency
22 over which that Inspector General has responsibilities
23 under the Inspector General Act of 1978 (5 U.S.C. App.),
24 or to prevent or impede that Inspector General's access
25 to such records, documents, or other materials, under any

1 provision of law, except a provision of law that expressly
2 refers to the Inspector General and expressly limits the
3 Inspector General's right of access.

4 (b) A department or agency covered by this section
5 shall provide its Inspector General with access to all such
6 records, documents, and other materials in a timely man-
7 ner.

8 (c) Each Inspector General shall ensure compliance
9 with statutory limitations on disclosure relevant to the in-
10 formation provided by the establishment over which that
11 Inspector General has responsibilities under the Inspector
12 General Act of 1978 (5 U.S.C. App.).

13 (d) Each Inspector General covered by this section
14 shall report to the Committees on Appropriations of the
15 House of Representatives and the Senate within 5 cal-
16 endar days any failures to comply with this requirement.

17 SEC. 418. None of the funds appropriated or other-
18 wise made available by this Act may be used to pay award
19 or incentive fees for contractors whose performance has
20 been judged to be below satisfactory, behind schedule, over
21 budget, or has failed to meet the basic requirements of
22 a contract, unless the Agency determines that any such
23 deviations are due to unforeseeable events, government-
24 driven scope changes, or are not significant within the
25 overall scope of the project and/or program unless such

1 awards or incentive fees are consistent with 16.401(e)(2)
2 of the Federal Acquisition Regulations.

3 SEC. 419. In allocating and awarding available
4 amounts provided under the heading “Homeless Assist-
5 ance Grants” in the Department of Housing and Urban
6 Development Appropriations Act, 2020 (Public Law 116–
7 94), the same heading for fiscal year 2019 (Public Law
8 116–6), and section 231 of Public Law 116–94 for the
9 Continuum of Care program, the Secretary of Housing
10 and Urban Development shall renew for one 12-month pe-
11 riod, without additional competition, all projects with ex-
12 isting grants expiring during calendar year 2021, includ-
13 ing youth homeless demonstration projects and shelter
14 plus care projects expiring during calendar year 2021, not-
15 withstanding any inconsistent provisions in such Acts or
16 in subtitle C of title IV of the McKinney-Vento Homeless
17 Assistance Act, as amended: *Provided*, That Continuum
18 of Care planning and Unified Funding Agency awards ex-
19 piring in calendar year 2021 may also be renewed and that
20 the Continuum of Care may designate a new collaborative
21 applicant to receive the award in accordance with the ex-
22 isting process established by the Secretary: *Provided fur-*
23 *ther*, That the Secretary shall publish a Notice that identi-
24 fies and lists all projects and awards eligible for such non-
25 competitive renewal, prescribes the format and process by

1 which the projects and awards from the list will be re-
2 newed, makes adjustments to the renewal amount based
3 on changes to the Fair Market Rent, and establishes a
4 maximum amount for the renewal of planning and Unified
5 Funding Agency awards notwithstanding the requirement
6 that such maximum amount be established in a Notice of
7 Funding Availability.

8 SEC. 420. Of the amounts made available by this Act
9 for fiscal year 2021 under the heading “Department of
10 Housing and Urban Development—Public and Indian
11 Housing—Tenant-Based Rental Assistance” and specified
12 in the first paragraph of such heading, \$695,000,000 is
13 designated by the Congress as being for an emergency re-
14 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985.

16 SEC. 421. In addition to funds provided to the “Pay-
17 ments to Air Carriers” program in Public Law 116–94,
18 Public Law 116–136, and this Act to carry out the essen-
19 tial air service program under section 41731 through
20 41742 of title 49, United States Code, \$23,332,000 to be
21 derived from the Treasury, and to be made available to
22 the Essential Air Service and Rural Improvement Fund,
23 to prevent, prepare for, and respond to coronavirus, in-
24 cluding to offset the loss resulting from the coronavirus
25 pandemic of the mandatory overflight fees collected pursu-

1 ant to section 45301 of title 49, United States Code: *Pro-*
2 *vided*, That, notwithstanding section 41733 of title 49,
3 United States Code, for each of fiscal years 2020 and
4 2021, the requirements established under subparagraphs
5 (B) and (C) of section 41731(a)(1) of title 49, United
6 States Code, and the subsidy cap established by section
7 332 of the Department of Transportation and Related
8 Agencies Appropriations Act, 2000, shall not apply to
9 maintain eligibility under section 417831 of title 49,
10 United States Code: *Provided further*, That such amount
11 is designated by the Congress as being for an emergency
12 requirement pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 SEC. 422. Section 47114(c)(1) of title 49, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 “(J) SPECIAL RULE FOR FISCAL YEARS
19 2022 AND 2023.—Notwithstanding subparagraph
20 (A) and the absence of scheduled passenger air-
21 craft service at an airport, the Secretary shall
22 apportion in fiscal years 2022 and 2023 to the
23 sponsor of the airport an amount based on the
24 number of passenger boardings at the airport

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1 during whichever of the following years that
2 would result in the highest apportioned amount:

3 “(i) Calendar year 2018.

4 “(ii) Calendar year 2019.

5 “(iii) The prior full calendar year
6 prior to the current fiscal year.”.

7 SEC. 423. Notwithstanding section 47124(d)(1)(B)
8 of title 49, United States Code, the Secretary of Transpor-
9 tation shall not calculate a benefit-to-cost ratio with re-
10 spect to an air traffic control tower participating in the
11 Contract Tower Program on the basis of an annual air-
12 craft traffic decrease in fiscal years 2020 and 2021.

13 This division may be cited as the “Transportation,
14 Housing and Urban Development, and Related Agencies
15 Appropriations Act, 2021”.

1815

1 **DIVISION M—CORONAVIRUS RESPONSE**
2 **AND RELIEF SUPPLEMENTAL APPRO-**
3 **PRIATIONS ACT, 2021**

4 TITLE I

5 DEPARTMENT OF COMMERCE

6 NATIONAL OCEANIC AND ATMOSPHERIC

7 ADMINISTRATION

8 FISHERIES DISASTER ASSISTANCE

9 For an additional amount for “Fisheries Disaster As-
10 sistance”, \$300,000,000 to remain available until Sep-
11 tember 30, 2021, to prevent, prepare for, and respond to
12 coronavirus, domestically or internationally, which shall
13 only be for activities authorized under section 12005 of
14 the Coronavirus Aid, Relief, and Economic Security Act
15 (Public Law 116–136): *Provided*, That the amount pro-
16 vided under this heading in this Act shall only be allocated
17 to States of the United States bordering the Atlantic, Pa-
18 cific, or Arctic Ocean, the Gulf of Mexico, or the Great
19 Lakes, as well as Puerto Rico, the United States Virgin
20 Islands, Guam, the Commonwealth of the Northern Mar-
21 iana Islands, American Samoa, and federally recognized
22 Tribes in any of the Nation’s coastal States and terri-
23 tories, and federally recognized Tribes in any of the Na-
24 tion’s Great Lakes States with fisheries on the Tribe’s res-
25 ervation or ceded or usual and accustomed territory: *Pro-*

1 *vided further*, That each State and territory in the pre-
2 ceding proviso, except those States only bordering the
3 Great Lakes, shall receive an amount equal to not less
4 than 1 percent of the amount provided under this heading
5 in this Act and not greater than, from amounts provided
6 under either section 12005 of Public Law 116–136 or
7 amounts provided under this heading in this Act, that
8 State or territory’s total annual average revenue from
9 commercial fishing operations, aquaculture firms, the sea-
10 food supply chain, and charter fishing businesses: *Pro-*
11 *vided further*, That of the funds provided under this head-
12 ing in this Act, \$30,000,000 shall be for coronavirus re-
13 lated fishing impacts for Tribal fishery participants ref-
14 erenced in the first proviso: *Provided further*, That the Na-
15 tional Oceanic and Atmospheric Administration, in con-
16 sultation with Tribes referenced in the first proviso, shall
17 develop an application and distribution process to disburse
18 funds to all eligible impacted Tribes in a manner that
19 takes into account economic, subsistence, and ceremonial
20 impacts to Tribes and that ensures timely distribution of
21 funds: *Provided further*, That of the funds provided under
22 this heading in this Act, \$15,000,000 shall be for all
23 coronavirus related fishing impacts to non-tribal commer-
24 cial, aquaculture, processor, and charter fishery partici-
25 pants in States of the United States bordering the Great

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1 Lakes: *Provided further*, That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5

TITLE II

6

DEPARTMENT OF HOMELAND SECURITY

7

PROTECTION, PREPAREDNESS, RESPONSE, AND

8

RECOVERY

9

FEDERAL EMERGENCY MANAGEMENT AGENCY

10

DISASTER RELIEF FUND

11

For an additional amount for “Federal Emergency

12

Management Agency—Disaster Relief Fund”,

13

\$2,000,000,000, to remain available until expended, to

14

carry out the purposes of section 201 of this title: *Pro-*

15

vided, That such amount is designated by the Congress

16

as being for an emergency requirement pursuant to sec-

17

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-

18

gency Deficit Control Act of 1985.

19

GENERAL PROVISIONS

20

SEC. 201. (a) For the emergency declaration issued

21

by the President on March 13, 2020, pursuant to section

22

501(b) of the Robert T. Stafford Disaster Relief and

23

Emergency Assistance Act (42 U.S.C. 5191(b)), and for

24

any subsequent major disaster declaration under section

25

401 of such Act (42 U.S.C. 5170) that supersedes such

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1 emergency declaration, the President shall provide finan-
2 cial assistance to an individual or household to meet dis-
3 aster-related funeral expenses under section 408(e)(1) of
4 the Robert T. Stafford Disaster Relief and Emergency As-
5 sistance Act (42 U.S.C. 5174(e)(1)), for such expenses in-
6 curred through December 31, 2020, for which the Federal
7 cost share shall be 100 percent.

8 (b) Nothing in this section shall be construed to oth-
9 erwise limit the authorities of the President under the
10 Robert T. Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5121 et seq.).

12 TITLE III

13 DEPARTMENT OF HEALTH AND HUMAN

14 SERVICES

15 FOOD AND DRUG ADMINISTRATION

16 SALARIES AND EXPENSES

17 For an additional amount for “Salaries and Ex-
18 penses”, \$55,000,000, to remain available until expended,
19 to prevent, prepare for, and respond to coronavirus, do-
20 mestically or internationally, of which \$9,000,000 shall be
21 for the development of necessary medical countermeasures
22 and vaccines, \$30,500,000 shall be for advanced manufac-
23 turing for medical products, \$1,500,000 shall be for the
24 monitoring of medical product supply chains, \$7,600,000
25 shall be for other public health research and response in-

1819

1 vestments, \$1,400,000 shall be for data management op-
2 eration tools, and \$5,000,000 shall be for after action re-
3 view activities: *Provided*, That such amount is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.

7 CENTERS FOR DISEASE CONTROL AND PREVENTION
8 CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT
9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “CDC–Wide Activities
11 and Program Support”, \$8,750,000,000, to remain avail-
12 able until September 30, 2024, to prevent, prepare for,
13 and respond to coronavirus, domestically or internation-
14 ally: *Provided*, That amounts appropriated under this
15 heading in this Act shall be for activities to plan, prepare
16 for, promote, distribute, administer, monitor, and track
17 coronavirus vaccines to ensure broad-based distribution,
18 access, and vaccine coverage: *Provided further*, That of the
19 amount appropriated under this heading in this Act, not
20 less than \$4,500,000,000 shall be for States, localities,
21 territories, tribes, tribal organizations, urban Indian
22 health organizations, or health service providers to tribes:
23 *Provided further*, That of the amount in the preceding pro-
24 viso, \$210,000,000, shall be transferred to the “Depart-
25 ment of Health and Human Services—Indian Health

1 Service—Indian Health Services” to be allocated at the
2 discretion of the Director of the Indian Health Service and
3 distributed through Indian Health Service directly oper-
4 ated programs and to tribes and tribal organizations
5 under the Indian Self-Determination and Education As-
6 sistance Act and through contracts or grants with urban
7 Indian organizations under title V of the Indian Health
8 Care Improvement Act: *Provided further*, That the amount
9 transferred to tribes and tribal organizations under the
10 Indian Self-Determination and Education Assistance Act
11 in the preceding proviso shall be transferred on a one-time,
12 non-recurring basis, is not part of the amount required
13 by 25 U.S.C. 5325, and may only be used for the purposes
14 identified under this heading in this Act, notwithstanding
15 any other provision of law: *Provided further*, That the
16 amounts identified in the second proviso under this head-
17 ing in this Act, except for the amounts transferred pursu-
18 ant to the third proviso under this heading in this Act,
19 shall be allocated to States, localities, and territories ac-
20 cording to the formula that applied to the Public Health
21 Emergency Preparedness cooperative agreement in fiscal
22 year 2020: *Provided further*, That of the amounts identi-
23 fied in the second proviso under this heading in this Act,
24 except for the amounts transferred pursuant to the third
25 proviso under this heading in this Act, not less than

1 \$1,000,000,000 shall be made available within 21 days of
2 the date of enactment of this Act: *Provided further*, That
3 of the amounts identified in the second proviso under this
4 heading in this Act, except for the amounts transferred
5 pursuant to the third proviso under this heading in this
6 Act, not less than \$300,000,000 shall be for high-risk and
7 underserved populations, including racial and ethnic mi-
8 nority populations and rural communities: *Provided fur-*
9 *ther*, That the Director of the Centers for Disease Control
10 and Prevention (“CDC”) may satisfy the funding thresh-
11 olds outlined in the second, fifth, sixth, and seventh pro-
12 visos by making awards through other grant or coopera-
13 tive agreement mechanisms: *Provided further*, That
14 amounts appropriated under this heading in this Act may
15 be used to restore, either directly or through reimburse-
16 ment, obligations incurred for coronavirus vaccine pro-
17 motion, preparedness, tracking, and distribution prior to
18 the enactment of this Act: *Provided further*, That the Di-
19 rector of the CDC shall provide an updated and com-
20 prehensive coronavirus vaccine distribution strategy and
21 a spend plan, to include funds already allocated for dis-
22 tribution, to the Committees on Appropriations of the
23 House of Representatives and the Senate and the Com-
24 mittee on Energy and Commerce of the House of Rep-
25 resentatives and Committee on Health, Education, Labor,

1 and Pensions of the Senate within 30 days of enactment
2 of this Act: *Provided further*, That such strategy and plan
3 shall include how existing infrastructure will be leveraged,
4 enhancements or new infrastructure that may be built,
5 considerations for moving and storing vaccines, guidance
6 for how States, localities, territories, tribes, tribal organi-
7 zations, urban Indian health organizations, or health serv-
8 ice providers to tribes, and health care providers should
9 prepare for, store, and administer vaccines, nationwide
10 vaccination targets, funding that will be distributed to
11 States, localities, and territories, how an informational
12 campaign to inform both the public and health care pro-
13 viders will be executed, and how the strategy and plan will
14 focus efforts on high-risk and underserved populations, in-
15 cluding racial and ethnic minority populations: *Provided*
16 *further*, That such strategy and plan shall be updated and
17 provided to the Committees on Appropriations of the
18 House of Representatives and the Senate and the Com-
19 mittee on Energy and Commerce of the House of Rep-
20 resentatives and Committee on Health, Education, Labor,
21 and Pensions of the Senate every 90 days through the end
22 of the fiscal year: *Provided further*, That amounts appro-
23 priated under this heading in this Act may be used for
24 grants for the construction, alteration, or renovation of
25 non-Federally owned facilities to improve preparedness

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1 and response capability at the State and local level: *Pro-*
2 *vided further*, That such amount is designated by the Con-
3 gress as being for an emergency requirement pursuant to
4 section 251(b)(2)(A)(i) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 NATIONAL INSTITUTES OF HEALTH

7 OFFICE OF THE DIRECTOR

8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “Office of the Direc-
10 tor”, \$1,250,000,000, to remain available until September
11 30, 2024, to prevent, prepare for, and respond to
12 coronavirus, domestically or internationally: *Provided*,
13 That of the amount appropriated under this heading in
14 this Act, \$1,150,000,000 shall be provided for research
15 and clinical trials related to long-term studies of COVID-
16 19: *Provided further*, That of the amount appropriated
17 under this heading in this Act, no less than \$100,000,000
18 shall be for the Rapid Acceleration of Diagnostics: *Pro-*
19 *vided further*, That funds appropriated under this heading
20 in this Act may be transferred to the accounts of Insti-
21 tutes and Centers of the National Institutes of Health
22 (NIH): *Provided further*, That this transfer authority is
23 in addition to any other transfer authority available to the
24 NIH: *Provided further*, That such amount is designated
25 by the Congress as being for an emergency requirement

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1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
2 et and Emergency Deficit Control Act of 1985.

3 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

4 ADMINISTRATION

5 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

6 For an additional amount for “Heath Surveillance
7 and Program Support”, \$4,250,000,000, to prevent, pre-
8 pare for, and respond to coronavirus, domestically or
9 internationally: *Provided*, That of the amount appro-
10 priated under this heading in this Act, \$1,650,000,000
11 shall be for grants for the substance abuse prevention and
12 treatment block grant program under subpart II of part
13 B of title XIX of the Public Health Service Act (“PHS
14 Act”): *Provided further*, That of the amount appropriated
15 under this heading in this Act, \$1,650,000,000 shall be
16 for grants for the community mental health services block
17 grant program under subpart I of part B of title XIX of
18 the PHS Act: *Provided further*, That of the amount appro-
19 priated in the preceding proviso, the Assistant Secretary
20 is directed to provide no less than 50 percent of funds
21 directly to facilities defined in section 1913(c) of the PHS
22 Act: *Provided further*, That of the amount appropriated
23 under this heading in this Act, not less than \$600,000,000
24 is available for the Certified Community Behavioral
25 Health Clinic Expansion Grant program: *Provided further*,

1 That of the amount appropriated under this heading in
2 this Act, not less than \$50,000,000 shall be available for
3 suicide prevention programs: *Provided further*, That of the
4 amount appropriated under this heading in this Act,
5 \$50,000,000 shall be for activities and services under
6 Project AWARE: *Provided further*, That of the amount
7 appropriated under this heading in this Act, not less than
8 \$240,000,000 is available for activities authorized under
9 section 501(o) of the PHS Act: *Provided further*, That the
10 Assistant Secretary may prioritize amounts appropriated
11 in the preceding proviso to eligible states that did not re-
12 ceive amounts made available for such purpose under the
13 Coronavirus Aid, Relief, and Economic Security Act (Pub-
14 lic Law 116–136): *Provided further*, That of the amount
15 appropriated under this heading in this Act, \$10,000,000
16 shall be for the National Child Traumatic Stress Network:
17 *Provided further*, That from within the amount appro-
18 priated under this heading in this Act in the previous pro-
19 visos, a total of not less than \$125,000,000 shall be allo-
20 cated to tribes, tribal organizations, urban Indian health
21 organizations, or health or behavioral health service pro-
22 viders to tribes: *Provided further*, That with respect to the
23 amount appropriated under this heading in this Act the
24 Substance Abuse and Mental Health Services Administra-
25 tion shall maintain the 20 percent set-aside for prevention,

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1 but may waive requirements with respect to allowable ac-
2 tivities, timelines, or reporting requirements for the Sub-
3 stance Abuse Prevention and Treatment Block Grant and
4 the Community Mental Health Services Block Grant as
5 deemed necessary to facilitate a grantee's response to
6 coronavirus: *Provided further*, That such amount is des-
7 ignated by the Congress as being for an emergency re-
8 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985.

10 ADMINISTRATION FOR CHILDREN AND FAMILIES

11 PAYMENTS TO STATES FOR THE CHILD CARE AND

12 DEVELOPMENT BLOCK GRANT

13 For an additional amount for “Payments to States
14 for the Child Care and Development Block Grant”,
15 \$10,000,000,000 to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally which shall be
17 used to supplement, not supplant State, Territory, and
18 Tribal general revenue funds for child care assistance for
19 low-income families within the United States (including
20 territories) without regard to requirements in sections
21 658E(c)(3)(D)–(E), or 658G of the Child Care and Devel-
22 opment Block Grant Act (“CCDBG Act”): *Provided*, That
23 funds appropriated under this heading in this Act may be
24 used for costs of providing relief from copayments and tui-
25 tion payments for families and for paying that portion of

1 the child care provider's cost ordinarily paid through fam-
2 ily copayments to provide continued payments and assist-
3 ance to child care providers in the case of decreased enroll-
4 ment or closures related to coronavirus, and to assure they
5 are able to remain open or reopen as appropriate and ap-
6 plicable, including for fixed costs and increased operating
7 expenses: *Provided further*, That States, Territories, and
8 Tribes are encouraged to place conditions on payments to
9 child care providers that ensure that child care providers
10 use a portion of funds received to continue to pay the sala-
11 ries and wages of staff: *Provided further*, That lead agen-
12 cies may use funds provided under this heading in this
13 Act to support the stability of the child care sector to help
14 providers afford increased operating expenses during the
15 COVID-19 public health emergency, and shall publicize
16 widely the availability of, and provide technical assistance
17 to help providers apply for, funding available for such pur-
18 poses, including among center-based child care providers,
19 family child care providers, and group home child care
20 providers: *Provided further*, That lead agencies are encour-
21 aged to implement enrollment and eligibility policies that
22 support the fixed costs of providing child care services by
23 delinking provider reimbursement rates from an eligible
24 child's absence and a provider's closure due to the
25 COVID-19 public health emergency: *Provided further*,

1 That the Secretary shall remind States that Child Care
2 and Development Block Grant (“CCDBG”) State plans
3 do not need to be amended prior to utilizing existing au-
4 thorities in the CCDBG Act for the purposes provided
5 herein: *Provided further*, That States, Territories, and
6 Tribes are authorized to use funds appropriated under this
7 heading in this Act to provide child care assistance to
8 health care sector employees, emergency responders, sani-
9 tation workers, farmworkers, and other workers deemed
10 essential during the response to coronavirus by public offi-
11 cials, without regard to the income eligibility requirements
12 of section 658P(4) of such Act: *Provided further*, That
13 States, Territories, and Tribes shall use a portion of funds
14 appropriated under this heading in this Act to provide as-
15 sistance to eligible child care providers under section
16 658P(6) of the CCDBG Act that were not receiving
17 CCDBG assistance prior to the public health emergency
18 as a result of the coronavirus and any renewal of such
19 declaration pursuant to such section 319, for the purposes
20 of cleaning and sanitation, and other activities necessary
21 to maintain or resume the operation of programs, includ-
22 ing for fixed costs and increased operating expenses: *Pro-*
23 *vided further*, That funds provided under this heading in
24 this Act may be used to provide technical assistance to
25 child care providers to help providers implement practices

1 and policies in line with guidance from State and local
2 health departments and the Centers for Disease Control
3 and Prevention regarding the safe provision of child care
4 services while there is community transmission of
5 COVID–19: *Provided further*, That funds appropriated
6 under this heading in this Act may be made available to
7 restore amounts, either directly or through reimburse-
8 ment, for obligations incurred to prevent, prepare for, and
9 respond to coronavirus, domestically or internationally,
10 prior to the date of enactment of this Act: *Provided fur-*
11 *ther*, That the Secretary may reserve not more than
12 \$15,000,000 for Federal administrative expenses, which
13 shall remain available through September 30, 2024: *Pro-*
14 *vided further*, That no later than 60 days after the date
15 of enactment of this Act, each State, Territory, and Tribe
16 that receives funding under this heading in this Act shall
17 submit to the Secretary a report, in such manner as the
18 Secretary may require, describing how the funds appro-
19 priated under this heading in this Act will be spent and
20 that no later than 90 days after the date of enactment
21 of this Act, the Secretary shall submit to the Committees
22 on Appropriations of the House of Representatives and the
23 Senate, the Committee on Education and Labor of the
24 House of Representatives, and the Committee on Health,
25 Education, Labor, and Pensions of the Senate a report

1 summarizing such reports from the States, Territories,
2 and Tribes: *Provided further*, That, no later than October
3 31, 2022, each State, Territory, and Tribe that receives
4 funding under this heading in this Act shall submit to the
5 Secretary a report, in such manner as the Secretary may
6 require, describing how the funds appropriated under this
7 heading in this Act were spent and that no later than 60
8 days after receiving such reports from the States, Terri-
9 tories, and Tribes, the Secretary shall submit to the Com-
10 mittees on Appropriations of the House of Representatives
11 and the Senate, the Committee on Education and Labor
12 of the House of Representatives, and the Committee on
13 Health, Education, Labor, and Pensions of the Senate a
14 report summarizing such reports from the States, Terri-
15 tories, and Tribes: *Provided further*, That such amount is
16 designated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 CHILDREN AND FAMILIES SERVICES PROGRAM

20 For an additional amount for “Children and Families
21 Services Programs”, \$250,000,000, to prevent, prepare
22 for, and respond to coronavirus, for making payments
23 under the Head Start Act, including for Federal adminis-
24 trative expenses, and allocated in an amount that bears
25 the same ratio to such portion as the number of enrolled

1 children served by the agency involved bears to the number
2 of enrolled children by all Head Start agencies: *Provided*,
3 That none of the funds made available under this heading
4 in the Act shall be included in the calculation of the “base
5 grant” in subsequent fiscal years, as such term is defined
6 in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of
7 the Head Start Act: *Provided further*, That funds made
8 available under this heading in this Act are not subject
9 to the allocation requirements of section 640(a) of the
10 Head Start Act: *Provided further*, That such funds may
11 be available to restore amounts, either directly or through
12 reimbursement, for obligations incurred to prevent, pre-
13 pare for, and respond to coronavirus, prior to the date
14 of enactment of this Act: *Provided further*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 ADMINISTRATION FOR COMMUNITY LIVING

20 AGING AND DISABILITY SERVICES PROGRAMS

21 For an additional amount for “Aging and Disability
22 Services Programs”, \$100,000,000, to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally, which shall be for activities authorized under
25 Subtitle B of Title XX of the Social Security Act, of which

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1 not less than \$50,000,000 shall be for implementation of
2 Section 2042(b) of the Social Security Act: *Provided*, That
3 such amount is designated by the Congress as being for
4 an emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 OFFICE OF THE SECRETARY

8 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

9 FUND

10 (INCLUDING TRANSFER OF FUNDS)

11 For an additional amount for “Public Health and So-
12 cial Services Emergency Fund”, \$22,945,000,000, to re-
13 main available until September 30, 2024, to prevent, pre-
14 pare for, and respond to coronavirus, domestically or
15 internationally, including the development of necessary
16 countermeasures and vaccines, prioritizing platform-based
17 technologies with U.S.-based manufacturing capabilities,
18 the purchase of vaccines, therapeutics, diagnostics, nec-
19 essary medical supplies, as well as medical surge capacity,
20 and other preparedness and response activities: *Provided*,
21 That funds appropriated under this paragraph in this Act
22 may be used to develop and demonstrate innovations and
23 enhancements to manufacturing platforms to support such
24 capabilities: *Provided further*, That the Secretary of
25 Health and Human Services (referred to under this head-

1 ing as “Secretary”) shall purchase vaccines developed
2 using funds made available under this paragraph in this
3 Act to respond to an outbreak or pandemic related to
4 coronavirus in quantities determined by the Secretary to
5 be adequate to address the public health need: *Provided*
6 *further*, That the Secretary may take into account geo-
7 graphical areas with a high percentage of cross-jurisdic-
8 tional workers when determining allocations of vaccine
9 doses: *Provided further*, That products purchased by the
10 Federal government with funds made available under this
11 paragraph in this Act, including vaccines, therapeutics,
12 and diagnostics, shall be purchased in accordance with
13 Federal Acquisition Regulation guidance on fair and rea-
14 sonable pricing: *Provided further*, That the Secretary may
15 take such measures authorized under current law to en-
16 sure that vaccines, therapeutics, and diagnostics developed
17 from funds provided in this Act will be affordable in the
18 commercial market: *Provided further*, That in carrying out
19 the preceding proviso, the Secretary shall not take actions
20 that delay the development of such products: *Provided fur-*
21 *ther*, That products purchased with funds appropriated
22 under this paragraph in this Act may, at the discretion
23 of the Secretary of Health and Human Services, be depos-
24 ited in the Strategic National Stockpile under section
25 319F–2 of the Public Health Service Act: *Provided fur-*

1 *ther*, That of the amount appropriated under this para-
2 graph in this Act, not more than \$3,250,000,000 shall be
3 for the Strategic National Stockpile under section 319F-
4 2(a) of such Act: *Provided further*, That funds appro-
5 priated under this paragraph in this Act may be trans-
6 ferred to, and merged with, the fund authorized by section
7 319F-4, the Covered Countermeasure Process Fund, of
8 the Public Health Service Act: *Provided further*, That of
9 the amount appropriated under this paragraph in this Act,
10 \$19,695,000,000 shall be available to the Biomedical Ad-
11 vanced Research and Development Authority for necessary
12 expenses of manufacturing, production, and purchase, at
13 the discretion of the Secretary, of vaccines, therapeutics,
14 and ancillary supplies necessary for the administration of
15 such vaccines and therapeutics: *Provided further*, That
16 funds in the preceding proviso may be used for the con-
17 struction or renovation of U.S.-based next generation
18 manufacturing facilities, other than facilities owned by the
19 United States Government: *Provided further*, That the
20 Secretary shall notify the Committees on Appropriations
21 of the House of Representatives and the Senate 2 days
22 in advance of any obligation in excess of \$50,000,000, in-
23 cluding but not limited to contracts and interagency agree-
24 ments, from funds provided in this paragraph in this Act:
25 *Provided further*, That amounts appropriated under this

1 paragraph in this Act may be used to restore, either di-
2 rectly or through reimbursement, obligations incurred for
3 coronavirus vaccines and therapeutics planning, develop-
4 ment, preparation, and purchase prior to the enactment
5 of this Act: *Provided further*, That funds appropriated
6 under this paragraph in this Act may be used for the con-
7 struction, alteration, or renovation of non-federally owned
8 facilities for the production of vaccines, therapeutics,
9 diagnostics, and ancillary medical supplies where the Sec-
10 retary determines that such a contract is necessary to se-
11 cure sufficient amounts of such supplies: *Provided further*,
12 That not later than 30 days after enactment of this Act,
13 and every 30 days thereafter until funds are expended,
14 the Secretary shall report to the Committees on Appro-
15 priations of the House of Representatives and the Senate
16 on uses of funding for Operation Warp Speed, detailing
17 current obligations by Department or Agency, or compo-
18 nent thereof broken out by the coronavirus supplemental
19 appropriations Act that provided the source of funds: *Pro-*
20 *vided further*, That the plan outlined in the preceding pro-
21 viso shall include funding by contract, grant, or other
22 transaction in excess of \$20,000,000 with a notation of
23 which Department or Agency, and component thereof is
24 managing the contract: *Provided further*, That such
25 amount is designated by the Congress as being for an

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1 emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 For an additional amount for “Public Health and So-
5 cial Services Emergency Fund”, \$22,400,000,000, to re-
6 main available until September 30, 2022, to prevent, pre-
7 pare for, and respond to coronavirus, domestically or
8 internationally, which shall be for necessary expenses for
9 testing, contact tracing, surveillance, containment, and
10 mitigation to monitor and suppress COVID–19, including
11 tests for both active infection and prior exposure, includ-
12 ing molecular, antigen, and serological tests, the manufac-
13 turing, procurement and distribution of tests, testing
14 equipment and testing supplies, including personal protec-
15 tive equipment needed for administering tests, the devel-
16 opment and validation of rapid, molecular point-of-care
17 tests, and other tests, support for workforce, epidemiology,
18 to scale up academic, commercial, public health, and hos-
19 pital laboratories, to conduct surveillance and contact
20 tracing, support development of COVID–19 testing plans,
21 and other related activities related to COVID–19 testing
22 and mitigation: *Provided*, That amounts appropriated
23 under this paragraph in this Act shall be for States, local-
24 ities, territories, tribes, tribal organizations, urban Indian
25 health organizations, or health service providers to tribes

1 for necessary expenses for testing, contact tracing, surveil-
2 lance, containment, and mitigation, including support for
3 workforce, epidemiology, use by employers, elementary
4 and secondary schools, child care facilities, institutions of
5 higher education, long-term care facilities, or in other set-
6 tings, scale up of testing by public health, academic, com-
7 mercial, and hospital laboratories, and community-based
8 testing sites, mobile testing units, health care facilities,
9 and other entities engaged in COVID–19 testing, and
10 other related activities related to COVID–19 testing, con-
11 tact tracing, surveillance, containment, and mitigation
12 which may include interstate compacts or other mutual aid
13 agreements for such purposes: *Provided further*, That
14 amounts appropriated under this paragraph in this Act
15 shall be made available within 21 days of the date of en-
16 actment of this Act: *Provided further*, That of the amount
17 appropriated under this paragraph in this Act,
18 \$790,000,000, shall be transferred to the “Department of
19 Health and Human Services—Indian Health Service—In-
20 dian Health Services” to be allocated at the discretion of
21 the Director of the Indian Health Service and distributed
22 through Indian Health Service directly operated programs
23 and to tribes and tribal organizations under the Indian
24 Self-Determination and Education Assistance Act and
25 through contracts or grants with urban Indian organiza-

1 tions under title V of the Indian Health Care Improvement
2 Act: *Provided further*, That the amount transferred to
3 tribes and tribal organizations under the Indian Self-De-
4 termination and Education Assistance Act in the pre-
5 ceding proviso shall be transferred on a one-time, non-re-
6 curring basis, is not part of the amount required by 25
7 U.S.C. 5325, and may only be used for the purposes iden-
8 tified under this paragraph in this Act, notwithstanding
9 any other provision of law: *Provided further*, That amounts
10 appropriated under this paragraph in this Act, except for
11 the amounts transferred pursuant to the third proviso
12 under this paragraph in this Act, shall be allocated to
13 States, localities, and territories according to the formula
14 that applied to the Public Health Emergency Prepared-
15 ness cooperative agreement in fiscal year 2020: *Provided*
16 *further*, That of the amount appropriated under this para-
17 graph in this Act, except for the amounts transferred pur-
18 suant to the third proviso under this paragraph in this
19 Act, not less than \$2,500,000,000, shall be for strategies
20 for improving testing capabilities and other purposes de-
21 scribed in this paragraph in high-risk and underserved
22 populations, including racial and ethnic minority popu-
23 lations and rural communities, as well as developing or
24 identifying best practices for States and public health offi-
25 cials to use for contact tracing in high-risk and under-

1 served populations, including racial and ethnic minority
2 populations and rural communities and shall not be allo-
3 cated pursuant to the formula in the preceding proviso:
4 *Provided further*, That the second proviso under this para-
5 graph in this Act, shall not apply to amounts in the pre-
6 ceding proviso: *Provided further*, That the Secretary of
7 Health and Human Services (referred to in this paragraph
8 as the “Secretary”) may satisfy the funding thresholds
9 outlined under this paragraph in this Act for funding
10 other than amounts transferred pursuant to the third pro-
11 viso under this paragraph in this Act by making awards
12 through other grant or cooperative agreement mecha-
13 nisms: *Provided further*, That the Governor or designee of
14 each State, locality, territory, tribe, or tribal organization
15 receiving funds pursuant to this paragraph in this Act
16 shall update their plans, as applicable, for COVID–19
17 testing and contact tracing submitted to the Secretary
18 pursuant to the Paycheck Protection Program and Health
19 Care Enhancement Act (Public Law 116–139) and submit
20 such updates to the Secretary not later than 60 days after
21 funds appropriated in this paragraph in this Act have been
22 awarded to such recipient: *Provided further*, That not later
23 than 60 days after enactment of this Act, and every quar-
24 ter thereafter until funds are expended, the Governor or
25 designee of each State, locality, territory, tribe, or tribal

1 organization receiving funds shall report to the Secretary
2 on uses of funding, detailing current commitments and ob-
3 ligations broken out by the coronavirus supplemental ap-
4 propriations Act that provided the source of funds: *Pro-*
5 *vided further*, That not later than 15 days after receipt
6 of such reports, the Secretary shall summarize and report
7 to the Committees on Appropriations of the House of Rep-
8 resentatives and the Senate and the Committee on Energy
9 and Commerce of the House of Representatives and the
10 Committee on Health, Education, Labor, and Pensions of
11 the Senate on States' commitments and obligations of
12 funding: *Provided further*, That the Secretary shall make
13 publicly available the plans submitted by the Governor or
14 designee of each State, locality, territory, tribe, or tribal
15 organization and the report on use of funds provided
16 under this paragraph: *Provided further*, That funds an en-
17 tity receives from amounts described in the first proviso
18 in this paragraph may also be used for the rent, lease,
19 purchase, acquisition, construction, alteration, renovation,
20 or equipping of non-federally owned facilities to improve
21 coronavirus preparedness and response capability at the
22 State and local level: *Provided further*, That the Secretary
23 shall provide a report to the Committees on Appropria-
24 tions of the House of Representatives and the Senate on
25 obligation of funds to eligible entities pursuant to the sixth

1 proviso, summarized by State, not later than 30 days after
2 the date of enactment of this Act, and every 60 days there-
3 after until funds are expired: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 For an additional amount for “Public Health and So-
9 cial Services Emergency Fund”, \$3,000,000,000, to re-
10 main available until expended, to prevent, prepare for, and
11 respond to coronavirus, domestically or internationally,
12 which shall be for necessary expenses to reimburse,
13 through grants or other mechanisms, eligible health care
14 providers for health care related expenses or lost revenues
15 that are attributable to coronavirus: *Provided*, That these
16 funds may not be used to reimburse expenses or losses
17 that have been reimbursed from other sources or that
18 other sources are obligated to reimburse: *Provided further*,
19 That recipients of payments under this paragraph shall
20 submit reports and maintain documentation as the Sec-
21 retary determines are needed to ensure compliance with
22 conditions that are imposed by this paragraph for such
23 payments, and such reports and documentation shall be
24 in such form, with such content, and in such time as the
25 Secretary may prescribe for such purpose: *Provided fur-*

1 *ther*, That “eligible health care providers” means public
2 entities, Medicare or Medicaid enrolled suppliers and pro-
3 viders, and such for-profit entities and not-for-profit enti-
4 ties not otherwise described in this proviso as the Sec-
5 retary may specify, within the United States (including
6 territories), that provide diagnoses, testing, or care for in-
7 dividuals with possible or actual cases of COVID–19: *Pro-*
8 *vided further*, That the Secretary shall, on a rolling basis,
9 review applications and make payments under this para-
10 graph in this Act: *Provided further*, That funds appro-
11 priated under this paragraph in this Act shall be available
12 for building or construction of temporary structures, leas-
13 ing of properties, medical supplies and equipment includ-
14 ing personal protective equipment and testing supplies, in-
15 creased workforce and trainings, emergency operation cen-
16 ters, retrofitting facilities, and surge capacity: *Provided*
17 *further*, That, in this paragraph, the term “payment”
18 means a pre-payment, prospective payment, or retrospec-
19 tive payment, as determined appropriate by the Secretary:
20 *Provided further*, That payments under this paragraph
21 shall be made in consideration of the most efficient pay-
22 ment systems practicable to provide emergency payment:
23 *Provided further*, That to be eligible for a payment under
24 this paragraph in this Act, an eligible health care provider
25 shall submit to the Secretary an application that includes

1 a statement justifying the need of the provider for the pay-
2 ment and the eligible health care provider shall have a
3 valid tax identification number: *Provided further*, That for
4 any reimbursement by the Secretary from the Provider
5 Relief Fund to an eligible health care provider that is a
6 subsidiary of a parent organization, the parent organiza-
7 tion may, allocate (through transfers or otherwise) all or
8 any portion of such reimbursement among the subsidiary
9 eligible health care providers of the parent organization,
10 including reimbursements referred to by the Secretary as
11 “Targeted Distribution” payments, among subsidiary eli-
12 gible health care providers of the parent organization ex-
13 cept that responsibility for reporting the reallocated reim-
14 bursement shall remain with the original recipient of such
15 reimbursement: *Provided further*, That, for any reimburse-
16 ment from the Provider Relief Fund to an eligible health
17 care provider for health care related expenses or lost reve-
18 nues that are attributable to coronavirus (including reim-
19 bursements made before the date of the enactment of this
20 Act), such provider may calculate such lost revenues using
21 the Frequently Asked Questions guidance released by the
22 Department of Health and Human Services in June 2020,
23 including the difference between such provider’s budgeted
24 and actual revenue budget if such budget had been estab-
25 lished and approved prior to March 27, 2020: *Provided*

1 *further*, That of the amount made available in the third
2 paragraph under this heading in Public Law 116–136, not
3 less than 85 percent of (i) the unobligated balances avail-
4 able as of the date of enactment of this Act, and (ii) any
5 funds recovered from health care providers after the date
6 of enactment of this Act, shall be for any successor to the
7 Phase 3 General Distribution allocation to make payments
8 to eligible health care providers based on applications that
9 consider financial losses and changes in operating ex-
10 penses occurring in the third or fourth quarter of calendar
11 year 2020, or the first quarter of calendar year 2021, that
12 are attributable to coronavirus: *Provided further*, That, not
13 later than 3 years after final payments are made under
14 this paragraph, the Office of Inspector General of the De-
15 partment of Health and Human Services shall transmit
16 a final report on audit findings with respect to this pro-
17 gram to the Committees on Appropriations of the House
18 of Representatives and the Senate: *Provided further*, That
19 nothing in this section limits the authority of the Inspector
20 General or the Comptroller General to conduct audits of
21 interim payments at an earlier date: *Provided further*,
22 That not later than 60 days after the date of enactment
23 of this Act, the Secretary of Health and Human Services
24 shall provide a report to the Committees on Appropria-
25 tions of the House of Representatives and the Senate on

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1 obligation of funds, including obligations to such eligible
2 health care providers, summarized by State of the pay-
3 ment receipt: *Provided further*, That such reports shall be
4 updated and submitted to such Committees every 60 days
5 until funds are expended: *Provided further*, That the
6 amounts repurposed in this paragraph that were pre-
7 viously designated by the Congress as an emergency re-
8 quirement pursuant to the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985 are designated by the
10 Congress as an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985: *Provided further*, That
13 such amount is designated by the Congress as being for
14 an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 GENERAL PROVISIONS—DEPARTMENT OF
18 HEALTH AND HUMAN SERVICES

19 SEC. 301. Funds appropriated by this title may be
20 used by the Secretary of the Department of Health and
21 Human Services to appoint, without regard to the provi-
22 sions of sections 3309 through 3319 of title 5 of the
23 United States Code, candidates needed for positions to
24 perform critical work relating to coronavirus for which—

25 (1) public notice has been given; and

1 (2) the Secretary of Health and Human Serv-
2 ices has determined that such a public health threat
3 exists.

4 SEC. 302. Funds appropriated by this title may be
5 used to enter into contracts with individuals for the provi-
6 sion of personal services (as described in section 104 of
7 part 37 of title 48, Code of Federal Regulations (48 CFR
8 37.104)) to support the prevention of, preparation for, or
9 response to coronavirus, domestically and internationally,
10 subject to prior notification to the Committees on Appro-
11 priations of the House of Representatives and the Senate:
12 *Provided*, That such individuals may not be deemed em-
13 ployees of the United States for the purpose of any law
14 administered by the Office of Personnel Management: *Pro-*
15 *vided further*, That the authority made available pursuant
16 to this section shall expire on September 30, 2024.

17 SEC. 303. (a) If services performed by an employee
18 during 2020 and 2021 are determined by the head of the
19 agency to be primarily related to preparation, prevention,
20 or response to coronavirus, any premium pay for such
21 services shall be disregarded in calculating the aggregate
22 of such employee's basic pay and premium pay for pur-
23 poses of a limitation under section 5547(a) of title 5,
24 United States Code, or under any other provision of law,

1 whether such employees pay is paid on a biweekly or cal-
2 endar year basis.

3 (b) Any overtime pay for such services shall be dis-
4 regarded in calculating any annual limit on the amount
5 of overtime pay payable in a calendar or fiscal year.

6 (c) With regard to such services, any pay that is dis-
7 regarded under either subsection (a) or (b) shall be dis-
8 regarded in calculating such employee's aggregate pay for
9 purposes of the limitation in section 5307 of such title 5.

10 (d)(1) Pay that is disregarded under subsection (a)
11 or (b) shall not cause the aggregate of the employee's basic
12 pay and premium pay for the applicable calendar year to
13 exceed the rate of basic pay payable for a position at level
14 II of the Executive Schedule under section 5313 of title
15 5, United States Code, as in effect at the end of such cal-
16 endar year.

17 (2) For purposes of applying this subsection to
18 an employee who would otherwise be subject to the
19 premium pay limits established under section 5547
20 of title 5, United States Code, "premium pay"
21 means the premium pay paid under the provisions of
22 law cited in section 5547(a).

23 (3) For purposes of applying this subsection to
24 an employee under a premium pay limit established
25 under an authority other than section 5547 of title

1 5, United States Code, the agency responsible for
2 administering such limit shall determine what pay-
3 ments are considered premium pay.

4 (e) This section shall take effect as if enacted on Feb-
5 ruary 2, 2020.

6 (f) If application of this section results in the pay-
7 ment of additional premium pay to a covered employee of
8 a type that is normally creditable as basic pay for retire-
9 ment or any other purpose, that additional pay shall not—

10 (1) be considered to be basic pay of the covered
11 employee for any purpose; or

12 (2) be used in computing a lump-sum payment
13 to the covered employee for accumulated and ac-
14 crued annual leave under section 5551 or section
15 5552 of title 5, United States Code.

16 SEC. 304. Funds appropriated by this title to the
17 heading “Department of Health and Human Services” ex-
18 cept for the amounts specified in the second and third
19 paragraphs under the heading “Public Health and Social
20 Services Emergency Fund”, may be transferred to, and
21 merged with, other appropriation accounts under the
22 headings “Centers for Disease Control and Prevention”,
23 “National Institutes of Health”, “Substance Abuse and
24 Mental Health Services”, “Administration for Children
25 and Families”, and “Public Health and Social Services

1 Emergency Fund”, to prevent, prepare for, and respond
2 to coronavirus following consultation with the Office of
3 Management and Budget: *Provided further*, That the
4 Committees on Appropriations of the House of Represent-
5 atives and the Senate shall be notified 10 days in advance
6 of any such transfer: *Provided further*, That, upon a deter-
7 mination that all or part of the funds transferred from
8 an appropriation by this title are not necessary, such
9 amounts may be transferred back to that appropriation:
10 *Provided further*, That none of the funds made available
11 by this title may be transferred pursuant to the authority
12 in section 205 of division A of Public Law 116–94 or sec-
13 tion 241(a) of the PHS Act.

14 SEC. 305. Of the funds appropriated by this title
15 under the heading “Public Health and Social Services
16 Emergency Fund”, up to \$2,000,000 shall be transferred
17 to the “Office of the Secretary, Office of Inspector Gen-
18 eral”, and shall remain available until expended, for over-
19 sight of activities supported with funds appropriated to
20 the Department of Health and Human Services to pre-
21 vent, prepare for, and respond to coronavirus, domestically
22 or internationally: *Provided*, That the Inspector General
23 of the Department of Health and Human Services shall
24 consult with the Committees on Appropriations of the
25 House of Representatives and the Senate prior to obli-

1 gating such funds: *Provided further*, That the transfer au-
2 thority provided by this section is in addition to any other
3 transfer authority provided by law.

4 SEC. 306. Section 675b(b)(3) of the Community
5 Services Block Grant Act (42 U.S.C. 9906(b)(3)) shall not
6 apply with respect to funds appropriated by the
7 Coronavirus Aid, Relief, and Economic Security Act (Pub-
8 lic Law 116–136) to carry out the Community Services
9 Block Grant Act (42 U.S.C. 9901 et seq.): *Provided*, That
10 the amounts repurposed in this section that were pre-
11 viously designated by the Congress as an emergency re-
12 quirement pursuant to the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985 are designated by the
14 Congress as an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 SEC. 307. Penalties and administrative requirements
18 under title XXVI of the Public Health Service Act may
19 be waived by the Secretary of Health and Human Services
20 for funds awarded under such title of such Act from
21 amounts provided for fiscal year 2020 and fiscal year
22 2021 under the heading “Department of Health and
23 Human Services—Health Resources and Services Admin-
24 istration”, including amounts made available under such
25 heading by transfer: *Provided*, That such amount is des-

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1 ignated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 DEPARTMENT OF EDUCATION

5 EDUCATION STABILIZATION FUND

6 For an additional amount for “Education Stabiliza-
7 tion Fund”, \$81,880,000,000, to remain available through
8 September 30, 2022, to prevent, prepare for, and respond
9 to coronavirus, domestically or internationally: *Provided*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 GENERAL PROVISIONS—DEPARTMENT OF

15 EDUCATION

16 EDUCATION STABILIZATION FUND

17 SEC. 311. (a) ALLOCATIONS.—From the amount
18 made available under this heading in this Act to carry out
19 the Education Stabilization Fund, the Secretary shall first
20 allocate—

21 (1) one-half of 1 percent to the outlying areas
22 for supplemental awards to be allocated not more
23 than 30 calendar days from the date of enactment
24 of this Act on the basis of the terms and conditions
25 for funding provided under section 18001(a)(1) of

1 the Coronavirus Aid, Relief, and Economic Security
2 (CARES) Act (Public Law 116–136); and

3 (2) one-half of 1 percent for a supplemental
4 award to be allocated to the Secretary of Interior
5 not more than 30 calendar days from enactment of
6 this Act for programs operated or funded by the Bu-
7 reau of Indian Education (BIE) under the terms
8 and conditions established for funding provided
9 under section 18001(a)(2) of the CARES Act (Pub-
10 lic Law 116–136), for BIE-operated and funded ele-
11 mentary and secondary schools and Tribal Colleges
12 and Universities, except that funding shall be allo-
13 cated as follows:

14 (A) 60 percent for Bureau-funded schools,
15 as defined in 25 U.S.C. 2021, provided that
16 such schools may not be required to submit a
17 spending plan before receipt of funding.

18 (B) 40 percent for Tribal Colleges and
19 Universities, which shall be distributed accord-
20 ing to the formula in section 316(d)(3) of the
21 Higher Education Act of 1965 (“HEA”).

22 (b) RESERVATIONS.—After carrying out subsection
23 (a), the Secretary shall reserve the remaining funds made
24 available as follows:

1 (1) 5 percent to carry out section 312 of this
2 title.

3 (2) 67 percent to carry out section 313 of this
4 title.

5 (3) 28 percent to carry out section 314 of this
6 title.

7 GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

8 SEC. 312. (a) PROGRAM AUTHORIZED.—(1) From
9 funds reserved under section 311(b)(1) of this title and
10 not reserved under paragraph (2), the Secretary shall
11 make supplemental Emergency Education Relief grants to
12 the Governor of each State with an approved application
13 under section 18002 of division B of the CARES Act
14 (Public Law 116–136). The Secretary shall award funds
15 under this section to the Governor of each State with an
16 approved application within 30 calendar days of the date
17 of enactment of this Act.

18 (2) RESERVATION.—From funds made available
19 under section 311(b)(1) of this title, the Secretary
20 shall reserve \$2,750,000,000 of such funds to pro-
21 vide Emergency Assistance to Non-Public Schools
22 grants, in accordance with subsection (d), to the
23 Governor of each State with an approved application
24 under subsection (d)(2).

1 (b) ALLOCATIONS.—The amount of each grant under
2 subsection (a)(1) shall be allocated by the Secretary to
3 each State as follows:

4 (1) 60 percent on the basis of their relative
5 population of individuals aged 5 through 24.

6 (2) 40 percent on the basis of their relative
7 number of children counted under section 1124(c) of
8 the Elementary and Secondary Education Act of
9 1965 (“ESEA”).

10 (c) USES OF FUNDS.—Grant funds awarded under
11 subsection (a)(1) may be used to—

12 (1) provide emergency support through grants
13 to local educational agencies that the State edu-
14 cational agency deems have been most significantly
15 impacted by coronavirus to support the ability of
16 such local educational agencies to continue to pro-
17 vide educational services to their students and to
18 support the on-going functionality of the local edu-
19 cational agency;

20 (2) provide emergency support through grants
21 to institutions of higher education serving students
22 within the State that the Governor determines have
23 been most significantly impacted by coronavirus to
24 support the ability of such institutions to continue to

1 provide educational services and support the on-
2 going functionality of the institution; and

3 (3) provide support to any other institution of
4 higher education, local educational agency, or edu-
5 cation related entity within the State that the Gov-
6 ernor deems essential for carrying out emergency
7 educational services to students for authorized ac-
8 tivities described in section 313(d)(1) of this title or
9 the HEA; the provision of child care and early child-
10 hood education, social and emotional support; and
11 the protection of education-related jobs.

12 (d) EMERGENCY ASSISTANCE TO NON-PUBLIC
13 SCHOOLS.—

14 (1) PROGRAM AUTHORIZED.—

15 (A) IN GENERAL.—With funds reserved
16 under subsection (a)(2), the Secretary shall
17 allot the amount described in subparagraph (B)
18 to the Governor of each State with an approved
19 application under paragraph (2) in order to
20 provide services or assistance to non-public
21 schools under this subsection. The Governor
22 shall designate the State educational agency to
23 administer the program authorized under this
24 subsection.

1 (B) AMOUNT OF ALLOTMENT.—An allot-
2 ment for a State under subparagraph (A) shall
3 be in the amount that bears the same relation-
4 ship to the total amount of the funds reserved
5 under subsection (a)(2) as the number of chil-
6 dren aged 5 through 17 at or below 185 percent
7 of poverty who are enrolled in non-public
8 schools in the State (as determined by the Sec-
9 retary on the basis of the best available data)
10 bears to the total number of all such children
11 in all States.

12 (2) APPLICATIONS FROM STATES.—

13 (A) APPLICATION REQUEST AND RE-
14 VIEW.—The Secretary shall—

15 (i) issue a notice inviting applications
16 for funds reserved under subsection (a)(2)
17 not later than 30 days after the date of en-
18 actment of this Act; and

19 (ii) approve or deny an application not
20 later than 15 days after the receipt of the
21 application.

22 (B) ASSURANCE.—The Governor of each
23 State, in consultation with their respective
24 State educational agency, shall include in the
25 application submitted under this paragraph an

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1 assurance that the State educational agency
2 will—

3 (i) distribute information about the
4 program to non-public schools and make
5 the information and the application easily
6 available;

7 (ii) process all applications submitted
8 promptly, in accordance with subparagraph
9 (3)(A)(ii);

10 (iii) in providing services or assistance
11 to non-public schools, ensure that services
12 or assistance is provided to any non-public
13 school that—

14 (I) is a non-public school de-
15 scribed in paragraph (3)(C);

16 (II) submits an application that
17 meets the requirements of paragraph
18 (3)(B); and

19 (III) requests services or assist-
20 ance allowable under paragraph (4);

21 (iv) to the extent practicable, obligate
22 all funds provided under subsection (a)(2)
23 for services or assistance to non-public
24 schools in the State in an expedited and
25 timely manner; and

1 (v) obligate funds to provide services
2 or assistance to non-public schools in the
3 State not later than 6 months after receiv-
4 ing such funds under subsection (a)(2).

5 (3) APPLICATIONS FOR SERVICES OR ASSIST-
6 ANCE.—

7 (A) APPLICATION REQUEST AND RE-
8 VIEW.—A State educational agency receiving
9 funds from the Governor under this subsection
10 shall—

11 (i) make the application for services
12 or assistance described in subparagraph
13 (B) available to non-public schools by not
14 later than 30 days after the receipt of such
15 funds; and

16 (ii) approve or deny an application not
17 later than 30 days after the receipt of the
18 application.

19 (B) APPLICATION REQUIREMENTS.—Each
20 non-public school desiring services or assistance
21 under this subsection shall submit an applica-
22 tion to the State educational agency at such
23 time, in such manner, and accompanied by such
24 information as the State educational agency
25 may reasonably require to ensure expedited and

1 timely provision of services or assistance to the
2 non-public school, which shall include—

3 (i) the number and percentage of stu-
4 dents from low-income families enrolled by
5 such non-public school in the 2019–2020
6 school year;

7 (ii) a description of the emergency
8 services authorized under paragraph (4)
9 that such non-public school requests to be
10 provided by the State educational agency;
11 and

12 (iii) whether the non-public school re-
13 questing services or assistance under this
14 subsection received a loan guaranteed
15 under paragraph (36) of section 7(a) of
16 the Small Business Act (15 U.S.C. 636(a))
17 that was made before the date of enact-
18 ment of this Act and the amount of any
19 such loan received.

20 (C) TARGETING.—A State educational
21 agency receiving funds under this subsection
22 shall prioritize services or assistance to non-
23 public schools that enroll low-income students
24 and are most impacted by the qualifying emer-
25 gency.

1 (4) TYPES OF SERVICES OR ASSISTANCE.—A
2 non-public school receiving services or assistance
3 under this subsection shall use such services or as-
4 sistance to address educational disruptions resulting
5 from the qualifying emergency for—

6 (A) supplies to sanitize, disinfect, and
7 clean school facilities;

8 (B) personal protective equipment;

9 (C) improving ventilation systems, includ-
10 ing windows or portable air purification systems
11 to ensure healthy air in the non-public school;

12 (D) training and professional development
13 for staff on sanitation, the use of personal pro-
14 tective equipment, and minimizing the spread of
15 infectious diseases;

16 (E) physical barriers to facilitate social
17 distancing;

18 (F) other materials, supplies, or equipment
19 to implement public health protocols, including
20 guidelines and recommendations from the Cen-
21 ters for Disease Control and Prevention for the
22 reopening and operation of school facilities to
23 effectively maintain the health and safety of
24 students, educators, and other staff during the
25 qualifying emergency;

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1 (G) expanding capacity to administer
2 coronavirus testing to effectively monitor and
3 suppress coronavirus, to conduct surveillance
4 and contact tracing activities, and to support
5 other activities related to coronavirus testing
6 for students, teachers, and staff at the non-pub-
7 lic school;

8 (H) educational technology (including
9 hardware, software, connectivity, assistive tech-
10 nology, and adaptive equipment) to assist stu-
11 dents, educators, and other staff with remote or
12 hybrid learning;

13 (I) redeveloping instructional plans, includ-
14 ing curriculum development, for remote learn-
15 ing, hybrid learning, or to address learning loss;

16 (J) leasing of sites or spaces to ensure safe
17 social distancing to implement public health
18 protocols, including guidelines and rec-
19 ommendations from the Centers for Disease
20 Control and Prevention;

21 (K) reasonable transportation costs;

22 (L) initiating and maintaining education
23 and support services or assistance for remote
24 learning, hybrid learning, or to address learning
25 loss; or

1 (M) reimbursement for the expenses of any
2 services or assistance described in this para-
3 graph (except for subparagraphs (C) (except
4 that portable air purification systems shall be
5 an allowable reimbursable expense), (D), (I),
6 and (L)) that the non-public school incurred on
7 or after the date of the qualifying emergency,
8 except that any non-public school that has re-
9 ceived a loan guaranteed under paragraph (36)
10 of section 7(a) of the Small Business Act (15
11 U.S.C. 636(a)) as of the day prior to the date
12 of enactment of this Act shall not be eligible for
13 reimbursements described in this paragraph for
14 any expenses reimbursed through such loan.

15 (5) ADMINISTRATION.—A State educational
16 agency receiving funds under this subsection may re-
17 serve not more than the greater of \$200,000 or one-
18 half of 1 percent of such funds to administer the
19 services and assistance provided under this sub-
20 section to non-public schools.

21 (6) REALLOCATION.—Notwithstanding para-
22 graph (1)(A), each State educational agency receiv-
23 ing funds under this subsection that complies with
24 paragraph (2) but has unobligated funds remaining
25 6 months after receiving funds under this subsection

1 shall return such remaining unobligated funds to the
2 Governor, to use for any use authorized under sub-
3 section (c).

4 (7) PUBLIC CONTROL OF FUNDS.—

5 (A) IN GENERAL.—The control of funds
6 for the services or assistance provided to a non-
7 public school under this subsection, and title to
8 materials, equipment, and property purchased
9 with such funds, shall be in a public agency,
10 and a public agency shall administer such
11 funds, services, assistance, materials, equip-
12 ment, and property.

13 (B) PROVISION OF SERVICES OR ASSIST-
14 ANCE.—

15 (i) PROVIDER.—The provision of serv-
16 ices or assistance to a non-public school
17 under this subsection shall be provided—

18 (I) by employees of a public
19 agency; or

20 (II) through contract by such
21 public agency with an individual, asso-
22 ciation, agency, or organization.

23 (ii) REQUIREMENT.—In the provision
24 of services or assistance described in clause
25 (i), such employee, individual, association,

1 agency, or organization shall be inde-
2 pendent of the non-public school receiving
3 such services or assistance, and such em-
4 ployment and contracts shall be under the
5 control and supervision of such public
6 agency described in subparagraph (A).

7 (8) SECULAR, NEUTRAL, AND NON-IDEOLOG-
8 ICAL.—All services or assistance provided under this
9 subsection, including providing equipment, materials,
10 and any other items, shall be secular, neutral, and
11 non-ideological.

12 (9) INTERACTION WITH PAYCHECK PROTECTION
13 PROGRAM.—(A) IN GENERAL.—In order to be eligi-
14 ble to receive services or assistance under this sub-
15 section, a non-public school shall submit to the State
16 an assurance, including any documentation required
17 by the Secretary, that such non-public school did
18 not, and will not, apply for and receive a loan under
19 paragraphs (36) or (37) of section 7(a) of the Small
20 Business Act (15 U.S.C. 636(a)(37)) that is made
21 on or after the date of enactment of this Act.

22 (B) ALLOWANCE.—A non-public school
23 that received a loan guaranteed under para-
24 graph (36) of section 7(a) of the Small Busi-
25 ness Act (15 U.S.C. 636(a)) that was made be-

1 fore the date of enactment of this Act shall be
2 eligible to receive services or assistance under
3 this subsection.

4 (e) RESTRICTIONS.—

5 (1) Funds provided under this section shall not
6 be used—

7 (A) to provide direct or indirect financial
8 assistance to scholarship granting organizations
9 or related entities for elementary or secondary
10 education; or

11 (B) to provide or support vouchers, tuition
12 tax credit programs, education savings ac-
13 counts, scholarships, scholarship programs, or
14 tuition-assistance programs for elementary or
15 secondary education.

16 (2) EXCEPTION.—Notwithstanding paragraph
17 (1), a State may use funds provided under sub-
18 section (a)(1) to provide assistance prohibited under
19 paragraph (1) only to students who receive or re-
20 ceived such assistance with funds provided under
21 section 18002(a) of division B of the CARES Act
22 (20 U.S.C. 3401 note), for the 2020–2021 school
23 year and only for the same assistance provided such
24 students under such section.

1 retary to each State in the same proportion as each State
2 received under part A of title I of the ESEA of 1965 in
3 the most recent fiscal year.

4 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
5 CIES.—Each State shall allocate not less than 90 percent
6 of the grant funds awarded to the State under this section
7 as subgrants to local educational agencies (including char-
8 ter schools that are local educational agencies) in the State
9 in proportion to the amount of funds such local edu-
10 cational agencies and charter schools that are local edu-
11 cational agencies received under part A of title I of the
12 ESEA of 1965 in the most recent fiscal year.

13 (d) USES OF FUNDS.—A local educational agency
14 that receives funds under this section may use the funds
15 for any of the following:

16 (1) Any activity authorized by the ESEA of
17 1965, including the Native Hawaiian Education Act
18 and the Alaska Native Educational Equity, Support,
19 and Assistance Act (20 U.S.C. 6301 et seq.), the In-
20 dividuals with Disabilities Education Act (20 U.S.C.
21 1400 et seq.) (“IDEA”), the Adult Education and
22 Family Literacy Act (20 U.S.C. 1400 et seq.), the
23 Carl D. Perkins Career and Technical Education
24 Act of 2006 (20 U.S.C. 2301 et seq.) (“the Perkins
25 Act”), or subtitle B of title VII of the McKinney-

1 Vento Homeless Assistance Act (42 U.S.C. 11431 et
2 seq.).

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

9 (3) Providing principals and others school lead-
10 ers with the resources necessary to address the
11 needs of their individual schools.

12 (4) Activities to address the unique needs of
13 low-income children or students, children with dis-
14 abilities, English learners, racial and ethnic minori-
15 ties, students experiencing homelessness, and foster
16 care youth, including how outreach and service deliv-
17 ery will meet the needs of each population.

18 (5) Developing and implementing procedures
19 and systems to improve the preparedness and re-
20 sponse efforts of local educational agencies.

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

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

4 (8) Planning for, coordinating, and imple-
5 menting activities during long-term closures, includ-
6 ing providing meals to eligible students, providing
7 technology for online learning to all students, pro-
8 viding guidance for carrying out requirements under
9 the IDEA and ensuring other educational services
10 can continue to be provided consistent with all Fed-
11 eral, State, and local requirements.

12 (9) Purchasing educational technology (includ-
13 ing hardware, software, and connectivity) for stu-
14 dents who are served by the local educational agency
15 that aids in regular and substantive educational
16 interaction between students and their classroom in-
17 structors, including low-income students and chil-
18 dren with disabilities, which may include assistive
19 technology or adaptive equipment.

20 (10) Providing mental health services and sup-
21 ports.

22 (11) Planning and implementing activities re-
23 lated to summer learning and supplemental after-
24 school programs, including providing classroom in-
25 struction or online learning during the summer

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1 months and addressing the needs of low-income stu-
2 dents, children with disabilities, English learners,
3 migrant students, students experiencing homeless-
4 ness, and children in foster care.

5 (12) Addressing learning loss among students,
6 including low-income students, children with disabil-
7 ities, English learners, racial and ethnic minorities,
8 students experiencing homelessness, and children
9 and youth in foster care, of the local educational
10 agency, including by—

11 (A) Administering and using high-quality
12 assessments that are valid and reliable, to accu-
13 rately assess students' academic progress and
14 assist educators in meeting students' academic
15 needs, including through differentiating instruc-
16 tion.

17 (B) Implementing evidence-based activities
18 to meet the comprehensive needs of students.

19 (C) Providing information and assistance
20 to parents and families on how they can effec-
21 tively support students, including in a distance
22 learning environment.

23 (D) Tracking student attendance and im-
24 proving student engagement in distance edu-
25 cation.

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

5 (14) Inspection, testing, maintenance, repair,
6 replacement, and upgrade projects to improve the in-
7 door air quality in school facilities, including me-
8 chanical and non-mechanical heating, ventilation,
9 and air conditioning systems, filtering, purification
10 and other air cleaning, fans, control systems, and
11 window and door repair and replacement.

12 (15) Other activities that are necessary to
13 maintain the operation of and continuity of services
14 in local educational agencies and continuing to em-
15 ploy existing staff of the local educational agency.

16 (e) STATE FUNDING.—With funds not otherwise allo-
17 cated under subsection (c), a State may reserve not more
18 than one-half of 1 percent for administrative costs and the
19 remainder for emergency needs as determined by the state
20 educational agency to address issues responding to
21 coronavirus, including measuring and addressing learning
22 loss, which may be addressed through the use of grants
23 or contracts.

24 (f) REPORT.—A State receiving funds under this sec-
25 tion shall submit a report to the Secretary, not later than

1 6 months after receiving funding provided in this Act, in
2 such manner and with such subsequent frequency as the
3 Secretary may require, that provides a detailed accounting
4 of the use of funds provided under this section, including
5 how the State is using funds to measure and address
6 learning loss among students disproportionately affected
7 by coronavirus and school closures, including low-income
8 students, children with disabilities, English learners, racial
9 and ethnic minorities, students experiencing homelessness,
10 and children and youth in foster care.

11 (g) REALLOCATION.—A State shall return to the Sec-
12 retary any funds received under this section that the State
13 does not award within 1 year of receiving such funds and
14 the Secretary shall reallocate such funds to the remaining
15 States in accordance with subsection (b).

16 HIGHER EDUCATION EMERGENCY RELIEF FUND

17 SEC. 314. (a) IN GENERAL.—From funds reserved
18 under section 311(b)(3) of this title the Secretary shall
19 allocate amounts to institutions of higher education with
20 an approved application as follows:

21 (1) 89 percent to each institution of higher edu-
22 cation as defined in section 101 or section 102(c) of
23 the HEA to prevent, prepare for, and respond to
24 coronavirus, by apportioning it—

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1 (A) 37.5 percent according to the relative
2 share of full-time equivalent enrollment of stu-
3 dents who were Federal Pell Grant recipients
4 and who were not exclusively enrolled in dis-
5 tance education courses prior to the qualifying
6 emergency;

7 (B) 37.5 percent according to the relative
8 share of the total number of students who were
9 Federal Pell Grant recipients and who were not
10 exclusively enrolled in distance education
11 courses prior to the qualifying emergency;

12 (C) 11.5 percent according to the relative
13 share of full-time equivalent enrollment of stu-
14 dents who were not Federal Pell Grant recipi-
15 ents and who were not exclusively enrolled in
16 distance education courses prior to the quali-
17 fying emergency;

18 (D) 11.5 percent according to the relative
19 share of the total number of students who were
20 not Federal Pell Grant recipients and who were
21 not exclusively enrolled in distance education
22 courses prior to the qualifying emergency;

23 (E) 1 percent according to the relative
24 share of full-time equivalent enrollment of stu-
25 dents who were Federal Pell grant recipients

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1 and who were exclusively enrolled in distance
2 education courses prior to the qualifying emer-
3 gency; and

4 (F) 1 percent according to the relative
5 share of the total number of students who were
6 Federal Pell grant recipients and who were ex-
7 clusively enrolled in distance education courses
8 prior to the qualifying emergency.

9 (2) 7.5 percent for additional awards under
10 parts A and B of title III, parts A and B of title
11 V, and subpart 4 of part A of title VII of the HEA
12 to address needs directly related to coronavirus, that
13 shall be in addition to awards made in subsection
14 (a)(1), and allocated by the Secretary proportionally
15 to such programs based on the relative share of
16 funding appropriated to such programs in the Fur-
17 ther Consolidated Appropriations Act, 2020 (Public
18 Law 116–94) and distributed to eligible institutions
19 of higher education, except as otherwise provided in
20 subparagraphs (A) through (C), on the basis of the
21 formula described in subparagraphs (A) through (F)
22 of subsection (a)(1):

23 (A) Except as otherwise provided in sub-
24 paragraph (2)(B), for eligible institutions under
25 part B of title III and subpart 4 of part A of

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1 title VII of the HEA, the Secretary shall allot
2 to each eligible institution an amount using the
3 following formula:

4 (i) 70 percent according to a ratio
5 equivalent to the number of Pell Grant re-
6 cipients in attendance at such institution
7 at the end of the school year preceding the
8 beginning of the most recent fiscal year
9 and the total number of Pell Grant recipi-
10 ents at all such institutions;

11 (ii) 20 percent according to a ratio
12 equivalent to the total number of students
13 enrolled at such institution at the end of
14 the school year preceding the beginning of
15 that fiscal year and the number of stu-
16 dents enrolled at all such institutions; and

17 (iii) 10 percent according to a ratio
18 equivalent to the total endowment size at
19 all eligible institutions at the end of the
20 school year preceding the beginning of that
21 fiscal year and the total endowment size at
22 such institution;

23 (B) For eligible institutions under section
24 326 of the HEA, the Secretary shall allot to
25 each eligible institution an amount in propor-

1 tion to the award received from funding for
2 such institutions in the Further Consolidated
3 Appropriations Act, 2020 (Public Law 116–94);
4 and

5 (C) For eligible institutions under section
6 316 of the HEA, the Secretary shall allot fund-
7 ing according to the formula in section
8 316(d)(3) of the HEA.

9 (3) 0.5 percent for part B of title VII of the
10 HEA for institutions of higher education that the
11 Secretary determines have, after allocating other
12 funds available under this section, the greatest
13 unmet needs related to coronavirus, including insti-
14 tutions of higher education with large populations of
15 graduate students and institutions of higher edu-
16 cation that did not otherwise receive an allocation
17 under this section. In awarding funds under this
18 paragraph, the Secretary shall publish an application
19 for such funds no later than 60 calendar days of en-
20 actment of this Act, and shall provide a briefing to
21 the Committees on Appropriations of the House of
22 Representatives and the Senate no later than 7 days
23 prior to publishing such application.

24 (4) 3 percent to institutions of higher education
25 as defined in section 102(b) of the HEA allocated on

1 the basis of the formula described in subparagraphs
2 (A) through (F) of subsection (a)(1).

3 (b)(1) DISTRIBUTION.—The funds made available to
4 each institution under subsection (a)(1) shall be distrib-
5 uted by the Secretary using the same systems as the Sec-
6 retary otherwise distributes funding to institutions under
7 title IV of the HEA.

8 (2) The Secretary shall allocate amounts to in-
9 stitutions of higher education under this section, to
10 the extent practicable, as follows:

11 (A) under subsections (a)(1) and (a)(4)
12 within 30 calendar days of the date of enact-
13 ment of this Act;

14 (B) under subsection (a)(2) within 60 cal-
15 endar days of the date of enactment of this Act;
16 and

17 (C) under subsection (a)(3) within 120 cal-
18 endar days of enactment of this Act.

19 (c) USES OF FUNDS.—An institution of higher edu-
20 cation receiving funds under this section may use the
21 funds received to—

22 (1) defray expenses associated with coronavirus
23 (including lost revenue, reimbursement for expenses
24 already incurred, technology costs associated with a

1 transition to distance education, faculty and staff
2 trainings, and payroll);

3 (2) carry out student support activities author-
4 ized by the HEA that address needs related to
5 coronavirus; or

6 (3) provide financial aid grants to students (in-
7 cluding students exclusively enrolled in distance edu-
8 cation), which may be used for any component of the
9 student's cost of attendance or for emergency costs
10 that arise due to coronavirus, such as tuition, food,
11 housing, health care (including mental health care),
12 or child care. In making financial aid grants to stu-
13 dents, an institution of higher education shall
14 prioritize grants to students with exceptional need,
15 such as students who receive Pell Grants.

16 (d) SPECIAL PROVISIONS.—

17 (1) A Historically Black College and University
18 or a Minority Serving Institution may use prior
19 awards provided under titles III, V, and VII of the
20 Higher Education Act to prevent, prepare for, and
21 respond to coronavirus.

22 (2) An institution of higher education awarded
23 funds under section 18004 of division B of the
24 CARES Act (Public Law 116–136) prior to the date
25 of enactment of this Act may use those funds under

1 the terms and conditions of section 314(c) of this
2 title, subject to the requirements in paragraph (5).
3 Amounts repurposed pursuant to this paragraph
4 that were previously designated by the Congress as
5 an emergency requirement pursuant to the Balanced
6 Budget and Emergency Deficit Control Act of 1985
7 are designated by the Congress as an emergency re-
8 quirement pursuant to section 251(b)(2)(A)(i) of the
9 Balanced Budget and Emergency Deficit Control
10 Act of 1985.

11 (3) No funds received by an institution of high-
12 er education under this section shall be used to fund
13 contractors for the provision of pre-enrollment re-
14 cruitment activities; marketing or recruitment; en-
15 dowments; capital outlays associated with facilities
16 related to athletics, sectarian instruction, or religious
17 worship; senior administrator or executive salaries,
18 benefits, bonuses, contracts, incentives; stock
19 buybacks, shareholder dividends, capital distribu-
20 tions, and stock options; or any other cash or other
21 benefit for a senior administrator or executive.

22 (4) Any funds that remain available for obliga-
23 tion as of the date of enactment of this Act to carry
24 out section 18004(a)(1) of the CARES Act (Public
25 Law 116–136) or under the heading “Safe Schools

1 and Citizenship Education” of such Act shall be
2 used by the Secretary to carry out section 314(a)(1)
3 of this title: *Provided*, That amounts repurposed
4 pursuant to this paragraph that were previously des-
5 ignated by the Congress as an emergency require-
6 ment pursuant to the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 are designated by
8 the Congress as an emergency requirement pursuant
9 to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 (5) Institutions of higher education receiving al-
12 locations under section 314(a)(1) of this title shall
13 provide at least the same amount of funding in
14 emergency financial aid grants to students as was
15 required to be provided under sections 18004(a)(1)
16 and (c) of division B of the CARES Act (Public Law
17 116–136). An institution of higher education that
18 repurposes funds pursuant to paragraph (2) shall
19 ensure that not less than 50 percent of the funds re-
20 ceived under section 18004(a)(1) of division B of the
21 CARES Act (Public Law 116–136) are used for fi-
22 nancial aid grants to students under either section
23 18004(c) of division B of the CARES Act or section
24 314(c)(3) of this title, or a combination of those sec-
25 tions: *Provided*, That amounts repurposed pursuant

1 to this paragraph that were previously designated by
2 the Congress as an emergency requirement pursuant
3 to the Balanced Budget and Emergency Deficit Con-
4 trol Act of 1985 are designated by the Congress as
5 an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985.

8 (6)(A) An institution of higher education that
9 was required to remit payment to the Internal Rev-
10 enue Service for the excise tax based on investment
11 income of private colleges and universities under sec-
12 tion 4968 of the Internal Revenue Code of 1986 for
13 tax year 2019 shall have its allocation under this
14 section reduced by 50 percent and may only use
15 funds for activities described in paragraph (c)(3), or
16 for sanitation, personal protective equipment, or
17 other expenses associated with the general health
18 and safety of the campus environment related to the
19 qualifying emergency. This paragraph shall not
20 apply to an institution of higher education des-
21 ignated by the Secretary as an eligible institution
22 under section 448 of the HEA.

23 (B) WAIVER AUTHORITY.—The Secretary
24 may waive the requirements of subparagraph
25 (A) if, upon application, an institution of higher

1 education demonstrates need (including need
2 for additional funding for financial aid grants
3 to students, payroll expenses, or other expendi-
4 tures) for the total amount of funds such insti-
5 tution is allocated under section 314(a)(1) of
6 this title. The Secretary shall provide and make
7 publicly available a written justification for the
8 denial of any application for a waiver under this
9 subparagraph.

10 (7) An institution of higher education as de-
11 fined in section 102(b) of the HEA may only use
12 funds received under this section for activities de-
13 scribed in subsection (c)(3).

14 (8) An institution of higher education with an
15 approved application under section 18004(a) of divi-
16 sion B of the CARES Act (Public Law 116–136)
17 prior to the date of enactment of this Act shall not
18 be required to submit a new or revised application
19 to receive funds under this section provided such
20 funds are subject to the terms and conditions of this
21 section.

22 (9) An institution of higher education receiving
23 funds under subsections (a)(1)(E) or (F) may only
24 use funds apportioned by such subparagraphs for ac-
25 tivities described in subsection (c)(3).

1 (e) REPORT.—An institution receiving funds under
2 this section shall submit a report to the Secretary, not
3 later than 6 months after receiving funding provided in
4 this Act, in such manner and with such subsequent fre-
5 quency as the Secretary may require, that provides a de-
6 tailed accounting of the use of funds provided under this
7 section.

8 (f) REALLOCATION.—Any funds allocated to an insti-
9 tution of higher education under this section on the basis
10 of a formula described in subsections (a)(1), (a)(2), and
11 (a)(4) but for which an institution does not apply for fund-
12 ing within 90 days of the publication of the notice inviting
13 applications, shall be reallocated to eligible institutions
14 that had submitted an application by such date in accord-
15 ance with the formula described in subsection (a)(1).

16 CONTINUED PAYMENT TO EMPLOYEES

17 SEC. 315. A local educational agency, State, institu-
18 tion of higher education, or other entity that receives
19 funds provided under the heading “Education Stabiliza-
20 tion Fund”, shall, to the greatest extent practicable, con-
21 tinue to pay its employees and contractors during the pe-
22 riod of any disruptions or closures related to coronavirus.

23 DEFINITIONS

24 SEC. 316. Except as otherwise provided in sections
25 311 through 316 of this title, as used in such sections—

1 (1) the terms “elementary education” and “sec-
2 ondary education” have the meaning given such
3 terms under State law;

4 (2) the term “institution of higher education”
5 has the meaning given such term in title I of the
6 HEA;

7 (3) the term “Secretary” means the Secretary
8 of Education;

9 (4) the term “State” means each of the 50
10 States, the District of Columbia, and the Common-
11 wealth of Puerto Rico;

12 (5) the term “cost of attendance” has the
13 meaning given such term in section 472 of the HEA;

14 (6) the term “Non-public school” means a non-
15 public elementary and secondary school that—

16 (A) is accredited, licensed, or otherwise op-
17 erates in accordance with State law; and

18 (B) was in existence prior to the date of
19 the qualifying emergency for which grants are
20 awarded under this title;

21 (7) the term “public school” means a public ele-
22 mentary or secondary school;

23 (8) any other term used that is defined in sec-
24 tion 8101 of the ESEA of 1965 shall have the
25 meaning given the term in such section; and

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1 coronavirus and the disruption of university operations:
2 *Provided*, That such amount is designated by the Congress
3 as being for an emergency requirement pursuant to sec-
4 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985.

6 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

7 For an additional amount for “National Technical
8 Institute for the Deaf”, \$11,000,000, to remain available
9 through September 30, 2022, to prevent, prepare for, and
10 respond to coronavirus, domestically or internationally, in-
11 cluding to help defray the expenses directly caused by
12 coronavirus and to enable grants to students for expenses
13 directly related to coronavirus and the disruption of uni-
14 versity operations: *Provided*, That such amount is des-
15 ignated by the Congress as being for an emergency re-
16 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985.

18 INSTITUTE OF EDUCATION SCIENCES

19 For an additional amount for “Institute of Education
20 Sciences”, \$28,000,000, to remain available through Sep-
21 tember 30, 2022, to prevent, prepare for and respond to
22 coronavirus, domestically or internationally, for carrying
23 out the National Assessment of Educational Progress Au-
24 thorization Act: *Provided*, That such amount is designated
25 by the Congress as being for an emergency requirement

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1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
2 et and Emergency Deficit Control Act of 1985.

3 DEPARTMENTAL MANAGEMENT

4 PROGRAM ADMINISTRATION

5 For an additional amount for “Program Administra-
6 tion”, \$15,000,000, to remain available through Sep-
7 tember 30, 2023, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 OFFICE OF THE INSPECTOR GENERAL

14 For an additional amount for “Office of the Inspector
15 General”, \$5,000,000, to remain available until expended,
16 to prevent, prepare for, and respond to coronavirus, do-
17 mesticallly or internationally, including for salaries and ex-
18 penses necessary for oversight, investigations, and audits
19 of programs, grants, and projects funded in this Act to
20 respond to coronavirus: *Provided*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

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1 GENERAL PROVISION—THIS TITLE

2 SEC. 321. Not later than 30 days after the date of
3 enactment of this Act, the Secretaries of Health and
4 Human Services and Education shall provide a detailed
5 spend plan of anticipated uses of funds made available in
6 this title, including estimated personnel and administra-
7 tive costs, to the Committees on Appropriations of the
8 House of Representatives and the Senate: *Provided*, That
9 such plans shall be updated and submitted to such Com-
10 mittees every 60 days until September 30, 2024: *Provided*
11 *further*, That the spend plans shall be accompanied by a
12 listing of each contract obligation incurred that exceeds
13 \$5,000,000 which has not previously been reported, in-
14 cluding the amount of each such obligation.

15 TITLE IV

16 DEPARTMENT OF TRANSPORTATION

17 FEDERAL AVIATION ADMINISTRATION

18 GRANTS-IN-AID FOR AIRPORTS

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for “Grants-in-Aid for Air-
21 ports” \$2,000,000,000, to prevent, prepare for, and re-
22 spond to coronavirus: *Provided*, That amounts made avail-
23 able under this heading in this Act shall be derived from
24 the general fund of the Treasury: *Provided further*, That
25 funds provided under this heading in this Act shall only

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1 be available to airports in categories defined in section
2 47102 of title 49, United States Code: *Provided further*,
3 That funds provided under this heading in this Act shall
4 not otherwise be subject to the requirements of chapter
5 471 of such title: *Provided further*, That notwithstanding
6 the preceding proviso, except for project eligibility, the re-
7 quirements of chapter 471 of such title shall apply to
8 funds provided for any contract awarded (after the date
9 of enactment of this Act) for airport development and
10 funded under this heading: *Provided further*, That funds
11 provided under this heading in this Act may not be used
12 for any purpose not directly related to the airport: *Pro-*
13 *vided further*, That no additional funding shall be provided
14 from funds made available under this heading to any air-
15 port that was allocated in excess of four years of operating
16 funds under Public Law 116–136: *Provided further*, That
17 the Federal share payable of the costs for which a grant
18 is made under this heading in this Act shall be 100 per-
19 cent: *Provided further*, That, notwithstanding any other
20 provision of law, any funds appropriated under the head-
21 ing “Grants-In-Aid for Airports” in Public Law 116-136
22 that are unallocated as of the date of enactment of this
23 Act shall be added to and allocated under paragraph (1)
24 of this heading in this Act: *Provided further*, That any
25 funds obligated under Public Law 116–136 that are recov-

1 ered by or returned to the FAA shall be allocated under
2 paragraph (1) of this heading in this Act: *Provided further*,
3 That of the amounts appropriated under this heading in
4 this Act:

5 (1) Not less than \$1,750,000,000 shall be avail-
6 able for primary airports as defined in section
7 47102(16) of title 49, United States Code, and cer-
8 tain cargo airports for costs related to operations,
9 personnel, cleaning, sanitization, janitorial services,
10 combating the spread of pathogens at the airport,
11 and debt service payments: *Provided*, That such
12 funds shall not be subject to the reduced appor-
13 tionments of section 47114(f) of title 49, United States
14 Code: *Provided further*, That such funds shall first
15 be apportioned as set forth in sections
16 47114(c)(1)(A), 47114(c)(1)(C)(i),
17 47114(c)(1)(C)(ii), 47114(c)(2)(A), 47114(c)(2)(B),
18 and 47114(c)(2)(E) of title 49, United States Code:
19 *Provided further*, That there shall be no maximum
20 apportionment limit: *Provided further*, That any re-
21 maining funds after such apportionment shall be dis-
22 tributed to all sponsors of primary airports (as de-
23 fined in section 47102(16) of title 49, United States
24 Code) based on each such airport's passenger
25 enplanements compared to total passenger

1 enplanements of all airports defined in section
2 47102(16) of title 49, United States Code, for the
3 most recent calendar year enplanements upon which
4 the Secretary has apportioned funds pursuant to
5 section 47114(c) of title 49, United States Code;

6 (2) Not less than \$45,000,000 shall be for gen-
7 eral aviation and commercial service airports that
8 are not primary airports as defined in paragraphs
9 (7), (8), and (16) of section 47102 of title 49,
10 United States Code, for costs related to operations,
11 personnel, cleaning, sanitization, janitorial services,
12 combating the spread of pathogens at the airport,
13 and debt service payments: *Provided*, That not less
14 than \$5,000,000 of such funds shall be available to
15 sponsors of non-primary airports, divided equally,
16 that participate in the FAA Contract Tower Pro-
17 gram defined in section 47124 of title 49, United
18 States Code, to cover lawful expenses to support
19 FAA contract tower operations: *Provided further*,
20 That the Secretary shall apportion the remaining
21 funds to each non-primary airport based on the cat-
22 egories published in the most current National Plan
23 of Integrated Airport Systems, reflecting the per-
24 centage of the aggregate published eligible develop-
25 ment costs for each such category, and then dividing

1 the allocated funds evenly among the eligible air-
2 ports in each category, rounding up to the nearest
3 thousand dollars: *Provided further*, That any remain-
4 ing funds under this paragraph shall be distributed
5 as described in paragraph (1) under this heading in
6 this Act;

7 (3) Not less than \$200,000,000 shall be avail-
8 able to sponsors of primary airports to provide relief
9 from rent and minimum annual guarantees to on-
10 airport car rental, on-airport parking, and in-ter-
11 minal airport concessions (as defined in part 23 of
12 title 49, Code of Federal Regulations) located at pri-
13 mary airports: *Provided*, That such funds shall be
14 distributed to all sponsors of primary airports (as
15 defined in section 47102(16) of title 49, United
16 States Code) based on each such airport's passenger
17 enplanements compared to total passenger
18 enplanements of all airports defined in section
19 47102(16) of title 49, United States Code, for cal-
20 endar year 2019: *Provided further*, That as a condi-
21 tion of approving a grant under this paragraph, the
22 Secretary shall require the sponsor to provide such
23 relief from the date of enactment of this Act until
24 the sponsor has provided relief equaling the total
25 grant amount, to the extent practicable and to the

1 extent permissible under state laws, local laws, and
2 applicable trust indentures: *Provided further*, That
3 the sponsor shall provide relief from rent and min-
4 imum annual guarantee obligations to each eligible
5 airport concession in an amount that reflects each
6 eligible airport concession's proportional share of the
7 total amount of the rent and minimum annual guar-
8 antees of all the eligible airport concessions at such
9 airport: *Provided further*, That, to the extent permis-
10 sible under this paragraph, airport sponsors shall
11 prioritize relief from rent and minimum annual
12 guarantee to minority-owned businesses: *Provided*
13 *further*, That only airport concessions that have cer-
14 tified they have not received a second draw or assist-
15 ance for a covered loan under section 7(a)(37) of the
16 Small Business Act (15 U.S.C. 636(a)(37)) that has
17 been applied toward rent or minimum annual guar-
18 antee costs shall be eligible for relief under this
19 paragraph and such concessions are hereby prohib-
20 ited from applying for a covered loan under such
21 section for rent or minimum annual guarantee costs:
22 *Provided further*, That sponsors of primary airports
23 may retain up to 2 percent of the funds provided
24 under this paragraph to administer the relief re-
25 quired under this paragraph; and

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1 (4) Up to \$5,000,000 shall be available and
2 transferred to “Office of the Secretary, Salaries and
3 Expenses” to carry out the Small Community Air
4 Service Development Program: *Provided*, That in al-
5 locating funding made available in this or any pre-
6 vious Acts for such program for fiscal years 2019,
7 2020, and 2021, the Secretary of Transportation
8 shall give priority to communities or consortia of
9 communities that have had air carrier service re-
10 duced or suspended as a result of the coronavirus
11 pandemic: *Provided further*, That the Secretary shall
12 publish streamlined and expedited procedures for the
13 solicitation of applications for assistance under this
14 paragraph not later than 60 days after the date of
15 enactment of this Act and shall make awards as
16 soon as practicable:

17 *Provided further*, That the Administrator of the Federal
18 Aviation Administration may retain up to 0.1 percent of
19 the funds provided under this heading in this Act to fund
20 the award and oversight by the Administrator of grants
21 made under this heading in this Act: *Provided further*,
22 That obligations of funds under this heading in this Act
23 shall not be subject to any limitations on obligations pro-
24 vided in any Act making annual appropriations: *Provided*
25 *further*, That all airports receiving funds under this head-

1 ing in this Act shall continue to employ, through February
2 15, 2021, at least 90 percent of the number of individuals
3 employed (after making adjustments for retirements or
4 voluntary employee separations) by the airport as of
5 March 27, 2020: *Provided further*, That the Secretary may
6 waive the workforce retention requirement in the pre-
7 ceding proviso, if the Secretary determines the airport is
8 experiencing economic hardship as a direct result of the
9 requirement, or the requirement reduces aviation safety
10 or security: *Provided further*, That the workforce retention
11 requirement shall not apply to nonhub airports or nonpri-
12 mary airports receiving funds under this heading in this
13 Act: *Provided further*, That the amounts repurposed under
14 this heading in this Act that were previously designated
15 by the Congress as an emergency requirement pursuant
16 to the Balanced Budget and Emergency Deficit Control
17 Act of 1985 are designated by the Congress as an emer-
18 gency requirement pursuant to section 251(b)(2)(A)(i) of
19 the Balanced Budget and Emergency Deficit Control Act
20 of 1985: *Provided further*, That such amount is designated
21 by the Congress as being for an emergency requirement
22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
23 et and Emergency Deficit Control Act of 1985.

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1 FEDERAL HIGHWAY ADMINISTRATION
2 HIGHWAY INFRASTRUCTURE PROGRAMS

3 For an additional amount for “Highway Infrastruc-
4 ture Programs”, \$10,000,000,000, to remain available
5 until September 30, 2024, to prevent, prepare for, and re-
6 spond to coronavirus: *Provided*, That the funds made
7 available under this heading in this Act shall be derived
8 from the general fund of the Treasury, shall be in addition
9 to any funds provided for fiscal year 2021 in this or any
10 other Act for “Federal-aid Highways” under chapters 1
11 or 2 of title 23, United States Code, and shall not affect
12 the distribution or amount of funds provided in the Trans-
13 portation, Housing and Urban Development, and Related
14 Agencies Appropriations Act, 2021, or any other Act: *Pro-*
15 *vided further*, That section 1101(b) of Public Law 114–
16 94 shall apply to funds made available under this heading
17 in this Act: *Provided further*, That notwithstanding chap-
18 ter 1 or chapter 2 of title 23, United States Code, or any
19 other provision of law, in addition to other eligible uses
20 described under this heading in this Act, a State, territory,
21 Puerto Rico, or Indian Tribe may use funds made avail-
22 able under this heading in this Act for costs related to
23 preventive maintenance, routine maintenance, operations,
24 personnel, including salaries of employees (including those
25 employees who have been placed on administrative leave)

1 or contractors, debt service payments, availability pay-
2 ments, and coverage for other revenue losses: *Provided*
3 *further*, That a State, territory, Puerto Rico, or Indian
4 Tribe may transfer funds made available under this head-
5 ing in this Act to State, multi-state, international, or local
6 public tolling agencies that own or operate a tolled facility
7 that is a public road, bridge, or tunnel, or a ferry system
8 that provides a public transportation benefit, and that was
9 in operation within their State in fiscal year 2020: *Pro-*
10 *vided further*, That funds transferred pursuant to the pre-
11 ceding proviso may be used for costs related to operations,
12 personnel, including salaries of employees (including those
13 employees who have been placed on administrative leave)
14 or contractors, debt service payments, availability pay-
15 ments, and coverage for other revenue losses of a tolled
16 facility or ferry system, and that, notwithstanding the pre-
17 vious receipt of Federal funds for such tolled facility or
18 ferry system, for funds made available under this heading
19 in this Act, the limitations on the use of revenues in sub-
20 sections (a)(3) and (c)(4) of section 129 of title 23, United
21 States Code, shall not apply with respect to the tolled fa-
22 cilities or ferry systems for which funding is transferred
23 pursuant to the preceding proviso: *Provided further*, That
24 of the funds made available under this heading in this Act,
25 \$9,840,057,332 shall be available for activities eligible

1 under section 133(b) of title 23, United States Code,
2 \$114,568,862 shall be available for activities eligible under
3 the Tribal Transportation Program, as described in sec-
4 tion 202 of such title, \$35,845,307 shall be available for
5 activities eligible under the Puerto Rico Highway Pro-
6 gram, as described in section 165(b)(2)(C)(iii) of such
7 title; and \$9,528,499 shall be available for activities eligi-
8 ble under the Territorial Highway Program, as described
9 in section 165(c)(6) of such title: *Provided further*, That
10 for the purposes of funds made available under this head-
11 ing in this Act the term “State” means any of the 50
12 States or the District of Columbia: *Provided further*, That,
13 except as otherwise provided under this heading in this
14 Act, the funds made available under this heading in this
15 Act shall be administered as if apportioned under chapter
16 1 of title 23, United States Code, except that the funds
17 made available under this heading in this Act for activities
18 eligible under the Tribal Transportation Program shall be
19 administered as if allocated under chapter 2 of title 23,
20 United States Code: *Provided further*, That the funds
21 made available under this heading in this Act for activities
22 eligible under section 133(b) of title 23, United States
23 Code, shall be apportioned to the States in the same ratio
24 as the obligation limitation for fiscal year 2021 is distrib-
25 uted among the States in accordance with the formula

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1 specified in section 120(a)(5) of the Transportation,
2 Housing and Urban Development, and Related Agencies
3 Appropriations Act, 2021 and shall be apportioned not
4 later than 30 days after the date of enactment of this Act:
5 *Provided further*, That funds apportioned to a State under
6 this heading in this Act shall be suballocated within the
7 State to each area described in subsection 133(d)(1)(A)(i)
8 of title 23, United States Code, in the same ratio that
9 funds suballocated to that area for fiscal year 2021 bears
10 to the combined amount of funds apportioned to the State
11 under section 104(b)(2) of such title for fiscal years 2020
12 and 2021: *Provided further*, That of funds made available
13 under this heading in this Act for activities eligible under
14 section 133(b) of title 23, United States Code, any such
15 activity shall be subject to the requirements of section
16 133(i) of title 23, United States Code: *Provided further*,
17 That, except as provided in the following proviso, the
18 funds made available under this heading in this Act for
19 activities eligible under the Puerto Rico Highway Program
20 and activities eligible under the Territorial Highway Pro-
21 gram shall be administered as if allocated under sections
22 165(b) and 165(c), respectively, of title 23, United States
23 Code: *Provided further*, That the funds made available
24 under this heading in this Act for activities eligible under
25 the Puerto Rico Highway Program shall not be subject

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1 to the requirements of sections 165(b)(2)(A) or
2 165(b)(2)(B) of title 23, United States Code: *Provided*
3 *further*, That for amounts made available under this head-
4 ing in this Act, the Federal share of the costs shall be,
5 at the option of the State, territory, Puerto Rico, or Indian
6 Tribe, up to 100 percent: *Provided further*, That funds
7 made available for preventive maintenance, routine main-
8 tenance, operations, personnel, including salaries of em-
9 ployees (including those employees who have been placed
10 on administrative leave) or contractors, debt service pay-
11 ments, availability payments, and coverage for other rev-
12 enue losses under this heading in this Act are not required
13 to be included in a metropolitan transportation plan, a
14 long-range statewide transportation plan, a transportation
15 improvement program or a statewide transportation im-
16 provement program under sections 134 or 135 of title 23,
17 United States Code, or chapter 53 of title 49, United
18 States Code, as applicable: *Provided further*, That unless
19 otherwise specified, applicable requirements under title 23,
20 United States Code, shall apply to funds made available
21 under this heading in this Act: *Provided further*, That,
22 subject to the following proviso, the funds made available
23 under this heading in this Act for activities eligible under
24 the Tribal Transportation Program, as described in sec-
25 tion 202 of title 23, United States Code, may not be set-

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1 aside for administrative expenses as described in section
2 202(a)(6) of such title: *Provided further*, That the Admin-
3 istrator of the Federal Highway Administration may re-
4 tain up to \$10,000,000 of the total funds made available
5 under this heading in this Act, to fund the oversight by
6 the Administrator of activities carried out with funds
7 made available under this heading in this Act: *Provided*
8 *further*, That the set-asides described in subparagraph (C)
9 of section 202(b)(3) of title 23, United States Code, and
10 subsections (a)(6), (c), (d), and (e) of section 202 of such
11 title shall not apply to funds made available under this
12 heading in this Act for activities eligible under the Tribal
13 Transportation Program: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 FEDERAL RAILROAD ADMINISTRATION
19 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
20 RAILROAD PASSENGER CORPORATION
21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Northeast Corridor
23 Grants to the National Railroad Passenger Corporation”,
24 \$655,431,000, to remain available until expended, to pre-
25 vent, prepare for, and respond to coronavirus, including

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1 to enable the Secretary of Transportation to make or
2 amend existing grants to the National Railroad Passenger
3 Corporation for activities associated with the Northeast
4 Corridor, as authorized by section 11101(a) of the Fixing
5 America’s Surface Transportation Act (division A of Pub-
6 lic Law 114–94): *Provided*, That not less than
7 \$109,805,000 of the amounts made available under this
8 heading in this Act and the “National Network Grants
9 to the National Railroad Passenger Corporation” heading
10 in this Act shall be made available for use by the National
11 Railroad Passenger Corporation in lieu of capital pay-
12 ments from States and commuter rail passenger transpor-
13 tation providers subject to the cost allocation policy devel-
14 oped pursuant to section 24905(c) of title 49, United
15 States Code: *Provided further*, That, notwithstanding sec-
16 tions 24319(g) and 24905(c)(1)(A)(i) of title 49, United
17 States Code, such use of funds does not constitute cross-
18 subsidization of commuter rail passenger transportation:
19 *Provided further*, That the Secretary may retain up to
20 \$2,030,000 of the amounts made available under both this
21 heading in this Act and the “National Network Grants
22 to the National Railroad Passenger Corporation” heading
23 in this Act to fund the costs of project management and
24 oversight of activities authorized by section 11101(c) of
25 the Fixing America’s Surface Transportation Act (division

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1 A of Public Law 114–94): *Provided further*, That amounts
2 made available under this heading in this Act may be
3 transferred to and merged with amounts made available
4 under the heading “National Network Grants to the Na-
5 tional Railroad Passenger Corporation” in this Act to pre-
6 vent, prepare for, and respond to coronavirus: *Provided*
7 *further*, That such amount is designated by the Congress
8 as being for an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 NATIONAL NETWORK GRANTS TO THE NATIONAL
12 RAILROAD PASSENGER CORPORATION
13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “National Network
15 Grants to the National Railroad Passenger Corporation”,
16 \$344,569,000, to remain available until expended, to pre-
17 vent, prepare for, and respond to coronavirus, including
18 to enable the Secretary of Transportation to make or
19 amend existing grants to the National Railroad Passenger
20 Corporation for activities associated with the National
21 Network as authorized by section 11101(b) of the Fixing
22 America’s Surface Transportation Act (division A of Pub-
23 lic Law 114–94): *Provided*, That \$174,850,000 of the
24 amounts made available under this heading in this Act
25 shall be made available for use by the National Railroad

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1 Passenger Corporation to be apportioned toward State
2 payments required by the cost methodology policy adopted
3 pursuant to section 209 of the Passenger Rail Investment
4 and Improvement Act of 2008 (Public Law 110–432):
5 *Provided further*, That a State-supported route’s share of
6 such funding under the preceding proviso shall consist of
7 (1) 7 percent of the costs allocated to the route in fiscal
8 year 2019 under the cost methodology policy adopted pur-
9 suant to section 209 of the Passenger Rail Investment and
10 Improvement Act of 2008 (Public Law 110–432), and (2)
11 any remaining amounts under the preceding proviso shall
12 be apportioned to a route in proportion to its passenger
13 revenue and other revenue allocated to a State-supported
14 route in fiscal year 2019 divided by the total passenger
15 revenue and other revenue allocated to all State-supported
16 routes in fiscal year 2019: *Provided further*, That State-
17 supported routes which terminated service on or before
18 February 1, 2020, shall not be included in the cost and
19 revenue calculations made pursuant to the preceding pro-
20 viso: *Provided further*, That amounts made available under
21 this heading in this Act may be transferred to and merged
22 with amounts made available under the heading “North-
23 east Corridor Grants to the National Railroad Passenger
24 Corporation” in this Act to prevent, prepare for, and re-
25 spond to coronavirus: *Provided further*, That such amount

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1 is designated by the Congress as being for an emergency
2 requirement pursuant to section 251(b)(2)(A)(i) of the
3 Balanced Budget and Emergency Deficit Control Act of
4 1985.

5 FEDERAL TRANSIT ADMINISTRATION
6 TRANSIT INFRASTRUCTURE GRANTS

7 For an additional amount for “Transit Infrastructure
8 Grants”, \$14,000,000,000, to remain available until ex-
9 pended, to prevent, prepare for, and respond to
10 coronavirus: *Provided*, That of the amounts appropriated
11 under this heading in this Act—

12 (1) \$13,271,310,572 shall be for grants to re-
13 cipients eligible under chapter 53 of title 49, United
14 States Code, and administered as if such funds were
15 provided under section 5307 of title 49, United
16 States Code (apportioned in accordance with section
17 5336 of such title (other than subsections (h)(1) and
18 (h)(4))), and section 5337 of title 49, United States
19 Code (apportioned in accordance with such section),
20 except that funds apportioned under section 5337
21 shall be added to funds apportioned under 5307 for
22 administration under 5307: *Provided*, That the Sec-
23 retary of Transportation (referred to under this
24 heading in this Act as the “Secretary”) shall allocate
25 the amounts provided in the preceding proviso under

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1 sections 5307 and 5337 of title 49, United States
2 Code, in the same ratio as funds were provided
3 under the Further Consolidated Appropriations Act,
4 2020 (Public Law 116–94; 133 Stat. 2534) and
5 shall allocate such amounts not later than 30 days
6 after the date of enactment of this Act: *Provided*
7 *further*, That the amounts allocated to any urbanized
8 area from amounts made available under this para-
9 graph in this Act when combined with the amounts
10 allocated to that urbanized area from funds appro-
11 priated under this heading in title XII of division B
12 of the CARES Act (Public Law 116–136; 134 Stat.
13 599)) may not exceed 75 percent of that urbanized
14 area’s 2018 operating costs based on data contained
15 in the National Transit Database: *Provided further*,
16 That for any urbanized area for which the calcula-
17 tion in the preceding proviso exceeds 75 percent of
18 the urbanized area’s 2018 operating costs, the Sec-
19 retary shall distribute funds in excess of such per-
20 cent to urbanized areas for which the calculation in
21 the preceding proviso does not exceed 75 percent, in
22 the same proportion as amounts allocated under the
23 first proviso of this paragraph in this Act: *Provided*
24 *further*, That no recipient in an urbanized area may
25 receive more than \$4,000,000,000 from the amounts

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1 allocated under this paragraph in this Act in com-
2 bination with the amounts provided under this head-
3 ing in title XII of division B of the CARES Act
4 (Public Law 116–136; 134 Stat. 599) until 75 per-
5 cent of the funds provided to the recipient under
6 this heading in such title XII are obligated and only
7 after the recipient certifies to the Secretary that the
8 use of such funds in excess of such amount is nec-
9 essary to prevent layoffs or furloughs directly related
10 to demonstrated revenue losses directly attributable
11 to COVID–19;

12 (2) \$50,034,973 shall be for grants to recipi-
13 ents or subrecipients eligible under section 5310 of
14 title 49, United States Code, and the Secretary shall
15 apportion such funds in accordance with such sec-
16 tion: *Provided*, That the Secretary shall allocate such
17 funds in the same ratio as funds were provided
18 under the Further Consolidated Appropriations Act,
19 2020 (Public Law 116–94; 133 Stat. 2534) and
20 shall allocate such funds not later than 30 days after
21 the date of enactment of this Act; and

22 (3) \$678,654,455 shall be for grants to recipi-
23 ents or subrecipients eligible under section 5311 of
24 title 49, United States Code (other than subsections
25 (b)(3), (c)(1)(A), and (f)), and the Secretary shall

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1 apportion such funds in accordance with such sec-
2 tion: *Provided*, That the Secretary shall allocate such
3 funds in the same ratio as funds were provided
4 under the Further Consolidated Appropriations Act,
5 2020 (Public Law 116–94; 133 Stat. 2534) and
6 shall allocate funds within 30 days of enactment of
7 this Act: *Provided further*, That the amounts allo-
8 cated to any State (as defined in section 5302 of
9 title 49, United States Code) for rural operating
10 costs from amounts made available under this head-
11 ing in this Act when combined with the amounts al-
12 located to each such State for rural operating costs
13 from funds appropriated under this heading in title
14 XII of division B of the CARES Act (Public Law
15 116–136; 134 Stat. 599) may not exceed 125 per-
16 cent of that State’s combined 2018 rural operating
17 costs of the recipients and subrecipients in the State
18 based on data contained in the National Transit
19 Database: *Provided further*, That for any State for
20 which the calculation in the preceding proviso ex-
21 ceeds 125 percent of the State’s combined 2018
22 rural operating costs of the recipients and subrecipi-
23 ents in the State, the Secretary shall distribute
24 funds in excess of such percent to States for which
25 the calculation in the preceding proviso does not ex-

1 ceed 125 percent in the same proportion as amounts
2 allocated under the first proviso of this paragraph in
3 this Act:

4 *Provided further*, That the Secretary shall not waive the
5 requirements of section 5333 of title 49, United States
6 Code, for funds appropriated under this heading in this
7 Act or for funds previously made available under section
8 5307 of title 49, United States Code, or section 5311,
9 5337, or 5340 of such title as a result of COVID–19: *Pro-*
10 *vided further*, That the provision of funds under this head-
11 ing in this Act shall not affect the ability of any other
12 agency of the Government, including the Federal Emer-
13 gency Management Agency, a State agency, or a local gov-
14 ernmental entity, organization, or person, to provide any
15 other funds otherwise authorized by law: *Provided further*,
16 That notwithstanding subsection (a)(1) or (b) of section
17 5307 of title 49, United States Code, section
18 5310(b)(2)(A) of that title, or any provision of chapter
19 53 of that title, funds provided under this heading in this
20 Act are available for the operating expenses of transit
21 agencies related to the response to a COVID–19 public
22 health emergency, including, beginning on January 20,
23 2020, reimbursement for operating costs to maintain serv-
24 ice and lost revenue due to the COVID–19 public health
25 emergency, including the purchase of personal protective

1 equipment, and paying the administrative leave of oper-
2 ations or contractor personnel due to reductions in service:
3 *Provided further*, That to the maximum extent possible,
4 funds made available under this heading in this Act and
5 in title XII of division B of the CARES Act (Public Law
6 116–136; 134 Stat. 599) shall be directed to payroll and
7 operations of public transit (including payroll and ex-
8 penses of private providers of public transportation), un-
9 less the recipient certifies to the Secretary that the recipi-
10 ent has not furloughed any employees: *Provided further*,
11 That such operating expenses are not required to be in-
12 cluded in a transportation improvement program, long-
13 range transportation plan, statewide transportation plan,
14 or a statewide transportation improvement program: *Pro-*
15 *vided further*, That private providers of public transpor-
16 tation shall be considered eligible subrecipients of funding
17 provided under this heading in this Act and in title XII
18 of division B of the CARES Act (Public Law 116–136;
19 134 Stat. 599): *Provided further*, That unless otherwise
20 specified, applicable requirements under chapter 53 of title
21 49, United States Code, shall apply to funding made avail-
22 able under this heading in this Act, except that the Fed-
23 eral share of the costs for which any grant is made under
24 this heading in this Act shall be, at the option of the re-
25 cipient, up to 100 percent: *Provided further*, That the

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1 amount made available under this heading in this Act shall
2 be derived from the general fund of the Treasury and shall
3 not be subject to any limitation on obligations for transit
4 programs set forth in any Act: *Provided further*, That the
5 Federal share of costs for any unobligated grant funds
6 under section 5310 of title 49, United States Code, as of
7 the date of enactment of this Act shall be, at the option
8 of the recipient, up to 100 percent: *Provided further*, That
9 of the amounts made available under this heading in this
10 Act, up to \$10,000,000 may be retained by the Adminis-
11 trator of the Federal Transit Administration to fund ongo-
12 ing program management and oversight activities de-
13 scribed in sections 5334 and 5338(f)(2) of title 49, United
14 States Code, and shall be in addition to any other appro-
15 priations for such purpose: *Provided further*, That the
16 amounts repurposed under this heading in this Act that
17 were previously designated by the Congress as an emer-
18 gency requirement pursuant to the Balanced Budget and
19 Emergency Deficit Control Act of 1985 are designated by
20 the Congress as an emergency requirement pursuant to
21 section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985: *Provided further*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 GENERAL PROVISION—THIS TITLE

4 SEC. 401. Amounts made available in this Act under
5 the headings “Northeast Corridor Grants to the National
6 Railroad Passenger Corporation” and “National Network
7 Grants to the National Railroad Passenger Corporation”
8 shall be used under the same conditions as section 22002
9 of title XII of division B of the Coronavirus Aid, Relief,
10 and Economic Security Act (Public Law 116–136), except
11 as otherwise noted in this Act: *Provided*, That the
12 amounts made available in this Act under such headings
13 shall be used by the National Railroad Passenger Corpora-
14 tion, to: (1) prevent further employee furloughs that are
15 a result of efforts to prevent, prepare for, and respond
16 to coronavirus; and (2) prevent further reductions to the
17 frequency of rail service on any long-distance route (as
18 defined in section 24102 of title 49, United States Code)
19 except in an emergency or during maintenance or con-
20 struction outages impacting such routes: *Provided further*,
21 That the coronavirus shall not qualify as an emergency
22 in the preceding proviso: *Provided further*, That in the
23 event of any National Railroad Passenger Corporation em-
24 ployee furloughs as a result of efforts to prevent, prepare
25 for, and respond to coronavirus, the National Railroad

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1 Passenger Corporation shall provide such employees the
2 opportunity to be recalled to work in accordance with their
3 seniority and classification of work, regardless of their
4 time in the National Railroad Passenger Corporation's
5 service, as intercity passenger rail service is restored: *Pro-*
6 *vided further*, That the National Railroad Passenger Cor-
7 poration shall be prohibited from contracting out any
8 scope-covered work conducted by an employee who was
9 furloughed through reductions in the workforce as a result
10 of efforts to prevent, prepare for, and respond to
11 coronavirus, unless such contracting was in place prior to
12 March 1, 2020 or is done by agreement with the Labor
13 Organization representing such employee.

14

TITLE V

15

GENERAL PROVISIONS—THIS ACT

16 SEC. 501. Each amount appropriated or made avail-
17 able by this Act is in addition to amounts otherwise appro-
18 priated for the fiscal year involved.

19 SEC. 502. No part of any appropriation contained in
20 this Act shall remain available for obligation beyond the
21 current fiscal year unless expressly so provided herein.

22 SEC. 503. Unless otherwise provided for by this Act,
23 the additional amounts appropriated by this Act to appro-
24 priations accounts shall be available under the authorities

1 and conditions applicable to such appropriations accounts
2 for fiscal year 2021.

3 SEC. 504. Any amount appropriated by this Act, des-
4 igned by the Congress as an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985 and subse-
7 quently so designated by the President, and transferred
8 pursuant to transfer authorities provided by this Act shall
9 retain such designation.

10 SEC. 505. Solely for the purpose of calculating a
11 breach within a category for fiscal year 2021 pursuant to
12 section 251(a) or section 254 of the Balanced Budget and
13 Emergency Deficit Control Act of 1985, and notwith-
14 standing any other provision of this division, the budg-
15 etary effects from this division shall be counted as
16 amounts designated as being for an emergency require-
17 ment pursuant to section 251(b)(2)(A) of such Act.

18 This division may be cited as the “Coronavirus Re-
19 sponse and Relief Supplemental Appropriations Act,
20 2021”.

1 **DIVISION** **N—ADDITIONAL**
2 **CORONAVIRUS** **RESPONSE**
3 **AND RELIEF**
4 **TITLE I—HEALTHCARE**

5 **SEC. 101. SUPPORTING PHYSICIANS AND OTHER PROFES-**
6 **SIONALS IN ADJUSTING TO MEDICARE PAY-**
7 **MENT CHANGES DURING 2021.**

8 (a) IN GENERAL.—Section 1848 of the Social Secu-
9 rity Act (42 U.S.C. 1395w-4) is amended by adding at
10 the end the following new subsection:

11 “(t) SUPPORTING PHYSICIANS AND OTHER PROFES-
12 SIONALS IN ADJUSTING TO MEDICARE PAYMENT
13 CHANGES DURING 2021.—

14 “(1) IN GENERAL.—In order to support physi-
15 cians and other professionals in adjusting to changes
16 in payment for physicians’ services during 2021, the
17 Secretary shall increase fee schedules under sub-
18 section (b) that establish payment amounts for such
19 services furnished on or after January 1, 2021, and
20 before January 1, 2022, by 3.75 percent.

21 “(2) IMPLEMENTATION.—

22 “(A) ADMINISTRATION.—Notwithstanding
23 any other provision of law, the Secretary may

1 implement this subsection by program instruc-
2 tion or otherwise.

3 “(B) LIMITATION.—There shall be no ad-
4 ministrative or judicial review under section
5 1869, 1878 or otherwise of the fee schedules
6 that establish payment amounts calculated pur-
7 suant to this subsection.

8 “(C) APPLICATION ONLY FOR 2021.—The
9 increase in fee schedules that establish payment
10 amounts under this subsection shall not be
11 taken into account in determining such fee
12 schedules that establish payment amounts for
13 services furnished in years after 2021.

14 “(3) FUNDING.—For purposes of increasing the
15 fee schedules that establish payment amounts pursu-
16 ant to this subsection—

17 “(A) there shall be transferred from the
18 General Fund of the Treasury to the Federal
19 Supplementary Medical Insurance Trust Fund
20 under section 1841, \$3,000,000,000, to remain
21 available until expended; and

22 “(B) in the event the Secretary determines
23 additional amounts are necessary, such
24 amounts shall be available from the Federal

1 mation regarding any payments made in excess of the
2 amount of funding provided under paragraph (3)(A) of
3 such section.

4 **SEC. 102. EXTENSION OF TEMPORARY SUSPENSION OF**
5 **MEDICARE SEQUESTRATION.**

6 (a) **IN GENERAL.**—Section 3709(a) of division A of
7 the CARES Act (2 U.S.C. 901a note) is amended by strik-
8 ing “December 31, 2020” and inserting “March 31,
9 2021”.

10 (b) **EFFECTIVE DATE.**—The amendment made by
11 subsection (a) shall take effect as if enacted as part of
12 the CARES Act (Public Law 116–136).

13 **TITLE II—ASSISTANCE TO INDI-**
14 **VIDUALS, FAMILIES, AND**
15 **BUSINESSES**

16 **Subtitle A—Unemployment**
17 **Insurance**

18 **CHAPTER 1—CONTINUED ASSISTANCE TO**
19 **UNEMPLOYED WORKERS**

20 **SEC. 200. SHORT TITLE.**

21 This chapter may be cited as the “Continued Assist-
22 ance for Unemployed Workers Act of 2020”.

1 **Subchapter I—Extension of CARES Act**
2 **Unemployment Provisions**

3 **SEC. 201. EXTENSION AND BENEFIT PHASEOUT RULE FOR**
4 **PANDEMIC UNEMPLOYMENT ASSISTANCE.**

5 (a) IN GENERAL.—Section 2102(c) of the CARES
6 Act (15 U.S.C. 9021(c)) is amended—

7 (1) in paragraph (1)—

8 (A) by striking “paragraph (2)” and in-
9 serting “paragraphs (2) and (3)”; and

10 (B) in subparagraph (A)(ii), by striking
11 “December 31, 2020” and inserting “March
12 14, 2021”; and

13 (2) by redesignating paragraph (3) as para-
14 graph (4); and

15 (3) by inserting after paragraph (2) the fol-
16 lowing:

17 “(3) TRANSITION RULE FOR INDIVIDUALS RE-
18 MAINING ENTITLED TO PANDEMIC UNEMPLOYMENT
19 ASSISTANCE AS OF MARCH 14, 2021.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), in the case of any individual who, as
22 of the date specified in paragraph (1)(A)(ii), is
23 receiving pandemic unemployment assistance
24 but has not yet exhausted all rights to such as-
25 sistance under this section, pandemic unemploy-

1 ment assistance shall continue to be payable to
2 such individual for any week beginning on or
3 after such date for which the individual is oth-
4 erwise eligible for pandemic unemployment as-
5 sistance.

6 “(B) TERMINATION.—Notwithstanding
7 any other provision of this subsection, no pan-
8 demic unemployment assistance shall be payable
9 for any week beginning after April 5, 2021.”.

10 (b) INCREASE IN NUMBER OF WEEKS.—Section
11 2102(c)(2) of the CARES Act (15 U.S.C. 9021(c)(2)) is
12 amended—

13 (1) by striking “39 weeks” and inserting “50
14 weeks”; and

15 (2) by striking “39-week period” and inserting
16 “50-week period”.

17 (c) APPEALS.—

18 (1) IN GENERAL.—Section 2102(c) of the
19 CARES Act (15 U.S.C. 9021(c)), as amended by
20 subsections (a) and (b), is amended by adding at the
21 end the following:

22 “(5) APPEALS BY AN INDIVIDUAL.—

23 “(A) IN GENERAL.—An individual may ap-
24 peal any determination or redetermination re-
25 garding the rights to pandemic unemployment

1 assistance under this section made by the State
2 agency of any of the States.

3 “(B) PROCEDURE.—All levels of appeal
4 filed under this paragraph in the 50 states, the
5 District of Columbia, the Commonwealth of
6 Puerto Rico, and the Virgin Islands—

7 “(i) shall be carried out by the appli-
8 cable State that made the determination or
9 redetermination; and

10 “(ii) shall be conducted in the same
11 manner and to the same extent as the ap-
12 plicable State would conduct appeals of de-
13 terminations or redeterminations regarding
14 rights to regular compensation under State
15 law.

16 “(C) PROCEDURE FOR CERTAIN TERRI-
17 TORIES.—With respect to any appeal filed in
18 Guam, American Samoa, the Commonwealth of
19 the Northern Mariana Islands, the Federated
20 States of Micronesia, Republic of the Marshall
21 Islands, and the Republic of Palau—

22 “(i) lower level appeals shall be car-
23 ried out by the applicable entity within the
24 State;

1 “(ii) if a higher level appeal is allowed
2 by the State, the higher level appeal shall
3 be carried out by the applicability entity
4 within the State; and

5 “(iii) appeals described in clauses (i)
6 and (ii) shall be conducted in the same
7 manner and to the same extent as appeals
8 of regular unemployment compensation are
9 conducted under the unemployment com-
10 pensation law of Hawaii.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall take effect as if enacted as
13 part of division A of the CARES Act (Public Law
14 116–136), except that any decision issued on appeal
15 or review before the date of enactment of this Act
16 shall not be affected by the amendment made by
17 paragraph (1).

18 (d) WAIVER AUTHORITY FOR CERTAIN OVERPAY-
19 MENTS OF PANDEMIC UNEMPLOYMENT ASSISTANCE.—
20 Section 2102(d) of the CARES Act (15 U.S.C. 9021(d))
21 is amended by adding at the end the following:

22 “(4) WAIVER AUTHORITY.—In the case of indi-
23 viduals who have received amounts of pandemic un-
24 employment assistance to which they were not enti-
25 tled, the State shall require such individuals to repay

1 the amounts of such pandemic unemployment assist-
2 ance to the State agency, except that the State
3 agency may waive such repayment if it determines
4 that—

5 “(A) the payment of such pandemic unem-
6 ployment assistance was without fault on the
7 part of any such individual; and

8 “(B) such repayment would be contrary to
9 equity and good conscience.”.

10 (e) HOLD HARMLESS FOR PROPER ADMINISTRA-
11 TION.—In the case of an individual who is eligible to re-
12 ceive pandemic unemployment assistance under section
13 2102 the CARES Act (15 U.S.C. 9021) as of the day be-
14 fore the date of enactment of this Act and on the date
15 of enactment of this Act becomes eligible for pandemic
16 emergency unemployment compensation under section
17 2107 of the CARES Act (15 U.S.C. 9025) by reason of
18 the amendments made by section 206(b) of this subtitle,
19 any payment of pandemic unemployment assistance under
20 such section 2102 made after the date of enactment of
21 this Act to such individual during an appropriate period
22 of time, as determined by the Secretary of Labor, that
23 should have been made under such section 2107 shall not
24 be considered to be an overpayment of assistance under
25 such section 2102, except that an individual may not re-

1 ceive payment for assistance under section 2102 and a
2 payment for assistance under section 2107 for the same
3 week of unemployment.

4 (f) **LIMITATION.**—In the case of a covered individual
5 whose first application for pandemic unemployment assist-
6 ance under section 2102 of the CARES Act (15 U.S.C.
7 9021) is filed after the date of enactment of this Act, sub-
8 section (e)(1)(A)(i) of such section 2102 shall be applied
9 by substituting “December 1, 2020” for “January 27,
10 2020”.

11 (g) **EFFECTIVE DATE.**—The amendments made by
12 subsections (a), (b), (c), and (d) shall apply as if included
13 in the enactment of the CARES Act (Public Law 116–
14 136), except that no amount shall be payable by virtue
15 of such amendments with respect to any week of unem-
16 ployment commencing before the date of the enactment
17 of this Act.

18 **SEC. 202. EXTENSION OF EMERGENCY UNEMPLOYMENT RE-**
19 **LIEF FOR GOVERNMENTAL ENTITIES AND**
20 **NONPROFIT ORGANIZATIONS.**

21 Section 903(i)(1)(D) of the Social Security Act (42
22 U.S.C. 1103(i)(1)(D)) is amended by striking “December
23 31, 2020” and inserting “March 14, 2021”.

1 **SEC. 203. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**
2 **MENT COMPENSATION.**

3 (a) IN GENERAL.—Section 2104(e) of the CARES
4 Act (15 U.S.C. 9023(e)) is amended to read as follows:

5 “(e) APPLICABILITY.—An agreement entered into
6 under this section shall apply—

7 “(1) to weeks of unemployment beginning after
8 the date on which such agreement is entered into
9 and ending on or before July 31, 2020; and

10 “(2) to weeks of unemployment beginning after
11 December 26, 2020 (or, if later, the date on which
12 such agreement is entered into), and ending on or
13 before March 14, 2021.”.

14 (b) AMOUNT.—

15 (1) IN GENERAL.—Section 2104(b) of the
16 CARES Act (15 U.S.C. 9023(b)) is amended—

17 (A) in paragraph (1)(B), by striking “of
18 \$600” and inserting “equal to the amount spec-
19 ified in paragraph (3)”; and

20 (B) by adding at the end the following new
21 paragraph:

22 “(3) AMOUNT OF FEDERAL PANDEMIC UNEM-
23 PLOYMENT COMPENSATION.—

24 “(A) IN GENERAL.—The amount specified
25 in this paragraph is the following amount:

1 “(i) For weeks of unemployment be-
2 ginning after the date on which an agree-
3 ment is entered into under this section and
4 ending on or before July 31, 2020, \$600.

5 “(ii) For weeks of unemployment be-
6 ginning after December 26, 2020 (or, if
7 later, the date on which such agreement is
8 entered into), and ending on or before
9 March 14, 2021, \$300.”.

10 (2) TECHNICAL AMENDMENT REGARDING AP-
11 PLICATION TO SHORT-TIME COMPENSATION PRO-
12 GRAMS AND AGREEMENTS.—Section 2104(i)(2) of
13 the CARES Act (15 U.S.C. 9023(i)(2)) is amend-
14 ed—

15 (A) in subparagraph (C), by striking
16 “and” at the end;

17 (B) in subparagraph (D), by striking the
18 period at the end and inserting “; and”; and

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

20 “(E) short-time compensation under a
21 short-time compensation program (as defined in
22 section 3306(v) of the Internal Revenue Code of
23 1986).”.

1 **SEC. 204. EXTENSION OF FEDERAL FUNDING OF THE FIRST**
2 **WEEK OF COMPENSABLE REGULAR UNEM-**
3 **PLOYMENT FOR STATES WITH NO WAITING**
4 **WEEK.**

5 Section 2105 of the CARES Act (15 U.S.C. 9024)
6 is amended—

7 (1) in subsection (c)—

8 (A) in paragraph (1), by striking “There
9 shall be paid” and inserting “Except as pro-
10 vided in paragraph (3), there shall be paid”;
11 and

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

13 “(3) PARTIAL REIMBURSEMENT.—With respect
14 to compensation paid to individuals for weeks of un-
15 employment ending after December 31, 2020, para-
16 graph (1) shall be applied by substituting ‘50 per-
17 cent’ for ‘100 percent.’”; and

18 (2) in subsection (e)(2), by striking “December
19 31, 2020” and inserting “March 14, 2021”.

20 **SEC. 205. EXTENSION OF EMERGENCY STATE STAFFING**
21 **FLEXIBILITY.**

22 Section 4102(b) of the Families First Coronavirus
23 Response Act (26 U.S.C. 3304 note), in the second sen-
24 tence, is amended by striking “December 31, 2020” and
25 inserting “March 14, 2021”.

1 **SEC. 206. EXTENSION AND BENEFIT PHASEOUT RULE FOR**
2 **PANDEMIC EMERGENCY UNEMPLOYMENT**
3 **COMPENSATION.**

4 (a) IN GENERAL.—Section 2107(g) of the CARES
5 Act (15 U.S.C. 9025(g)) is amended to read as follows:

6 “(g) APPLICABILITY.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graphs (2) and (3), an agreement entered into under
9 this section shall apply to weeks of unemployment—

10 “(A) beginning after the date on which
11 such agreement is entered into; and

12 “(B) ending on or before March 14, 2021.

13 “(2) TRANSITION RULE FOR INDIVIDUALS RE-
14 MAINING ENTITLED TO PANDEMIC EMERGENCY UN-
15 EMPLOYMENT COMPENSATION AS OF MARCH 14,
16 2021.—In the case of any individual who, as of the
17 date specified in paragraph (1)(B), is receiving Pan-
18 demic Emergency Unemployment Compensation but
19 has not yet exhausted all rights to such assistance
20 under this section, Pandemic Emergency Unemploy-
21 ment Compensation shall continue to be payable to
22 such individual for any week beginning on or after
23 such date for which the individual is otherwise eligi-
24 ble for Pandemic Emergency Unemployment Com-
25 pensation.

1 “(3) TERMINATION.—Notwithstanding any
2 other provision of this subsection, no Pandemic
3 Emergency Unemployment Compensation shall be
4 payable for any week beginning after April 5,
5 2021.”.

6 (b) INCREASE IN NUMBER OF WEEKS.—Section
7 2107(b)(2) of the CARES Act (15 U.S.C. 9025(b)(2)) is
8 amended by striking “13” and inserting “24”.

9 (c) COORDINATION RULES.—

10 (1) COORDINATION OF PANDEMIC EMERGENCY
11 UNEMPLOYMENT COMPENSATION WITH REGULAR
12 COMPENSATION.—Section 2107(b) of the CARES
13 Act (15 U.S.C. 9025(b)) is amended by adding at
14 the end the following:

15 “(4) COORDINATION OF PANDEMIC EMERGENCY
16 UNEMPLOYMENT COMPENSATION WITH REGULAR
17 COMPENSATION.—

18 “(A) IN GENERAL.—If—

19 “(i) an individual has been determined
20 to be entitled to pandemic emergency un-
21 employment compensation with respect to
22 a benefit year;

23 “(ii) that benefit year has expired;

24 “(iii) that individual has remaining
25 entitlement to pandemic emergency unem-

1 employment compensation with respect to
2 that benefit year; and

3 “(iv) that individual would qualify for
4 a new benefit year in which the weekly
5 benefit amount of regular compensation is
6 at least \$25 less than the individual’s
7 weekly benefit amount in the benefit year
8 referred to in clause (i),

9 then the State shall determine eligibility for
10 compensation as provided in subparagraph (B).

11 “(B) DETERMINATION OF ELIGIBILITY.—
12 For individuals described in subparagraph (A),
13 the State shall determine whether the individual
14 is to be paid pandemic emergency unemploy-
15 ment compensation or regular compensation for
16 a week of unemployment using one of the fol-
17 lowing methods:

18 “(i) The State shall, if permitted by
19 State law, establish a new benefit year, but
20 defer the payment of regular compensation
21 with respect to that new benefit year until
22 exhaustion of all pandemic emergency un-
23 employment compensation payable with re-
24 spect to the benefit year referred to in sub-
25 paragraph (A)(i).

1 “(ii) The State shall, if permitted by
2 State law, defer the establishment of a new
3 benefit year (which uses all the wages and
4 employment which would have been used to
5 establish a benefit year but for the applica-
6 tion of this subparagraph), until exhaus-
7 tion of all pandemic emergency unemploy-
8 ment compensation payable with respect to
9 the benefit year referred to in subpara-
10 graph (A)(i).

11 “(iii) The State shall pay, if permitted
12 by State law—

13 “(I) regular compensation equal
14 to the weekly benefit amount estab-
15 lished under the new benefit year; and

16 “(II) pandemic emergency unem-
17 ployment compensation equal to the
18 difference between that weekly benefit
19 amount and the weekly benefit
20 amount for the expired benefit year.

21 “(iv) The State shall determine rights
22 to pandemic emergency unemployment
23 compensation without regard to any rights
24 to regular compensation if the individual

1 elects to not file a claim for regular com-
2 pensation under the new benefit year.”.

3 (2) COORDINATION OF PANDEMIC EMERGENCY
4 UNEMPLOYMENT COMPENSATION WITH EXTENDED
5 COMPENSATION.—

6 (A) INDIVIDUALS RECEIVING EXTENDED
7 COMPENSATION AS OF THE DATE OF ENACT-
8 MENT.—Section 2107(a)(5) of the CARES Act
9 (15 U.S.C. 9025(a)(5)) is amended—

10 (i) by striking “RULE.—An agree-
11 ment” and inserting the following:

12 “RULES.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), an agreement”; and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(B) SPECIAL RULE.—In the case of an
18 individual who is receiving extended compensa-
19 tion under the State law for the week that in-
20 cludes the date of enactment of this subpara-
21 graph (without regard to the amendments made
22 by subsections (a) and (b) of section 206 of the
23 Continued Assistance for Unemployed Workers
24 Act of 2020), such individual shall not be eligi-
25 ble to receive pandemic emergency unemploy-

1 ment compensation by reason of such amend-
2 ments until such individual has exhausted all
3 rights to such extended benefits.”.

4 (B) ELIGIBILITY FOR EXTENDED COM-
5 PENSATION.—Section 2107(a) of the CARES
6 Act (15 U.S.C. 9025(a)) is amended by adding
7 at the end the following:

8 “(8) SPECIAL RULE FOR EXTENDED COM-
9 PENSATION.—At the option of a State, for any
10 weeks of unemployment beginning after the date of
11 the enactment of this paragraph and before April
12 12, 2021, an individual’s eligibility period (as de-
13 scribed in section 203(c) of the Federal-State Ex-
14 tended Unemployment Compensation Act of 1970
15 (26 U.S.C. 3304 note)) shall, for purposes of any
16 determination of eligibility for extended compensa-
17 tion under the State law of such State, be consid-
18 ered to include any week which begins—

19 “(A) after the date as of which such indi-
20 vidual exhausts all rights to pandemic emer-
21 gency unemployment compensation; and

22 “(B) during an extended benefit period
23 that began on or before the date described in
24 subparagraph (A).”.

25 (d) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the amendments made by this section
3 shall apply as if included in the enactment of the
4 CARES Act (Public Law 116–136), except that no
5 amount shall be payable by virtue of such amend-
6 ments with respect to any week of unemployment
7 commencing before the date of the enactment of this
8 Act.

9 (2) COORDINATION RULES.—The amendments
10 made by subsection (c)(1) shall apply to individuals
11 whose benefit years, as described in section
12 2107(b)(4)(A)(ii) of the CARES Act, expire after
13 the date of enactment of this Act.

14 **SEC. 207. EXTENSION OF TEMPORARY FINANCING OF**
15 **SHORT-TIME COMPENSATION PAYMENTS IN**
16 **STATES WITH PROGRAMS IN LAW.**

17 Section 2108(b)(2) of the CARES Act (15 U.S.C.
18 9026(b)(2)) is amended by striking “December 31, 2020”
19 and inserting “March 14, 2021”.

20 **SEC. 208. EXTENSION OF TEMPORARY FINANCING OF**
21 **SHORT-TIME COMPENSATION AGREEMENTS**
22 **FOR STATES WITHOUT PROGRAMS IN LAW.**

23 Section 2109(d)(2) of the CARES Act (15 U.S.C.
24 9027(d)(2)) is amended by striking “December 31, 2020”
25 and inserting “March 14, 2021”.

1 **SEC. 209. TECHNICAL AMENDMENT TO REFERENCES TO**
2 **REGULATION IN CARES ACT.**

3 (a) IN GENERAL.—Section 2102(h) of the CARES
4 Act (Public Law 116-136) is amended by striking “section
5 625” in each place it appears and inserting “part 625”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall take effect as if included in section 2102
8 of the CARES Act (Public Law 116-136).

9 **Subchapter II—Extension of FFCRA**
10 **Unemployment Provisions**

11 **SEC. 221. EXTENSION OF TEMPORARY ASSISTANCE FOR**
12 **STATES WITH ADVANCES.**

13 Section 1202(b)(10)(A) of the Social Security Act
14 (42 U.S.C. 1322(b)(10)(A)) is amended by striking “De-
15 cember 31, 2020” and inserting “March 14, 2021”.

16 **SEC. 222. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
17 **TENDED UNEMPLOYMENT COMPENSATION.**

18 Section 4105 of the Families First Coronavirus Re-
19 sponse Act (26 U.S.C. 3304 note) is amended—

20 (1) in subsection (a), by striking “December
21 31, 2020” and inserting “March 14, 2021”; and

22 (2) in subsection (b), by striking “ending on or
23 before December 31, 2020” and inserting “before
24 March 14, 2021”.

1 **Subchapter III—Continued Assistance to Rail**
2 **Workers**

3 **SEC. 231. SHORT TITLE.**

4 This subchapter may be cited as the “Continued As-
5 sistance to Rail Workers Act of 2020”.

6 **SEC. 232. ADDITIONAL ENHANCED BENEFITS UNDER THE**
7 **RAILROAD UNEMPLOYMENT INSURANCE ACT.**

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

11 (1) in the first sentence—

12 (A) by inserting “and for registration peri-
13 ods beginning after December 26, 2020, but on
14 or before March 14, 2021,” after “July 31,
15 2020,”;

16 (B) by striking “in the amount of \$1,200”;
17 and

18 (C) by striking “July 1, 2019” and insert-
19 ing “July 1, 2019, or July 1, 2020”; and

20 (2) by adding at the end the following: “For
21 registration periods beginning on or after April 1,
22 2020, but on or before July 31, 2020, the recovery
23 benefit payable under this subparagraph shall be in
24 the amount of \$1,200. For registration periods be-
25 ginning after December 26, 2020, but on or before

1 March 14, 2021, the recovery benefit payable under
2 this subparagraph shall be in the amount of \$600.”.

3 (b) CLARIFICATION ON AUTHORITY TO USE
4 FUNDS.—Funds appropriated under subparagraph (B) of
5 section 2(a)(5) of the Railroad Unemployment Insurance
6 Act (45 U.S.C. 352(a)(5)) shall be available to cover the
7 cost of recovery benefits provided under such section
8 2(a)(5) by reason of the amendments made by subsection
9 (a) as well as to cover the cost of such benefits provided
10 under such section 2(a)(5) as in effect on the day before
11 the date of enactment of this Act.

12 **SEC. 233. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
13 **THE RAILROAD UNEMPLOYMENT INSURANCE**
14 **ACT.**

15 (a) IN GENERAL.—Section 2(c)(2)(D) of the Rail-
16 road Unemployment Insurance Act (45 U.S.C.
17 352(c)(2)(D)) is amended—

18 (1) in clause (i)—

19 (A) in subclause (I), by striking “130
20 days” and inserting “185 days”;

21 (B) in subclause (II), by striking “13 con-
22 secutive 14-day periods” and inserting “19 con-
23 secutive 14-day periods, except that no ex-
24 tended benefit period shall end before 6 con-
25 secutive 14-day periods after the date of enact-

1 ment of the Continued Assistance for Unem-
2 ployed Workers Act of 2020 have elapsed”;

3 (2) in clause (ii), by striking “if such clause
4 had not been enacted.” and inserting “if such clause
5 had not been enacted and if—

6 “(A) subparagraph (A) were ap-
7 plied by substituting ‘120 days of un-
8 employment’ for ‘65 days of unem-
9 ployment’; and

10 “(B) subparagraph (B) were ap-
11 plied by inserting ‘(or, in the case of
12 unemployment benefits, 12 consecu-
13 tive 14-day periods, except that no ex-
14 tended benefit period shall end before
15 6 consecutive 14-day periods after the
16 date of enactment of the Continued
17 Assistance for Unemployed Workers
18 Act of 2020 have elapsed)’ after ‘7
19 consecutive 14-day periods.’”; and

20 (3) in clause (iii)—

21 (A) by striking “June 30, 2020” and in-
22 serting “June 30, 2021”;

23 (B) by striking “no extended benefit period
24 under this paragraph shall begin after Decem-
25 ber 31, 2020” and inserting “the provisions of

1 clauses (i) and (ii) shall not apply to any em-
2 ployee whose extended benefit period under sub-
3 paragraph (B) begins after March 14, 2021,
4 and shall not apply to any employee with re-
5 spect to any registration period beginning after
6 April 5, 2021.”; and

7 (C) by striking “clause (iv)” and inserting
8 “clause (v)”;

9 (4) by redesignating clause (iv) as clause (v);
10 and

11 (5) by inserting after clause (iii) the following:

12 “(iv) TREATMENT OF CERTAIN CAL-
13 ENDAR DAYS.—No calendar day occurring
14 during the period beginning on the first
15 date with respect to which the employee
16 has exhausted all rights to extended unem-
17 ployment benefits under this paragraph as
18 in effect on the day before the date of en-
19 actment of the Continued Assistance for
20 Unemployed Workers Act of 2020 and
21 ending with the date of such enactment
22 may be treated as a day of unemployment
23 for purposes of the payment of extended
24 unemployment benefits under this para-
25 graph.”.

1 (b) APPLICATION.—The amendments made by sub-
2 section (a) shall apply as if included in the enactment of
3 the CARES Act (15 U.S.C. 9001 et seq.).

4 (c) CLARIFICATION ON AUTHORITY TO USE FUND.—
5 Funds appropriated under either the first or second sen-
6 tence of clause (v) of section 2(c)(2)(D) of the Railroad
7 Unemployment Insurance Act (as redesignated by sub-
8 section (a)(4)) shall be available to cover the cost of addi-
9 tional extended unemployment benefits provided under
10 such section 2(c)(2)(D) by reason of the amendments
11 made by subsection (a) as well as to cover the cost of such
12 benefits provided under such section 2(c)(2)(D) as in ef-
13 fect on the day before the date of enactment of this Act.

14 **SEC. 234. EXTENSION OF WAIVER OF THE 7-DAY WAITING**
15 **PERIOD FOR BENEFITS UNDER THE RAIL-**
16 **ROAD UNEMPLOYMENT INSURANCE ACT.**

17 (a) IN GENERAL.—Section 2112(a) of the CARES
18 Act (15 U.S.C. 9030(a)) is amended by striking “Decem-
19 ber 31, 2020” and inserting “March 14, 2021”.

20 (b) OPERATING INSTRUCTIONS AND REGULA-
21 TIONS.—The Railroad Retirement Board may prescribe
22 any operating instructions or regulations necessary to
23 carry out this section.

24 (c) CLARIFICATION ON AUTHORITY TO USE
25 FUNDS.—Funds appropriated under section 2112(c) of

1 the CARES Act (15 U.S.C. 9030(e)) shall be available to
2 cover the cost of additional benefits payable due to section
3 2112(a) of such Act by reason of the amendments made
4 by subsection (a) as well as to cover the cost of such bene-
5 fits payable due to such section 2112(a) as in effect on
6 the day before the date of enactment of this Act.

7 **SEC. 235. TREATMENT OF PAYMENTS FROM THE RAILROAD**
8 **UNEMPLOYMENT INSURANCE ACCOUNT.**

9 (a) IN GENERAL.—Section 256(i)(1) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985 (2
11 U.S.C. 906(i)(1)) is amended—

12 (1) in subparagraph (B), by striking “and” at
13 the end;

14 (2) in subparagraph (C), by inserting “and” at
15 the end; and

16 (3) by inserting after subparagraph (C) the fol-
17 lowing new subparagraph:

18 “(D) any payment made from the Railroad Un-
19 employment Insurance Account (established by sec-
20 tion 10 of the Railroad Unemployment Insurance
21 Act) for the purpose of carrying out the Railroad
22 Unemployment Insurance Act, and funds appro-
23 priated or transferred to or otherwise deposited in
24 such Account,”.

1 (b) EFFECTIVE DATE.—The treatment of payments
2 made from the Railroad Unemployment Insurance Ac-
3 count pursuant to the amendment made by subsection
4 (a)—

5 (1) shall take effect 7 days after the date of the
6 enactment of this Act; and

7 (2) shall apply only to obligations incurred dur-
8 ing the period beginning on the effective date de-
9 scribed in paragraph (1) and ending on the date
10 that is 30 days after the date on which the national
11 emergency concerning the novel coronavirus disease
12 (COVID–19) outbreak declared by the President on
13 March 13, 2020, under the National Emergencies
14 Act (50 U.S.C. 1601 et seq.) terminates.

15 (c) SUNSET.—The amendments made by subsection
16 (a) shall be repealed on the date that is 30 days after
17 the date on which the national emergency concerning the
18 novel coronavirus disease (COVID–19) outbreak declared
19 by the President on March 13, 2020, under the National
20 Emergencies Act (50 U.S.C. 1601 et seq.) terminates.

1 **Subchapter IV—Improvements to Pandemic**
2 **Unemployment Assistance to Strengthen**
3 **Program Integrity**

4 **SEC. 241. REQUIREMENT TO SUBSTANTIATE EMPLOYMENT**
5 **OR SELF-EMPLOYMENT AND WAGES EARNED**
6 **OR PAID TO CONFIRM ELIGIBILITY FOR PAN-**
7 **DEMIC UNEMPLOYMENT ASSISTANCE.**

8 (a) IN GENERAL.—Section 2102(a)(3)(A) of the
9 CARES Act (15 U.S.C. 9021(a)(3)(A)) is amended—

10 (1) in clause (i), by striking “and” at the end;

11 (2) by inserting after clause (ii) the following:

12 “(iii) provides documentation to sub-
13 stantiate employment or self-employment
14 or the planned commencement of employ-
15 ment or self-employment not later than 21
16 days after the later of the date on which
17 the individual submits an application for
18 pandemic unemployment assistance under
19 this section or the date on which an indi-
20 vidual is directed by the State Agency to
21 submit such documentation in accordance
22 with section 625.6(e) of title 20, Code of
23 Federal Regulations, or any successor
24 thereto, except that such deadline may be
25 extended if the individual has shown good

1 cause under applicable State law for failing
2 to submit such documentation; and”.

3 (b) APPLICABILITY.—

4 (1) IN GENERAL.—Subject to paragraphs (2)
5 and (3), the amendments made by subsection (a)
6 shall apply to any individual who files a new applica-
7 tion for pandemic unemployment assistance or
8 claims pandemic unemployment assistance for any
9 week of unemployment under section 2102 of the
10 CARES Act (15 U.S.C. 9021) on or after January
11 31, 2021.

12 (2) SPECIAL RULE.—An individual who received
13 pandemic unemployment assistance under section
14 2102 of the CARES Act (15 U.S.C. 9021) for any
15 week ending before the date of enactment of this Act
16 shall not be considered ineligible for such assistance
17 for such week solely by reason of failure to submit
18 documentation described in clause (iii) of subsection
19 (a)(3)(A) of such section 2102, as added by sub-
20 section (a).

21 (3) PRIOR APPLICANTS.—With respect to an in-
22 dividual who applied for pandemic unemployment as-
23 sistance under section 2102 of the CARES Act (15
24 U.S.C. 9021) before January 31, 2021, and receives
25 such assistance on or after the date of enactment of

1 this Act, clause (iii) of subsection (a)(3)(A) of such
2 section shall be applied by substituting “90 days”
3 for “21 days”.

4 **SEC. 242. REQUIREMENT FOR STATES TO VERIFY IDENTITY**
5 **OF APPLICANTS FOR PANDEMIC UNEMPLOY-**
6 **MENT ASSISTANCE.**

7 (a) IN GENERAL.—Section 2102(f) of the CARES
8 Act (15 U.S.C. 9021(f)) is amended—

9 (1) in paragraph (1), by inserting “, including
10 procedures for identity verification or validation and
11 for timely payment, to the extent reasonable and
12 practicable” before the period at the end; and

13 (2) in paragraph (2)(B), by inserting “and ex-
14 penses related to identity verification or validation
15 and timely and accurate payment” before the period
16 at the end.

17 (b) APPLICABILITY.—The requirements imposed by
18 the amendments made by this section shall apply, with re-
19 spect to agreements made under section 2102 of the
20 CARES Act, beginning on the date that is 30 days after
21 the date of enactment of this Act.

1 **Subchapter V—Return to Work Reporting**
2 **Requirement**

3 **SEC. 251. RETURN TO WORK REPORTING FOR CARES ACT**
4 **AGREEMENTS.**

5 (a) IN GENERAL.—Subtitle A of title II of division
6 A of the CARES Act (Public Law 116–136) is amended
7 by adding at the end the following:

8 **“SEC. 2117. RETURN TO WORK REPORTING.**

9 “Each State participating in an agreement under any
10 of the preceding sections of this subtitle shall have in ef-
11 fect a method to address any circumstances in which, dur-
12 ing any period during which such agreement is in effect,
13 claimants of unemployment compensation refuse to return
14 to work or to accept an offer of suitable work without good
15 cause. Such method shall include the following:

16 “(1) A reporting method for employers, such as
17 through a phone line, email, or online portal, to no-
18 tify the State agency when an individual refuses an
19 offer of employment.

20 “(2) A plain-language notice provided to such
21 claimants about State return to work laws, rights to
22 refuse to return to work or to refuse suitable work,
23 including what constitutes suitable work, and a
24 claimant’s right to refuse work that poses a risk to
25 the claimant’s health or safety, and information on

1 contesting the denial of a claim that has been denied
2 due to a report by an employer that the claimant re-
3 fused to return to work or refused suitable work.”.

4 (b) EFFECTIVE DATE.—The requirements imposed
5 by this section shall take effect 30 days from the date of
6 enactment of this Act.

7 **Subchapter VI—Other Related Provisions**
8 **and Technical Corrections**

9 **SECTION 261. MIXED EARNER UNEMPLOYMENT COMPENSA-**
10 **TION.**

11 (a) IN GENERAL.—Section 2104(b) of the CARES
12 Act (15 U.S.C. 9023(b)(1)), as amended by section 1103,
13 is further amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (B), by striking the
16 period at the end and inserting “, plus”; and

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

18 “(C) an additional amount of \$100 (in this
19 section referred to as ‘Mixed Earner Unemploy-
20 ment Compensation’) in any case in which the
21 individual received at least \$5,000 of self-em-
22 ployment income (as defined in section 1402(b)
23 of the Internal Revenue Code of 1986) in the
24 most recent taxable year ending prior to the in-

1 dividual’s application for regular compensa-
2 tion.”; and

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

4 “(4) CERTAIN DOCUMENTATION REQUIRED.—

5 An agreement under this section shall include a re-
6 quirement, similar to the requirement under section
7 2102(a)(3)(A)(iii), for the substantiation of self-em-
8 ployment income with respect to each applicant for
9 Mixed Earner Unemployment Compensation under
10 paragraph (1)(C).”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-
13 PENSATION.—Section 2104 of such Act is amend-
14 ed—

15 (A) by inserting “or Mixed Earner Unem-
16 ployment Compensation” after “Federal Pan-
17 demic Unemployment Compensation” each
18 place such term appears in subsection (b)(2),
19 (c), or (f) of such section;

20 (B) in subsection (d), by inserting “and
21 Mixed Earner Unemployment Compensation”
22 after “Federal Pandemic Unemployment Com-
23 pensation”; and

1 (C) in subsection (g), by striking “provide
2 that” and all that follows through the end and
3 inserting “provide that—

4 “(1) the purposes of the preceding provisions of
5 this section, as such provisions apply with respect to
6 Federal Pandemic Unemployment Compensation,
7 shall be applied with respect to unemployment bene-
8 fits described in subsection (i)(2) to the same extent
9 and in the same manner as if those benefits were
10 regular compensation; and

11 “(2) the purposes of the preceding provisions of
12 this section, as such provisions apply with respect to
13 Mixed Earner Unemployment Compensation, shall
14 be applied with respect to unemployment benefits
15 described in subparagraph (A), (B), (D), or (E) of
16 subsection (i)(2) to the same extent and in the same
17 manner as if those benefits were regular compensa-
18 tion.”.

19 (2) PANDEMIC EMERGENCY UNEMPLOYMENT
20 COMPENSATION.—Section 2107(a)(4)(A) of such Act
21 is amended—

22 (A) in clause (i), by striking “and”;

23 (B) in clause (ii), by striking “section
24 2104;” and inserting “section 2104(b)(1)(B);
25 and”; and

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

2 “(iii) the amount (if any) of Mixed
3 Earner Unemployment Compensation
4 under section 2104(b)(1)(C);”.

5 (c) STATE’S RIGHT OF NON-PARTICIPATION.—Any
6 State participating in an agreement under section 2104
7 of the CARES Act may elect to continue paying Federal
8 Pandemic Unemployment Compensation under such
9 agreement without providing Mixed Earner Unemploy-
10 ment Compensation pursuant to the amendments made by
11 this section. Such amendments shall apply with respect to
12 such a State only if the State so elects, in which case such
13 amendments shall apply with respect to weeks of unem-
14 ployment beginning on or after the later of the date of
15 such election or the date of enactment of this section.

16 **SEC. 262. LOST WAGES ASSISTANCE RECOUPMENT FAIR-**
17 **NESS.**

18 (a) DEFINITIONS.—In this section—

19 (1) the term “covered assistance” means assist-
20 ance provided for supplemental lost wages payments
21 under subsections (e)(2) and (f) of section 408 of
22 the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act (42 U.S.C. 5174), as author-
24 ized under the emergency declaration issued by the
25 President on March 13, 2020, pursuant to section

1 501(b) of such Act (42 U.S.C. 5191(b)) and under
2 any subsequent major disaster declaration under sec-
3 tion 401 of such Act (42 U.S.C. 5170) that super-
4 sedes such emergency declaration; and

5 (2) the term “State” has the meaning given the
6 term in section 102 of the Robert T. Stafford Dis-
7 aster Relief and Emergency Assistance Act (42
8 U.S.C. 5122).

9 (b) WAIVER AUTHORITY FOR STATE LIABILITY.—In
10 the case of any individual who has received amounts of
11 covered assistance to which the individual is not entitled,
12 the State shall require the individual to repay the amounts
13 of such assistance to the State agency, except that the
14 State agency may waive such repayment if the State agen-
15 cy determines that—

16 (1) the payment of such covered assistance was
17 without fault on the part of the individual; and

18 (2) such repayment would be contrary to equity
19 and good conscience.

20 (c) WAIVER AUTHORITY FOR FEDERAL LIABILITY.—
21 Any waiver of debt issued by a State under subsection (b)
22 shall also waive the debt owed to the United States.

23 (d) REPORTING.—

24 (1) STATE REPORTING.—If a State issues a
25 waiver of debt under subsection (b), the State shall

1 report such waiver to the Administrator of the Fed-
2 eral Emergency Management Agency.

3 (2) **OIG REPORTING.**—Not later than 6 months
4 after the date of enactment of this Act, the Inspec-
5 tor General of the Department of Homeland Secu-
6 rity shall submit a report that assesses the efforts
7 of the States to waive recoupment related to lost
8 wages assistance under section 408 of the Robert T.
9 Stafford Disaster Relief and Emergency Assistance
10 Act (42 U.S.C. 5174) to—

11 (A) the Committee on Homeland Security
12 and Governmental Affairs, the Committee on
13 Finance, and the Subcommittee on Homeland
14 Security of the Committee on Appropriations of
15 the Senate; and

16 (B) the Committee on Transportation and
17 Infrastructure, Committee on Ways and Means,
18 and the Subcommittee on Homeland Security of
19 the Committee on Appropriations of the House
20 of Representatives.

1 **SEC. 263. CONTINUING ELIGIBILITY FOR CERTAIN RECIPI-**
2 **ENTS OF PANDEMIC UNEMPLOYMENT ASSIST-**
3 **ANCE.**

4 (a) IN GENERAL.—Section 2102(c) of the CARES
5 Act (15 U.S.C. 9021(c)), as amended by section 201, is
6 further amended by adding at the end the following:

7 “(6) CONTINUED ELIGIBILITY FOR ASSIST-
8 ANCE.—As a condition of continued eligibility for as-
9 sistance under this section, a covered individual shall
10 submit a recertification to the State for each week
11 after the individual’s 1st week of eligibility that cer-
12 tifies that the individual remains an individual de-
13 scribed in subsection (a)(3)(A)(ii) for such week.”.

14 (b) EFFECTIVE DATE; SPECIAL RULE.—

15 (1) IN GENERAL.—The amendment made by
16 subsection (a) shall apply with respect to weeks be-
17 ginning on or after the date that is 30 days after
18 the date of enactment of this section.

19 (2) SPECIAL RULE.—In the case of any State
20 that made a good faith effort to implement section
21 2102 of division A of the CARES Act (15 U.S.C.
22 9021) in accordance with rules similar to those pro-
23 vided in section 625.6 of title 20, Code of Federal
24 Regulations, for weeks ending before the effective
25 date specified in paragraph (1), an individual who
26 received pandemic unemployment assistance from

1 such State for any such week shall not be considered
2 ineligible for such assistance for such week solely by
3 reason of failure to submit a recertification described
4 in subsection (c)(5) of such section 2102.

5 **SEC. 264. TECHNICAL CORRECTION FOR NONPROFIT ORGA-**
6 **NIZATIONS CLASSIFIED AS FEDERAL TRUST**
7 **INSTRUMENTALITIES.**

8 (a) IN GENERAL.—Section 903(i)(1) of the Social Se-
9 curity Act (42 U.S.C. 1103(i)(1)) is amended—

10 (1) in subparagraph (B), in the first sentence,
11 by inserting “and to service provided by employees
12 of an entity created by Public Law 85–874 (20
13 U.S.C. 76h et seq.)” after “of such Code applies”;
14 and

15 (2) in subparagraph (C), by inserting “or an
16 entity created by Public Law 85–874 (20 U.S.C.
17 76h et seq.)” before the period at the end.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect as if included in the enact-
20 ment of section 2103 of the CARES Act (Public Law 116–
21 136).

22 **SEC. 265. TECHNICAL CORRECTION FOR THE COMMON-**
23 **WEALTH OF NORTHERN MARIANA ISLANDS.**

24 A Commonwealth Only Transitional Worker (as de-
25 fined in section 6(i)(2) of the Joint Resolution entitled “A

1 Joint Resolution to approve the ‘Covenant To Establish
2 a Commonwealth of the Northern Mariana Islands in Po-
3 litical Union with the United States of America’, and for
4 other purposes” (48 U.S.C. 1806)) shall be considered a
5 qualified alien under section 431 of Public Law 104-193
6 (8 U.S.C. 1641) for purposes of eligibility for a benefit
7 under section 2102 or 2104 of the CARES Act.

8 **SEC. 266. WAIVER TO PRESERVE ACCESS TO EXTENDED**
9 **BENEFITS IN HIGH UNEMPLOYMENT STATES.**

10 (a) IN GENERAL.—For purposes of determining the
11 beginning of an extended benefit period (or a high unem-
12 ployment period) under the Federal-State Extended Un-
13 employment Compensation Act of 1970 (26 U.S.C. 3304
14 note) during the period beginning on November 1, 2020,
15 and ending December 31, 2021, section 203 of such Act
16 may be applied without regard to subsection (b)(1)(B) of
17 such section.

18 (b) RULEMAKING AUTHORITY; TECHNICAL ASSIST-
19 ANCE.—The Secretary of Labor shall issue such rules or
20 other guidance as the Secretary determines may be nec-
21 essary for the implementation of subsection (a), and shall
22 provide technical assistance to States as needed to facili-
23 tate such implementation.

1 **Subtitle B—COVID-related Tax**
2 **Relief Act of 2020**

3 **SEC. 271. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This subtitle may be cited as the
5 “COVID-related Tax Relief Act of 2020”.

6 (b) **AMENDMENT OF 1986 CODE.**—Except as other-
7 wise expressly provided, whenever in this Act an amend-
8 ment or repeal is expressed in terms of an amendment
9 to, or repeal of, a section or other provision, the reference
10 shall be considered to be made to a section or other provi-
11 sion of the Internal Revenue Code of 1986.

12 (c) **TABLE OF CONTENTS.**—The table of contents of
13 this Act is as follows:

Sec. 271. Short title; table of contents.

Sec. 272. Additional 2020 recovery rebates for individuals.

Sec. 273. Amendments to recovery rebates under the CARES Act.

Sec. 274. Extension of certain deferred payroll taxes.

Sec. 275. Regulations or guidance clarifying application of educator expense tax
deduction.

Sec. 276. Clarification of tax treatment of forgiveness of covered loans.

Sec. 277. Emergency financial aid grants.

Sec. 278. Clarification of tax treatment of certain loan forgiveness and other
business financial assistance under the CARES Act.

Sec. 279. Authority to waive certain information reporting requirements.

Sec. 280. Application of special rules to money purchase pension plans.

Sec. 281. Election to waive application of certain modifications to farming
losses.

Sec. 282. Oversight and audit reporting.

Sec. 283. Disclosures to identify tax receivables not eligible for collection pursu-
ant to qualified tax collection contracts.

Sec. 284. Modification of certain protections for taxpayer return information.

Sec. 285. 2020 election to terminate transfer period for qualified transfers from
pension plan for covering future retiree costs.

Sec. 286. Extension of credits for paid sick and family leave.

Sec. 287. Election to use prior year net earnings from self-employment in de-
termining average daily self-employment income for purposes of
credits for paid sick and family leave.

Sec. 288. Certain technical improvements to credits for paid sick and family
leave.

1 **SEC. 272. ADDITIONAL 2020 RECOVERY REBATES FOR INDI-**
2 **VIDUALS.**

3 (a) IN GENERAL.—Subchapter B of chapter 65 of
4 subtitle F is amended by inserting after section 6428 the
5 following new section:

6 **“SEC. 6428A. ADDITIONAL 2020 RECOVERY REBATES FOR IN-**
7 **DIVIDUALS.**

8 “(a) IN GENERAL.—In addition to the credit allowed
9 under section 6428, in the case of an eligible individual,
10 there shall be allowed as a credit against the tax imposed
11 by subtitle A for the first taxable year beginning in 2020
12 an amount equal to the sum of—

13 “(1) \$600 (\$1,200 in the case of eligible indi-
14 viduals filing a joint return), plus

15 “(2) an amount equal to the product of \$600
16 multiplied by the number of qualifying children
17 (within the meaning of section 24(c)) of the tax-
18 payer.

19 “(b) TREATMENT OF CREDIT.—The credit allowed by
20 subsection (a) shall be treated as allowed by subpart C
21 of part IV of subchapter A of chapter 1.

22 “(c) LIMITATION BASED ON ADJUSTED GROSS IN-
23 COME.—The amount of the credit allowed by subsection
24 (a) (determined without regard to this subsection and sub-
25 section (e)) shall be reduced (but not below zero) by 5

1 percent of so much of the taxpayer's adjusted gross in-
2 come as exceeds—

3 “(1) \$150,000 in the case of a joint return or
4 a surviving spouse (as defined in section 2(a)),

5 “(2) \$112,500 in the case of a head of house-
6 hold (as defined in section 2(b)), and

7 “(3) \$75,000 in the case of a taxpayer not de-
8 scribed in paragraph (1) or (2).

9 “(d) ELIGIBLE INDIVIDUAL.—For purposes of this
10 section, the term ‘eligible individual’ means any individual
11 other than—

12 “(1) any nonresident alien individual,

13 “(2) any individual with respect to whom a de-
14 duction under section 151 is allowable to another
15 taxpayer for a taxable year beginning in the cal-
16 endar year in which the individual's taxable year be-
17 gins, and

18 “(3) an estate or trust.

19 “(e) COORDINATION WITH ADVANCE REFUNDS OF
20 CREDIT.—

21 “(1) IN GENERAL.—The amount of the credit
22 which would (but for this paragraph) be allowable
23 under this section shall be reduced (but not below
24 zero) by the aggregate refunds and credits made or
25 allowed to the taxpayer under subsection (f). Any

1 failure to so reduce the credit shall be treated as
2 arising out of a mathematical or clerical error and
3 assessed according to section 6213(b)(1).

4 “(2) JOINT RETURNS.—Except as otherwise
5 provided by the Secretary, in the case of a refund
6 or credit made or allowed under subsection (f) with
7 respect to a joint return, half of such refund or cred-
8 it shall be treated as having been made or allowed
9 to each individual filing such return.

10 “(f) ADVANCE REFUNDS AND CREDITS.—

11 “(1) IN GENERAL.—Each individual who was
12 an eligible individual for such individual’s first tax-
13 able year beginning in 2019 shall be treated as hav-
14 ing made a payment against the tax imposed by
15 chapter 1 for such taxable year in an amount equal
16 to the advance refund amount for such taxable year.

17 “(2) ADVANCE REFUND AMOUNT.—For pur-
18 poses of paragraph (1), the advance refund amount
19 is the amount that would have been allowed as a
20 credit under this section for such taxable year if this
21 section (other than subsection (e) and this sub-
22 section) had applied to such taxable year. For pur-
23 poses of determining the advance refund amount
24 with respect to such taxable year—

1 “(A) any individual who was deceased be-
2 fore January 1, 2020, shall be treated for pur-
3 poses of applying subsection (g) in the same
4 manner as if the valid identification number of
5 such person was not included on the return of
6 tax for such taxable year, and

7 “(B) no amount shall be determined under
8 this subsection with respect to any qualifying
9 child of the taxpayer if—

10 “(i) the taxpayer was deceased before
11 January 1, 2020, or

12 “(ii) in the case of a joint return, both
13 taxpayers were deceased before January 1,
14 2020.

15 “(3) TIMING AND MANNER OF PAYMENTS.—

16 “(A) TIMING.—

17 “(i) IN GENERAL.—The Secretary
18 shall, subject to the provisions of this title,
19 refund or credit any overpayment attrib-
20 utable to this subsection as rapidly as pos-
21 sible.

22 “(ii) DEADLINE.—

23 “(I) IN GENERAL.—Except as
24 provided in subclause (II), no refund
25 or credit shall be made or allowed

1 under this subsection after January
2 15, 2021.

3 “(II) EXCEPTION FOR MIRROR
4 CODE POSSESSIONS.—In the case of a
5 possession of the United States which
6 has a mirror code tax system (as such
7 terms are defined in section 272(c) of
8 the COVID-related Tax Relief Act of
9 2020), no refund or credit shall be
10 made or allowed under this subsection
11 after the earlier of—

12 “(aa) such date as is deter-
13 mined appropriate by the Sec-
14 retary, or

15 “(bb) September 30, 2021.

16 “(B) DELIVERY OF PAYMENTS.—Notwith-
17 standing any other provision of law, the Sec-
18 retary may certify and disburse refunds payable
19 under this subsection electronically to—

20 “(i) any account to which the payee
21 authorized, on or after January 1, 2019,
22 the delivery of a refund of taxes under this
23 title or of a Federal payment (as defined
24 in section 3332 of title 31, United States
25 Code),

1 “(ii) any account belonging to a payee
2 from which that individual, on or after
3 January 1, 2019, made a payment of taxes
4 under this title, or

5 “(iii) any Treasury-sponsored account
6 (as defined in section 208.2 of title 31,
7 Code of Federal Regulations).

8 “(C) WAIVER OF CERTAIN RULES.—Not-
9 withstanding section 3325 of title 31, United
10 States Code, or any other provision of law, with
11 respect to any payment of a refund under this
12 subsection, a disbursing official in the executive
13 branch of the United States Government may
14 modify payment information received from an
15 officer or employee described in section
16 3325(a)(1)(B) of such title for the purpose of
17 facilitating the accurate and efficient delivery of
18 such payment. Except in cases of fraud or reck-
19 less neglect, no liability under sections 3325,
20 3527, 3528, or 3529 of title 31, United States
21 Code, shall be imposed with respect to pay-
22 ments made under this subparagraph.

23 “(4) NO INTEREST.—No interest shall be al-
24 lowed on any overpayment attributable to this sub-
25 section.

1 “(5) APPLICATION TO CERTAIN INDIVIDUALS
2 WHO DO NOT FILE A RETURN OF TAX FOR 2019.—

3 “(A) IN GENERAL.—In the case of a speci-
4 fied individual who, at the time of any deter-
5 mination made pursuant to paragraph (3), has
6 not filed a tax return for the year described in
7 paragraph (1), the Secretary may use informa-
8 tion with respect to such individual which is
9 provided by—

10 “(i) in the case of a specified social
11 security beneficiary or a specified supple-
12 mental security income recipient, the Com-
13 missioner of Social Security,

14 “(ii) in the case of a specified railroad
15 retirement beneficiary, the Railroad Retire-
16 ment Board, and

17 “(iii) in the case of a specified vet-
18 erans beneficiary, the Secretary of Vet-
19 erans Affairs (in coordination with, and
20 with the assistance of, the Commissioner of
21 Social Security if appropriate).

22 “(B) SPECIFIED INDIVIDUAL.—For pur-
23 poses of this paragraph, the term ‘specified in-
24 dividual’ means any individual who is—

1 “(i) a specified social security bene-
2 ficiary,

3 “(ii) a specified supplemental security
4 income recipient,

5 “(iii) a specified railroad retirement
6 beneficiary, or

7 “(iv) a specified veterans beneficiary.

8 “(C) SPECIFIED SOCIAL SECURITY BENE-
9 FICIARY.—

10 “(i) IN GENERAL.—For purposes of
11 this paragraph, the term ‘specified social
12 security beneficiary’ means any individual
13 who, for the last month for which the Sec-
14 retary has available information as of the
15 date of enactment of this section, is enti-
16 tled to any monthly insurance benefit pay-
17 able under title II of the Social Security
18 Act (42 U.S.C. 401 et seq.), including pay-
19 ments made pursuant to sections 202(d),
20 223(g), and 223(i)(7) of such Act.

21 “(ii) EXCEPTION.—For purposes of
22 this paragraph, the term ‘specified social
23 security beneficiary’ shall not include any
24 individual if such benefit is not payable for
25 such month by reason of section

1 202(x)(1)(A) of the Social Security Act
2 (42 U.S.C. 402(x)(1)(A)) or section 1129A
3 of such Act (42 U.S.C. 1320a–8a).

4 “(D) SPECIFIED SUPPLEMENTAL SECUR-
5 RITY INCOME RECIPIENT.—

6 “(i) IN GENERAL.—For purposes of
7 this paragraph, the term ‘specified supple-
8 mental security income recipient’ means
9 any individual who, for the last month for
10 which the Secretary has available informa-
11 tion as of the date of enactment of this
12 section, is eligible for a monthly benefit
13 payable under title XVI of the Social Secu-
14 rity Act (42 U.S.C. 1381 et seq.), includ-
15 ing—

16 “(I) payments made pursuant to
17 section 1614(a)(3)(C) of such Act (42
18 U.S.C. 1382c(a)(3)(C)),

19 “(II) payments made pursuant to
20 section 1619(a) (42 U.S.C. 1382h(a))
21 or subsections (a)(4), (a)(7), or (p)(7)
22 of section 1631 (42 U.S.C. 1383) of
23 such Act, and

24 “(III) State supplementary pay-
25 ments of the type referred to in sec-

1 tion 1616(a) of such Act (42 U.S.C.
2 1382e(a)) (or payments of the type
3 described in section 212(a) of Public
4 Law 93–66) which are paid by the
5 Commissioner under an agreement re-
6 ferred to in such section 1616(a) (or
7 section 212(a) of Public Law 93–66).

8 “(ii) EXCEPTION.—For purposes of
9 this paragraph, the term ‘specified supple-
10 mental security income recipient’ shall not
11 include any individual if such monthly ben-
12 efit is not payable for such month by rea-
13 son of section 1611(e)(1)(A) of the Social
14 Security Act (42 U.S.C. 1382(e)(1)(A)) or
15 section 1129A of such Act (42 U.S.C.
16 1320a–8a).

17 “(E) SPECIFIED RAILROAD RETIREMENT
18 BENEFICIARY.—For purposes of this para-
19 graph, the term ‘specified railroad retirement
20 beneficiary’ means any individual who, for the
21 last month for which the Secretary has avail-
22 able information as of the date of enactment of
23 this section, is entitled to a monthly annuity or
24 pension payment payable (without regard to

1 section 5(a)(ii) of the Railroad Retirement Act
2 of 1974 (45 U.S.C. 231d(a)(ii)) under—

3 “(i) section 2(a)(1) of such Act (45
4 U.S.C. 231a(a)(1)),

5 “(ii) section 2(c) of such Act (45
6 U.S.C. 231a(c)),

7 “(iii) section 2(d)(1) of such Act (45
8 U.S.C. 231a(d)(1)), or

9 “(iv) section 7(b)(2) of such Act (45
10 U.S.C. 231f(b)(2)) with respect to any of
11 the benefit payments described in subpara-
12 graph (C)(i).

13 “(F) SPECIFIED VETERANS BENE-
14 FICIARY.—

15 “(i) IN GENERAL.—For purposes of
16 this paragraph, the term ‘specified vet-
17 erans beneficiary’ means any individual
18 who, for the last month for which the Sec-
19 retary has available information as of the
20 date of enactment of this section, is enti-
21 tled to a compensation or pension payment
22 payable under—

23 “(I) section 1110, 1117, 1121,
24 1131, 1141, or 1151 of title 38,
25 United States Code,

1 “(II) section 1310, 1312, 1313,
2 1315, 1316, or 1318 of title 38,
3 United States Code,

4 “(III) section 1513, 1521, 1533,
5 1536, 1537, 1541, 1542, or 1562 of
6 title 38, United States Code, or

7 “(IV) section 1805, 1815, or
8 1821 of title 38, United States Code,
9 to a veteran, surviving spouse, child, or
10 parent as described in paragraph (2), (3),
11 (4)(A)(ii), or (5) of section 101, title 38,
12 United States Code.

13 “(ii) EXCEPTION.—For purposes of
14 this paragraph, the term ‘specified vet-
15 erans beneficiary’ shall not include any in-
16 dividual if such compensation or pension
17 payment is not payable, or was reduced,
18 for such month by reason of section 1505
19 or 5313 of title 38, United States Code.

20 “(G) SUBSEQUENT DETERMINATIONS AND
21 REDETERMINATIONS NOT TAKEN INTO AC-
22 COUNT.—For purposes of this section, any indi-
23 vidual’s status as a specified social security ben-
24 eficiary, a specified supplemental security in-
25 come recipient, a specified railroad retirement

1 beneficiary, or a specified veterans beneficiary
2 shall be unaffected by any determination or re-
3 determination of any entitlement to, or eligi-
4 bility for, any benefit, payment, or compensa-
5 tion, if such determination or redetermination
6 occurs after the last month for which the Sec-
7 retary has available information as of the date
8 of enactment of this section.

9 “(H) PAYMENT TO REPRESENTATIVE PAY-
10 EES AND FIDUCIARIES.—

11 “(i) IN GENERAL.—If the benefit,
12 payment, or compensation referred to in
13 subparagraph (C)(i), (D)(i), (E), or (F)(i)
14 with respect to any specified individual is
15 paid to a representative payee or fiduciary,
16 payment by the Secretary under paragraph
17 (3) with respect to such specified indi-
18 vidual shall be made to such individual’s
19 representative payee or fiduciary and the
20 entire payment shall be used only for the
21 benefit of the individual who is entitled to
22 the payment.

23 “(ii) APPLICATION OF ENFORCEMENT
24 PROVISIONS.—

1 “(I) In the case of a payment de-
2 scribed in clause (i) which is made
3 with respect to a specified social secu-
4 rity beneficiary or a specified supple-
5 mental security income recipient, sec-
6 tion 1129(a)(3) of the Social Security
7 Act (42 U.S.C. 1320a–8(a)(3)) shall
8 apply to such payment in the same
9 manner as such section applies to a
10 payment under title II or XVI of such
11 Act.

12 “(II) In the case of a payment
13 described in clause (i) which is made
14 with respect to a specified railroad re-
15 tirement beneficiary, section 13 of the
16 Railroad Retirement Act (45 U.S.C.
17 2311) shall apply to such payment in
18 the same manner as such section ap-
19 plies to a payment under such Act.

20 “(III) In the case of a payment
21 described in clause (i) which is made
22 with respect to a specified veterans
23 beneficiary, sections 5502, 6106, and
24 6108 of title 38, United States Code,
25 shall apply to such payment in the

1 same manner as such sections apply
2 to a payment under such title.

3 “(I) INELIGIBILITY FOR SPECIAL RULE
4 NOT TO BE INTERPRETED AS GENERAL INELI-
5 GIBILITY.—An individual shall not fail to be
6 treated as an eligible individual for purposes of
7 this subsection or subsection (a) merely because
8 such individual is not a specified individual (in-
9 cluding by reason of subparagraph (C)(ii),
10 (D)(ii), or (F)(ii)).

11 “(6) NOTICE TO TAXPAYER.—As soon as prac-
12 ticable after the date on which the Secretary distrib-
13 uted any payment to an eligible taxpayer pursuant
14 to this subsection, the Secretary shall send notice by
15 mail to such taxpayer’s last known address. Such
16 notice shall indicate the method by which such pay-
17 ment was made, the amount of such payment, and
18 a phone number for the appropriate point of contact
19 at the Internal Revenue Service to report any failure
20 to receive such payment.

21 “(g) IDENTIFICATION NUMBER REQUIREMENT.—

22 “(1) IN GENERAL.—In the case of a return
23 other than a joint return, the \$600 amount in sub-
24 section (a)(1) shall be treated as being zero unless
25 the taxpayer includes the valid identification number

1 of the taxpayer on the return of tax for the taxable
2 year.

3 “(2) JOINT RETURNS.—In the case of a joint
4 return, the \$1,200 amount in subsection (a)(1) shall
5 be treated as being—

6 “(A) \$600 if the valid identification num-
7 ber of only 1 spouse is included on the return
8 of tax for the taxable year, and

9 “(B) zero if the valid identification number
10 of neither spouse is so included.

11 “(3) QUALIFYING CHILD.—A qualifying child of
12 a taxpayer shall not be taken into account under
13 subsection (a)(2) unless—

14 “(A) the taxpayer includes the valid identi-
15 fication number of such taxpayer (or, in the
16 case of a joint return, the valid identification
17 number of at least 1 spouse) on the return of
18 tax for the taxable year, and

19 “(B) the valid identification number of
20 such qualifying child is included on the return
21 of tax for the taxable year.

22 “(4) VALID IDENTIFICATION NUMBER.—

23 “(A) IN GENERAL.—For purposes of this
24 subsection, the term ‘valid identification num-

1 ber’ means a social security number (as such
2 term is defined in section 24(h)(7)).

3 “(B) ADOPTION TAXPAYER IDENTIFICA-
4 TION NUMBER.—For purposes of paragraph
5 (3)(B), in the case of a qualifying child who is
6 adopted or placed for adoption, the term ‘valid
7 identification number’ shall include the adop-
8 tion taxpayer identification number of such
9 child.

10 “(5) SPECIAL RULE FOR MEMBERS OF THE
11 ARMED FORCES.—Paragraph (2) shall not apply in
12 the case where at least 1 spouse was a member of
13 the Armed Forces of the United States at any time
14 during the taxable year and the valid identification
15 number of at least 1 spouse is included on the re-
16 turn of tax for the taxable year.

17 “(6) COORDINATION WITH CERTAIN ADVANCE
18 PAYMENTS.—In the case of any payment under sub-
19 section (f) which is based on information provided
20 under paragraph (5) of such subsection, a valid
21 identification number shall be treated for purposes
22 of this subsection as included on the taxpayer’s re-
23 turn of tax if such valid identification number is
24 provided pursuant to subsection (f)(5).

1 “(7) MATHEMATICAL OR CLERICAL ERROR AU-
2 THORITY.—Any omission of a correct valid identi-
3 fication number required under this subsection shall
4 be treated as a mathematical or clerical error for
5 purposes of applying section 6213(g)(2) to such
6 omission.

7 “(h) REGULATIONS.—The Secretary shall prescribe
8 such regulations or other guidance as may be necessary
9 to carry out the purposes of this section, including any
10 such measures as are deemed appropriate to avoid allow-
11 ing multiple credits or rebates to a taxpayer.”.

12 (b) ADMINISTRATIVE AMENDMENTS.—

13 (1) DEFINITION OF DEFICIENCY.—Section
14 6211(b)(4)(A) is amended by striking “and 6428”
15 and inserting “6428, and 6428A”.

16 (2) MATHEMATICAL OR CLERICAL ERROR AU-
17 THORITY.—Section 6213(g)(2)(L) is amended by
18 striking “or 6428” and inserting “6428, or 6428A”.

19 (c) TREATMENT OF POSSESSIONS.—

20 (1) PAYMENTS TO POSSESSIONS.—

21 (A) MIRROR CODE POSSESSION.—The Sec-
22 retary of the Treasury shall pay to each posses-
23 sion of the United States which has a mirror
24 code tax system amounts equal to the loss (if
25 any) to that possession by reason of the amend-

1 ments made by this section. Such amounts shall
2 be determined by the Secretary of the Treasury
3 based on information provided by the govern-
4 ment of the respective possession.

5 (B) OTHER POSSESSIONS.—The Secretary
6 of the Treasury shall pay to each possession of
7 the United States which does not have a mirror
8 code tax system amounts estimated by the Sec-
9 retary of the Treasury as being equal to the ag-
10 gregate benefits (if any) that would have been
11 provided to residents of such possession by rea-
12 son of the amendments made by this section if
13 a mirror code tax system had been in effect in
14 such possession. The preceding sentence shall
15 not apply unless the respective possession has a
16 plan, which has been approved by the Secretary
17 of the Treasury, under which such possession
18 will promptly distribute such payments to its
19 residents.

20 (2) COORDINATION WITH CREDIT ALLOWED
21 AGAINST UNITED STATES INCOME TAXES.—No cred-
22 it shall be allowed against United States income
23 taxes under section 6428A of the Internal Revenue
24 Code of 1986 (as added by this section) to any per-
25 son—

1 (A) to whom a credit is allowed against
2 taxes imposed by the possession by reason of
3 the amendments made by this section, or

4 (B) who is eligible for a payment under a
5 plan described in paragraph (1)(B).

6 (3) DEFINITIONS AND SPECIAL RULES.—

7 (A) POSSESSION OF THE UNITED
8 STATES.—For purposes of this subsection, the
9 term “possession of the United States” includes
10 the Commonwealth of Puerto Rico and the
11 Commonwealth of the Northern Mariana Is-
12 lands.

13 (B) MIRROR CODE TAX SYSTEM.—For pur-
14 poses of this subsection, the term “mirror code
15 tax system” means, with respect to any posses-
16 sion of the United States, the income tax sys-
17 tem of such possession if the income tax liabil-
18 ity of the residents of such possession under
19 such system is determined by reference to the
20 income tax laws of the United States as if such
21 possession were the United States.

22 (C) TREATMENT OF PAYMENTS.—For pur-
23 poses of section 1324 of title 31, United States
24 Code, the payments under this subsection shall
25 be treated in the same manner as a refund due

1 from a credit provision referred to in subsection
2 (b)(2) of such section.

3 (d) ADMINISTRATIVE PROVISIONS.—

4 (1) EXCEPTION FROM REDUCTION OR OFF-
5 SET.—Any refund payable by reason of section
6 6428A(f) of the Internal Revenue Code of 1986 (as
7 added by this section), or any such refund payable
8 by reason of subsection (c) of this section, shall not
9 be—

10 (A) subject to reduction or offset pursuant
11 to section 3716 or 3720A of title 31, United
12 States Code,

13 (B) subject to reduction or offset pursuant
14 to subsection (c), (d), (e), or (f) of section 6402
15 of the Internal Revenue Code of 1986, or

16 (C) reduced or offset by other assessed
17 Federal taxes that would otherwise be subject
18 to levy or collection.

19 (2) ASSIGNMENT OF BENEFITS.—

20 (A) IN GENERAL.—The right of any per-
21 son to any applicable payment shall not be
22 transferable or assignable, at law or in equity,
23 and no applicable payment shall be subject to,
24 execution, levy, attachment, garnishment, or

1 other legal process, or the operation of any
2 bankruptcy or insolvency law.

3 (B) ENCODING OF PAYMENTS.—In the
4 case of an applicable payment described in sub-
5 paragraph (E)(iii)(I) that is paid electronically
6 by direct deposit through the Automated Clear-
7 ing House (ACH) network, the Secretary of the
8 Treasury (or the Secretary’s delegate) shall—

9 (i) issue the payment using a unique
10 identifier that is reasonably sufficient to
11 allow a financial institution to identify the
12 payment as an applicable payment, and

13 (ii) further encode the payment pursu-
14 ant to the same specifications as required
15 for a benefit payment defined in section
16 212.3 of title 31, Code of Federal Regula-
17 tions.

18 (C) GARNISHMENT.—

19 (i) ENCODED PAYMENTS.—In the case
20 of a garnishment order that applies to an
21 account that has received an applicable
22 payment that is encoded as provided in
23 subparagraph (B), a financial institution
24 shall follow the requirements and proce-

1 dures set forth in part 212 of title 31,
2 Code of Federal Regulations, except—

3 (I) notwithstanding section 212.4
4 of title 31, Code of Federal Regula-
5 tions (and except as provided in sub-
6 clause (II)), a financial institution
7 shall not fail to follow the procedures
8 of sections 212.5 and 212.6 of such
9 title with respect to a garnishment
10 order merely because such order has
11 attached, or includes, a notice of right
12 to garnish federal benefits issued by a
13 State child support enforcement agen-
14 cy, and

15 (II) a financial institution shall
16 not, with regard to any applicable
17 payment, be required to provide the
18 notice referenced in sections 212.6
19 and 212.7 of title 31, Code of Federal
20 Regulations.

21 (ii) OTHER PAYMENTS.—In the case
22 of a garnishment order (other than an
23 order that has been served by the United
24 States) that has been received by a finan-
25 cial institution and that applies to an ac-

1 count into which an applicable payment
2 that has not been encoded as provided in
3 subparagraph (B) has been deposited elec-
4 tronically on any date during the lookback
5 period or into which an applicable payment
6 that has been deposited by check on any
7 date in the lookback period, the financial
8 institution, upon the request of the account
9 holder, shall treat the amount of the funds
10 in the account at the time of the request,
11 up to the amount of the applicable pay-
12 ment (in addition to any amounts other-
13 wise protected under part 212 of title 31,
14 Code of Federal Regulations), as exempt
15 from a garnishment order without requir-
16 ing the consent of the party serving the
17 garnishment order or the judgment cred-
18 itor.

19 (iii) LIABILITY.—A financial institu-
20 tion that acts in good faith in reliance on
21 clauses (i) or (ii) shall not be subject to li-
22 ability or regulatory action under any Fed-
23 eral or State law, regulation, court or other
24 order, or regulatory interpretation for ac-
25 tions concerning any applicable payments.

1 (D) NO RECLAMATION RIGHTS.—This
2 paragraph shall not alter the status of applica-
3 ble payments as tax refunds or other nonbenefit
4 payments for purpose of any reclamation rights
5 of the Department of the Treasury or the Inter-
6 nal Revenue Service as per part 210 of title 31,
7 Code of Federal Regulations.

8 (E) DEFINITIONS.—For purposes of this
9 paragraph—

10 (i) ACCOUNT HOLDER.—The term
11 “account holder” means a natural person
12 whose name appears in a financial institu-
13 tion’s records as the direct or beneficial
14 owner of an account.

15 (ii) ACCOUNT REVIEW.—The term
16 “account review” means the process of ex-
17 amining deposits in an account to deter-
18 mine if an applicable payment has been de-
19 posited into the account during the
20 lookback period. The financial institution
21 shall perform the account review following
22 the procedures outlined in section 212.5 of
23 title 31, Code of Federal Regulations and
24 in accordance with the requirements of sec-

1 tion 212.6 of title 31, Code of Federal
2 Regulations.

3 (iii) APPLICABLE PAYMENT.—The
4 term “applicable payment” means—

5 (I) any advance refund amount
6 paid pursuant to section 6428A(f) of
7 Internal Revenue Code of 1986 (as
8 added by this section),

9 (II) any payment made by a pos-
10 session of the United States with a
11 mirror code tax system (as defined in
12 subsection (c) of this section) pursu-
13 ant to such subsection which cor-
14 responds to a payment described in
15 subclause (I), and

16 (III) any payment made by a
17 possession of the United States with-
18 out a mirror code tax system (as so
19 defined) pursuant to subsection (c) of
20 this section.

21 (iv) GARNISHMENT.—The term “gar-
22 nishment” means execution, levy, attach-
23 ment, garnishment, or other legal process.

24 (v) GARNISHMENT ORDER.—The term
25 “garnishment order” means a writ, order,

1 notice, summons, judgment, levy, or simi-
2 lar written instruction issued by a court, a
3 State or State agency, a municipality or
4 municipal corporation, or a State child
5 support enforcement agency, including a
6 lien arising by operation of law for overdue
7 child support or an order to freeze the as-
8 sets in an account, to effect a garnishment
9 against a debtor.

10 (vi) LOOKBACK PERIOD.—The term
11 “lookback period” means the two month
12 period that begins on the date preceding
13 the date of account review and ends on the
14 corresponding date of the month two
15 months earlier, or on the last date of the
16 month two months earlier if the cor-
17 responding date does not exist.

18 (3) AGENCY INFORMATION SHARING AND AS-
19 SISTANCE.—

20 (A) IN GENERAL.—The Commissioner of
21 Social Security, the Railroad Retirement Board,
22 and the Secretary of Veterans Affairs shall each
23 provide the Secretary of the Treasury (or the
24 Secretary’s delegate) such information and as-
25 sistance as the Secretary of the Treasury (or

1 the Secretary's delegate) may require for pur-
2 poses of—

3 (i) making payments under section
4 6428A(f) of the Internal Revenue Code of
5 1986 to individuals described in paragraph
6 (5)(A) thereof, or

7 (ii) providing administrative assist-
8 ance to a possession of the United States
9 (as defined in subsection (c)(3)(A)) to
10 allow such possession to promptly dis-
11 tribute payments under subsection (c) to
12 its residents.

13 (B) EXCHANGE OF INFORMATION WITH
14 POSSESSIONS.—Any information provided to the
15 Secretary of the Treasury (or the Secretary's
16 delegate) pursuant to subparagraph (A)(ii) may
17 be exchanged with a possession of the United
18 States in accordance with the applicable tax co-
19 ordination agreement for information exchange
20 and administrative assistance that the Internal
21 Revenue Service has agreed to with such pos-
22 session.

23 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary
24 of the Treasury (or the Secretary's delegate) shall conduct
25 a public awareness campaign, in coordination with the

1 Commissioner of Social Security and the heads of other
2 relevant Federal agencies, to provide information regard-
3 ing the availability of the credit and rebate allowed under
4 section 6428A of the Internal Revenue Code of 1986 (as
5 added by this section), including information with respect
6 to individuals who may not have filed a tax return for tax-
7 able year 2019.

8 (f) APPROPRIATIONS TO CARRY OUT REBATES AND
9 ADDRESS COVID-RELATED TAX ADMINISTRATION
10 ISSUES.—

11 (1) IN GENERAL.—Immediately upon the enact-
12 ment of this Act, the following sums are appro-
13 priated, out of any money in the Treasury not other-
14 wise appropriated, for the fiscal year ending Sep-
15 tember 30, 2021:

16 (A) DEPARTMENT OF THE TREASURY.—

17 (i) For an additional amount for “De-
18 partment of the Treasury—Internal Rev-
19 enue Service—Taxpayer Services”,
20 \$178,335,000, to remain available until
21 September 30, 2021.

22 (ii) For an additional amount for
23 “Department of the Treasury—Internal
24 Revenue Service—Operations Support”,

1 \$273,237,000, to remain available until
2 September 30, 2021.

3 (iii) For an additional amount for
4 “Department of Treasury—Internal Rev-
5 enue Service—Enforcement”, \$57,428,000,
6 to remain available until September 30,
7 2021.

8 Amounts made available in appropriations
9 under this subparagraph may be transferred be-
10 tween such appropriations upon the advance no-
11 tification of the Committees on Appropriations
12 of the House of Representatives and the Sen-
13 ate. Such transfer authority is in addition to
14 any other transfer authority provided by law.

15 (B) SOCIAL SECURITY ADMINISTRATION.—
16 For an additional amount for “Social Security
17 Administration—Limitation on Administrative
18 Expenses”, \$38,000,000, to remain available
19 until September 30, 2021.

20 (C) RAILROAD RETIREMENT BOARD.—For
21 an additional amount for “Railroad Retirement
22 Board—Limitation on Administration”, \$8,300,
23 to remain available until September 30, 2021.

24 (2) REPORTS.—No later than 15 days after en-
25 actment of this Act, the Secretary of the Treasury

1 shall submit a plan to the Committees on Appropria-
2 tions of the House of Representatives and the Sen-
3 ate detailing the expected use of the funds provided
4 by paragraph (1)(A). Beginning 90 days after enact-
5 ment of this Act, the Secretary of the Treasury shall
6 submit a quarterly report to the Committees on Ap-
7 propriations of the House of Representatives and the
8 Senate detailing the actual expenditure of funds pro-
9 vided by paragraph (1)(A) and the expected expendi-
10 ture of such funds in the subsequent quarter.

11 (g) CONFORMING AMENDMENTS.—

12 (1) Paragraph (2) of section 1324(b) of title
13 31, United States Code, is amended by inserting
14 “6428A,” after “6428,”.

15 (2) The table of sections for subchapter B of
16 chapter 65 of subtitle F is amended by inserting
17 after the item relating to section 6428 the following:

“Sec. 6428A. Additional 2020 recovery rebates for individuals.”.

18 **SEC. 273. AMENDMENTS TO RECOVERY REBATES UNDER**
19 **THE CARES ACT.**

20 (a) AMENDMENTS TO SECTION 6428 OF THE INTER-
21 NATIONAL REVENUE CODE OF 1986.—Section 6428 is amend-
22 ed—

23 (1) in subsection (c)(1), by inserting “or a sur-
24 viving spouse (as defined in section 2(a))” after
25 “joint return”,

1 (2) in subsection (f)—

2 (A) in paragraph (3)(A), by striking “sec-
3 tion” and inserting “subsection”,

4 (B) in paragraph (4), by striking “section”
5 and inserting “subsection”, and

6 (C) by redesignating paragraph (6) as
7 paragraph (7) and by inserting after paragraph
8 (5) the following new paragraph:

9 “(6) PAYMENT TO REPRESENTATIVE PAYEES
10 AND FIDUCIARIES.—

11 “(A) IN GENERAL.—In the case of any in-
12 dividual for which payment information is pro-
13 vided to the Secretary by the Commissioner of
14 Social Security, the Railroad Retirement Board,
15 or the Secretary of Veterans Affairs, the pay-
16 ment by the Secretary under paragraph (3)
17 with respect to such individual may be made to
18 such individual’s representative payee or fidu-
19 ciary and the entire payment shall be—

20 “(i) provided to the individual who is
21 entitled to the payment, or

22 “(ii) used only for the benefit of the
23 individual who is entitled to the payment.

24 “(B) APPLICATION OF ENFORCEMENT
25 PROVISIONS.—

1 “(i) In the case of a payment de-
2 scribed in subparagraph (A) which is made
3 with respect to a social security beneficiary
4 or a supplemental security income recipi-
5 ent, section 1129(a)(3) of the Social Secu-
6 rity Act (42 U.S.C. 1320a–8(a)(3)) shall
7 apply to such payment in the same manner
8 as such section applies to a payment under
9 title II or XVI of such Act.

10 “(ii) In the case of a payment de-
11 scribed in subparagraph (A) which is made
12 with respect to a railroad retirement bene-
13 ficiary, section 13 of the Railroad Retire-
14 ment Act (45 U.S.C. 2311) shall apply to
15 such payment in the same manner as such
16 section applies to a payment under such
17 Act.

18 “(iii) In the case of a payment de-
19 scribed in subparagraph (A) which is made
20 with respect to a veterans beneficiary, sec-
21 tions 5502, 6106, and 6108 of title 38,
22 United States Code, shall apply to such
23 payment in the same manner as such sec-
24 tions apply to a payment under such
25 title.”, and

1 (3) by striking subsection (g) and inserting the
2 following:

3 “(g) IDENTIFICATION NUMBER REQUIREMENT.—

4 “(1) REQUIREMENTS FOR CREDIT.—Subject to
5 paragraph (2), with respect to the credit allowed
6 under subsection (a), the following provisions shall
7 apply:

8 “(A) IN GENERAL.—In the case of a re-
9 turn other than a joint return, the \$1,200
10 amount in subsection (a)(1) shall be treated as
11 being zero unless the taxpayer includes the
12 valid identification number of the taxpayer on
13 the return of tax for the taxable year.

14 “(B) JOINT RETURNS.—In the case of a
15 joint return, the \$2,400 amount in subsection
16 (a)(1) shall be treated as being—

17 “(i) \$1,200 if the valid identification
18 number of only 1 spouse is included on the
19 return of tax for the taxable year, and

20 “(ii) zero if the valid identification
21 number of neither spouse is so included.

22 “(C) QUALIFYING CHILD.—A qualifying
23 child of a taxpayer shall not be taken into ac-
24 count under subsection (a)(2) unless—

1 “(i) the taxpayer includes the valid
2 identification number of such taxpayer (or,
3 in the case of a joint return, the valid iden-
4 tification number of at least 1 spouse) on
5 the return of tax for the taxable year, and

6 “(ii) the valid identification number of
7 such qualifying child is included on the re-
8 turn of tax for the taxable year.

9 “(2) REQUIREMENTS FOR ADVANCE RE-
10 FUNDS.—No refund shall be payable under sub-
11 section (f) to an eligible individual who does not in-
12 clude on the return of tax for the taxable year—

13 “(A) such individual’s valid identification
14 number,

15 “(B) in the case of a joint return, the valid
16 identification number of such individual’s
17 spouse, and

18 “(C) in the case of any qualifying child
19 taken into account under subsection (a)(2), the
20 valid identification number of such qualifying
21 child.

22 “(3) VALID IDENTIFICATION NUMBER.—

23 “(A) IN GENERAL.—For purposes of this
24 subsection, the term ‘valid identification num-

1 ber’ means a social security number (as such
2 term is defined in section 24(h)(7)).

3 “(B) ADOPTION TAXPAYER IDENTIFICA-
4 TION NUMBER.—For purposes of paragraphs
5 (1)(C) and (2)(C), in the case of a qualifying
6 child who is adopted or placed for adoption, the
7 term ‘valid identification number’ shall include
8 the adoption taxpayer identification number of
9 such child.

10 “(4) SPECIAL RULE FOR MEMBERS OF THE
11 ARMED FORCES.—Paragraphs (1)(B) and (2)(B)
12 shall not apply in the case where at least 1 spouse
13 was a member of the Armed Forces of the United
14 States at any time during the taxable year and the
15 valid identification number of at least 1 spouse is in-
16 cluded on the return of tax for the taxable year.

17 “(5) MATHEMATICAL OR CLERICAL ERROR AU-
18 THORITY.—Any omission of a correct valid identi-
19 fication number required under this subsection shall
20 be treated as a mathematical or clerical error for
21 purposes of applying section 6213(g)(2) to such
22 omission.”.

23 (b) AMENDMENTS TO SECTION 2201 OF THE CARES
24 ACT.—Section 2201 of the CARES Act is amended—

1 (1) in subsection (d), by striking “Any credit or
2 refund allowed or made to any individual by reason
3 of section 6428 of the Internal Revenue Code of
4 1986 (as added by this section) or by reason of sub-
5 section (c) of this section” and inserting “Any re-
6 fund payable by reason of section 6428(f) of the In-
7 ternal Revenue Code of 1986 (as added by this sec-
8 tion), or any such refund payable by reason of sub-
9 section (c) of this section,” and

10 (2) in subsection (f)(1)(A)(i), by inserting after
11 “September 30, 2021” the following: “, of which up
12 to \$63,000,000 may be transferred to the “Depart-
13 ment of the Treasury—Bureau of the Fiscal Serv-
14 ice—Debt Collection” for necessary expenses related
15 to the implementation and operation of Government-
16 wide debt collection activities pursuant to sections
17 3711(g), 3716, and 3720A of title 31, United States
18 Code, and subsections (c) through (f) of section
19 6402 of the Internal Revenue Code of 1986 to offset
20 the loss resulting from the coronavirus pandemic of
21 debt collection receipts collected pursuant to such
22 sections: *Provided*, That amounts transferred pursu-
23 ant to this clause shall be in addition to any other
24 funds made available for this purpose”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section 2201
3 of the CARES Act.

4 **SEC. 274. EXTENSION OF CERTAIN DEFERRED PAYROLL**
5 **TAXES.**

6 The Secretary of the Treasury (or the Secretary’s
7 delegate) shall ensure that Internal Revenue Service No-
8 tice 2020–65 (entitled “Relief with Respect to Employ-
9 ment Tax Deadlines Applicable to Employers Affected by
10 the Ongoing Coronavirus (COVID–19) Disease 2019 Pan-
11 demic”) and any successor or related regulation, notice,
12 or guidance is applied—

13 (1) by substituting “December 31, 2021” for
14 “April 30, 2021” each place it appears therein, and

15 (2) by substituting “January 1, 2022” for
16 “May 1, 2021” each place it appears therein.

17 **SEC. 275. REGULATIONS OR GUIDANCE CLARIFYING APPLI-**
18 **CATION OF EDUCATOR EXPENSE TAX DEDUC-**
19 **TION.**

20 Not later than February 28, 2021, the Secretary of
21 the Treasury (or the Secretary’s delegate) shall by regula-
22 tion or other guidance clarify that personal protective
23 equipment, disinfectant, and other supplies used for the
24 prevention of the spread of COVID–19 are treated as de-
25 scribed in section 62(a)(2)(D)(ii) of the Internal Revenue

1 Code of 1986. Such regulations or other guidance shall
2 apply to expenses paid or incurred after March 12, 2020.

3 **SEC. 276. CLARIFICATION OF TAX TREATMENT OF FOR-**
4 **GIVENESS OF COVERED LOANS.**

5 (a) ORIGINAL PAYCHECK PROTECTION PROGRAM
6 LOANS.—

7 (1) IN GENERAL.—Subsection (i) of section 7A
8 of the Small Business Act, as redesignated, trans-
9 ferred, and amended by the Economic Aid to Hard-
10 Hit Small Businesses, Nonprofits, and Venues Act,
11 is amended to read as follows:

12 “(i) TAX TREATMENT.—For purposes of the Internal
13 Revenue Code of 1986—

14 “(1) no amount shall be included in the gross
15 income of the eligible recipient by reason of forgive-
16 ness of indebtedness described in subsection (b),

17 “(2) no deduction shall be denied, no tax at-
18 tribute shall be reduced, and no basis increase shall
19 be denied, by reason of the exclusion from gross in-
20 come provided by paragraph (1), and

21 “(3) in the case of an eligible recipient that is
22 a partnership or S corporation—

23 “(A) any amount excluded from income by
24 reason of paragraph (1) shall be treated as tax
25 exempt income for purposes of sections 705 and

1 1366 of the Internal Revenue Code of 1986,
2 and

3 “(B) except as provided by the Secretary
4 of the Treasury (or the Secretary’s delegate),
5 any increase in the adjusted basis of a partner’s
6 interest in a partnership under section 705 of
7 the Internal Revenue Code of 1986 with respect
8 to any amount described in subparagraph (A)
9 shall equal the partner’s distributive share of
10 deductions resulting from costs giving rise to
11 forgiveness described in subsection (b).”.

12 (2) EFFECTIVE DATE.—The amendment made
13 by this subsection shall apply to taxable years end-
14 ing after the date of the enactment of the CARES
15 Act.

16 (b) SUBSEQUENT PAYCHECK PROTECTION PROGRAM
17 LOANS.—For purposes of the Internal Revenue Code of
18 1986, in the case of any taxable year ending after the date
19 of the enactment of this Act—

20 (1) no amount shall be included in the gross in-
21 come of an eligible entity (within the meaning of
22 subparagraph (J) of section 7(a)(37) of the Small
23 Business Act) by reason of forgiveness of indebted-
24 ness described in clause (ii) of such subparagraph,

1 (2) no deduction shall be denied, no tax at-
2 tribute shall be reduced, and no basis increase shall
3 be denied, by reason of the exclusion from gross in-
4 come provided by paragraph (1), and

5 (3) in the case of an eligible entity that is a
6 partnership or S corporation—

7 (A) any amount excluded from income by
8 reason of paragraph (1) shall be treated as tax
9 exempt income for purposes of sections 705 and
10 1366 of the Internal Revenue Code of 1986,
11 and

12 (B) except as provided by the Secretary of
13 the Treasury (or the Secretary's delegate), any
14 increase in the adjusted basis of a partner's in-
15 terest in a partnership under section 705 of the
16 Internal Revenue Code of 1986 with respect to
17 any amount described in subparagraph (A)
18 shall equal the partner's distributive share of
19 deductions resulting from costs giving rise to
20 the forgiveness of indebtedness referred to in
21 paragraph (1).

22 **SEC. 277. EMERGENCY FINANCIAL AID GRANTS.**

23 (a) **IN GENERAL.**—In the case of a student receiving
24 a qualified emergency financial aid grant—

1 (1) such grant shall not be included in the
2 gross income of such individual for purposes of the
3 Internal Revenue Code of 1986, and

4 (2) such grant shall not be treated as described
5 in subparagraph (A), (B), or (C) of section
6 25A(g)(2) of such Code.

7 (b) DEFINITIONS.—For purposes of this subsection,
8 the term “qualified emergency financial aid grant”
9 means—

10 (1) any emergency financial aid grant awarded
11 by an institution of higher education under section
12 3504 of the CARES Act,

13 (2) any emergency financial aid grant from an
14 institution of higher education made with funds
15 made available under section 18004 of the CARES
16 Act, and

17 (3) any other emergency financial aid grant
18 made to a student from a Federal agency, a State,
19 an Indian tribe, an institution of higher education,
20 or a scholarship-granting organization (including a
21 tribal organization, as defined in section 4 of the In-
22 dian Self-Determination and Education Assistance
23 Act (25 U.S.C.5304)) for the purpose of providing
24 financial relief to students enrolled at institutions of
25 higher education in response to a qualifying emer-

1 agency (as defined in section 3502(a)(4) of the
2 CARES Act).

3 (c) LIMITATION.—This section shall not apply to that
4 portion of any amount received which represents payment
5 for teaching, research, or other services required as a con-
6 dition for receiving the qualified emergency financial aid
7 grant.

8 (d) EFFECTIVE DATE.—This section shall apply to
9 qualified emergency financial aid grants made after March
10 26, 2020.

11 **SEC. 278. CLARIFICATION OF TAX TREATMENT OF CERTAIN**
12 **LOAN FORGIVENESS AND OTHER BUSINESS**
13 **FINANCIAL ASSISTANCE.**

14 (a) UNITED STATES TREASURY PROGRAM MANAGE-
15 MENT AUTHORITY.—For purposes of the Internal Rev-
16 enue Code of 1986—

17 (1) no amount shall be included in the gross in-
18 come of a borrower by reason of forgiveness of in-
19 debtedness described in section 1109(d)(2)(D) of the
20 CARES Act,

21 (2) no deduction shall be denied, no tax at-
22 tribute shall be reduced, and no basis increase shall
23 be denied, by reason of the exclusion from gross in-
24 come provided by paragraph (1), and

1 (3) in the case of a borrower that is a partner-
2 ship or S corporation—

3 (A) any amount excluded from income by
4 reason of paragraph (1) shall be treated as tax
5 exempt income for purposes of sections 705 and
6 1366 of the Internal Revenue Code of 1986,
7 and

8 (B) except as provided by the Secretary of
9 the Treasury (or the Secretary's delegate), any
10 increase in the adjusted basis of a partner's in-
11 terest in a partnership under section 705 of the
12 Internal Revenue Code of 1986 with respect to
13 any amount described in subparagraph (A)
14 shall equal the partner's distributive share of
15 deductions resulting from costs giving rise to
16 forgiveness described in section 1109(d)(2)(D)
17 of the CARES Act.

18 (b) **EMERGENCY EIDL GRANTS AND TARGETED**
19 **EIDL ADVANCES.**—For purposes of the Internal Revenue
20 Code of 1986—

21 (1) any advance described in section 1110(e) of
22 the CARES Act or any funding under section 331
23 of the Economic Aid to Hard-Hit Small Businesses,
24 Nonprofits, and Venues Act shall not be included in

1 the gross income of the person that receives such ad-
2 vance or funding,

3 (2) no deduction shall be denied, no tax at-
4 tribute shall be reduced, and no basis increase shall
5 be denied, by reason of the exclusion from gross in-
6 come provided by paragraph (1), and

7 (3) in the case of a partnership or S corpora-
8 tion that receives such advance or funding—

9 (A) any amount excluded from income by
10 reason of paragraph (1) shall be treated as tax
11 exempt income for purposes of sections 705 and
12 1366 of the Internal Revenue Code of 1986,
13 and

14 (B) the Secretary of the Treasury (or the
15 Secretary's delegate) shall prescribe rules for
16 determining a partner's distributive share of
17 any amount described in subparagraph (A) for
18 purposes of section 705 of the Internal Revenue
19 Code of 1986.

20 (c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—For
21 purposes of the Internal Revenue Code of 1986—

22 (1) any payment described in section 1112(c) of
23 the CARES Act shall not be included in the gross
24 income of the person on whose behalf such payment
25 is made,

1 (2) no deduction shall be denied, no tax at-
2 tribute shall be reduced, and no basis increase shall
3 be denied, by reason of the exclusion from gross in-
4 come provided by paragraph (1), and

5 (3) in the case of a partnership or S corpora-
6 tion on whose behalf of a payment described in sec-
7 tion 1112(c) of the CARES Act is made—

8 (A) any amount excluded from income by
9 reason of paragraph (1) shall be treated as tax
10 exempt income for purposes of sections 705 and
11 1366 of the Internal Revenue Code of 1986,
12 and

13 (B) except as provided by the Secretary of
14 the Treasury (or the Secretary's delegate), any
15 increase in the adjusted basis of a partner's in-
16 terest in a partnership under section 705 of the
17 Internal Revenue Code of 1986 with respect to
18 any amount described in subparagraph (A)
19 shall equal the sum of the partner's distributive
20 share of deductions resulting from interest and
21 fees described in section 1112(c) of the CARES
22 Act and the partner's share, as determined
23 under section 752 of the Internal Revenue Code
24 of 1986, of principal described in section
25 1112(c) of the CARES Act.

1 (d) GRANTS FOR SHUTTERED VENUE OPERATORS.—

2 For purposes of the Internal Revenue Code of 1986—

3 (1) any grant made under section 324 of the
4 Economic Aid to Hard-Hit Small Businesses, Non-
5 profits, and Venues Act shall not be included in the
6 gross income of the person that receives such grant,

7 (2) no deduction shall be denied, no tax at-
8 tribute shall be reduced, and no basis increase shall
9 be denied, by reason of the exclusion from gross in-
10 come provided by paragraph (1), and

11 (3) in the case of a partnership or S corpora-
12 tion that receives such grant—

13 (A) any amount excluded from income by
14 reason of paragraph (1) shall be treated as tax
15 exempt income for purposes of sections 705 and
16 1366 of the Internal Revenue Code of 1986,
17 and

18 (B) the Secretary of the Treasury (or the
19 Secretary's delegate) shall prescribe rules for
20 determining a partner's distributive share of
21 any amount described in subparagraph (A) for
22 purposes of section 705 of the Internal Revenue
23 Code of 1986.

24 (e) EFFECTIVE DATES.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection, subsections (a), (b), and (c)
3 shall apply to taxable years ending after the date of
4 the enactment of the CARES Act.

5 (2) GRANTS FOR SHUTTERED VENUE OPERA-
6 TORS; TARGETED EIDL ADVANCES.—Subsection (d),
7 and so much of subsection (b) as relates to funding
8 under section 331 of the Economic Aid to Hard-Hit
9 Small Businesses, Nonprofits, and Venues Act, shall
10 apply to taxable years ending after the date of the
11 enactment of this Act.

12 **SEC. 279. AUTHORITY TO WAIVE CERTAIN INFORMATION**
13 **REPORTING REQUIREMENTS.**

14 The Secretary of the Treasury (or the Secretary's
15 delegate) may provide an exception from any requirement
16 to file an information return otherwise required by chapter
17 61 of the Internal Revenue Code of 1986 with respect to
18 any amount excluded from gross income by reason of sec-
19 tion 7A(i) of the Small Business Act or section 276(b),
20 277, or 278 of this subtitle.

21 **SEC. 280. APPLICATION OF SPECIAL RULES TO MONEY PUR-**
22 **CHASE PENSION PLANS.**

23 (a) IN GENERAL.—Section 2202(a)(6)(B) of the
24 CARES Act is amended by inserting “, and, in the case
25 of a money purchase pension plan, a coronavirus-related

1 distribution which is an in-service withdrawal shall be
2 treated as meeting the distribution rules of section 401(a)
3 of the Internal Revenue Code of 1986” before the period.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply as if included in the enactment
6 of section 2202 of the CARES Act.

7 **SEC. 281. ELECTION TO WAIVE APPLICATION OF CERTAIN**
8 **MODIFICATIONS TO FARMING LOSSES.**

9 (a) IN GENERAL.—Section 2303 of the CARES Act
10 is amended by adding at the end the following new sub-
11 section:

12 “(e) SPECIAL RULES WITH RESPECT TO FARMING
13 LOSSES.—

14 “(1) ELECTION TO DISREGARD APPLICATION OF
15 AMENDMENTS MADE BY SUBSECTIONS (a) AND
16 (b).—

17 “(A) IN GENERAL.—If a taxpayer who has
18 a farming loss (within the meaning of section
19 172(b)(1)(B)(ii) of the Internal Revenue Code
20 of 1986) for any taxable year beginning in
21 2018, 2019, or 2020 makes an election under
22 this paragraph, then—

23 “(i) the amendments made by sub-
24 section (a) shall not apply to any taxable

1 year beginning in 2018, 2019, or 2020,
2 and

3 “(ii) the amendments made by sub-
4 section (b) shall not apply to any net oper-
5 ating loss arising in any taxable year be-
6 ginning in 2018, 2019, or 2020.

7 “(B) ELECTION.—

8 “(i) IN GENERAL.—Except as pro-
9 vided in clause (ii)(II), an election under
10 this paragraph shall be made in such man-
11 ner as may be prescribed by the Secretary.
12 Such election, once made, shall be irrev-
13 ocable.

14 “(ii) TIME FOR MAKING ELECTION.—

15 “(I) IN GENERAL.—An election
16 under this paragraph shall be made
17 by the due date (including extensions
18 of time) for filing the taxpayer’s re-
19 turn for the taxpayer’s first taxable
20 year ending after the date of the en-
21 actment of the COVID-related Tax
22 Relief Act of 2020.

23 “(II) PREVIOUSLY FILED RE-
24 TURNS.—In the case of any taxable
25 year for which the taxpayer has filed

1 a return of Federal income tax before
2 the date of the enactment of the
3 COVID-related Tax Relief Act of
4 2020 which disregards the amend-
5 ments made by subsections (a) and
6 (b), such taxpayer shall be treated as
7 having made an election under this
8 paragraph unless the taxpayer amends
9 such return to reflect such amend-
10 ments by the due date (including ex-
11 tensions of time) for filing the tax-
12 payer’s return for the first taxable
13 year ending after the date of the en-
14 actment of the COVID-related Tax
15 Relief Act of 2020.

16 “(C) REGULATIONS.—The Secretary of the
17 Treasury (or the Secretary’s delegate) shall
18 issue such regulations and other guidance as
19 may be necessary to carry out the purposes of
20 this paragraph, including regulations and guid-
21 ance relating to the application of the rules of
22 section 172(a) of the Internal Revenue Code of
23 1986 (as in effect before the date of the enact-
24 ment of the CARES Act) to taxpayers making
25 an election under this paragraph.

1 “(2) REVOCATION OF ELECTION TO WAIVE
2 CARRYBACK.—The last sentence of section 172(b)(3)
3 of the Internal Revenue Code of 1986 and the last
4 sentence of section 172(b)(1)(B) of such Code shall
5 not apply to any election—

6 “(A) which was made before the date of
7 the enactment of the COVID-related Tax Relief
8 Act of 2020, and

9 “(B) which relates to the carryback period
10 provided under section 172(b)(1)(B) of such
11 Code with respect to any net operating loss
12 arising in taxable years beginning in 2018 or
13 2019.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall take effect as if included in section 2303
16 of the CARES Act.

17 **SEC. 282. OVERSIGHT AND AUDIT REPORTING.**

18 Section 19010(a)(1) of the CARES Act is amended
19 by striking “and” at the end of subparagraph (F), by
20 striking “and” at the end of subparagraph (G), and by
21 adding at the end the following new subparagraphs:

22 “(H) the Committee on Finance of the
23 Senate; and

24 “(I) the Committee on Ways and Means of
25 the House of Representatives; and”.

1 **SEC. 283. DISCLOSURES TO IDENTIFY TAX RECEIVABLES**
2 **NOT ELIGIBLE FOR COLLECTION PURSUANT**
3 **TO QUALIFIED TAX COLLECTION CON-**
4 **TRACTS.**

5 (a) IN GENERAL.—Section 1106 of the Social Secu-
6 rity Act (42 U.S.C. 1306) is amended by adding at the
7 end the following:

8 “(g) Notwithstanding any other provision of this sec-
9 tion, the Commissioner of Social Security shall enter into
10 an agreement with the Secretary of the Treasury under
11 which—

12 “(1) if the Secretary provides the Commissioner
13 with the information described in section
14 6103(k)(15) of the Internal Revenue Code of 1986
15 with respect to any individual, the Commissioner
16 shall indicate to the Secretary as to whether such in-
17 dividual receives disability insurance benefits under
18 section 223 or supplemental security income benefits
19 under title XVI (including State supplementary pay-
20 ments of the type referred to in section 1616(a) or
21 payments of the type described in section 212(a) of
22 Public Law 93–66);

23 “(2) appropriate safeguards are included to as-
24 sure that the indication described in paragraph (1)
25 will be used solely for the purpose of determining if
26 tax receivables involving such individual are not eli-

1 gible for collection pursuant to a qualified tax collec-
2 tion contract by reason of section 6306(d)(3)(E) of
3 the Internal Revenue Code of 1986; and

4 “(3) the Secretary shall pay the Commissioner
5 of Social Security the full costs (including systems
6 and administrative costs) of providing the indication
7 described in paragraph (1).”.

8 (b) AUTHORIZATION OF DISCLOSURE BY SECRETARY
9 OF THE TREASURY.—

10 (1) IN GENERAL.—Section 6103(k) is amended
11 by adding at the end the following new paragraph:

12 “(15) DISCLOSURES TO SOCIAL SECURITY AD-
13 MINISTRATION TO IDENTIFY TAX RECEIVABLES NOT
14 ELIGIBLE FOR COLLECTION PURSUANT TO QUALI-
15 FIED TAX COLLECTION CONTRACTS.—In the case of
16 any individual involved with a tax receivable which
17 the Secretary has identified for possible collection
18 pursuant to a qualified tax collection contract (as
19 defined in section 6306(b)), the Secretary may dis-
20 close the taxpayer identity and date of birth of such
21 individual to officers, employees, and contractors of
22 the Social Security Administration to determine if
23 such tax receivable is not eligible for collection pur-
24 suant to such a qualified tax collection contract by
25 reason of section 6306(d)(3)(E).”.

1 (2) CONFORMING AMENDMENTS RELATED TO
2 SAFEGUARDS.—

3 (A) Section 6103(a)(3) is amended by
4 striking “or (14)” and inserting “(14), or
5 (15)”.

6 (B) Section 6103(p)(4) is amended—

7 (i) by striking “(k)(8), (10) or (11)”
8 both places it appears and inserting
9 “(k)(8), (10), (11), or (15)”, and

10 (ii) by striking “any other person de-
11 scribed in subsection (k)(10)” each place it
12 appears and inserting “any other person
13 described in subsection (k)(10) or (15)”.

14 (C) Section 7213(a)(2) is amended by
15 striking “(k)(10), (13), or (14)” and inserting
16 “(k)(10), (13), (14), or (15)”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to disclosures made on or after
19 the date of the enactment of this Act.

20 **SEC. 284. MODIFICATION OF CERTAIN PROTECTIONS FOR**
21 **TAXPAYER RETURN INFORMATION.**

22 (a) AMENDMENTS TO THE INTERNAL REVENUE
23 CODE OF 1986.—

24 (1) IN GENERAL.—Subparagraph (D) of section
25 6103(l)(13) is amended—

1 (A) by inserting at the end of clause (iii)
2 the following new sentence: “Under such terms
3 and conditions as may be prescribed by the Sec-
4 retary, after consultation with the Department
5 of Education, an institution of higher education
6 described in subclause (I) or a State higher
7 education agency described in subclause (II)
8 may designate a contractor of such institution
9 or state agency to receive return information on
10 behalf of such institution or state agency to ad-
11 minister aspects of the institution’s or state
12 agency’s activities for the application, award,
13 and administration of such financial aid.”, and

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

15 “(iv) REDISCLOSURE TO OFFICE OF
16 INSPECTOR GENERAL, INDEPENDENT
17 AUDITORS, AND CONTRACTORS.—Any re-
18 turn information which is redisclosed
19 under clause (iii)—

20 “(I) may be further disclosed by
21 persons described in subclauses (I),
22 (II), or (III) of clause (iii) or persons
23 designated in the last sentence of
24 clause (iii) to the Office of Inspector
25 General of the Department of Edu-

1 cation and independent auditors con-
2 ducting audits of such person’s ad-
3 ministration of the programs for
4 which the return information was re-
5 ceived, and

6 “(II) may be further disclosed by
7 persons described in subclauses (I),
8 (II), or (III) of clause (iii) to contrac-
9 tors of such entities,

10 but only to the extent necessary in car-
11 rying out the purposes described in such
12 clause (iii).

13 “(v) REDISCLOSURE TO FAMILY MEM-
14 BERS.—In addition to the purposes for
15 which information is disclosed and used
16 under subparagraphs (A) and (C), or re-
17 disclosed under clause (iii), any return in-
18 formation so disclosed or redisclosed may
19 be further disclosed to any individual cer-
20 tified by the Secretary of Education as
21 having provided approval under paragraph
22 (1) or (2) of section 494(a) of the Higher
23 Education Act of 1965, as the case may
24 be, for disclosure related to the income-
25 contingent or income-based repayment plan

1 under subparagraph (A) or the eligibility
2 for, and amount of, Federal student finan-
3 cial aid described in subparagraph (C).

4 “(vi) REDISCLOSURE OF FAFSA IN-
5 FORMATION.—Return information received
6 under subparagraph (C) may be redis-
7 closed in accordance with subsection (c) of
8 section 494 of the Higher Education Act
9 of 1965 (as in effect on the date of enact-
10 ment of the COVID-related Tax Relief Act
11 of 2020) to carry out the purposes speci-
12 fied in such subsection.”.

13 (2) CONFORMING AMENDMENT.—Subparagraph
14 (F) of section 6103(l)(13) is amended by inserting
15 “, and any redisclosure authorized under clause (iii),
16 (iv) (v), or (vi) of subparagraph (D),” after “ or
17 (C)”.

18 (3) CONFIDENTIALITY OF RETURN INFORMA-
19 TION.—

20 (A) Section 6103(a)(3), as amended by
21 section 3516(a)(1) of the CARES Act, is
22 amended by striking “(13)(A), (13)(B),
23 (13)(C), (13)(D)(i),” and inserting “(13) (other
24 than subparagraphs (D)(v) and (D)(vi) there-
25 of),”.

1 (B) Section 6103(p)(3)(A), as amended by
2 section 3516(a)(2) of such Act, is amended by
3 striking “(13)(A), (13)(B), (13)(C),
4 (13)(D)(i),” and inserting “(13)(D)(iv),
5 (13)(D)(v), (13)(D)(vi)”.

6 (4) EFFECTIVE DATE.—The amendments made
7 by this subsection shall apply to disclosures made
8 after the date of the enactment of the FUTURE Act
9 (Public Law 116–91).

10 (b) AMENDMENTS TO THE HIGHER EDUCATION ACT
11 OF 1965.—

12 (1) IN GENERAL.—Section 494 of the Higher
13 Education Act of 1965 (20 U.S.C. 1098h(a)) is
14 amended—

15 (A) in subsection (a)(1)—

16 (i) in the matter preceding subpara-
17 graph (A), by inserting “, including return
18 information,” after “financial informa-
19 tion”;

20 (ii) in subparagraph (A)—

21 (I) in clause (i)—

22 (aa) by striking “subpara-
23 graph (B), the” and inserting the
24 following: “subparagraph (B)—
25 “(I) the”; and

1 (bb) by adding at the end
2 the following:

3 “(II) the return information of
4 such individuals may be redisclosed
5 pursuant to clauses (iii), (iv), (v), and
6 (vi) of section 6103(l)(13)(D) of the
7 Internal Revenue Code of 1986, for
8 the relevant purposes described in
9 such section; and”;

10 (II) in clause (ii), by striking
11 “such disclosure” and inserting “the
12 disclosures described in subclauses (I)
13 and (II) of clause (i)”;

14 (iii) in subparagraph (B), by striking
15 “disclosure described in subparagraph
16 (A)(i)” and inserting “disclosures de-
17 scribed in subclauses (I) and (II) of sub-
18 paragraph (A)(i)”;

19 (B) in subsection (a)(2)(A)(ii), by striking
20 “affirmatively approve the disclosure described
21 in paragraph (1)(A)(i) and agree that such ap-
22 proval shall serve as an ongoing approval of
23 such disclosure until the date on which the indi-
24 vidual elects to opt out of such disclosure” and
25 inserting “affirmatively approve the disclosures

1 described in subclauses (I) and (II) of para-
2 graph (1)(A)(i), to the extent applicable, and
3 agree that such approval shall serve as an ongo-
4 ing approval of such disclosures until the date
5 on which the individual elects to opt out of such
6 disclosures”; and

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

8 “(c) ACCESS TO FAFSA INFORMATION.—

9 “(1) REDISCLOSURE OF INFORMATION.—The
10 information in a complete, unredacted Student Aid
11 Report (including any return information disclosed
12 under section 6103(l)(13) of the Internal Revenue
13 Code of 1986 (26 U.S.C. 6103(l)(13))) with respect
14 to an application described in subsection (a)(1) of an
15 applicant for Federal student financial aid—

16 “(A) upon request for such information by
17 such applicant, shall be provided to such appli-
18 cant by—

19 “(i) the Secretary; or

20 “(ii) in a case in which the Secretary
21 has requested that institutions of higher
22 education carry out the requirements of
23 this subparagraph, an institution of higher
24 education that has received such informa-
25 tion; and

1 “(B) with the written consent by the appli-
2 cant to an institution of higher education, may
3 be provided by such institution of higher edu-
4 cation as is necessary to a scholarship granting
5 organization (including a tribal organization
6 (defined in section 4 of the Indian Self-Deter-
7 mination and Education Assistance Act (25
8 U.S.C. 5304))), or to an organization assisting
9 the applicant in applying for and receiving Fed-
10 eral, State, local, or tribal assistance, that is
11 designated by the applicant to assist the appli-
12 cant in applying for and receiving financial as-
13 sistance for any component of the applicant’s
14 cost of attendance (defined in section 472) at
15 that institution.

16 “(2) DISCUSSION OF INFORMATION.—A discus-
17 sion of the information in an application described
18 in subsection (a)(1) (including any return informa-
19 tion disclosed under section 6103(l)(13) of the Inter-
20 nal Revenue Code of 1986 (26 U.S.C. 6103(l)(13))
21 of an applicant between an institution of higher edu-
22 cation and the applicant may, with the written con-
23 sent of the applicant, include an individual selected
24 by the applicant (such as an advisor) to participate
25 in such discussion.

1 “(3) RESTRICTION ON DISCLOSING INFORMA-
2 TION.—A person receiving information under para-
3 graph (1)(B) or (2) with respect to an applicant
4 shall not use the information for any purpose other
5 than the express purpose for which consent was
6 granted by the applicant and shall not disclose such
7 information to any other person without the express
8 permission of, or request by, the applicant.

9 “(4) DEFINITIONS.—In this subsection:

10 “(A) STUDENT AID REPORT.—The term
11 ‘Student Aid Report’ has the meaning given the
12 term in section 668.2 of title 34, Code of Fed-
13 eral Regulations (or successor regulations).

14 “(B) WRITTEN CONSENT.—The term
15 ‘written consent’ means a separate, written doc-
16 ument that is signed and dated (which may in-
17 clude by electronic format) by an applicant,
18 which—

19 “(i) indicates that the information
20 being disclosed includes return information
21 disclosed under section 6103(l)(13) of the
22 Internal Revenue Code of 1986 (26 U.S.C.
23 6103(l)(13)) with respect to the applicant;

24 “(ii) states the purpose for which the
25 information is being disclosed; and

1 “(iii) states that the information may
2 only be used for the specific purpose and
3 no other purposes.

4 “(5) RECORD KEEPING REQUIREMENT.—An in-
5 stitution of higher education shall—

6 “(A) keep a record of each written consent
7 made under this subsection for a period of at
8 least 3 years from the date of the student’s last
9 date of attendance at the institution; and

10 “(B) make each such record readily avail-
11 able for review by the Secretary.”.

12 (2) CONFORMING AMENDMENT.—Section
13 494(a)(3) of the Higher Education Act of 1965 (20
14 U.S.C. 1098h(a)(3)) is amended by striking “para-
15 graph (1)(A)(i)” both places the term appears and
16 inserting “paragraph (1)(A)(i)(I)”.

17 **SEC. 285. 2020 ELECTION TO TERMINATE TRANSFER PE-**
18 **RIOD FOR QUALIFIED TRANSFERS FROM**
19 **PENSION PLAN FOR COVERING FUTURE RE-**
20 **TIREE COSTS.**

21 (a) IN GENERAL.—Section 420(f) is amended by
22 adding at the end the following new paragraph:

23 “(7) ELECTION TO END TRANSFER PERIOD.—

24 “(A) IN GENERAL.—In the case of an em-
25 ployer maintaining a plan which has made a

1 qualified future transfer under this subsection,
2 such employer may, not later than December
3 31, 2021, elect to terminate the transfer period
4 with respect to such transfer effective as of any
5 taxable year specified by the taxpayer that be-
6 gins after the date of such election.

7 “(B) AMOUNTS TRANSFERRED TO PLAN
8 ON TERMINATION.—Any assets transferred to a
9 health benefits account, or an applicable life in-
10 surance account, in a qualified future transfer
11 (and any income allocable thereto) which are
12 not used as of the effective date of the election
13 to terminate the transfer period with respect to
14 such transfer under subparagraph (A), shall be
15 transferred out of the account to the transferor
16 plan within a reasonable period of time. The
17 transfer required by this subparagraph shall be
18 treated as an employer reversion for purposes
19 of section 4980 (other than subsection (d)
20 thereof), unless before the end of the 5-year pe-
21 riod beginning after the original transfer period
22 an equivalent amount is transferred back to
23 such health benefits account, or applicable life
24 insurance account, as the case may be. Any
25 such transfer back pursuant to the preceding

1 sentence may be made without regard to section
2 401(h)(1).

3 “(C) MINIMUM COST REQUIREMENTS CON-
4 TINUE.—The requirements of subsection (c)(3)
5 and paragraph (2)(D) shall apply with respect
6 to a qualified future transfer without regard to
7 any election under subparagraph (A) with re-
8 spect to such transfer.

9 “(D) MODIFIED MAINTENANCE OF FUND-
10 ED STATUS DURING ORIGINAL TRANSFER PE-
11 RIOD.—The requirements of paragraph (2)(B)
12 shall apply without regard to any such election,
13 and clause (i) thereof shall be applied by sub-
14 stituting ‘100 percent’ for ‘120 percent’ during
15 the original transfer period.

16 “(E) CONTINUED MAINTENANCE OF FUND-
17 ING STATUS AFTER ORIGINAL TRANSFER PE-
18 RIOD.—

19 “(i) IN GENERAL.—In the case of a
20 plan with respect to which there is an ex-
21 cess described in paragraph (2)(B)(ii) as of
22 the valuation date of the plan year in the
23 last year of the original transfer period,
24 paragraph (2)(B) shall apply for 5 years
25 after the original transfer period in the

1 same manner as during a transfer period
 2 by substituting the applicable percentage
 3 for ‘120 percent’ in clause (i) thereof.

4 “(ii) APPLICABLE PERCENTAGE.—For
 5 purposes of this subparagraph, the applica-
 6 ble percentage shall be determined under
 7 the following table:

“For the valuation date of the plan year in the following year after the original transfer period: The applicable percentage is:

1st	104 percent
2nd	108 percent
3rd	112 percent
4th	116 percent
5th	120 percent

8 “(iii) EARLY TERMINATION OF CON-
 9 TINUED MAINTENANCE PERIOD WHEN 120
 10 PERCENT FUNDING REACHED.—If, as of
 11 the valuation date of any plan year in the
 12 first 4 years after the original transfer pe-
 13 riod with respect to a qualified future
 14 transfer, there would be no excess deter-
 15 mined under this subparagraph were the
 16 applicable percentage 120 percent, then
 17 this subparagraph shall cease to apply with
 18 respect to the plan.

19 “(F) ORIGINAL TRANSFER PERIOD.—For
 20 purposes of this paragraph, the term ‘original
 21 transfer period’ means the transfer period

1 under this subsection with respect to a qualified
2 future transfer determined without regard to
3 the election under subparagraph (A).”.

4 (b) **EFFECTIVE DATE.**—The amendments made by
5 this section shall apply to taxable years beginning after
6 December 31, 2019.

7 **SEC. 286. EXTENSION OF CREDITS FOR PAID SICK AND**
8 **FAMILY LEAVE.**

9 (a) **IN GENERAL.**—Sections 7001(g), 7002(e),
10 7003(g), and 7004(e) of the Families First Coronavirus
11 Response Act are each amended by striking “December
12 31, 2020” and inserting “March 31, 2021”.

13 (b) **COORDINATION WITH TERMINATION OF MAN-**
14 **DATE.**—

15 (1) **PAYROLL CREDIT FOR PAID SICK LEAVE.**—
16 Section 7001(c) of the Families First Coronavirus
17 Response Act is amended by striking “paid by an
18 employer which” and all that follows and inserting
19 “paid by an employer—

20 “(1) which are required to be paid by reason of
21 the Emergency Paid Sick Leave Act, or

22 “(2) both—

23 “(A) which would be so required to be paid
24 if such Act were applied—

1 “(i) by substituting ‘March 31, 2021’
2 for ‘December 31, 2020’ in section 5109
3 thereof, and

4 “(ii) without regard to section
5 5102(b)(3) thereof, and

6 “(B) with respect to which all require-
7 ments of such Act (other than subsections (a)
8 and (b) of section 5105 thereof, and determined
9 by substituting ‘To be compliant with section
10 5102, an employer may not’ for ‘It shall be un-
11 lawful for any employer to’ in section 5104
12 thereof) which would apply if so required are
13 satisfied.”.

14 (2) CREDIT FOR SICK LEAVE OF SELF-EM-
15 PLOYED INDIVIDUALS.—Section 7002(b)(2) of the
16 Families First Coronavirus Response Act is amend-
17 ed to read as follows:

18 “(2) either—

19 “(A) would be entitled to receive paid leave
20 during the taxable year pursuant to the Emer-
21 gency Paid Sick Leave Act if the individual
22 were an employee of an employer (other than
23 himself or herself), or

24 “(B) would be so entitled if—

1 “(i) such Act were applied by sub-
2 stituting ‘March 31, 2021’ for ‘December
3 31, 2020’ in section 5109 thereof, and

4 “(ii) the individual were an employee
5 of an employer (other than himself or her-
6 self).”.

7 (3) PAYROLL CREDIT FOR PAID FAMILY
8 LEAVE.—Section 7003(e) of the Families First
9 Coronavirus Response Act is amended by striking
10 “paid by an employer which” and all that follows
11 and inserting “paid by an employer—

12 “(1) which are required to be paid by reason of
13 the Emergency Family and Medical Leave Expan-
14 sion Act (including the amendments made by such
15 Act), or

16 “(2) both—

17 “(A) which would be so required to be paid
18 if section 102(a)(1)(F) of the Family and Med-
19 ical Leave Act of 1993, as amended by the
20 Emergency Family and Medical Leave Expan-
21 sion Act, were applied by substituting ‘March
22 31, 2021’ for ‘December 31, 2020’, and

23 “(B) with respect to which all require-
24 ments of the Family and Medical Leave Act of
25 1993 (other than section 107 thereof, and de-

1 terminated by substituting ‘To be compliant with
2 section 102(a)(1)(F), an employer may not’ for
3 ‘It shall be unlawful for any employer to’ each
4 place it appears in subsection (a) of section 105
5 thereof, by substituting ‘made unlawful in this
6 title or described in this section’ for ‘made un-
7 lawful by this title’ in paragraph (2) of such
8 subsection, and by substituting ‘To be compli-
9 ant with section 102(a)(1)(F), an employer may
10 not’ for ‘It shall be unlawful for any person to’
11 in subsection (b) of such section) which relate
12 to such section 102(a)(1)(F), and which would
13 apply if so required, are satisfied.”.

14 (4) CREDIT FOR FAMILY LEAVE OF SELF-EM-
15 PLOYED INDIVIDUALS.—Section 7004(b)(2) of the
16 Families First Coronavirus Response Act is amend-
17 ed to read as follows:

18 “(2) either—

19 “(A) would be entitled to receive paid leave
20 during the taxable year pursuant to the Emer-
21 gency Family and Medical Leave Expansion Act
22 if the individual were an employee of an em-
23 ployer (other than himself or herself), or

24 “(B) would be so entitled if—

1 “(i) section 102(a)(1)(F) of the Fam-
2 ily and Medical Leave Act of 1993, as
3 amended by the Emergency Family and
4 Medical Leave Expansion Act, were applied
5 by substituting ‘March 31, 2021’ for ‘De-
6 cember 31, 2020’, and

7 “(ii) the individual were an employee
8 of an employer (other than himself or her-
9 self).”.

10 (5) COORDINATION WITH CERTAIN EMPLOY-
11 MENT TAXES.—Section 7005(a) of the Families
12 First Coronavirus Response Act is amended by in-
13 serting “(or, in the case of wages paid after Decem-
14 ber 31, 2020, and before April 1, 2021, with respect
15 to which a credit is allowed under section 7001 or
16 7003)” before “shall not be considered”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect as if included in the provisions
19 of the Families First Coronavirus Response Act to which
20 they relate.

1 **SEC. 287. ELECTION TO USE PRIOR YEAR NET EARNINGS**
2 **FROM SELF-EMPLOYMENT IN DETERMINING**
3 **AVERAGE DAILY SELF-EMPLOYMENT INCOME**
4 **FOR PURPOSES OF CREDITS FOR PAID SICK**
5 **AND FAMILY LEAVE.**

6 (a) CREDIT FOR SICK LEAVE.—Section 7002(c) of
7 the Families First Coronavirus Response Act is amended
8 by adding at the end the following new paragraph:

9 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
10 INGS FROM SELF-EMPLOYMENT INCOME.—In the
11 case of an individual who elects (at such time and
12 in such manner as the Secretary, or the Secretary’s
13 delegate, may provide) the application of this para-
14 graph, paragraph (2)(A) shall be applied by sub-
15 stituting ‘the prior taxable year’ for ‘the taxable
16 year’.”.

17 (b) CREDIT FOR FAMILY LEAVE.—Section 7004(c)
18 of the Families First Coronavirus Response Act is amend-
19 ed by adding at the end the following new paragraph:

20 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
21 INGS FROM SELF-EMPLOYMENT INCOME.—In the
22 case of an individual who elects (at such time and
23 in such manner as the Secretary, or the Secretary’s
24 delegate, may provide) the application of this para-
25 graph, paragraph (2)(A) shall be applied by sub-

1 stituting ‘the prior taxable year’ for ‘the taxable
2 year’.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect as if included in the provisions
5 of the Families First Coronavirus Response Act to which
6 they relate.

7 **SEC. 288. CERTAIN TECHNICAL IMPROVEMENTS TO CRED-**
8 **ITS FOR PAID SICK AND FAMILY LEAVE.**

9 (a) COORDINATION WITH APPLICATION OF CERTAIN
10 DEFINITIONS.—

11 (1) IN GENERAL.—Sections 7001(c) and
12 7003(c) of the Families First Coronavirus Response
13 Act are each amended—

14 (A) by inserting “, determined without re-
15 gard to paragraphs (1) through (22) of section
16 3121(b) of such Code” after “as defined in sec-
17 tion 3121(a) of the Internal Revenue Code of
18 1986”, and

19 (B) by inserting “, determined without re-
20 gard to the sentence in paragraph (1) thereof
21 which begins ‘Such term does not include remu-
22 neration’” after “as defined in section 3231(e)
23 of the Internal Revenue Code”.

24 (2) CONFORMING AMENDMENTS.—Sections
25 7001(e)(3) and 7003(e)(3) of the Families First

1 Coronavirus Response Act are each amended by
2 striking “Any term” and inserting “Except as other-
3 wise provided in this section, any term”.

4 (b) COORDINATION WITH EXCLUSION FROM EM-
5 PLOYMENT TAXES.—Sections 7001(c) and 7003(c) of the
6 Families First Coronavirus Response Act, as amended by
7 subsection (a), are each amended—

8 (1) by inserting “and section 7005(a) of this
9 Act,” after “determined without regard to para-
10 graphs (1) through (22) of section 3121(b) of such
11 Code”, and

12 (2) by inserting “and without regard to section
13 7005(a) of this Act” after “which begins ‘Such term
14 does not include remuneration’ ”.

15 (c) CLARIFICATION OF APPLICABLE RAILROAD RE-
16 TIREMENT TAX FOR PAID LEAVE CREDITS.—Sections
17 7001(e) and 7003(e) of the Families First Coronavirus
18 Response Act, as amended by the preceding provisions of
19 this Act, are each amended by adding at the end the fol-
20 lowing new paragraph:

21 “(4) REFERENCES TO RAILROAD RETIREMENT
22 TAX.—Any reference in this section to the tax im-
23 posed by section 3221(a) of the Internal Revenue
24 Code of 1986 shall be treated as a reference to so

1 much of such tax as is attributable to the rate in ef-
2 fect under section 3111(a) of such Code.”.

3 (d) CLARIFICATION OF TREATMENT OF PAID LEAVE
4 FOR APPLICABLE RAILROAD RETIREMENT TAX.—Section
5 7005(a) of the Families First Coronavirus Response Act
6 is amended by adding the following sentence at the end
7 of such subsection: “Any reference in this subsection to
8 the tax imposed by section 3221(a) of such Code shall be
9 treated as a reference to so much of the tax as is attrib-
10 utable to the rate in effect under section 3111(a) of such
11 Code.”.

12 (e) CLARIFICATION OF APPLICABLE RAILROAD RE-
13 TIREMENT TAX FOR HOSPITAL INSURANCE TAX CRED-
14 IT.—Section 7005(b)(1) of the Families First Coronavirus
15 Response Act is amended to read as follows:

16 “(1) IN GENERAL.—The credit allowed by sec-
17 tion 7001 and the credit allowed by section 7003
18 shall each be increased by the amount of the tax im-
19 posed by section 3111(b) of the Internal Revenue
20 Code of 1986 and so much of the taxes imposed
21 under section 3221(a) of such Code as are attrib-
22 utable to the rate in effect under section 3111(b) of
23 such Code on qualified sick leave wages, or qualified
24 family leave wages, for which credit is allowed under
25 such section 7001 or 7003 (respectively).”.

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in the provisions
3 of the Families First Coronavirus Response Act to which
4 they relate.

5 **TITLE III—CONTINUING THE**
6 **PAYCHECK PROTECTION**
7 **PROGRAM AND OTHER SMALL**
8 **BUSINESS SUPPORT**

9 **SEC. 301. SHORT TITLE.**

10 This title may be cited as the “Economic Aid to
11 Hard-Hit Small Businesses, Nonprofits, and Venues Act”.

12 **SEC. 302. DEFINITIONS.**

13 In this Act:

14 (1) ADMINISTRATION; ADMINISTRATOR.—The
15 terms “Administration” and “Administrator” mean
16 the Small Business Administration and the Adminis-
17 trator thereof, respectively.

18 (2) SMALL BUSINESS CONCERN.—The term
19 “small business concern” has the meaning given the
20 term in section 3 of the Small Business Act (15
21 U.S.C. 632).

22 **SEC. 303. EMERGENCY RULEMAKING AUTHORITY.**

23 Not later than 10 days after the date of enactment
24 of this Act, the Administrator shall issue regulations to
25 carry out this Act and the amendments made by this Act

1 without regard to the notice requirements under section
2 553(b) of title 5, United States Code.

3 **SEC. 304. ADDITIONAL ELIGIBLE EXPENSES.**

4 (a) ALLOWABLE USE OF PPP LOAN.—Section
5 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C.
6 636(a)(36)(F)(i)) is amended—

7 (1) in subclause (VI), by striking “and” at the
8 end;

9 (2) in subclause (VII), by striking the period at
10 the end and inserting a semicolon; and

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

12 “(VIII) covered operations ex-
13 penditures, as defined in section
14 7A(a);

15 “(IX) covered property damage
16 costs, as defined in section 7A(a);

17 “(X) covered supplier costs, as
18 defined in section 7A(a); and

19 “(XI) covered worker protection
20 expenditures, as defined in section
21 7A(a).”.

22 (b) LOAN FORGIVENESS.—

23 (1) TRANSFER OF SECTION TO SMALL BUSI-
24 NESS ACT.—

1 (A) IN GENERAL.—Section 1106 of the
2 CARES Act (15 U.S.C. 9005) is redesignated
3 as section 7A, transferred to the Small Busi-
4 ness Act (15 U.S.C. 631 et seq.), and inserted
5 so as to appear after section 7 of the Small
6 Business Act (15 U.S.C. 636).

7 (B) CONFORMING AMENDMENTS TO
8 TRANSFERRED SECTION.—Section 7A of the
9 Small Business Act, as redesignated and trans-
10 ferred by subparagraph (A) of this paragraph,
11 is amended—

12 (i) in subsection (a)(1), by striking
13 “under paragraph (36) of section 7(a) of
14 the Small Business Act (15 U.S.C.
15 636(a)), as added by section 1102” and in-
16 serting “under section 7(a)(36)”; and

17 (ii) in subsection (c), by striking “of
18 the Small Business Act (15 U.S.C.
19 636(a))” each place it appears.

20 (C) OTHER CONFORMING AMENDMENTS.—

21 (i) Section 1109(d)(2)(D) of the
22 CARES Act (15 U.S.C. 9008(d)(2)(D)) is
23 amended by striking “section 1106 of this
24 Act” and inserting “section 7A of the
25 Small Business Act”.

1 (ii) Section 7(a)(36) of the Small
2 Business Act (15 U.S.C. 636(a)(36)) is
3 amended—

4 (I) in subparagraph (K), by
5 striking “section 1106 of the CARES
6 Act” and inserting “section 7A”; and

7 (II) in subparagraph (M)—

8 (aa) by striking “section
9 1106 of the CARES Act” each
10 place it appears and inserting
11 “section 7A”; and

12 (bb) in clause (v), by strik-
13 ing “section 1106(a) of the
14 CARES Act” and inserting “sec-
15 tion 7A(a)”.

16 (2) ADDITIONAL ELIGIBLE EXPENSES.—Section
17 7A of the Small Business Act, as redesignated and
18 transferred by paragraph (1) of this subsection, is
19 amended—

20 (A) in subsection (a)—

21 (i) by redesignating paragraphs (6),
22 (7), and (8) as paragraphs (10), (11), and
23 (12), respectively;

24 (ii) by redesignating paragraph (5) as
25 paragraph (8);

1 (iii) by redesignating paragraph (4) as
2 paragraph (6);

3 (iv) by redesignating paragraph (3) as
4 paragraph (4);

5 (v) by inserting after paragraph (2)
6 the following:

7 “(3) the term ‘covered operations expenditure’
8 means a payment for any business software or cloud
9 computing service that facilitates business oper-
10 ations, product or service delivery, the processing,
11 payment, or tracking of payroll expenses, human re-
12 sources, sales and billing functions, or accounting or
13 tracking of supplies, inventory, records and ex-
14 penses;”;

15 (vi) by inserting after paragraph (4),
16 as so redesignated, the following:

17 “(5) the term ‘covered property damage cost’
18 means a cost related to property damage and van-
19 dalism or looting due to public disturbances that oc-
20 curred during 2020 that was not covered by insur-
21 ance or other compensation;”;

22 (vii) by inserting after paragraph (6),
23 as so redesignated, the following:

1 “(7) the term ‘covered supplier cost’ means an
2 expenditure made by an entity to a supplier of goods
3 for the supply of goods that—

4 “(A) are essential to the operations of the
5 entity at the time at which the expenditure is
6 made; and

7 “(B) is made pursuant to a contract,
8 order, or purchase order—

9 “(i) in effect at any time before the
10 covered period with respect to the applica-
11 ble covered loan; or

12 “(ii) with respect to perishable goods,
13 in effect before or at any time during the
14 covered period with respect to the applica-
15 ble covered loan;”;

16 (viii) by inserting after paragraph (8),
17 as so redesignated, the following:

18 “(9) the term ‘covered worker protection ex-
19 penditure’—

20 “(A) means an operating or a capital ex-
21 penditure to facilitate the adaptation of the
22 business activities of an entity to comply with
23 requirements established or guidance issued by
24 the Department of Health and Human Services,
25 the Centers for Disease Control, or the Occupa-

1 tional Safety and Health Administration, or any
2 equivalent requirements established or guidance
3 issued by a State or local government, during
4 the period beginning on March 1, 2020 and
5 ending the date on which the national emer-
6 gency declared by the President under the Na-
7 tional Emergencies Act (50 U.S.C. 1601 et
8 seq.) with respect to the Coronavirus Disease
9 2019 (COVID–19) expires related to the main-
10 tenance of standards for sanitation, social
11 distancing, or any other worker or customer
12 safety requirement related to COVID–19;

13 “(B) may include—

14 “(i) the purchase, maintenance, or
15 renovation of assets that create or ex-
16 pand—

17 “(I) a drive-through window fa-
18 cility;

19 “(II) an indoor, outdoor, or com-
20 bined air or air pressure ventilation or
21 filtration system;

22 “(III) a physical barrier such as
23 a sneeze guard;

1 “(IV) an expansion of additional
2 indoor, outdoor, or combined business
3 space;

4 “(V) an onsite or offsite health
5 screening capability; or

6 “(VI) other assets relating to the
7 compliance with the requirements or
8 guidance described in subparagraph
9 (A), as determined by the Adminis-
10 trator in consultation with the Sec-
11 retary of Health and Human Services
12 and the Secretary of Labor; and

13 “(ii) the purchase of—

14 “(I) covered materials described
15 in section 328.103(a) of title 44, Code
16 of Federal Regulations, or any suc-
17 cessor regulation;

18 “(II) particulate filtering face-
19 piece respirators approved by the Na-
20 tional Institute for Occupational Safe-
21 ty and Health, including those ap-
22 proved only for emergency use author-
23 ization; or

24 “(III) other kinds of personal
25 protective equipment, as determined

1 by the Administrator in consultation
2 with the Secretary of Health and
3 Human Services and the Secretary of
4 Labor; and

5 “(C) does not include residential real prop-
6 erty or intangible property;”; and

7 (ix) in paragraph (11), as so redesign-
8 nated—

9 (I) in subparagraph (C), by strik-
10 ing “and” at the end;

11 (II) in subparagraph (D), by
12 striking “and” at the end; and

13 (III) by adding at the end the
14 following:

15 “(E) covered operations expenditures;

16 “(F) covered property damage costs;

17 “(G) covered supplier costs; and

18 “(H) covered worker protection expendi-
19 tures; and”;

20 (B) in subsection (b), by adding at the end
21 the following:

22 “(5) Any covered operations expenditure.

23 “(6) Any covered property damage cost.

24 “(7) Any covered supplier cost.

1 “(8) Any covered worker protection expendi-
2 ture.”;

3 (C) in subsection (d)(8), by inserting “any
4 payment on any covered operations expenditure,
5 any payment on any covered property damage
6 cost, any payment on any covered supplier cost,
7 any payment on any covered worker protection
8 expenditure,” after “rent obligation,”; and

9 (D) in subsection (e)—

10 (i) in paragraph (2)—

11 (I) by inserting “purchase orders,
12 orders, invoices,” before “or other
13 documents”; and

14 (II) by striking “covered lease
15 obligations,” and inserting “covered
16 rent obligations, payments on covered
17 operations expenditures, payments on
18 covered property damage costs, pay-
19 ments on covered supplier costs, pay-
20 ments on covered worker protection
21 expenditures,”; and

22 (ii) in paragraph (3)(B), by inserting
23 “make payments on covered operations ex-
24 penditures, make payments on covered
25 property damage costs, make payments on

1 covered supplier costs, make payments on
2 covered worker protection expenditures,”
3 after “rent obligation,”.

4 (c) EFFECTIVE DATE; APPLICABILITY.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the amendments made by subsections (a)
7 and (b) shall be effective as if included in the
8 CARES Act (Public Law 116–136; 134 Stat. 281)
9 and shall apply to any loan made pursuant to sec-
10 tion 7(a)(36) of the Small Business Act (15 U.S.C.
11 636(a)(36)) before, on, or after the date of enact-
12 ment of this Act, including forgiveness of such a
13 loan.

14 (2) EXCLUSION OF LOANS ALREADY FOR-
15 GIVEN.—The amendments made by subsections (a)
16 and (b) shall not apply to a loan made pursuant to
17 section 7(a)(36) of the Small Business Act (15
18 U.S.C. 636(a)(36)) for which the borrower received
19 forgiveness before the date of enactment of this Act
20 under section 1106 of the CARES Act, as in effect
21 on the day before such date of enactment.

22 **SEC. 305. HOLD HARMLESS.**

23 (a) IN GENERAL.—Subsection (h) of section 7A of
24 the Small Business Act, as redesignated and transferred
25 by section 304 of this Act, is amended to read as follows:

1 “(h) HOLD HARMLESS.—

2 “(1) DEFINITION.—In this subsection, the term
3 ‘initial or second draw PPP loan’ means a covered
4 loan or a loan under paragraph (37) of section 7(a).

5 “(2) RELIANCE.—A lender may rely on any cer-
6 tification or documentation submitted by an appli-
7 cant for an initial or second draw PPP loan or an
8 eligible recipient or eligible entity receiving initial or
9 second draw PPP loan that—

10 “(A) is submitted pursuant to all applica-
11 ble statutory requirements, regulations, and
12 guidance related to initial or second draw PPP
13 loan, including under paragraph (36) or (37) of
14 section 7(a) and under this section; and

15 “(B) attests that the applicant, eligible re-
16 cipient, or eligible entity, as applicable, has ac-
17 curately provided the certification or docu-
18 mentation to the lender in accordance with the
19 statutory requirements, regulations, and guid-
20 ance described in subparagraph (A).

21 “(3) NO ENFORCEMENT ACTION.—With respect
22 to a lender that relies on a certification or docu-
23 mentation described in paragraph (2) related to an
24 initial or second draw PPP loan, an enforcement ac-
25 tion may not be taken against the lender, and the

1 lender shall not be subject to any penalties relating
2 to loan origination or forgiveness of the initial or
3 second draw PPP loan, if—

4 “(A) the lender acts in good faith relating
5 to loan origination or forgiveness of the initial
6 or second draw PPP loan based on that reli-
7 ance; and

8 “(B) all other relevant Federal, State,
9 local, and other statutory and regulatory re-
10 quirements applicable to the lender are satisfied
11 with respect to the initial or second draw PPP
12 loan.”.

13 (b) **EFFECTIVE DATE; APPLICABILITY.**—The amend-
14 ment made by subsection (a) shall be effective as if in-
15 cluded in the CARES Act (Public Law 116–136; 134 Stat.
16 281) and shall apply to any loan made pursuant to section
17 7(a)(36) of the Small Business Act (15 U.S.C.
18 636(a)(36)) before, on, or after the date of enactment of
19 this Act, including forgiveness of such a loan.

20 **SEC. 306. SELECTION OF COVERED PERIOD FOR FORGIVE-**
21 **NESS.**

22 Section 7A of the Small Business Act, as redesis-
23 gned and transferred by section 304 of this Act, is
24 amended—

25

1 (A) by amending paragraph (4) of sub-
2 section (a), as so redesignated by section 304(b)
3 of this Act, to read as follows:

4 “(4) the term ‘covered period’ means the pe-
5 riod—

6 “(A) beginning on the date of the origina-
7 tion of a covered loan; and

8 “(B) ending on a date selected by the eligi-
9 ble recipient of the covered loan that occurs
10 during the period—

11 “(i) beginning on the date that is 8
12 weeks after such date of origination; and

13 “(ii) ending on the date that is 24
14 weeks after such date of origination;”; and

15 (1) by striking subsection (l).

16 **SEC. 307. SIMPLIFIED FORGIVENESS APPLICATION.**

17 (a) IN GENERAL.—Section 7A of the Small Business
18 Act, as redesignated and transferred by section 304 of this
19 Act, and as amended by section 306 of this Act, is amend-
20 ed—

21 (1) in subsection (e), in the matter preceding
22 paragraph (1), by striking “An eligible” and insert-
23 ing “Except as provided in subsection (l), an eligi-
24 ble”;

1 (2) in subsection (f), by inserting “or the cer-
2 tification required under subsection (l), as applica-
3 ble” after “subsection (e)”; and

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

5 “(1) SIMPLIFIED APPLICATION.—

6 “(1) COVERED LOANS UP TO \$150,000.—

7 “(A) IN GENERAL .—With respect to a
8 covered loan made to an eligible recipient that
9 is not more than \$150,000, the covered loan
10 amount shall be forgiven under this section if
11 the eligible recipient—

12 “(i) signs and submits to the lender a
13 certification, to be established by the Ad-
14 ministrators not later than 24 days after
15 the date of enactment of the Economic Aid
16 to Hard-Hit Small Businesses, Nonprofits,
17 and Venues Act, which—

18 “(I) shall be not more than 1
19 page in length; and

20 “(II) shall only require the eligi-
21 ble recipient to provide—

22 “(aa) a description of the
23 number of employees the eligible
24 recipient was able to retain be-
25 cause of the covered loan;

1 “(bb) the estimated amount
2 of the covered loan amount spent
3 by the eligible recipient on pay-
4 roll costs; and

5 “(cc) the total loan value;
6 “(ii) attests that the eligible recipient
7 has—

8 “(I) accurately provided the re-
9 quired certification; and

10 “(II) complied with the require-
11 ments under section 7(a)(36); and

12 “(iii) retains records relevant to the
13 form that prove compliance with such re-
14 quirements—

15 “(I) with respect to employment
16 records, for the 4-year period fol-
17 lowing submission of the form; and

18 “(II) with respect to other
19 records, for the 3-year period fol-
20 lowing submission of the form.

21 “(B) LIMITATION ON REQUIRING ADDI-
22 TIONAL MATERIALS.—An eligible recipient of a
23 covered loan that is not more than \$150,000
24 shall not, at the time of the application for for-
25 giveness, be required to submit any application

1 or documentation in addition to the certification
2 and information required to substantiate for-
3 giveness.

4 “(C) RECORDS FOR OTHER REQUIRE-
5 MENTS.—Nothing in subparagraph (A) or (B)
6 shall be construed to exempt an eligible recipi-
7 ent from having to provide documentation inde-
8 pendently to a lender to satisfy relevant Fed-
9 eral, State, local, or other statutory or regu-
10 latory requirements, or in connection with an
11 audit as authorized under subparagraph (E).

12 “(D) DEMOGRAPHIC INFORMATION.—The
13 certification established by the Administrator
14 under subparagraph (A) shall include a means
15 by which an eligible recipient may, at the dis-
16 cretion of the eligible recipient, submit demo-
17 graphic information of the owner of the eligible
18 recipient, including the sex, race, ethnicity, and
19 veteran status of the owner.

20 “(E) AUDIT AUTHORITY.—The Adminis-
21 trator may—

22 “(i) review and audit covered loans
23 described in subparagraph (A);

24 “(ii) access any records described in
25 subparagraph (A)(iii); and

1 “(iii) in the case of fraud, ineligibility,
2 or other material noncompliance with ap-
3 plicable loan or loan forgiveness require-
4 ments, modify—

5 “(I) the amount of a covered loan
6 described in subparagraph (A); or

7 “(II) the loan forgiveness amount
8 with respect to a covered loan de-
9 scribed in subparagraph (A).

10 “(2) COVERED LOANS OF MORE THAN
11 \$150,000.—

12 “(A) IN GENERAL.—With respect to a cov-
13 ered loan in an amount that is more than
14 \$150,000, the eligible recipient shall submit to
15 the lender that is servicing the covered loan the
16 documentation described in subsection (e).

17 “(B) DEMOGRAPHIC INFORMATION.—The
18 process for submitting the documentation de-
19 scribed in subsection (e) shall include a means
20 by which an eligible recipient may, at the dis-
21 cretion of the eligible recipient, submit demo-
22 graphic information of the owner of the eligible
23 recipient, including the sex, race, ethnicity, and
24 veteran status of the owner.

25 “(3) FORGIVENESS AUDIT PLAN.—

1 “(A) IN GENERAL.—Not later than 45
2 days after the date of enactment of the Eco-
3 nomic Aid to Hard-Hit Small Businesses, Non-
4 profits, and Venues Act, the Administrator shall
5 submit to the Committee on Small Business
6 and Entrepreneurship of the Senate and the
7 Committee on Small Business of the House of
8 Representatives an audit plan that details—

9 “(i) the policies and procedures of the
10 Administrator for conducting forgiveness
11 reviews and audits of covered loans; and

12 “(ii) the metrics that the Adminis-
13 trator shall use to determine which covered
14 loans will be audited.

15 “(B) REPORTS.—Not later than 30 days
16 after the date on which the Administrator sub-
17 mits the audit plan required under subpara-
18 graph (A), and each month thereafter, the Ad-
19 ministrator shall submit to the Committee on
20 Small Business and Entrepreneurship of the
21 Senate and the Committee on Small Business
22 of the House of Representatives a report on the
23 forgiveness review and audit activities of the
24 Administrator under this subsection, which
25 shall include—

1 “(i) the number of active reviews and
2 audits;

3 “(ii) the number of reviews and audits
4 that have been ongoing for more than 60
5 days; and

6 “(iii) any substantial changes made to
7 the audit plan submitted under subpara-
8 graph (A).”.

9 (b) **EFFECTIVE DATE; APPLICABILITY.**—The amend-
10 ments made by subsection (a) shall be effective as if in-
11 cluded in the CARES Act (Public Law 116–136; 134 Stat.
12 281) and shall apply to any loan made pursuant to section
13 7(a)(36) of the Small Business Act (15 U.S.C.
14 636(a)(36)) before, on, or after the date of enactment of
15 this Act, including forgiveness of such a loan.

16 **SEC. 308. SPECIFIC GROUP INSURANCE PAYMENTS AS PAY-**
17 **ROLL COSTS.**

18 (a) **IN GENERAL.**—Section
19 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act
20 (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by
21 inserting “or group life, disability, vision, or dental insur-
22 ance” before “benefits”.

23 (b) **EFFECTIVE DATE; APPLICABILITY.**—The amend-
24 ment made by subsection (a) shall be effective as if in-
25 cluded in the CARES Act (Public Law 116–136; 134 Stat.

1 281) and shall apply to any loan made pursuant to section
2 7(a)(36) of the Small Business Act (15 U.S.C.
3 636(a)(36)) before, on, or after the date of enactment of
4 this Act, including forgiveness of such a loan.

5 **SEC. 309. DEMOGRAPHIC INFORMATION.**

6 On and after the date of enactment of this Act, any
7 loan origination application for a loan under paragraph
8 (36) or (37) of section 7(a) of the Small Business Act
9 (15 U.S.C. 636(a)), as amended and added by this divi-
10 sion, shall include a means by which the applicant for the
11 loan may, at the discretion of the applicant, submit demo-
12 graphic information of the owner of the recipient of the
13 loan, including the sex, race, ethnicity, and veteran status
14 of the owner.

15 **SEC. 310. CLARIFICATION OF AND ADDITIONAL LIMITA-**
16 **TIONS ON ELIGIBILITY.**

17 (a) DATE IN OPERATION.—

18 (1) IN GENERAL.—Section 7(a)(36) of the
19 Small Business Act (15 U.S.C. 636(a)(36)) is
20 amended by adding at the end the following:

21 “(T) REQUIREMENT FOR DATE IN OPER-
22 ATION.—A business or organization that was
23 not in operation on February 15, 2020 shall not
24 be eligible for a loan under this paragraph.”.

1 (2) EFFECTIVE DATE; APPLICABILITY.—The
2 amendment made by paragraph (1) shall be effective
3 as if included in the CARES Act (Public Law 116–
4 136; 134 Stat. 281) and shall apply to any loan
5 made pursuant to section 7(a)(36) of the Small
6 Business Act (15 U.S.C. 636(a)(36)) before, on, or
7 after the date of enactment of this Act, including
8 forgiveness of such a loan.

9 (b) EXCLUSION OF ENTITIES RECEIVING SHUT-
10 TERED VENUE OPERATOR GRANTS.—Section 7(a)(36) of
11 the Small Business Act (15 U.S.C. 636(a)(36)), as
12 amended by subsection (a) of this section, is amended by
13 adding at the end the following:

14 “(U) EXCLUSION OF ENTITIES RECEIVING
15 SHUTTERED VENUE OPERATOR GRANTS.—An
16 eligible person or entity (as defined under of
17 section 24 of the Economic Aid to Hard-Hit
18 Small Businesses, Nonprofits, and Venues Act)
19 that receives a grant under such section 24
20 shall not be eligible for a loan under this para-
21 graph.”.

1 **SEC. 311. PAYCHECK PROTECTION PROGRAM SECOND**
2 **DRAW LOANS.**

3 (a) IN GENERAL.—Section 7(a) of the Small Busi-
4 ness Act (15 U.S.C. 636(a)) is amended by adding at the
5 end the following:

6 “(37) PAYCHECK PROTECTION PROGRAM SEC-
7 OND DRAW LOANS.—

8 “(A) DEFINITIONS.—In this paragraph—

9 “(i) the terms ‘eligible self-employed
10 individual’, ‘housing cooperative’, ‘non-
11 profit organization’, ‘payroll costs’, ‘sea-
12 sonal employer’, and ‘veterans organiza-
13 tion’ have the meanings given those terms
14 in paragraph (36), except that ‘eligible en-
15 tity’ shall be substituted for ‘eligible recipi-
16 ent’ each place it appears in the definitions
17 of those terms;

18 “(ii) the term ‘covered loan’ means a
19 loan made under this paragraph;

20 “(iii) the terms ‘covered mortgage ob-
21 ligation’, ‘covered operating expenditure’,
22 ‘covered property damage cost’, ‘covered
23 rent obligation’, ‘covered supplier cost’,
24 ‘covered utility payment’, and ‘covered
25 worker protection expenditure’ have the

1 meanings given those terms in section
2 7A(a);

3 “(iv) the term ‘eligible entity’—

4 “(I) means any business concern,
5 nonprofit organization, housing coop-
6 erative, veterans organization, Tribal
7 business concern, eligible self-em-
8 ployed individual, sole proprietor,
9 independent contractor, or small agri-
10 cultural cooperative that—

11 “(aa) employs not more
12 than 300 employees; and

13 “(bb)(AA) except as pro-
14 vided in subitems (BB), (CC),
15 and (DD), had gross receipts
16 during the first, second, third, or,
17 only with respect to an applica-
18 tion submitted on or after Janu-
19 ary 1, 2021, fourth quarter in
20 2020 that demonstrate not less
21 than a 25 percent reduction from
22 the gross receipts of the entity
23 during the same quarter in 2019;

24 “(BB) if the entity was not
25 in business during the first or

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1 second quarter of 2019, but was
2 in business during the third and
3 fourth quarter of 2019, had gross
4 receipts during the first, second,
5 third, or, only with respect to an
6 application submitted on or after
7 January 1, 2021, fourth quarter
8 of 2020 that demonstrate not
9 less than a 25 percent reduction
10 from the gross receipts of the en-
11 tity during the third or fourth
12 quarter of 2019;

13 “(CC) if the entity was not
14 in business during the first, sec-
15 ond, or third quarter of 2019,
16 but was in business during the
17 fourth quarter of 2019, had gross
18 receipts during the first, second,
19 third, or, only with respect to an
20 application submitted on or after
21 January 1, 2021, fourth quarter
22 of 2020 that demonstrate not
23 less than a 25 percent reduction
24 from the gross receipts of the en-

1 tity during the fourth quarter of
2 2019; or

3 “(DD) if the entity was not
4 in business during 2019, but was
5 in operation on February 15,
6 2020, had gross receipts during
7 the second, third, or, only with
8 respect to an application sub-
9 mitted on or after January 1,
10 2021, fourth quarter of 2020
11 that demonstrate not less than a
12 25 percent reduction from the
13 gross receipts of the entity dur-
14 ing the first quarter of 2020;

15 “(II) includes a business concern
16 or organization made eligible for a
17 loan under paragraph (36) under
18 clause (iii)(II), (iv)(IV), or (vii) of
19 subparagraph (D) of paragraph (36)
20 and that meets the requirements de-
21 scribed in items (aa) and (bb) of sub-
22 clause (I); and

23 “(III) does not include—

24 “(aa) any entity that is a
25 type of business concern (or

1 would be, if such entity were a
2 business concern) described in
3 section 120.110 of title 13, Code
4 of Federal Regulations (or in any
5 successor regulation or other re-
6 lated guidance or rule that may
7 be issued by the Administrator)
8 other than a business concern de-
9 scribed in subsection (a) or (k) of
10 such section; or

11 “(bb) any business concern
12 or entity primarily engaged in
13 political or lobbying activities,
14 which shall include any entity
15 that is organized for research or
16 for engaging in advocacy in areas
17 such as public policy or political
18 strategy or otherwise describes
19 itself as a think tank in any pub-
20 lic documents;

21 “(cc) any business concern
22 or entity—

23 “(AA) for which an en-
24 tity created in or organized
25 under the laws of the Peo-

1 ple’s Republic of China or
2 the Special Administrative
3 Region of Hong Kong, or
4 that has significant oper-
5 ations in the People’s Re-
6 public of China or the Spe-
7 cial Administrative Region
8 of Hong Kong, owns or
9 holds, directly or indirectly,
10 not less than 20 percent of
11 the economic interest of the
12 business concern or entity,
13 including as equity shares or
14 a capital or profit interest in
15 a limited liability company
16 or partnership; or

17 “(BB) that retains, as
18 a member of the board of di-
19 rectors of the business con-
20 cern, a person who is a resi-
21 dent of the People’s Repub-
22 lic of China;

23 “(dd) any person required to
24 submit a registration statement
25 under section 2 of the Foreign

1 Agents Registration Act of 1938
2 (22 U.S.C. 612); or

3 “(ee) an eligible person or
4 entity (as defined under section
5 24 of the Economic Aid to Hard-
6 Hit Small Businesses, Non-
7 profits, and Venues Act) that re-
8 ceives a grant under such section
9 24; and

10 “(v) the term ‘Tribal business con-
11 cern’ means a Tribal business concern de-
12 scribed in section 31(b)(2)(C).

13 “(B) LOANS.—Except as otherwise pro-
14 vided in this paragraph, the Administrator may
15 guarantee covered loans to eligible entities
16 under the same terms, conditions, and processes
17 as a loan made under paragraph (36).

18 “(C) MAXIMUM LOAN AMOUNT.—

19 “(i) IN GENERAL.—Except as other-
20 wise provided in this subparagraph, the
21 maximum amount of a covered loan made
22 to an eligible entity is the lesser of—

23 “(I) the product obtained by mul-
24 tiplying—

1 “(aa) at the election of the
2 eligible entity, the average total
3 monthly payment for payroll
4 costs incurred or paid by the eli-
5 gible entity during—

6 “(AA) the 1-year period
7 before the date on which the
8 loan is made; or

9 “(BB) calendar year
10 2019; by

11 “(bb) 2.5; or

12 “(II) \$2,000,000.

13 “(ii) SEASONAL EMPLOYERS.—The
14 maximum amount of a covered loan made
15 to an eligible entity that is a seasonal em-
16 ployer is the lesser of—

17 “(I) the product obtained by mul-
18 tiplying—

19 “(aa) at the election of the
20 eligible entity, the average total
21 monthly payments for payroll
22 costs incurred or paid by the eli-
23 gible entity for any 12-week pe-
24 riod between February 15, 2019
25 and February 15, 2020; by

1 “(bb) 2.5; or

2 “(II) \$2,000,000.

3 “(iii) NEW ENTITIES.—The maximum
4 amount of a covered loan made to an eligi-
5 ble entity that did not exist during the 1-
6 year period preceding February 15, 2020
7 is the lesser of—

8 “(I) the product obtained by mul-
9 tipling—

10 “(aa) the quotient obtained
11 by dividing—

12 “(AA) the sum of the
13 total monthly payments by
14 the eligible entity for payroll
15 costs paid or incurred by the
16 eligible entity as of the date
17 on which the eligible entity
18 applies for the covered loan;
19 by

20 “(BB) the number of
21 months in which those pay-
22 roll costs were paid or in-
23 curred; by

24 “(bb) 2.5; or

25 “(II) \$2,000,000.

1 “(iv) NAICS 72 ENTITIES.—The max-
2 imum amount of a covered loan made to
3 an eligible entity that is assigned a North
4 American Industry Classification System
5 code beginning with 72 at the time of dis-
6 bursal is the lesser of—

7 “(I) the product obtained by mul-
8 tiplying—

9 “(aa) at the election of the
10 eligible entity, the average total
11 monthly payment for payroll
12 costs incurred or paid by the eli-
13 gible entity during—

14 “(AA) the 1-year period
15 before the date on which the
16 loan is made; or

17 “(BB) calendar year
18 2019; by

19 “(bb) 3.5; or

20 “(II) \$2,000,000.

21 “(D) BUSINESS CONCERNS WITH MORE
22 THAN 1 PHYSICAL LOCATION.—

23 “(i) IN GENERAL.—For a business
24 concern with more than 1 physical loca-
25 tion, the business concern shall be an eligi-

1 ble entity if the business concern would be
2 eligible for a loan under paragraph (36)
3 pursuant to clause (iii) of subparagraph
4 (D) of such paragraph, as applied in ac-
5 cordance with clause (ii) of this subpara-
6 graph, and meets the revenue reduction re-
7 quirements described in item (bb) of sub-
8 paragraph (A)(iv)(I).

9 “(ii) SIZE LIMIT.—For purposes of
10 applying clause (i), the Administrator shall
11 substitute ‘not more than 300 employees’
12 for ‘not more than 500 employees’ in para-
13 graph (36)(D)(iii).

14 “(E) WAIVER OF AFFILIATION RULES.—

15 “(i) IN GENERAL.—The waiver de-
16 scribed in paragraph (36)(D)(iv) shall
17 apply for purposes of determining eligi-
18 bility under this paragraph.

19 “(ii) SIZE LIMIT.—For purposes of
20 applying clause (i), the Administrator shall
21 substitute ‘not more than 300 employees’
22 for ‘not more than 500 employees’ in sub-
23 clause (I) and (IV) of paragraph
24 (36)(D)(iv).

1 “(F) LOAN NUMBER LIMITATION.—An eli-
2 gible entity may only receive 1 covered loan.

3 “(G) EXCEPTION FROM CERTAIN CERTIFI-
4 CATION REQUIREMENTS.—An eligible entity ap-
5 plying for a covered loan shall not be required
6 to make the certification described in clause
7 (iii) or (iv) of paragraph (36)(G).

8 “(H) FEE WAIVER.—With respect to a
9 covered loan—

10 “(i) in lieu of the fee otherwise appli-
11 cable under paragraph (23)(A), the Ad-
12 ministrators shall collect no fee; and

13 “(ii) in lieu of the fee otherwise appli-
14 cable under paragraph (18)(A), the Ad-
15 ministrators shall collect no fee.

16 “(I) GROSS RECEIPTS AND SIMPLIFIED
17 CERTIFICATION OF REVENUE TEST.—

18 “(i) LOANS OF UP TO \$150,000.—For
19 a covered loan of not more than \$150,000,
20 the eligible entity—

21 “(I) may submit a certification
22 attesting that the eligible entity meets
23 the applicable revenue loss require-
24 ment under subparagraph
25 (A)(iv)(I)(bb); and

1 “(II) if the eligible entity submits
2 a certification under subclause (I),
3 shall, on or before the date on which
4 the eligible entity submits an applica-
5 tion for forgiveness under subpara-
6 graph (J), produce adequate docu-
7 mentation that the eligible entity met
8 such revenue loss standard.

9 “(ii) FOR NONPROFIT AND VETERANS
10 ORGANIZATIONS.—For purposes of calcu-
11 lating gross receipts under subparagraph
12 (A)(iv)(I)(bb) for an eligible entity that is
13 a nonprofit organization, a veterans orga-
14 nization, or an organization described in
15 subparagraph (A)(iv)(II), gross receipts
16 means gross receipts within the meaning of
17 section 6033 of the Internal Revenue Code
18 of 1986.

19 “(J) LOAN FORGIVENESS.—

20 “(i) DEFINITION OF COVERED PE-
21 RIOD.—In this subparagraph, the term
22 ‘covered period’ has the meaning given
23 that term in section 7A(a).

24 “(ii) FORGIVENESS GENERALLY.—Ex-
25 cept as otherwise provided in this subpara-

1 graph, an eligible entity shall be eligible for
2 forgiveness of indebtedness on a covered
3 loan in the same manner as an eligible re-
4 cipient with respect to a loan made under
5 paragraph (36) of this section, as de-
6 scribed in section 7A.

7 “(iii) FORGIVENESS AMOUNT.—An eli-
8 gible entity shall be eligible for forgiveness
9 of indebtedness on a covered loan in an
10 amount equal to the sum of the following
11 costs incurred or expenditures made during
12 the covered period:

13 “(I) Payroll costs, excluding any
14 payroll costs that are—

15 “(aa) qualified wages, as de-
16 fined in subsection (c)(3) of sec-
17 tion 2301 of the CARES Act (26
18 U.S.C. 3111 note), taken into ac-
19 count in determining the credit
20 allowed under such section; or

21 “(bb) qualified wages taken
22 into account in determining the
23 credit allowed under subsection
24 (a) or (d) of section 303 of the

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1 Taxpayer Certainty and Disaster
2 Relief Act of 2020.

3 “(II) Any payment of interest on
4 any covered mortgage obligation
5 (which shall not include any prepay-
6 ment of or payment of principal on a
7 covered mortgage obligation).

8 “(III) Any covered operations ex-
9 penditure.

10 “(IV) Any covered property dam-
11 age cost.

12 “(V) Any payment on any cov-
13 ered rent obligation.

14 “(VI) Any covered utility pay-
15 ment.

16 “(VII) Any covered supplier cost.

17 “(VIII) Any covered worker pro-
18 tection expenditure.

19 “(iv) LIMITATION ON FORGIVENESS
20 FOR ALL ELIGIBLE ENTITIES.—Subject to
21 any reductions under section 7A(d), the
22 forgiveness amount under this subpara-
23 graph shall be equal to the lesser of—

24 “(I) the amount described in
25 clause (ii); and

1 “(II) the amount equal to the
2 quotient obtained by dividing—

3 “(aa) the amount of the cov-
4 ered loan used for payroll costs
5 during the covered period; and

6 “(bb) 0.60.

7 “(v) SUBMISSION OF MATERIALS FOR
8 FORGIVENESS.—For purposes of applying
9 subsection (l)(1) of section 7A to a covered
10 loan of not more than \$150,000 under this
11 paragraph, an eligible entity may be re-
12 quired to provide, at the time of the appli-
13 cation for forgiveness, documentation re-
14 quired to substantiate revenue loss in ac-
15 cordance with subparagraph (I).

16 “(K) LENDER ELIGIBILITY.—Except as
17 otherwise provided in this paragraph, a lender
18 approved to make loans under paragraph (36)
19 may make covered loans under the same terms
20 and conditions as in paragraph (36).

21 “(L) REIMBURSEMENT FOR LOAN PROC-
22 ESSING AND SERVICING.—The Administrator
23 shall reimburse a lender authorized to make a
24 covered loan—

1 “(i) for a covered loan of not more
2 than \$50,000, in an amount equal to the
3 lesser of—

4 “(I) 50 percent of the balance of
5 the financing outstanding at the time
6 of disbursement of the covered loan;
7 or

8 “(II) \$2,500;

9 “(ii) at a rate, based on the balance
10 of the financing outstanding at the time of
11 disbursement of the covered loan, of—

12 “(I) 5 percent for a covered loan
13 of more than \$50,000 and not more
14 than \$350,000; and

15 “(II) 3 percent for a covered loan
16 of more than \$350,000.

17 “(M) PUBLICATION OF GUIDANCE.—Not
18 later than 10 days after the date of enactment
19 of this paragraph, the Administrator shall issue
20 guidance addressing barriers to accessing cap-
21 ital for minority, underserved, veteran, and
22 women-owned business concerns for the purpose
23 of ensuring equitable access to covered loans.

24 “(N) STANDARD OPERATING PROCE-
25 DURE.—The Administrator shall, to the max-

1 imum extent practicable, allow a lender ap-
2 proved to make covered loans to use existing
3 program guidance and standard operating pro-
4 cedures for loans made under this subsection.

5 “(O) SUPPLEMENTAL COVERED LOANS.—
6 A covered loan under this paragraph may only
7 be made to an eligible entity that—

8 “(i) has received a loan under para-
9 graph (36); and

10 “(ii) on or before the expected date on
11 which the covered loan under this para-
12 graph is disbursed to the eligible entity,
13 has used, or will use, the full amount of
14 the loan received under paragraph (36).”.

15 (b) APPLICATION OF EXEMPTION BASED ON EM-
16 PLOYEE AVAILABILITY.—

17 (1) IN GENERAL.—Section 7A(d) of the Small
18 Business Act, as redesignated and transferred by
19 section 304 of this Act, is amended—

20 (A) in paragraph (5)(B), by inserting “(or,
21 with respect to a covered loan made on or after
22 the date of enactment of the Economic Aid to
23 Hard-Hit Small Businesses, Nonprofits, and
24 Venues Act, not later than the last day of the
25 covered period with respect to such covered

1 loan)” after “December 31, 2020” each place it
2 appears; and

3 (B) in paragraph (7)—

4 (i) by inserting “(or, with respect to a
5 covered loan made on or after the date of
6 enactment of the Economic Aid to Hard-
7 Hit Small Businesses, Nonprofits, and
8 Venues Act, ending on the last day of the
9 covered period with respect to such covered
10 loan)” after “December 31, 2020” the
11 first and third places it appears; and

12 (ii) by inserting “(or, with respect to
13 a covered loan made on or after the date
14 of enactment of the Economic Aid to
15 Hard-Hit Small Businesses, Nonprofits,
16 and Venues Act, on or before the last day
17 of the covered period with respect to such
18 covered loan)” after “December 31, 2020”
19 the second place it appears.

20 (2) MODIFICATION OF DATES.—The Adminis-
21 trator and the Secretary of the Treasury may joint-
22 ly, by regulation, modify any date in section 7A(d)
23 of the Small Business Act, as redesignated and
24 transferred by section 304 of this Act, other than a
25 deadline established under an amendment made by

1 paragraph (1), in a manner consistent with the pur-
2 poses of the Paycheck Protection Program to help
3 businesses retain workers and meet financial obliga-
4 tions.

5 (c) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZA-
6 TIONS.—

7 (1) SENSE OF CONGRESS.—It is the sense of
8 Congress that the interim final rule of the Adminis-
9 tration entitled “Business Loan Program Temporary
10 Changes; Paycheck Protection Program” (85 Fed.
11 Reg. 20817 (April 15, 2020)) properly clarified the
12 eligibility of churches and religious organizations for
13 loans made under paragraph (36) of section 7(a) of
14 the Small Business Act (15 U.S.C. 636(a)).

15 (2) APPLICABILITY OF PROHIBITION.—The pro-
16 hibition on eligibility established by section
17 120.110(k) of title 13, Code of Federal Regulations,
18 or any successor regulation, shall not apply to a loan
19 under paragraph (36) of section 7(a) of the Small
20 Business Act (15 U.S.C. 636(a)).

21 **SEC. 312. INCREASED ABILITY FOR PAYCHECK PROTEC-**
22 **TION PROGRAM BORROWERS TO REQUEST**
23 **AN INCREASE IN LOAN AMOUNT DUE TO UP-**
24 **DATED REGULATIONS.**

25 (a) DEFINITIONS.—In this section—

1 (1) the terms “covered loan” and “eligible re-
2 recipient” have the meanings given those terms in
3 7(a)(36)(A) of the Small Business Act (15 U.S.C.
4 636(a)(36)(A)); and

5 (2) the term “included covered loan” means a
6 covered loan for which, as of the date of enactment
7 of this Act, the borrower had not received forgive-
8 ness under section 1106 of the CARES Act, as in
9 effect on the day before such date of enactment.

10 (b) RULES OR GUIDANCE.—Not later than 17 days
11 after the date of enactment of this Act, and without regard
12 to the notice requirements under section 553(b) of title
13 5, United States Code, the Administrator shall issue rules
14 or guidance to ensure that an eligible recipient of an in-
15 cluded covered loan that returns amounts disbursed under
16 the included covered loan or does not accept the full
17 amount of the included covered loan for which the eligible
18 recipient was approved—

19 (1) in the case of an eligible recipient that re-
20 turned all or part of an included covered loan, the
21 eligible recipient may reapply for a covered loan for
22 an amount equal to the difference between the
23 amount retained and the maximum amount applica-
24 ble; and

1 (2) in the case of an eligible recipient that did
2 not accept the full amount of an included covered
3 loan, the eligible recipient may request a modifica-
4 tion to increase the amount of the covered loan to
5 the maximum amount applicable, subject to the re-
6 quirements of section 7(a)(36) of the Small Business
7 Act (15 U.S.C. 636(a)(36)).

8 (c) INTERIM FINAL RULES.—Notwithstanding the
9 interim final rule issued by the Administration entitled
10 “Business Loan Program Temporary Changes; Paycheck
11 Protection Program—Loan Increases” (85 Fed. Reg.
12 29842 (May 19, 2020)), an eligible recipient of an in-
13 cluded covered loan that is eligible for an increased cov-
14 ered loan amount as a result of any interim final rule that
15 allows for covered loan increases may submit a request
16 for an increase in the included covered loan amount even
17 if—

18 (1) the initial covered loan amount has been
19 fully disbursed; or

20 (2) the lender of the initial covered loan has
21 submitted to the Administration a Form 1502 report
22 related to the covered loan.

1 **SEC. 313. CALCULATION OF MAXIMUM LOAN AMOUNT FOR**
2 **FARMERS AND RANCHERS UNDER THE PAY-**
3 **CHECK PROTECTION PROGRAM.**

4 (a) IN GENERAL.—Section 7(a)(36) of the Small
5 Business Act (15 U.S.C. 636(a)(36)), as amended by sec-
6 tion 310 of this Act, is amended—

7 (1) in subparagraph (E), in the matter pre-
8 ceding clause (i), by striking “During” and inserting
9 “Except as provided in subparagraph (V), during”;
10 and

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

12 “(V) CALCULATION OF MAXIMUM LOAN
13 AMOUNT FOR FARMERS AND RANCHERS.—

14 “(i) DEFINITION.—In this subpara-
15 graph, the term ‘covered recipient’ means
16 an eligible recipient that—

17 “(I) operates as a sole propri-
18 etorship or as an independent con-
19 tractor, or is an eligible self-employed
20 individual;

21 “(II) reports farm income or ex-
22 penses on a Schedule F (or any equiv-
23 alent successor schedule); and

24 “(III) was in business as of Feb-
25 ruary 15, 2020.

1 “(ii) NO EMPLOYEES.—With respect
2 to covered recipient without employees, the
3 maximum covered loan amount shall be the
4 lesser of—

5 “(I) the sum of—

6 “(aa) the product obtained
7 by multiplying—

8 “(AA) the gross income
9 of the covered recipient in
10 2019, as reported on a
11 Schedule F (or any equiva-
12 lent successor schedule),
13 that is not more than
14 \$100,000, divided by 12;
15 and

16 “(BB) 2.5; and

17 “(bb) the outstanding
18 amount of a loan under sub-
19 section (b)(2) that was made
20 during the period beginning on
21 January 31, 2020 and ending on
22 April 3, 2020 that the borrower
23 intends to refinance under the
24 covered loan, not including any
25 amount of any advance under the

1 loan that is not required to be re-
2 paid; or

3 “(II) \$2,000,000.

4 “(iii) WITH EMPLOYEES.—With re-
5 spect to a covered recipient with employ-
6 ees, the maximum covered loan amount
7 shall be calculated using the formula de-
8 scribed in subparagraph (E), except that
9 the gross income of the covered recipient
10 described in clause (ii)(I)(aa)(AA) of this
11 subparagraph, as divided by 12, shall be
12 added to the sum calculated under sub-
13 paragraph (E)(i)(I).

14 “(iv) RECALCULATION.—A lender that
15 made a covered loan to a covered recipient
16 before the date of enactment of this sub-
17 paragraph may, at the request of the cov-
18 ered recipient—

19 “(I) recalculate the maximum
20 loan amount applicable to that cov-
21 ered loan based on the formula de-
22 scribed in clause (ii) or (iii), as appli-
23 cable, if doing so would result in a
24 larger covered loan amount; and

1 “(II) provide the covered recipi-
2 ent with additional covered loan
3 amounts based on that recalcula-
4 tion.”.

5 (b) **EFFECTIVE DATE; APPLICABILITY.**—

6 (1) **IN GENERAL.**—Except as provided in para-
7 graph (2), the amendments made by subsection (a)
8 shall be effective as if included in the CARES Act
9 (Public Law 116–136; 134 Stat. 281) and shall
10 apply to any loan made pursuant to section 7(a)(36)
11 of the Small Business Act (15 U.S.C. 636(a)(36))
12 before, on, or after the date of enactment of this
13 Act, including forgiveness of such a loan.

14 (2) **EXCLUSION OF LOANS ALREADY FOR-**
15 **GIVEN.**—The amendments made by subsection (a)
16 shall not apply to a loan made pursuant to section
17 7(a)(36) of the Small Business Act (15 U.S.C.
18 636(a)(36)) for which the borrower received forgive-
19 ness before the date of enactment of this Act under
20 section 1106 of the CARES Act, as in effect on the
21 day before such date of enactment.

22 **SEC. 314. FARM CREDIT SYSTEM INSTITUTIONS.**

23 (a) **DEFINITION OF FARM CREDIT SYSTEM INSTITU-**
24 **TION.**—In this section, the term “Farm Credit System in-
25 stitution”—

1 (1) means an institution of the Farm Credit
2 System chartered under the Farm Credit Act of
3 1971 (12 U.S.C. 2001 et seq.); and

4 (2) does not include the Federal Agricultural
5 Mortgage Corporation.

6 (b) FACILITATION OF PARTICIPATION IN PPP AND
7 SECOND DRAW LOANS.—

8 (1) APPLICABLE RULES.—Solely with respect to
9 loans under paragraphs (36) and (37) of section
10 7(a) of the Small Business Act (15 U.S.C. 636(a)),
11 Farm Credit Administration regulations and guid-
12 ance issued as of July 14, 2020, and compliance
13 with such regulations and guidance, shall be deemed
14 functionally equivalent to requirements referenced in
15 section 3(a)(iii)(II) of the interim final rule of the
16 Administration entitled “Business Loan Program
17 Temporary Changes; Paycheck Protection Program”
18 (85 Fed. Reg. 20811 (April 15, 2020)) or any simi-
19 lar requirement referenced in that interim final rule
20 in implementing such paragraph (37).

21 (2) APPLICABILITY OF CERTAIN LOAN RE-
22 QUIREMENTS.—For purposes of making loans under
23 paragraph (36) or (37) of section 7(a) of the Small
24 Business Act (15 U.S.C. 636(a)) or forgiving those
25 loans in accordance with section 7A of the Small

1 Business Act, as redesignated and transferred by
2 section 304 of this Act, and subparagraph (J) of
3 such paragraph (37), sections 4.13, 4.14, and 4.14A
4 of the Farm Credit Act of 1971 (12 U.S.C. 2199,
5 2202, 2202a) (including regulations issued under
6 those sections) shall not apply.

7 (3) RISK WEIGHT.—

8 (A) IN GENERAL.—With respect to the ap-
9 plication of Farm Credit Administration capital
10 requirements, a loan described in subparagraph

11 (B)—

12 (i) shall receive a risk weight of zero
13 percent; and

14 (ii) shall not be included in the cal-
15 culation of any applicable leverage ratio or
16 other applicable capital ratio or calculation.

17 (B) LOANS DESCRIBED.—A loan referred
18 to in subparagraph (A) is—

19 (i) a loan made by a Farm Credit
20 Bank described in section 1.2(a) of the
21 Farm Credit Act of 1971 (12 U.S.C.
22 2002(a)) to a Federal Land Bank Associa-
23 tion, a Production Credit Association, or
24 an agricultural credit association described
25 in that section to make loans under para-

1 graph (36) or (37) of section 7(a) of the
2 Small Business Act (15 U.S.C. 636(a)) or
3 forgive those loans in accordance with sec-
4 tion 7A of the Small Business Act, as re-
5 designated and transferred by section 304
6 of this Act, and subparagraph (J) of such
7 paragraph (37); or

8 (ii) a loan made by a Federal Land
9 Bank Association, a Production Credit As-
10 sociation, an agricultural credit associa-
11 tion, or the bank for cooperatives described
12 in section 1.2(a) of the Farm Credit Act of
13 1971 (12 U.S.C. 2002(a)) under para-
14 graph (36) or (37) of section 7(a) of the
15 Small Business Act (15 U.S.C. 636(a)).

16 (c) EFFECTIVE DATE; APPLICABILITY.—This section
17 shall be effective as if included in the CARES Act (Public
18 Law 116–136; 134 Stat. 281) and shall apply to any loan
19 made pursuant to section 7(a)(36) of the Small Business
20 Act (15 U.S.C. 636(a)(36)) before, on, or after the date
21 of enactment of this Act, including forgiveness of such a
22 loan.

23 **SEC. 315. DEFINITION OF SEASONAL EMPLOYER.**

24 (a) PPP LOANS.—Section 7(a)(36)(A) of the Small
25 Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

1 (1) in clause (xi), by striking “and” at the end;

2 (2) in clause (xii), by striking the period at the
3 end and inserting a semicolon; and

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

5 “(xiii) the term ‘seasonal employer’
6 means an eligible recipient that—

7 “(I) does not operate for more
8 than 7 months in any calendar year;
9 or

10 “(II) during the preceding cal-
11 endar year, had gross receipts for any
12 6 months of that year that were not
13 more than 33.33 percent of the gross
14 receipts of the employer for the other
15 6 months of that year;”.

16 (b) LOAN FORGIVENESS.—Paragraph (12) of section
17 7A(a) of the Small Business Act, as so redesignated and
18 transferred by section 304 of this Act, is amended to read
19 as follows:

20 “(12) the terms ‘payroll costs’ and ‘seasonal
21 employer’ have the meanings given those terms in
22 section 7(a)(36).”.

23 (c) EFFECTIVE DATE; APPLICABILITY.—The amend-
24 ments made by subsections (a) and (b) shall be effective
25 as if included in the CARES Act (Public Law 116–136;

1 134 Stat. 281) and shall apply to any loan made pursuant
2 to section 7(a)(36) of the Small Business Act (15 U.S.C.
3 636(a)(36)) before, on, or after the date of enactment of
4 this Act, including forgiveness of such a loan.

5 **SEC. 316. HOUSING COOPERATIVES.**

6 Section 7(a)(36) of the Small Business Act (15
7 U.S.C. 636(a)(36)) is amended—

8 (1) in subparagraph (A), as amended by section
9 315(a) of this Act, by adding at the end the fol-
10 lowing:

11 “(xiv) the term ‘housing cooperative’
12 means a cooperative housing corporation
13 (as defined in section 216(b) of the Inter-
14 nal Revenue Code of 1986) that employs
15 not more than 300 employees;” and

16 (2) in subparagraph (D)—

17 (A) in clause (i), by inserting “housing co-
18 operative,” before “veterans organization,” each
19 place it appears; and

20 (B) in clause (vi), by inserting “, a housing
21 cooperative,” before “a veterans organization”.

1 **SEC. 317. ELIGIBILITY OF NEWS ORGANIZATIONS FOR**
2 **LOANS UNDER THE PAYCHECK PROTECTION**
3 **PROGRAM.**

4 (a) **ELIGIBILITY OF INDIVIDUAL STATIONS, NEWS-**
5 **PAPERS, AND PUBLIC BROADCASTING ORGANIZATIONS.—**

6 Section 7(a)(36)(D)(iii) of the Small Business Act (15
7 U.S.C. 636(a)(36)(D)(iii)) is amended—

8 (1) by striking “During the covered period”
9 and inserting the following:

10 “(I) **IN GENERAL.—**During the
11 covered period”; and

12 (2) by adding at the end the following

13 “(II) **ELIGIBILITY OF NEWS OR-**
14 **GANIZATIONS.—**

15 “(aa) **DEFINITION.—**In this
16 subclause, the term ‘included
17 business concern’ means a busi-
18 ness concern, including any sta-
19 tion which broadcasts pursuant
20 to a license granted by the Fed-
21 eral Communications Commission
22 under title III of the Commu-
23 nications Act of 1934 (47 U.S.C.
24 301 et seq.) without regard for
25 whether such a station is a con-
26 cern as defined in section

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1 121.105 of title 13, Code of Fed-
2 eral Regulations, or any suc-
3 cessor thereto—

4 “(AA) that employs not
5 more than 500 employees, or
6 the size standard established
7 by the Administrator for the
8 North American Industry
9 Classification System code
10 applicable to the business
11 concern, per physical loca-
12 tion of such business con-
13 cern; or

14 “(BB) any nonprofit
15 organization or any organi-
16 zation otherwise subject to
17 section 511(a)(2)(B) of the
18 Internal Revenue Code of
19 1986 that is a public broad-
20 casting entity (as defined in
21 section 397(11) of the Com-
22 munications Act of 1934 (47
23 U.S.C. 397(11))).

24 “(bb) ELIGIBILITY.—During
25 the covered period, an included

1 business concern shall be eligible
2 to receive a covered loan if—

3 “(AA) the included
4 business concern is majority
5 owned or controlled by a
6 business concern that is as-
7 signed a North American In-
8 dustry Classification System
9 code beginning with 511110
10 or 5151 or, with respect to a
11 public broadcasting entity
12 (as defined in section
13 397(11) of the Communica-
14 tions Act of 1934 (47
15 U.S.C. 397(11))), has a
16 trade or business that falls
17 under such a code; and

18 “(BB) the included
19 business concern makes a
20 good faith certification that
21 proceeds of the loan will be
22 used to support expenses at
23 the component of the in-
24 cluded business concern that
25 produces or distributes lo-

1 cally focused or emergency
2 information.”.

3 (b) ELIGIBILITY OF AFFILIATED ENTITIES.—Section
4 7(a)(36)(D)(iv) of the Small Business Act (15 U.S.C.
5 636(a)(36)(D)(iv)) is amended—

6 (1) in subclause (II), by striking “and” at the
7 end;

8 (2) in subclause (III), by striking the period at
9 the end and inserting “; and”; and

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

11 “(IV)(aa) any business concern
12 (including any station which broad-
13 casts pursuant to a license granted by
14 the Federal Communications Commis-
15 sion under title III of the Communica-
16 tions Act of 1934 (47 U.S.C. 301 et
17 seq.) without regard for whether such
18 a station is a concern as defined in
19 section 121.105 of title 13, Code of
20 Federal Regulations, or any successor
21 thereto) that employs not more than
22 500 employees, or the size standard
23 established by the Administrator for
24 the North American Industry Classi-
25 fication System code applicable to the

1 business concern, per physical location
2 of such business concern and is ma-
3 jority owned or controlled by a busi-
4 ness concern that is assigned a North
5 American Industry Classification Sys-
6 tem code beginning with 511110 or
7 5151; or

8 “(bb) any nonprofit organization
9 that is assigned a North American In-
10 dustry Classification System code be-
11 ginning with 5151.”.

12 (c) APPLICATION OF PROHIBITION ON PUBLICLY
13 TRADED COMPANIES.—Clause (viii) of section
14 7(a)(36)(D) of the Small Business Act (15 U.S.C.
15 636(a)(36)(D), as added by section 342 of this Act is
16 amended—

17 (1) by striking “Notwithstanding” and insert-
18 ing the following:

19 “(I) IN GENERAL.—Subject to
20 subclause (II), and notwithstanding”;
21 and

22 (2) by adding at the end—

23 “(II) RULE FOR AFFILIATED EN-
24 TITIES.—With respect to a business
25 concern made eligible by clause

1 (iii)(II) or clause (iv)(IV) of this sub-
2 paragraph, the Administrator shall
3 not consider whether any affiliated en-
4 tity, which for purposes of this sub-
5 clause shall include any entity that
6 owns or controls such business con-
7 cern, is an issuer.”.

8 **SEC. 318. ELIGIBILITY OF 501(c)(6) AND DESTINATION MAR-**
9 **KETING ORGANIZATIONS FOR LOANS UNDER**
10 **THE PAYCHECK PROTECTION PROGRAM.**

11 Section 7(a)(36) of the Small Business Act (15
12 U.S.C. 636(a)(36)) is amended—

13 (1) in subparagraph (A), as amended by section
14 316 of this Act, by adding at the end the following:

15 “(xv) the term ‘destination marketing
16 organization’ means a nonprofit entity that
17 is—

18 “(I) an organization described in
19 section 501(c) of the Internal Revenue
20 Code of 1986 and exempt from tax
21 under section 501(a) of such Code; or

22 “(II) a State, or a political sub-
23 division of a State (including any in-
24 strumentality of such entities)—

1 “(aa) engaged in marketing
2 and promoting communities and
3 facilities to businesses and leisure
4 travelers through a range of ac-
5 tivities, including—

6 “(AA) assisting with
7 the location of meeting and
8 convention sites;

9 “(BB) providing travel
10 information on area attrac-
11 tions, lodging accommoda-
12 tions, and restaurants;

13 “(CC) providing maps;
14 and

15 “(DD) organizing
16 group tours of local histor-
17 ical, recreational, and cul-
18 tural attractions; or

19 “(bb) that is engaged in,
20 and derives the majority of the
21 operating budget of the entity
22 from revenue attributable to, pro-
23 viding live events; and”;

24 (2) in subparagraph (D), as amended by section
25 316 of this Act—

1 (A) in clause (v), by inserting “or for pur-
2 poses of determining the number of employees
3 of a housing cooperative or a business concern
4 or organization made eligible for a loan under
5 this paragraph under clause (iii)(II), (iv)(IV),
6 or (vii),” after “clause (i)(I),”;

7 (B) in clause (vi), by inserting “a business
8 concern or organization made eligible for a loan
9 under this paragraph under clause (vii),” after
10 “a nonprofit organization,”; and

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

12 “(vii) ELIGIBILITY FOR CERTAIN
13 501(c)(6) ORGANIZATIONS.—

14 “(I) IN GENERAL.—Any organi-
15 zation that is described in section
16 501(c)(6) of the Internal Revenue
17 Code and that is exempt from tax-
18 ation under section 501(a) of such
19 Code (excluding professional sports
20 leagues and organizations with the
21 purpose of promoting or participating
22 in a political campaign or other activ-
23 ity) shall be eligible to receive a cov-
24 ered loan if—

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1 “(aa) the organization does
2 not receive more than 15 percent
3 of its receipts from lobbying ac-
4 tivities;

5 “(bb) the lobbying activities
6 of the organization do not com-
7 prise more than 15 percent of the
8 total activities of the organiza-
9 tion;

10 “(cc) the cost of the lob-
11 bing activities of the organiza-
12 tion did not exceed \$1,000,000
13 during the most recent tax year
14 of the organization that ended
15 prior to February 15, 2020; and

16 “(dd) the organization em-
17 ploys not more than 300 employ-
18 ees.

19 “(II) DESTINATION MARKETING
20 ORGANIZATIONS.—Any destination
21 marketing organization shall be eligi-
22 ble to receive a covered loan if—

23 “(aa) the destination mar-
24 keting organization does not re-

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1 ceive more than 15 percent of its
2 receipts from lobbying activities;

3 “(bb) the lobbying activities
4 of the destination marketing or-
5 ganization do not comprise more
6 than 15 percent of the total ac-
7 tivities of the organization;

8 “(cc) the cost of the lob-
9 bying activities of the destination
10 marketing organization did not
11 exceed \$1,000,000 during the
12 most recent tax year of the des-
13 tination marketing organization
14 that ended prior to February 15,
15 2020; and

16 “(dd) the destination mar-
17 keting organization employs not
18 more than 300 employees; and

19 “(ee) the destination mar-
20 keting organization—

21 “(AA) is described in
22 section 501(c) of the Inter-
23 nal Revenue Code and is ex-
24 empt from taxation under

1 section 501(a) of such Code;
2 or
3 “(BB) is a quasi-gov-
4 ernmental entity or is a po-
5 litical subdivision of a State
6 or local government, includ-
7 ing any instrumentality of
8 those entities.”.

9 **SEC. 319. PROHIBITION ON USE OF LOAN PROCEEDS FOR**
10 **LOBBYING ACTIVITIES.**

11 Section 7(a)(36)(F) of the Small Business Act (15
12 U.S.C. 636(a)(36)(F)) is amended by adding at the end
13 the following:

14 “(vi) PROHIBITION.—None of the pro-
15 ceeds of a covered loan may be used for—

16 “(I) lobbying activities, as de-
17 fined in section 3 of the Lobbying
18 Disclosure Act of 1995 (2 U.S.C.
19 1602);

20 “(II) lobbying expenditures re-
21 lated to a State or local election; or

22 “(III) expenditures designed to
23 influence the enactment of legislation,
24 appropriations, regulation, adminis-
25 trative action, or Executive order pro-

1 posed or pending before Congress or
2 any State government, State legisla-
3 ture, or local legislature or legislative
4 body.”.

5 **SEC. 320. BANKRUPTCY PROVISIONS.**

6 (a) IN GENERAL.—Section 364 of title 11, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(g)(1) The court, after notice and a hearing, may
10 authorize a debtor in possession or a trustee that is au-
11 thorized to operate the business of the debtor under sec-
12 tion 1183, 1184, 1203, 1204, or 1304 of this title to ob-
13 tain a loan under paragraph (36) or (37) of section 7(a)
14 of the Small Business Act (15 U.S.C. 636(a)), and such
15 loan shall be treated as a debt to the extent the loan is
16 not forgiven in accordance with section 7A of the Small
17 Business Act or subparagraph (J) of such paragraph (37),
18 as applicable, with priority equal to a claim of the kind
19 specified in subsection (c)(1) of this section.

20 “(2) The trustee may incur debt described in para-
21 graph (1) notwithstanding any provision in a contract,
22 prior order authorizing the trustee to incur debt under this
23 section, prior order authorizing the trustee to use cash col-
24 lateral under section 363, or applicable law that prohibits
25 the debtor from incurring additional debt.

1 “(3) The court shall hold a hearing within 7 days
2 after the filing and service of the motion to obtain a loan
3 described in paragraph (1). Notwithstanding the Federal
4 Rules of Bankruptcy Procedure, at such hearing, the court
5 may grant relief on a final basis.”.

6 (b) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—
7 Section 503(b) of title 11, United States Code, is amend-
8 ed—

9 (1) in paragraph (8)(B), by striking “and” at
10 the end;

11 (2) in paragraph (9), by striking the period at
12 the end and inserting “; and”; and

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

14 “(10) any debt incurred under section
15 364(g)(1) of this title.”.

16 (c) CONFIRMATION OF PLAN FOR REORGANIZA-
17 TION.—Section 1191 of title 11, United States Code, is
18 amended by adding at the end the following:

19 “(f) SPECIAL PROVISION RELATED TO COVID-19
20 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of
21 this title and subsection (e) of this section, a plan that
22 provides for payment of a claim of a kind specified in sec-
23 tion 503(b)(10) of this title may be confirmed under sub-
24 section (b) of this section if the plan proposes to make

1 payments on account of such claim when due under the
2 terms of the loan giving rise to such claim.”.

3 (d) CONFIRMATION OF PLAN FOR FAMILY FARMERS
4 AND FISHERMEN.—Section 1225 of title 11, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(d) Notwithstanding section 1222(a)(2) of this title
8 and subsection (b)(1) of this section, a plan that provides
9 for payment of a claim of a kind specified in section
10 503(b)(10) of this title may be confirmed if the plan pro-
11 poses to make payments on account of such claim when
12 due under the terms of the loan giving rise to such
13 claim.”.

14 (e) CONFIRMATION OF PLAN FOR INDIVIDUALS.—
15 Section 1325 of title 11, United States Code, is amended
16 by adding at the end the following:

17 “(d) Notwithstanding section 1322(a)(2) of this title
18 and subsection (b)(1) of this section, a plan that provides
19 for payment of a claim of a kind specified in section
20 503(b)(10) of this title may be confirmed if the plan pro-
21 poses to make payments on account of such claim when
22 due under the terms of the loan giving rise to such
23 claim.”.

24 (f) EFFECTIVE DATE; SUNSET.—

1 (1) EFFECTIVE DATE.—The amendments made
2 by subsections (a) through (e) shall—

3 (A) take effect on the date on which the
4 Administrator submits to the Director of the
5 Executive Office for United States Trustees a
6 written determination that, subject to satisfying
7 any other eligibility requirements, any debtor in
8 possession or trustee that is authorized to oper-
9 ate the business of the debtor under section
10 1183, 1184, 1203, 1204, or 1304 of title 11,
11 United States Code, would be eligible for a loan
12 under paragraphs (36) and (37) of section 7(a)
13 of the Small Business Act (15 U.S.C. 636(a));
14 and

15 (B) apply to any case pending on or com-
16 menced on or after the date described in sub-
17 paragraph (A).

18 (2) SUNSET.—

19 (A) IN GENERAL.—If the amendments
20 made by subsections (a) through (e) take effect
21 under paragraph (1), effective on the date that
22 is 2 years after the date of enactment of this
23 Act—

1 (i) section 364 of title 11, United
2 States Code, is amended by striking sub-
3 section (g);

4 (ii) section 503(b) of title 11, United
5 States Code, is amended—

6 (I) in paragraph (8)(B), by add-
7 ing “and” at the end;

8 (II) in paragraph (9), by striking
9 “; and” at the end and inserting a pe-
10 riod; and

11 (III) by striking paragraph (10);

12 (iii) section 1191 of title 11, United
13 States Code, is amended by striking sub-
14 section (f);

15 (iv) section 1225 of title 11, United
16 States Code, is amended by striking sub-
17 section (d); and

18 (v) section 1325 of title 11, United
19 States Code, is amended by striking sub-
20 section (d).

21 (B) APPLICABILITY.—Notwithstanding the
22 amendments made by subparagraph (A) of this
23 paragraph, if the amendments made by sub-
24 sections (a) through (e) take effect under para-
25 graph (1) of this subsection, such amendments

1 shall apply to any case under title 11, United
2 States Code, commenced before the date that is
3 2 years after the date of enactment of this Act.

4 **SEC. 321. OVERSIGHT.**

5 (a) COMPLIANCE WITH OVERSIGHT REQUIRE-
6 MENTS.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), on and after the date of enactment of this
9 Act, the Administrator shall comply with any data
10 or information requests or inquiries made by the
11 Comptroller General of the United States not later
12 than 15 days (or such later date as the Comptroller
13 General may specify) after receiving the request or
14 inquiry.

15 (2) EXCEPTION.—If the Administrator is un-
16 able to comply with a request or inquiry described
17 in paragraph (1) before the applicable date described
18 in that paragraph, the Administrator shall, before
19 such applicable date, submit to the Committee on
20 Small Business and Entrepreneurship of the Senate
21 and the Committee on Small Business of the House
22 of Representatives a notification that includes a de-
23 tailed justification for the inability of the Adminis-
24 trator to comply with the request or inquiry.

1 (b) TESTIMONY.—Not later than the date that is 120
2 days after the date of enactment of this Act, and not less
3 than twice each year thereafter until the date that is 2
4 years after the date of enactment of this Act, the Adminis-
5 trator and the Secretary of the Treasury shall testify be-
6 fore the Committee on Small Business and Entrepreneur-
7 ship of the Senate and the Committee on Small Business
8 of the House of Representatives regarding implementation
9 of this Act and the amendments made by this Act.

10 **SEC. 322. CONFLICTS OF INTEREST.**

11 (a) DEFINITIONS.—In this section:

12 (1) CONTROLLING INTEREST.—The term “con-
13 trolling interest” means owning, controlling, or hold-
14 ing not less than 20 percent, by vote or value, of the
15 outstanding amount of any class of equity interest in
16 an entity.

17 (2) COVERED ENTITY.—

18 (A) DEFINITION.—The term “covered enti-
19 ty” means an entity in which a covered indi-
20 vidual directly or indirectly holds a controlling
21 interest.

22 (B) TREATMENT OF SECURITIES.—For the
23 purpose of determining whether an entity is a
24 covered entity, the securities owned, controlled,
25 or held by 2 or more individuals who are related

1 as described in paragraph (3)(B) shall be ag-
2 gregated.

3 (3) COVERED INDIVIDUAL.—The term “covered
4 individual” means—

5 (A) the President, the Vice President, the
6 head of an Executive department, or a Member
7 of Congress; and

8 (B) the spouse, as determined under appli-
9 cable common law, of an individual described in
10 subparagraph (A).

11 (4) EXECUTIVE DEPARTMENT.—The term “Ex-
12 ecutive department” has the meaning given the term
13 in section 101 of title 5, United States Code.

14 (5) MEMBER OF CONGRESS.—The term “Mem-
15 ber of Congress” means a Member of the Senate or
16 House of Representatives, a Delegate to the House
17 of Representatives, and the Resident Commissioner
18 from Puerto Rico.

19 (6) EQUITY INTEREST.—The term “equity in-
20 terest” means—

21 (A) a share in an entity, without regard to
22 whether the share is—

23 (i) transferable; or

24 (ii) classified as stock or anything
25 similar;

1 (B) a capital or profit interest in a limited
2 liability company or partnership; or

3 (C) a warrant or right, other than a right
4 to convert, to purchase, sell, or subscribe to a
5 share or interest described in subparagraph (A)
6 or (B), respectively.

7 (b) REQUIREMENT FOR DISCLOSURE REGARDING
8 EXISTING LOANS.—For any loan under paragraph (36)
9 of section 7(a) of the Small Business Act (15 U.S.C.
10 636(a)) made to a covered entity before the date of enact-
11 ment of this Act—

12 (1) if, before the date of enactment of this Act,
13 the covered entity submitted an application for for-
14 giveness under section 1106 of the CARES Act (15
15 U.S.C. 9005) (as such section was in effect on the
16 day before the date of enactment of this Act) with
17 respect to such loan, not later than 30 days after
18 the date of enactment of this Act, the principal exec-
19 utive officer, or individual performing a similar func-
20 tion, of the covered entity shall disclose to the Ad-
21 ministrator that the entity is a covered entity; and

22 (2) if, on or after the date of enactment of this
23 Act, the covered entity submits an application for
24 forgiveness under section 7A of the Small Business
25 Act, as redesignated and transferred by section 304

1 of this Act, with respect to such loan, not later than
2 30 days after submitting the application, the prin-
3 cipal executive officer, or individual performing a
4 similar function, of the covered entity shall disclose
5 to the Administrator that the entity is a covered en-
6 tity.

7 (c) **BAN ON NEW LOANS.**—On and after the date of
8 enactment of this Act, a loan under paragraph (36) or
9 (37) of section 7(a) of the Small Business Act (15 U.S.C.
10 636(a)), as added and amended by this Act, may not be
11 made to a covered entity.

12 **SEC. 323. COMMITMENT AUTHORITY AND APPROPRIA-**
13 **TIONS.**

14 (a) **COMMITMENT AUTHORITY.**—Section 1102(b) of
15 the CARES Act (Public Law 116–136) is amended—

16 (1) in paragraph (1)—

17 (A) in the paragraph heading, by inserting
18 “AND SECOND DRAW” after “PPP”;

19 (B) by striking “August 8, 2020” and in-
20 sserting “March 31, 2021”;

21 (C) by striking “paragraph (36)” and in-
22 sserting “paragraphs (36) and (37)”; and

23 (D) by striking “ \$659,000,000,000” and
24 inserting “ \$806,450,000,000”; and

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

1 “(3) 2021 7(a) LOAN PROGRAM LEVEL AND
2 FUNDING.—Notwithstanding the amount authorized
3 under the heading ‘Small Business Administration—
4 Business Loans Program Account’ under the Finan-
5 cial Services and General Government Appropria-
6 tions Act, 2021 for commitments for general busi-
7 ness loans authorized under paragraphs (1) through
8 (35) of section 7(a) of the Small Business Act (15
9 U.S.C. 636(a)), commitments for general business
10 loans authorized under paragraphs (1) through (35)
11 of section 7(a) of the Small Business Act (15 U.S.C.
12 636(a)) shall not exceed \$75,000,000,000 for a com-
13 bination of amortizing term loans and the aggre-
14 gated maximum line of credit provided by revolving
15 loans during the period beginning on the date of en-
16 actment of this Act and ending on September 30,
17 2021.”.

18 (b) CLARIFICATION OF SECONDARY MARKET CAP.—
19 Section 1107(b) of the CARES Act (15 U.S.C. 9006(b))
20 is amended by inserting “with respect to loans under any
21 paragraph of section 7(a) of the Small Business Act (15
22 U.S.C. 636(a))” before “shall not exceed”.

23 (c) RESCISSION.—With respect to unobligated bal-
24 ances under the heading “Small Business Administra-
25 tion—Business Loans Program Account, CARES Act” as

1 of the day before the date of enactment of this Act,
2 \$146,500,000,000 shall be rescinded and deposited into
3 the general fund of the Treasury.

4 (d) DIRECT APPROPRIATIONS.—

5 (1) NEW DIRECT APPROPRIATIONS FOR PPP
6 LOANS, SECOND DRAW LOANS, AND THE MBDA.—

7 There is appropriated, out of amounts in the Treas-
8 ury not otherwise appropriated, for the fiscal year
9 ending September 30, 2021, to remain available
10 until expended, for additional amounts—

11 (A) \$284,450,000,000 under the heading
12 “Small Business Administration—Business
13 Loans Program Account, CARES Act”, for the
14 cost of guaranteed loans as authorized under
15 paragraph (36) or (37) of section 7(a) of the
16 Small Business Act (15 U.S.C. 636(a)), as
17 amended and added by this Act, including the
18 cost of any modifications to any loans guaran-
19 teed under such paragraph (36) that were ap-
20 proved on or before August 8, 2020, of which—

21 (i) not less than \$15,000,000,000
22 shall be for guaranteeing loans under such
23 paragraph (36) or (37) made by commu-
24 nity financial institutions, as defined in

1 section 7(a)(36)(A) of the Small Business
2 Act (15 U.S.C. 636(a)(36)(A));

3 (ii) not less than \$15,000,000,000
4 shall be for guaranteeing loans under such
5 paragraph (36) or (37) made by—

6 (I) insured depository institutions
7 (as defined in section 3 of the Federal
8 Deposit Insurance Act (12 U.S.C.
9 1813)) with consolidated assets of less
10 than \$10,000,000,000;

11 (II) credit unions (as defined in
12 section 7(a)(36)(A) of the Small Busi-
13 ness Act (15 U.S.C. 636(a)(36)(A)))
14 with consolidated assets of less than
15 \$10,000,000,000; or

16 (III) institutions of the Farm
17 Credit System chartered under the
18 Farm Credit Act of 1971 (12 U.S.C.
19 2001 et seq.) with consolidated assets
20 of less than \$10,000,000,000 (not in-
21 cluding the Federal Agricultural
22 Mortgage Corporation);

23 (iii) not less than \$15,000,000,000
24 shall be for guaranteeing loans under para-
25 graph (36) of section 7(a) of the Small

1 Business Act (15 U.S.C. 636(a)), as
2 amended by this Act, that are—

3 (I) made to eligible recipients
4 with not more than 10 employees; or

5 (II) in an amount that is not
6 more than \$250,000 and made to an
7 eligible recipient that is located in a
8 neighborhood that is a low-income
9 neighborhood or a moderate-income
10 neighborhood, for the purposes of the
11 Community Reinvestment Act of 1977
12 (12 U.S.C. 2901 et seq.);

13 (iv) not less than \$35,000,000,000
14 shall be for guaranteeing loans under para-
15 graph (36) of section 7(a) of the Small
16 Business Act (15 U.S.C. 636(a)), as
17 amended by this Act, to eligible recipients
18 that have not previously received a loan
19 under such paragraph (36); and

20 (v) not less than \$25,000,000,000
21 shall be for guaranteeing loans under para-
22 graph (37) of section 7(a) of the Small
23 Business Act (15 U.S.C. 636(a)), as added
24 by this Act, that are—

1 (I) made to eligible entities with
2 not more than 10 employees; or

3 (II) in an amount that is not
4 more than \$250,000 and made to an
5 eligible entity that is located in a
6 neighborhood that is a low-income
7 neighborhood or a moderate-income
8 neighborhood, for the purposes of the
9 Community Reinvestment Act of 1977
10 (12 U.S.C. 2901 et seq.);

11 (B) \$25,000,000 under the heading “De-
12 partment of Commerce—Minority Business De-
13 velopment Agency” for the Minority Business
14 Development Centers Program, including Spe-
15 cialty Centers, for necessary expenses, including
16 any cost sharing requirements that may exist,
17 for assisting minority business enterprises to
18 prevent, prepare for, and respond to
19 coronavirus, including identifying and accessing
20 local, State, and Federal government assistance
21 related to such virus;

22 (C) \$50,000,000 under the heading “Small
23 Business Administration—Salaries and Ex-
24 penses” for the cost of carrying out reviews and
25 audits of loans under subsection (l) of section

1 7A of the Small Business Act, as redesignated,
2 transferred, and amended by this Act;

3 (D) \$20,000,000,000 under the heading
4 “Small Business Administration—Targeted
5 EIDL Advance” to carry out section 331 of this
6 Act, of which \$20,000,000 shall be made avail-
7 able to the Inspector General of the Small Busi-
8 ness Administration to prevent waste, fraud,
9 and abuse with respect to funding made avail-
10 able under that section;

11 (E) \$57,000,000 for the program estab-
12 lished under section 7(m) of the Small Business
13 Act (15 U.S.C. 636(m)) of which—

14 (i) \$50,000,000 shall be to provide
15 technical assistance grants under such sec-
16 tion 7(m) under the heading “Small Busi-
17 ness Administration—Entrepreneurial De-
18 velopment Programs”; and

19 (ii) \$7,000,000 shall be to provide di-
20 rect loans under such section 7(m) under
21 the heading “Small Business Administra-
22 tion—Business Loans Program Account”;

23 (F) \$1,918,000,000 under the heading
24 “Small Business Administration—Business
25 Loans Program Account” for the cost of guar-

1 anted loans as authorized by paragraphs (1)
2 through (35) of section 7(a) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)), including the cost
4 of carrying out sections 326, 327, and 328 of
5 this Act;

6 (G) \$3,500,000,000 under the heading
7 “Small Business Administration—Business
8 Loans Program Account, CARES Act” for car-
9 rying out section 325 of this Act; and

10 (H) \$15,000,000,000 under the heading
11 “Small Business Administration—Shuttered
12 Venue Operators” to carry out section 324 of
13 this Act.

14 (2) MODIFICATION OF SET-ASIDES.—

15 (A) IN GENERAL.—Notwithstanding para-
16 graph (1)(A), if the Administrator makes the
17 determination described in subparagraph (B) of
18 this paragraph, the Administrator may reduce
19 the amount of any allocation under paragraph
20 (1)(A) to be such amount as the Administrator
21 may determine necessary.

22 (B) REQUIREMENTS FOR DETERMINA-
23 TION.—The determination described in this
24 subparagraph is a determination by the Admin-
25 istrator that—

1 (i) is not made earlier than 25 days
2 after the date of enactment of this Act;

3 (ii) it is not reasonably expected that
4 a type of entity described in paragraph
5 (1)(A) will make, or receive, as applicable,
6 the minimum amount of loans necessary to
7 meet the applicable allocation under para-
8 graph(1)(A); and

9 (iii) it is reasonably expected that the
10 total amount of loans guaranteed under
11 paragraph (36) or (37) of section 7(a) of
12 the Small Business Act (15 U.S.C.
13 636(a)), as amended and added by this
14 Act, will equal substantially all of the
15 amount permitted by available funds by
16 March 31, 2021.

17 (3) APPROPRIATIONS FOR THE OFFICE OF IN-
18 SPECTOR GENERAL.—

19 (A) IN GENERAL.—Effective on the date of
20 enactment of this Act, the remaining unobli-
21 gated balances of funds from amounts made
22 available for “Small Business Administration—
23 Office of Inspector General” under section
24 1107(a)(3) of the CARES Act (15 U.S.C.
25 9006(a)(3)), are hereby rescinded.

1 (B) FUNDING.—

2 (i) IN GENERAL.—There is appro-
3 priated, for an additional amount, for the
4 fiscal year ending September 30, 2021, out
5 of amounts in the Treasury not otherwise
6 appropriated, an amount equal to the
7 amount rescinded under subparagraph (A),
8 to remain available until expended, under
9 the heading “Small Business Administra-
10 tion—Office of Inspector General”.

11 (ii) USE OF FUNDS.—The amounts
12 made available under clause (i) shall be
13 available for the same purposes, in addi-
14 tion to other funds as may be available for
15 such purposes, and under the same au-
16 thorities as the amounts made available
17 under section 1107(a)(3) of the CARES
18 Act (15 U.S.C. 9006(a)(3)).

19 **SEC. 324. GRANTS FOR SHUTTERED VENUE OPERATORS.**

20 (a) DEFINITIONS.—In this section:

21 (1) ELIGIBLE PERSON OR ENTITY.—

22 (A) IN GENERAL.—The term “eligible per-
23 son or entity” means a live venue operator or
24 promoter, theatrical producer, or live per-
25 forming arts organization operator, a relevant

1 museum operator, a motion picture theatre op-
2 erator, or a talent representative that meets the
3 following requirements:

4 (i) The live venue operator or pro-
5 moter, theatrical producer, or live per-
6 forming arts organization operator, the rel-
7 evant museum operator, the motion picture
8 theatre operator, or the talent representa-
9 tive—

10 (I) was fully operational as a live
11 venue operator or promoter, theatrical
12 producer, or live performing arts or-
13 ganization operator, a relevant mu-
14 seum operator, a motion picture the-
15 atre operator, or a talent representa-
16 tive on February 29, 2020; and

17 (II) has gross earned revenue
18 during the first, second, third, or, only
19 with respect to an application sub-
20 mitted on or after January 1, 2021,
21 fourth quarter in 2020 that dem-
22 onstrates not less than a 25 percent
23 reduction from the gross earned rev-
24 enue of the live venue operator or pro-
25 moter, theatrical producer, or live per-

1 forming arts organization operator,
2 the relevant museum operator, the
3 motion picture theatre operator, or
4 the talent representative during the
5 same quarter in 2019.

6 (ii) As of the date of the grant under
7 this section—

8 (I) the live venue operator or
9 promoter, theatrical producer, or live
10 performing arts organization operator
11 is or intends to resume organizing,
12 promoting, producing, managing, or
13 hosting future live events described in
14 paragraph (3)(A)(i);

15 (II) the motion picture theatre
16 operator is open or intends to reopen
17 for the primary purpose of public ex-
18 hibition of motion pictures;

19 (III) the relevant museum oper-
20 ator is open or intends to reopen; or

21 (IV) the talent representative is
22 representing or managing artists and
23 entertainers.

24 (iii) The venues at which the live
25 venue operator or promoter, theatrical pro-

1 ducer, or live performing arts organization
2 operator promotes, produces, manages, or
3 hosts events described in paragraph
4 (3)(A)(i) or the artists and entertainers
5 represented or managed by the talent rep-
6 resentative perform have the following
7 characteristics:

8 (I) A defined performance and
9 audience space.

10 (II) Mixing equipment, a public
11 address system, and a lighting rig.

12 (III) Engages 1 or more individ-
13 uals to carry out not less than 2 of
14 the following roles:

15 (aa) A sound engineer.

16 (bb) A booker.

17 (cc) A promoter.

18 (dd) A stage manager.

19 (ee) Security personnel.

20 (ff) A box office manager.

21 (IV) There is a paid ticket or
22 cover charge to attend most perform-
23 ances and artists are paid fairly and
24 do not play for free or solely for tips,

1 except for fundraisers or similar char-
2 itable events.

3 (V) For a venue owned or oper-
4 ated by a nonprofit entity that pro-
5 duces free events, the events are pro-
6 duced and managed primarily by paid
7 employees, not by volunteers.

8 (VI) Performances are marketed
9 through listings in printed or elec-
10 tronic publications, on websites, by
11 mass email, or on social media.

12 (iv) A motion picture theatre or mo-
13 tion picture theatres operated by the mo-
14 tion picture theatre operator have the fol-
15 lowing characteristics:

16 (I) At least 1 auditorium that in-
17 cludes a motion picture screen and
18 fixed audience seating.

19 (II) A projection booth or space
20 containing not less than 1 motion pic-
21 ture projector.

22 (III) A paid ticket charge to at-
23 tend exhibition of motion pictures.

24 (IV) Motion picture exhibitions
25 are marketed through showtime list-

1 ings in printed or electronic publica-
2 tions, on websites, by mass mail, or
3 on social media.

4 (v) The relevant museum or relevant
5 museums for which the relevant museum
6 operator is seeking a grant under this sec-
7 tion have the following characteristics:

8 (I) Serving as a relevant museum
9 as its principal business activity.

10 (II) Indoor exhibition spaces that
11 are a component of the principal busi-
12 ness activity and which have been sub-
13 jected to pandemic-related occupancy
14 restrictions.

15 (III) At least 1 auditorium, the-
16 ater, or performance or lecture hall
17 with fixed audience seating and reg-
18 ular programming.

19 (vi)(I) The live venue operator or pro-
20 moter, theatrical producer, or live per-
21 forming arts organization operator, the rel-
22 evant museum operator, the motion picture
23 theatre operator, or the talent representa-
24 tive does not have, or is not majority

1 owned or controlled by an entity with, any
2 of the following characteristics:

3 (aa) Being an issuer, the securi-
4 ties of which are listed on a national
5 securities exchange.

6 (bb) Receiving more than 10 per-
7 cent of gross revenue from Federal
8 funding during 2019, excluding
9 amounts received by the live venue op-
10 erator or promoter, theatrical pro-
11 ducer, or live performing arts organi-
12 zation operator, the relevant museum
13 operator, the motion picture theatre
14 operator, or the talent representative
15 under the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act
17 (42 U.S.C. 5121 et seq.).

18 (II) The live venue operator or pro-
19 moter, theatrical producer, or live per-
20 forming arts organization operator, the rel-
21 evant museum operator, the motion picture
22 theatre operator, or the talent representa-
23 tive does not have, or is not majority
24 owned or controlled by an entity with,

1 more than 2 of the following characteris-
2 ties:

3 (aa) Owning or operating venues,
4 relevant museums, motion picture the-
5 atres, or talent agencies or talent
6 management companies in more than
7 1 country.

8 (bb) Owning or operating venues,
9 relevant museums, motion picture the-
10 atres, or talent agencies or talent
11 management companies in more than
12 10 States.

13 (cc) Employing more than 500
14 employees as of February 29, 2020,
15 determined on a full-time equivalent
16 basis in accordance with subpara-
17 graph (C).

18 (III) The live venue operator or pro-
19 moter, theatrical producer, or live per-
20 forming arts organization operator, the rel-
21 evant museum operator, the motion picture
22 theatre operator, or the talent representa-
23 tive has not received, on or after the date
24 of enactment of this Act, a loan guaran-
25 teed under paragraph (36) or (37) of sec-

1 tion 7(a) of the Small Business Act (15
2 U.S.C. 636(a)), as amended and added by
3 this division.

4 (IV) For purposes of applying the
5 characteristics described in subclauses (I),
6 (II), and (III) to an entity owned by a
7 State or a political subdivision of a State,
8 the relevant entity—

9 (aa) shall be the live venue oper-
10 ator or promoter, theatrical producer,
11 or live performing arts organization
12 operator, the relevant museum oper-
13 ator, the motion picture theatre oper-
14 ator, or the talent representative; and

15 (bb) shall not include entities of
16 the State or political subdivision other
17 than the live venue operator or pro-
18 moter, theatrical producer, or live per-
19 forming arts organization operator,
20 the relevant museum operator, the
21 motion picture theatre operator, or
22 the talent representative.

23 (B) EXCLUSION.—The term “eligible per-
24 son or entity” shall not include a live venue op-
25 erator or promoter, theatrical producer, or live

1 performing arts organization operator, a rel-
2 evant museum operator, a motion picture the-
3 atre operator, or a talent representative that—

4 (i) presents live performances of a
5 prurient sexual nature; or

6 (ii) derives, directly or indirectly, more
7 than de minimis gross revenue through the
8 sale of products or services, or the presen-
9 tation of any depictions or displays, of a
10 prurient sexual nature.

11 (C) CALCULATION OF FULL-TIME EMPLOY-
12 EES.—For purposes of determining the number
13 of full-time equivalent employees under sub-
14 paragraph (A)(vi)(II)(cc) of this paragraph and
15 under paragraph (2)(E)—

16 (i) any employee working not fewer
17 than 30 hours per week shall be considered
18 a full-time employee; and

19 (ii) any employee working not fewer
20 than 10 hours and fewer than 30 hours
21 per week shall be counted as one-half of a
22 full-time employee.

23 (D) MULTIPLE BUSINESS ENTITIES.—
24 Each business entity of an eligible person or en-
25 tity that also meets the requirements under

1 subparagraph (A) and that is not described in
2 subparagraph (B) shall be treated by the Ad-
3 ministrators as an independent, non-affiliated
4 entity for the purposes of this section.

5 (2) EXCHANGE; ISSUER; SECURITY.—The terms
6 “exchange”, “issuer”, and “security” have the
7 meanings given those terms in section 3(a) of the
8 Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

9 (3) LIVE VENUE OPERATOR OR PROMOTER,
10 THEATRICAL PRODUCER, OR LIVE PERFORMING
11 ARTS ORGANIZATION OPERATOR.—The term “live
12 venue operator or promoter, theatrical producer, or
13 live performing arts organization operator”—

14 (A) means—

15 (i) an individual or entity—

16 (I) that, as a principal business
17 activity, organizes, promotes, pro-
18 duces, manages, or hosts live concerts,
19 comedy shows, theatrical productions,
20 or other events by performing artists
21 for which—

22 (aa) a cover charge through
23 ticketing or front door entrance
24 fee is applied; and

1 (bb) performers are paid in
2 an amount that is based on a
3 percentage of sales, a guarantee
4 (in writing or standard contract),
5 or another mutually beneficial
6 formal agreement; and

7 (II) for which not less than 70
8 percent of the earned revenue of the
9 individual or entity is generated
10 through, to the extent related to a live
11 event described in subclause (I), cover
12 charges or ticket sales, production
13 fees or production reimbursements,
14 nonprofit educational initiatives, or
15 the sale of event beverages, food, or
16 merchandise; or

17 (ii) an individual or entity that, as a
18 principal business activity, makes available
19 for purchase by the public an average of
20 not less than 60 days before the date of
21 the event tickets to events—

22 (I) described in clause (i)(I); and

23 (II) for which performers are
24 paid in an amount that is based on a
25 percentage of sales, a guarantee (in

1 writing or standard contract), or an-
2 other mutually beneficial formal
3 agreement; and

4 (B) includes an individual or entity de-
5 scribed in subparagraph (A) that—

6 (i) operates for profit;

7 (ii) is a nonprofit organization;

8 (iii) is government-owned; or

9 (iv) is a corporation, limited liability
10 company, or partnership or operated as a
11 sole proprietorship.

12 (4) MOTION PICTURE THEATRE OPERATOR.—

13 The term “motion picture theatre operator” means
14 an individual or entity that—

15 (A) as the principal business activity of the
16 individual or entity, owns or operates at least 1
17 place of public accommodation for the purpose
18 of motion picture exhibition for a fee; and

19 (B) includes an individual or entity de-
20 scribed in subparagraph (A) that—

21 (i) operates for profit;

22 (ii) is a nonprofit organization;

23 (iii) is government-owned; or

1 (iv) is a corporation, limited liability
2 company, or partnership or operated as a
3 sole proprietorship.

4 (5) NATIONAL SECURITIES EXCHANGE.—The
5 term “national securities exchange” means an ex-
6 change registered as a national securities exchange
7 under section 6 of the Securities Exchange Act of
8 1934 (15 U.S.C. 78f).

9 (6) NONPROFIT.—The term “nonprofit”, with
10 respect to an organization, means that the organiza-
11 tion is exempt from taxation under section 501(a) of
12 the Internal Revenue Code of 1986.

13 (7) RELEVANT MUSEUM.—The term “relevant
14 museum”—

15 (A) has the meaning given the term “mu-
16 seum” in section 273 of the Museum and Li-
17 brary Services Act (20 U.S.C. 9172); and

18 (B) shall not include any entity that is or-
19 ganized as a for-profit entity.

20 (8) SEASONAL EMPLOYER.—The term “sea-
21 sonal employer” has the meaning given that term in
22 subparagraph (A) of section 7(a)(36) of the Small
23 Business Act (15 U.S.C. 636(a)), as amended by
24 this Act.

25 (9) STATE.—The term “State” means—

- 1 (A) a State;
- 2 (B) the District of Columbia;
- 3 (C) the Commonwealth of Puerto Rico;
- 4 and
- 5 (D) any other territory or possession of the
- 6 United States.

7 (10) TALENT REPRESENTATIVE.—The term

8 “talent representative”—

- 9 (A) means an agent or manager that—
- 10 (i) as not less than 70 percent of the
- 11 operations of the agent or manager, is en-
- 12 gaged in representing or managing artists
- 13 and entertainers;
- 14 (ii) books or represents musicians, co-
- 15 medians, actors, or similar performing art-
- 16 ists primarily at live events in venues or at
- 17 festivals; and
- 18 (iii) represents performers described
- 19 in clause (ii) that are paid in an amount
- 20 that is based on the number of tickets sold,
- 21 or a similar basis; and
- 22 (B) includes an agent or manager de-
- 23 scribed in subparagraph (A) that—
- 24 (i) operates for profit;
- 25 (ii) is a nonprofit organization;

1 (iii) is government-owned; or

2 (iv) is a corporation, limited liability
3 company, or partnership or operated as a
4 sole proprietorship.

5 (b) AUTHORITY.—

6 (1) IN GENERAL.—

7 (A) ADMINISTRATION.—The Associate Ad-
8 ministrator for the Office of Disaster Assist-
9 ance of the Administration shall coordinate and
10 formulate policies relating to the administration
11 of grants made under this section.

12 (B) CERTIFICATION OF NEED.—An eligible
13 person or entity applying for a grant under this
14 section shall submit a good faith certification
15 that the uncertainty of current economic condi-
16 tions makes necessary the grant to support the
17 ongoing operations of the eligible person or en-
18 tity.

19 (2) INITIAL GRANTS.—

20 (A) IN GENERAL.—The Administrator may
21 make initial grants to eligible persons or enti-
22 ties in accordance with this section.

23 (B) INITIAL PRIORITIES FOR AWARDING
24 GRANTS.—

1 (i) FIRST PRIORITY IN AWARDING
2 GRANTS.—During the initial 14-day period
3 during which the Administrator awards
4 grants under this paragraph, the Adminis-
5 trator shall only award grants to an eligi-
6 ble person or entity with revenue, during
7 the period beginning on April 1, 2020 and
8 ending on December 31, 2020, that is not
9 more than 10 percent of the revenue of the
10 eligible person or entity during the period
11 beginning on April 1, 2019 and ending on
12 December 31, 2019, due to the COVID–19
13 pandemic.

14 (ii) SECOND PRIORITY IN AWARDING
15 GRANTS.—During the 14-day period imme-
16 diately following the 14-day period de-
17 scribed in clause (i), the Administrator
18 shall only award grants to an eligible per-
19 son or entity with revenue, during the pe-
20 riod beginning on April 1, 2020 and end-
21 ing on December 31, 2020, that is not
22 more than 30 percent of the revenue of the
23 eligible person or entity during the period
24 beginning on April 1, 2019 and ending on

1 December 31, 2019, due to the COVID-19
2 pandemic.

3 (iii) DETERMINATION OF REVENUE.—

4 For purposes of clauses (i) and (ii)—

5 (I) any amounts received by an
6 eligible person or entity under the
7 CARES Act (Public Law 116-136;
8 134 Stat. 281) or an amendment
9 made by the CARES Act shall not be
10 counted as revenue of an eligible per-
11 son or entity;

12 (II) the Administrator shall use
13 an accrual method of accounting for
14 determining revenue; and

15 (III) the Administrator may use
16 alternative methods to establish rev-
17 enue losses for an eligible person or
18 entity that is a seasonal employer and
19 that would be adversely impacted if
20 January, February, and March are
21 excluded from the calculation of year-
22 over-year revenues.

23 (iv) LIMIT ON USE OF AMOUNTS FOR
24 PRIORITY APPLICANTS.—The Adminis-
25 trator may use not more than 80 percent

1 of the amounts appropriated under section
2 323(d)(1)(H) of this Act to carry out this
3 section to make initial grants under this
4 paragraph to eligible persons or entities
5 described in clause (i) or (ii) of this sub-
6 paragraph that apply for a grant under
7 this paragraph during the initial 28-day
8 period during which the Administrator
9 awards grants under this paragraph.

10 (C) GRANTS AFTER PRIORITY PERIODS.—
11 After the end of the initial 28-day period during
12 which the Administrator awards grants under
13 this paragraph, the Administrator may award
14 an initial grant to any eligible person or entity.

15 (D) LIMITS ON NUMBER OF INITIAL
16 GRANTS TO AFFILIATES.—Not more than 5
17 business entities of an eligible person or entity
18 that would be considered affiliates under the af-
19 filiation rules of the Administration may receive
20 a grant under this paragraph.

21 (E) SET-ASIDE FOR SMALL EMPLOYERS.—

22 (i) IN GENERAL.—Subject to clause
23 (ii), not less than \$2,000,000,000 of the
24 total amount of grants made available
25 under this paragraph shall be awarded to

1 eligible persons or entities which employ
2 not more than 50 full-time employees, de-
3 termined in accordance with subsection
4 (a)(1)(C).

5 (ii) TIME LIMIT.—Clause (i) shall not
6 apply on and after the date that is 60 days
7 after the Administrator begins awarding
8 grants under this section and, on and after
9 such date, amounts available for grants
10 under this section may be used for grants
11 under this section to any eligible person or
12 entity.

13 (3) SUPPLEMENTAL GRANTS.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), the Administrator may make a sup-
16 plemental grant in accordance with this section
17 to an eligible person or entity that receives a
18 grant under paragraph (2) if, as of April 1,
19 2021, the revenues of the eligible person or en-
20 tity for the most recent calendar quarter are
21 not more than 30 percent of the revenues of the
22 eligible person or entity for the corresponding
23 calendar quarter during 2019 due to the
24 COVID-19 pandemic.

1 (B) PROCESSING TIMELY INITIAL GRANT
2 APPLICATIONS FIRST.—The Administrator may
3 not award a supplemental grant under subpara-
4 graph (A) until the Administrator has com-
5 pleted processing (including determining wheth-
6 er to award a grant) each application for an ini-
7 tial grant under paragraph (2) that is sub-
8 mitted by an eligible person or entity on or be-
9 fore the date that is 60 days after the date on
10 which the Administrator begins accepting such
11 applications.

12 (4) CERTIFICATION.—An eligible person or en-
13 tity applying for a grant under this section that is
14 an eligible business described in the matter pre-
15 ceding subclause (I) of section 4003(c)(3)(D)(i) of
16 the CARES Act (15 U.S.C. 9042(c)(3)(D)(i)), shall
17 make a good-faith certification described in sub-
18 clauses (IX) and (X) of such section.

19 (c) AMOUNT.—

20 (1) INITIAL GRANTS.—

21 (A) IN GENERAL.—A grant under sub-
22 section (b)(2) shall be in the amount equal to
23 the lesser of—

24 (i)(I) for an eligible person or entity
25 that was in operation on January 1, 2019,

1 the amount equal to 45 percent of the
2 gross earned revenue of the eligible person
3 or entity during 2019; or

4 (II) for an eligible person or entity
5 that began operations after January 1,
6 2019, the amount equal to the product ob-
7 tained by multiplying—

8 (aa) the average monthly gross
9 earned revenue for each full month
10 during which the eligible person or en-
11 tity was in operation during 2019; by

12 (bb) 6; or

13 (ii) \$10,000,000.

14 (B) APPLICATION TO RELEVANT MUSEUM
15 OPERATORS.—A relevant museum operator may
16 not receive grants under subsection (b)(2) in a
17 total amount that is more than \$10,000,000
18 with respect to all relevant museums operated
19 by the relevant museum operator.

20 (2) SUPPLEMENTAL GRANTS.—A grant under
21 subsection (b)(3) shall be in the amount equal to 50
22 percent of the grant received by the eligible person
23 or entity under subsection (b)(2).

24 (3) OVERALL MAXIMUMS.—The total amount of
25 grants received under paragraphs (2) and (3) of

1 subsection (b) by an eligible person or entity shall be
2 not more than \$10,000,000.

3 (d) USE OF FUNDS.—

4 (1) TIMING.—

5 (A) EXPENSES INCURRED.—

6 (i) IN GENERAL.—Except as provided
7 in clause (ii), amounts received under a
8 grant under this section may be used for
9 costs incurred during the period beginning
10 on March 1, 2020, and ending on Decem-
11 ber 31, 2021.

12 (ii) EXTENSION FOR SUPPLEMENTAL
13 GRANTS.—If an eligible person or entity
14 receives a grant under subsection (b)(3),
15 amounts received under either grant under
16 this section may be used for costs incurred
17 during the period beginning on March 1,
18 2020, and ending on June 30, 2022.

19 (B) EXPENDITURE.—

20 (i) IN GENERAL.—Except as provided
21 in clause (ii), an eligible person or entity
22 shall return to the Administrator any
23 amounts received under a grant under this
24 section that are not expended on or before

1 the date that is 1 year after the date of
2 disbursement of the grant.

3 (ii) EXTENSION FOR SUPPLEMENTAL
4 GRANTS.—If an eligible person or entity
5 receives a grant under subsection (b)(3),
6 the eligible person or entity shall return to
7 the Administrator any amounts received
8 under either grant under this section that
9 are not expended on or before the date
10 that is 18 months after the date of dis-
11 bursement to the eligible person or entity
12 of the grant under subsection (b)(2).

13 (2) ALLOWABLE EXPENSES.—

14 (A) DEFINITIONS.—In this paragraph—

15 (i) the terms “covered mortgage obli-
16 gation”, “covered rent obligation”, “cov-
17 ered utility payment”, and “covered worker
18 protection expenditure” have the meanings
19 given those terms in section 7A(a) of the
20 Small Business Act, as redesignated,
21 transferred, and amended by this Act; and

22 (ii) the term “payroll costs” has the
23 meaning given that term in section
24 7(a)(36)(A) of the Small Business Act (15
25 U.S.C. 636(a)(36)(A).

1 (B) EXPENSES.—An eligible person or en-
2 tity may use amounts received under a grant
3 under this section for—

4 (i) payroll costs;

5 (ii) payments on any covered rent ob-
6 ligation;

7 (iii) any covered utility payment;

8 (iv) scheduled payments of interest or
9 principal on any covered mortgage obliga-
10 tion (which shall not include any prepay-
11 ment of principal on a covered mortgage
12 obligation);

13 (v) scheduled payments of interest or
14 principal on any indebtedness or debt in-
15 strument (which shall not include any pre-
16 payment of principal) incurred in the ordi-
17 nary course of business that is a liability of
18 the eligible person or entity and was in-
19 curred prior to February 15, 2020;

20 (vi) covered worker protection expend-
21 itures;

22 (vii) payments made to independent
23 contractors, as reported on Form-1099
24 MISC, not to exceed a total of \$100,000 in
25 annual compensation for any individual

1 employee of an independent contractor;

2 and

3 (viii) other ordinary and necessary

4 business expenses, including—

5 (I) maintenance expenses;

6 (II) administrative costs, includ-

7 ing fees and licensing costs;

8 (III) State and local taxes and

9 fees;

10 (IV) operating leases in effect as

11 of February 15, 2020;

12 (V) payments required for insur-

13 ance on any insurance policy; and

14 (VI) advertising, production

15 transportation, and capital expendi-

16 tures related to producing a theatrical

17 or live performing arts production,

18 concert, exhibition, or comedy show,

19 except that a grant under this section

20 may not be used primarily for such

21 expenditures.

22 (3) PROHIBITED EXPENSES.—An eligible per-

23 son or entity may not use amounts received under

24 a grant under this section—

25 (A) to purchase real estate;

1 (B) for payments of interest or principal
2 on loans originated after February 15, 2020;

3 (C) to invest or re-lend funds;

4 (D) for contributions or expenditures to, or
5 on behalf of, any political party, party com-
6 mittee, or candidate for elective office; or

7 (E) for any other use as may be prohibited
8 by the Administrator.

9 (e) INCREASED OVERSIGHT OF SHUTTERED VENUE
10 OPERATOR GRANTS.—The Administrator shall increase
11 oversight of eligible persons and entities receiving grants
12 under this section, which may include the following:

13 (1) DOCUMENTATION.—Additional documenta-
14 tion requirements that are consistent with the eligi-
15 bility and other requirements under this section, in-
16 cluding requiring an eligible person or entity that re-
17 ceives a grant under this section to retain records
18 that document compliance with the requirements for
19 grants under this section—

20 (A) with respect to employment records,
21 for the 4-year period following receipt of the
22 grant; and

23 (B) with respect to other records, for the
24 3-year period following receipt of the grant.

1 (2) **REVIEWS OF USE.**—Reviews of the use of
2 the grant proceeds by an eligible person or entity to
3 ensure compliance with requirements established
4 under this section and by the Administrator, includ-
5 ing that the Administrator may—

6 (A) review and audit grants under this sec-
7 tion; and

8 (B) in the case of fraud or other material
9 noncompliance with respect to a grant under
10 this section—

11 (i) require repayment of misspent
12 funds; or

13 (ii) pursue legal action to collect
14 funds.

15 (f) **SHUTTERED VENUE OVERSIGHT AND AUDIT**
16 **PLAN.**—

17 (1) **IN GENERAL.**—Not later than 45 days after
18 the date of enactment of this Act, the Administrator
19 shall submit to the Committee on Small Business
20 and Entrepreneurship of the Senate and the Com-
21 mittee on Small Business of the House of Rep-
22 resentatives an audit plan that details—

23 (A) the policies and procedures of the Ad-
24 ministrator for conducting oversight and audits
25 of grants under this section; and

1 (B) the metrics that the Administrator
2 shall use to determine which grants under this
3 section will be audited pursuant to subsection
4 (e).

5 (2) REPORTS.—Not later than 60 days after
6 the date of enactment of this Act, and each month
7 thereafter until the date that is 1 year after the date
8 on which all amounts made available under section
9 323(d)(1)(H) of this Act have been expended, the
10 Administrator shall submit to the Committee on
11 Small Business and Entrepreneurship of the Senate
12 and the Committee on Small Business of the House
13 of Representatives a report on the oversight and
14 audit activities of the Administrator under this sub-
15 section, which shall include—

16 (A) the total number of initial grants ap-
17 proved and disbursed;

18 (B) the total amount of grants received by
19 each eligible person or entity, including any
20 supplemental grants;

21 (C) the number of active investigations and
22 audits of grants under this section;

23 (D) the number of completed reviews and
24 audits of grants under this section, including a

1 description of any findings of fraud or other
2 material noncompliance.

3 (E) any substantial changes made to the
4 oversight and audit plan submitted under para-
5 graph (1).

6 **SEC. 325. EXTENSION OF THE DEBT RELIEF PROGRAM.**

7 (a) IN GENERAL.—Section 1112 of the CARES Act
8 (15 U.S.C. 9011) is amended—

9 (1) in subsection (c)—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1) IN GENERAL.—Subject to the other provi-
13 sions of this section, the Administrator shall pay the
14 principal, interest, and any associated fees that are
15 owed on a covered loan in a regular servicing status,
16 without regard to the date on which the covered loan
17 is fully disbursed, and subject to availability of
18 funds, as follows:

19 “(A) With respect to a covered loan made
20 before the date of enactment of this Act and
21 not on deferment, the Administrator shall make
22 those payments as follows:

23 “(i) The Administrator shall make
24 those payments for the 6-month period be-

1 ginning with the next payment due on the
2 covered loan.

3 “(ii) In addition to the payments
4 under clause (i)—

5 “(I) with respect to a covered
6 loan other than a covered loan de-
7 scribed in paragraph (1)(A)(i) or (2)
8 of subsection (a), the Administrator
9 shall make those payments for—

10 “(aa) the 3-month period
11 beginning with the first payment
12 due on the covered loan on or
13 after February 1, 2021; and

14 “(bb) an additional 5-month
15 period immediately following the
16 end of the 3-month period pro-
17 vided under item (aa) if the cov-
18 ered loan is made to a borrower
19 that, according to records of the
20 Administration, is assigned a
21 North American Industry Classi-
22 fication System code beginning
23 with 61, 71, 72, 213, 315, 448,
24 451, 481, 485, 487, 511, 512,
25 515, 532, or 812; and

1 “(II) with respect to a covered
2 loan described in paragraph (1)(A)(i)
3 or (2) of subsection (a), the Adminis-
4 trator shall make those payments for
5 the 8-month period beginning with the
6 first payment due on the covered loan
7 on or after February 1, 2021.

8 “(B) With respect to a covered loan made
9 before the date of enactment of this Act and on
10 deferment, the Administrator shall make those
11 payments as follows:

12 “(i) The Administrator shall make
13 those payments for the 6-month period be-
14 ginning with the next payment due on the
15 covered loan after the deferment period.

16 “(ii) In addition to the payments
17 under clause (i)—

18 “(I) with respect to a covered
19 loan other than a covered loan de-
20 scribed in paragraph (1)(A)(i) or (2)
21 of subsection (a), the Administrator
22 shall make those payments for—

23 “(aa) the 3-month period
24 (beginning on or after February

233

1 1, 2021) beginning with the later
2 of—

3 “(AA) the next pay-
4 ment due on the covered
5 loan after the deferment pe-
6 riod; or

7 “(BB) the first month
8 after the Administrator has
9 completed the payments
10 under clause (i); and

11 “(bb) an additional 5-month
12 period immediately following the
13 end of the 3-month period pro-
14 vided under item (aa) if the cov-
15 ered loan is made to a borrower
16 that, according to records of the
17 Administration, is assigned a
18 North American Industry Classi-
19 fication System code beginning
20 with 61, 71, 72, 213, 315, 448,
21 451, 481, 485, 487, 511, 512,
22 515, 532, or 812; and

23 “(II) with respect to a loan de-
24 scribed in paragraph (1)(A)(i) or (2)
25 of subsection (a), the 8-month period

1 (beginning on or after February 1,
2 2021) beginning with the later of—

3 “(aa) the next payment due
4 on the covered loan after the
5 deferment period; or

6 “(bb) the first month after
7 the payments under clause (i) are
8 complete.

9 “(C) With respect to a covered loan made
10 during the period beginning on the date of en-
11 actment of this Act and ending on the date that
12 is 6 months after such date of enactment, for
13 the 6-month period beginning with the first
14 payment due on the covered loan.

15 “(D) With respect to a covered loan ap-
16 proved during the period beginning on Feb-
17 ruary 1, 2021, and ending on September 30,
18 2021, for the 6-month period beginning with
19 the first payment due on the covered loan.”;
20 and

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

22 “(4) LIMITATION.—

23 “(A) IN GENERAL.—No single monthly
24 payment of principal, interest, and associated
25 fees made by the Administrator under subpara-

1 graph (A)(ii), (B)(ii), or (D) of paragraph (1)
2 with respect to a covered loan may be in a total
3 amount that is more than \$9,000.

4 “(B) TREATMENT OF ADDITIONAL
5 AMOUNTS OWED.—If, for a month, the total
6 amount of principal, interest, and associated
7 fees that are owed on a covered loan for which
8 the Administration makes payments under
9 paragraph (1) is more than \$9,000 the Admin-
10 istrator may require the lender with respect to
11 the covered loan to add the amount by which
12 those costs exceed \$9,000 for that month as in-
13 terest to be paid by the borrower with respect
14 to the covered loan at the end of the loan pe-
15 riod.

16 “(5) ADDITIONAL PROVISIONS FOR NEW
17 LOANS.—With respect to a loan described in para-
18 graph (1)(C)—

19 “(A) the Administrator may further extend
20 the period described in paragraph (1)(C) if
21 there are sufficient funds to continue those pay-
22 ments; and

23 “(B) during the underwriting process, a
24 lender of such a loan may consider the pay-
25 ments under this section as part of a com-

1 prehensive review to determine the ability to
2 repay over the entire period of maturity of the
3 loan.

4 “(6) ELIGIBILITY.—Eligibility for a covered
5 loan to receive such payments of principal, interest,
6 and any associated fees under this subsection shall
7 be based on the date on which the covered loan is
8 approved by the Administration.

9 “(7) AUTHORITY TO REVISE EXTENSIONS.—

10 “(A) IN GENERAL.—The Administrator
11 shall monitor whether amounts made available
12 to make payments under this subsection are
13 sufficient to make the payments for the periods
14 described in paragraph (1).

15 “(B) PLAN.—If the Administrator deter-
16 mines under subparagraph (A) that the
17 amounts made available to make payments
18 under this subsection are insufficient, the Ad-
19 ministrator shall—

20 “(i) develop a plan to proportionally
21 reduce the number of months provided for
22 each period described in paragraph (1),
23 while ensuring all amounts made available
24 to make payments under this subsection
25 are fully expended; and

1 “(ii) before taking action under the
2 plan developed under clause (i), submit to
3 Congress a report regarding the plan,
4 which shall include the data that informs
5 the plan.

6 “(8) ADDITIONAL REQUIREMENTS.—With re-
7 spect to the payments made under this subsection—

8 “(A) no lender may charge a late fee to a
9 borrower with respect to a covered loan during
10 any period in which the Administrator makes
11 payments with respect to the covered loan
12 under paragraph (1); and

13 “(B) the Administrator shall, with respect
14 to a covered loan, make all payments with re-
15 spect to the covered loan under paragraph (1)
16 not later than the 15th day of the applicable
17 month.

18 “(9) RULE OF CONSTRUCTION.—Except as pro-
19 vided in paragraph (4), nothing in this subsection
20 may be construed to preclude a borrower from re-
21 ceiving full payments of principal, interest, and any
22 associated fees authorized under this subsection with
23 respect to a covered loan.”;

24 (2) by redesignating subsection (f) as sub-
25 section (i); and

1 (3) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) ELIGIBILITY FOR NEW LOANS.—For each indi-
4 vidual lending program under this section, the Adminis-
5 trator may establish a minimum loan maturity period, tak-
6 ing into consideration the normal underwriting require-
7 ments for each such program, with the goal of preventing
8 abuse under the program.

9 “(g) LIMITATION ON ASSISTANCE.—A borrower may
10 not receive assistance under subsection (c) for more than
11 1 covered loan of the borrower described in paragraph
12 (1)(C) of that subsection.

13 “(h) REPORTING AND OUTREACH.—

14 “(1) UPDATED INFORMATION.—

15 “(A) IN GENERAL.—Not later than 14
16 days after the date of enactment of the Eco-
17 nomic Aid to Hard-Hit Small Businesses, Non-
18 profits, and Venues Act, the Administrator shall
19 make publicly available information regarding
20 the modifications to the assistance provided
21 under this section under the amendments made
22 by such Act.

23 “(B) GUIDANCE.—Not later than 21 days
24 after the date of enactment of the Economic
25 Aid to Hard-Hit Small Businesses, Nonprofits,

1 and Venues Act the Administrator shall issue
2 guidance on implementing the modifications to
3 the assistance provided under this section under
4 the amendments made by such Act.

5 “(2) PUBLICATION OF LIST.—Not later than
6 March 1, 2021, the Administrator shall transmit to
7 each lender of a covered loan a list of each borrower
8 of a covered loan that includes the North American
9 Industry Classification System code assigned to the
10 borrower, based on the records of the Administra-
11 tion, to assist the lenders in identifying which bor-
12 rowers qualify for an extension of payments under
13 subsection (c).

14 “(3) EDUCATION AND OUTREACH.—The Ad-
15 ministrator shall provide education, outreach, and
16 communication to lenders, borrowers, district offices,
17 and resource partners of the Administration in order
18 to ensure full and proper compliance with this sec-
19 tion, encourage broad participation with respect to
20 covered loans that have not yet been approved by the
21 Administrator, and help lenders transition borrowers
22 from subsidy payments under this section directly to
23 a deferral when suitable for the borrower.

24 “(4) NOTIFICATION.—Not later than 30 days
25 after the date of enactment of the Economic Aid to

1 Hard-Hit Small Businesses, Nonprofits, and Venues
2 Act, the Administrator shall mail a letter to each
3 borrower of a covered loan that includes—

4 “(A) an overview of assistance provided
5 under this section;

6 “(B) the rights of the borrower to receive
7 that assistance;

8 “(C) how to seek recourse with the Admin-
9 istrator or the lender of the covered loan if the
10 borrower has not received that assistance; and

11 “(D) the rights of the borrower to request
12 a loan deferral from a lender, and guidance on
13 how to do successfully transition directly to a
14 loan deferral once subsidy payments under this
15 section are concluded.

16 “(5) MONTHLY REPORTING.—Not later than
17 the 15th of each month beginning after the date of
18 enactment of the Economic Aid to Hard-Hit Small
19 Businesses, Nonprofits, and Venues Act, the Admin-
20 istrator shall submit to Congress a report on assist-
21 ance provided under this section, which shall in-
22 clude—

23 “(A) monthly and cumulative data on pay-
24 ments made under this section as of the date of
25 the report, including a breakdown by—

1 “(i) the number of participating bor-
2 rowers;

3 “(ii) the volume of payments made for
4 each type of covered loan; and

5 “(iii) the volume of payments made
6 for covered loans made before the date of
7 enactment of this Act and loans made
8 after such date of enactment;

9 “(B) the names of any lenders of covered
10 loans that have not submitted information on
11 the covered loans to the Administrator during
12 the preceding month; and

13 “(C) an update on the education and out-
14 reach activities of the Administration carried
15 out under paragraph (3).”.

16 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
17 ments made by subsection (a) shall be effective as if in-
18 cluded in the CARES Act (Public Law 116–136; 134 Stat.
19 281).

20 **SEC. 326. MODIFICATIONS TO 7(a) LOAN PROGRAMS.**

21 (a) 7(a) LOAN GUARANTEES.—

22 (1) IN GENERAL.—Section 7(a)(2)(A) of the
23 Small Business Act (15 U.S.C. 636(a)(2)(A)) is
24 amended by striking “), such participation by the
25 Administration shall be equal to” and all that fol-

1 lows through the period at the end and inserting “or
2 the Community Advantage Pilot Program of the Ad-
3 ministration), such participation by the Administra-
4 tion shall be equal to 90 percent of the balance of
5 the financing outstanding at the time of disburse-
6 ment of the loan.”.

7 (2) PROSPECTIVE REPEAL.—Effective October
8 1, 2021, section 7(a)(2)(A) of the Small Business
9 Act (15 U.S.C. 636(a)(2)(A)), as amended by para-
10 graph (1), is amended to read as follows:

11 “(A) IN GENERAL.—Except as provided in
12 subparagraphs (B), (D), (E), and (F), in an
13 agreement to participate in a loan on a deferred
14 basis under this subsection (including a loan
15 made under the Preferred Lenders Program),
16 such participation by the Administration shall
17 be equal to—

18 “(i) 75 percent of the balance of the
19 financing outstanding at the time of dis-
20 bursement of the loan, if such balance ex-
21 ceeds \$150,000; or

22 “(ii) 85 percent of the balance of the
23 financing outstanding at the time of dis-
24 bursement of the loan, if such balance is
25 less than or equal to \$150,000.”.

1 (b) EXPRESS LOANS.—

2 (1) LOAN AMOUNT.—Section 1102(c)(2) of the
3 CARES Act (Public Law 116–136; 15 U.S.C. 636
4 note) is amended to read as follows:

5 “(2) PROSPECTIVE REPEAL.—Effective on Oc-
6 tober 1, 2021, section 7(a)(31)(D) of the Small
7 Business Act (15 U.S.C. 636(a)(31)(D)) is amended
8 by striking ‘ \$1,000,000’ and inserting ‘
9 \$500,000’.”.

10 (2) GUARANTEE RATES.—

11 (A) TEMPORARY MODIFICATION.—Section
12 7(a)(31)(A)(iv) of the Small Business Act (15
13 U.S.C. 636(a)(31)(A)(iv)) is amended by strik-
14 ing “with a guaranty rate of not more than 50
15 percent.” and inserting the following: “with a
16 guarantee rate—

17 “(I) for a loan in an amount less
18 than or equal to \$350,000, of not
19 more than 75 percent; and

20 “(II) for a loan in an amount
21 greater than \$350,000, of not more
22 than 50 percent.”.

23 (B) PROSPECTIVE REPEAL.—Effective Oc-
24 tober 1, 2021, section 7(a)(31)(A)(iv) of the
25 Small Business Act (15 U.S.C. 636(a)(31)(iv)),

1 as amended by subparagraph (A), is amended
2 by striking “guarantee rate” and all that fol-
3 lows through the period at the end and insert-
4 ing “guarantee rate of not more than 50 per-
5 cent.”.

6 **SEC. 327. TEMPORARY FEE REDUCTIONS.**

7 (a) ADMINISTRATIVE FEE WAIVER.—

8 (1) IN GENERAL.—During the period beginning
9 on the date of enactment of this Act and ending on
10 September 30, 2021, and to the extent that the cost
11 of such elimination or reduction of fees is offset by
12 appropriations, with respect to each loan guaranteed
13 under section 7(a) of the Small Business Act (15
14 U.S.C. 636(a)) (including a recipient of assistance
15 under the Community Advantage Pilot Program of
16 the Administration) for which an application is ap-
17 proved or pending approval on or after the date of
18 enactment of this Act, the Administrator shall—

19 (A) in lieu of the fee otherwise applicable
20 under section 7(a)(23)(A) of the Small Busi-
21 ness Act (15 U.S.C. 636(a)(23)(A)), collect no
22 fee or reduce fees to the maximum extent pos-
23 sible; and

24 (B) in lieu of the fee otherwise applicable
25 under section 7(a)(18)(A) of the Small Busi-

1 ness Act (15 U.S.C. 636(a)(18)(A)), collect no
2 fee or reduce fees to the maximum extent pos-
3 sible.

4 (2) APPLICATION OF FEE ELIMINATIONS OR RE-
5 DUCTIONS.—To the extent that amounts are made
6 available to the Administrator for the purpose of fee
7 eliminations or reductions under paragraph (1), the
8 Administrator shall—

9 (A) first use any amounts provided to
10 eliminate or reduce fees paid by small business
11 borrowers under clauses (i) through (iii) of sec-
12 tion 7(a)(18)(A) of the Small Business Act (15
13 U.S.C. 636(a)(18)(A)), to the maximum extent
14 possible; and

15 (B) then use any amounts provided to
16 eliminate or reduce fees under 7(a)(23)(A) of
17 the Small Business Act (15 U.S.C.
18 636(a)(23)(A)).

19 (b) TEMPORARY FEE ELIMINATION FOR THE 504
20 LOAN PROGRAM.—

21 (1) IN GENERAL.—During the period beginning
22 on the date of enactment of this Act and ending on
23 September 30, 2021, and to the extent the cost of
24 such elimination in fees is offset by appropriations,
25 with respect to each project or loan guaranteed by

1 the Administrator pursuant to title V of the Small
2 Business Investment Act of 1958 (15 U.S.C. 695 et
3 seq.) for which an application is approved or pending
4 approval on or after the date of enactment of this
5 Act—

6 (A) the Administrator shall, in lieu of the
7 fee otherwise applicable under section 503(d)(2)
8 of the Small Business Investment Act of 1958
9 (15 U.S.C. 697(d)(2)), collect no fee; and

10 (B) a development company shall, in lieu
11 of the processing fee under section
12 120.971(a)(1) of title 13, Code of Federal Reg-
13 ulations (relating to fees paid by borrowers), or
14 any successor regulation, collect no fee.

15 (2) REIMBURSEMENT FOR WAIVED FEES.—

16 (A) IN GENERAL.—To the extent that the
17 cost of such payments is offset by appropria-
18 tions, the Administrator shall reimburse each
19 development company that does not collect a
20 processing fee pursuant to paragraph (1)(B).

21 (B) AMOUNT.—The payment to a develop-
22 ment company under clause (i) shall be in an
23 amount equal to 1.5 percent of the net debenture
24 proceeds for which the development com-

1 pany does not collect a processing fee pursuant
2 to paragraph (1)(B).

3 **SEC. 328. LOW-INTEREST REFINANCING.**

4 (a) **LOW-INTEREST REFINANCING UNDER THE**
5 **LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—**

6 (1) **REPEAL.**—Section 521(a) of title V of divi-
7 sion E of the Consolidated Appropriations Act, 2016
8 (15 U.S.C. 696 note) is repealed.

9 (2) **REFINANCING.**—Section 502(7) of the
10 Small Business Investment Act of 1958 (15 U.S.C.
11 696(7)) is amended—

12 (A) in subparagraph (B), in the matter
13 preceding clause (i), by striking “50” and in-
14 serting “100”; and

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

16 “(C) **REFINANCING NOT INVOLVING EX-**
17 **PANSIONS.—**

18 “(i) **DEFINITIONS.**—In this subpara-
19 graph—

20 “(I) the term ‘borrower’ means a
21 small business concern that submits
22 an application to a development com-
23 pany for financing under this sub-
24 paragraph;

1 “(II) the term ‘eligible fixed
2 asset’ means tangible property relat-
3 ing to which the Administrator may
4 provide financing under this section;
5 and

6 “(III) the term ‘qualified debt’
7 means indebtedness—

8 “(aa) that was incurred not
9 less than 6 months before the
10 date of the application for assist-
11 ance under this subparagraph;

12 “(bb) that is a commercial
13 loan;

14 “(cc) the proceeds of which
15 were used to acquire an eligible
16 fixed asset;

17 “(dd) that was incurred for
18 the benefit of the small business
19 concern; and

20 “(ee) that is collateralized
21 by eligible fixed assets.

22 “(ii) **AUTHORITY.**—A project that
23 does not involve the expansion of a small
24 business concern may include the refi-
25 nancing of qualified debt if—

1 “(I) the amount of the financing
2 is not more than 90 percent of the
3 value of the collateral for the financ-
4 ing, except that, if the appraised value
5 of the eligible fixed assets serving as
6 collateral for the financing is less than
7 the amount equal to 125 percent of
8 the amount of the financing, the bor-
9 rower may provide additional cash or
10 other collateral to eliminate any defi-
11 ciency;

12 “(II) the borrower has been in
13 operation for all of the 2-year period
14 ending on the date the loan applica-
15 tion is submitted; and

16 “(III) for a financing for which
17 the Administrator determines there
18 will be an additional cost attributable
19 to the refinancing of the qualified
20 debt, the borrower agrees to pay a fee
21 in an amount equal to the anticipated
22 additional cost.

23 “(iii) FINANCING FOR BUSINESS EX-
24 PENSES.—

1 “(I) FINANCING FOR BUSINESS
2 EXPENSES.—The Administrator may
3 provide financing to a borrower that
4 receives financing that includes a refi-
5 nancing of qualified debt under clause
6 (ii), in addition to the refinancing
7 under clause (ii), to be used solely for
8 the payment of business expenses.

9 “(II) APPLICATION FOR FINANC-
10 ING.—An application for financing
11 under subclause (I) shall include—

12 “(aa) a specific description
13 of the expenses for which the ad-
14 ditional financing is requested;
15 and

16 “(bb) an itemization of the
17 amount of each expense.

18 “(III) CONDITION ON ADDI-
19 TIONAL FINANCING.—A borrower may
20 not use any part of the financing
21 under this clause for non-business
22 purposes.

23 “(iv) LOANS BASED ON JOBS.—

24 “(I) JOB CREATION AND RETEN-
25 TION GOALS.—

1 “(aa) IN GENERAL.—The
2 Administrator may provide fi-
3 nancing under this subparagraph
4 for a borrower that meets the job
5 creation goals under subsection
6 (d) or (e) of section 501.

7 “(bb) ALTERNATE JOB RE-
8 TENTION GOAL.—The Adminis-
9 trator may provide financing
10 under this subparagraph to a
11 borrower that does not meet the
12 goals described in item (aa) in an
13 amount that is not more than the
14 product obtained by multiplying
15 the number of employees of the
16 borrower by \$75,000.

17 “(II) NUMBER OF EMPLOYEES.—
18 For purposes of subclause (I), the
19 number of employees of a borrower is
20 equal to the sum of—

21 “(aa) the number of full-
22 time employees of the borrower
23 on the date on which the bor-
24 rower applies for a loan under
25 this subparagraph; and

1 “(bb) the product obtained
2 by multiplying—

3 “(AA) the number of
4 part-time employees of the
5 borrower on the date on
6 which the borrower applies
7 for a loan under this sub-
8 paragraph, by

9 “(BB) the quotient ob-
10 tained by dividing the aver-
11 age number of hours each
12 part time employee of the
13 borrower works each week
14 by 40.

15 “(v) TOTAL AMOUNT OF LOANS.—The
16 Administrator may provide not more than
17 a total of \$7,500,000,000 of financing
18 under this subparagraph for each fiscal
19 year.”.

20 (b) EXPRESS LOAN AUTHORITY FOR ACCREDITED
21 LENDERS.—

22 (1) IN GENERAL.—Section 507 of the Small
23 Business Investment Act of 1958 (15 U.S.C. 697d)
24 is amended by striking subsection (e) and inserting
25 the following:

1 “(e) EXPRESS LOAN AUTHORITY.—A local develop-
2 ment company designated as an accredited lender in ac-
3 cordance with subsection (b)—

4 “(1) may—

5 “(A) approve, authorize, close, and service
6 covered loans that are funded with proceeds of
7 a debenture issued by the company; and

8 “(B) authorize the guarantee of a deben-
9 ture described in subparagraph (A); and

10 “(2) with respect to a covered loan, shall be
11 subject to final approval as to eligibility of any guar-
12 antee by the Administration pursuant to section
13 503(a), but such final approval shall not include re-
14 view of decisions by the lender involving credit-
15 worthiness, loan closing, or compliance with legal re-
16 quirements imposed by law or regulation.

17 “(f) DEFINITIONS.—In this section—

18 “(1) the term ‘accredited lender certified com-
19 pany’ means a certified development company that
20 meets the requirements under subsection (b), includ-
21 ing a certified development company that the Ad-
22 ministration has designated as an accredited lender
23 under that subsection;

24 “(2) the term ‘covered loan’—

1 “(A) means a loan made under section 502
2 in an amount that is not more than \$500,000;
3 and

4 “(B) does not include a loan made to a
5 borrower that is in an industry that has a high
6 rate of default, as annually determined by the
7 Administrator and reported in rules of the Ad-
8 ministration; and

9 “(3) the term ‘qualified State or local develop-
10 ment company’ has the meaning given the term in
11 section 503(e).”.

12 (2) PROSPECTIVE REPEAL.—Effective on Sep-
13 tember 30, 2023, section 507 of the Small Business
14 Investment Act of 1958 (15 U.S.C. 697d), as
15 amended by paragraph (1), is amended by striking
16 subsections (e) and (f) and inserting the following:

17 “(e) DEFINITION.—In this section, the term ‘quali-
18 fied State or local development company’ has the meaning
19 given the term in section 503(e).”.

20 (c) REFINANCING SENIOR PROJECT DEBT.—During
21 the 1-year period beginning on the date of enactment of
22 this Act, a development company described in title V of
23 the Small Business Investment Act of 1958 (15 U.S.C.
24 695 et seq.) is authorized to allow the refinancing of a
25 senior loan on an existing project in an amount that, when

1 combined with the outstanding balance on the develop-
2 ment company loan, is not more than 90 percent of the
3 total loan to value. Proceeds of such refinancing can be
4 used to support business operating expenses.

5 **SEC. 329. RECOVERY ASSISTANCE UNDER THE MICROLOAN**
6 **PROGRAM.**

7 (a) LOANS TO INTERMEDIARIES.—

8 (1) IN GENERAL.—Section 7(m) of the Small
9 Business Act (15 U.S.C. 636(m)) is amended—

10 (A) in paragraph (3)(C)—

11 (i) by striking “and \$6,000,000” and
12 inserting “ \$10,000,000 (in the aggre-
13 gate)”; and

14 (ii) by inserting before the period at
15 the end the following: “, and \$4,500,000 in
16 any of those remaining years”;

17 (B) in paragraph (4)—

18 (i) in subparagraph (A), by striking
19 “subparagraph (C)” each place that term
20 appears and inserting “subparagraphs (C)
21 and (G)”;

22 (ii) in subparagraph (C), by amending
23 clause (i) to read as follows:

24 “(i) IN GENERAL.—In addition to
25 grants made under subparagraph (A) or

1 (G), each intermediary shall be eligible to
2 receive a grant equal to 5 percent of the
3 total outstanding balance of loans made to
4 the intermediary under this subsection if—

5 “(I) the intermediary provides
6 not less than 25 percent of its loans
7 to small business concerns located in
8 or owned by 1 or more residents of an
9 economically distressed area; or

10 “(II) the intermediary has a
11 portfolio of loans made under this
12 subsection—

13 “(aa) that averages not
14 more than \$10,000 during the
15 period of the intermediary’s par-
16 ticipation in the program; or

17 “(bb) of which not less than
18 25 percent is serving rural areas
19 during the period of the
20 intermediary’s participation in
21 the program.”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(G) GRANT AMOUNTS BASED ON APPRO-
25 PRIATIONS.—In any fiscal year in which the

1 amount appropriated to make grants under
2 subparagraph (A) is sufficient to provide to
3 each intermediary that receives a loan under
4 paragraph (1)(B)(i) a grant of not less than 25
5 percent of the total outstanding balance of
6 loans made to the intermediary under this sub-
7 section, the Administration shall make a grant
8 under subparagraph (A) to each intermediary
9 of not less than 25 percent and not more than
10 30 percent of that total outstanding balance for
11 the intermediary.”; and

12 (C) in paragraph (11)—

13 (i) in subparagraph (C)(ii), by strik-
14 ing all after the semicolon and inserting
15 “and”; and

16 (ii) by striking all after subparagraph
17 (C) and inserting the following:

18 “(D) the term ‘economically distressed
19 area’, as used in paragraph (4), means a county
20 or equivalent division of local government of a
21 State in which the small business concern is lo-
22 cated, in which, according to the most recent
23 data available from the Bureau of the Census,
24 Department of Commerce, not less than 40 per-

1 cent of residents have an annual income that is
2 at or below the poverty level.”.

3 (2) PROSPECTIVE AMENDMENT.—Effective on
4 October 1, 2021, section 7(m)(3)(C) of the Small
5 Business Act (15 U.S.C. 636(m)(3)(C)), as amended
6 by paragraph (1)(A), is amended—

7 (A) by striking “ \$10,000,000” and by in-
8 serting “ \$7,000,000”; and

9 (B) by striking “ \$4,500,000” and insert-
10 ing “ \$3,000,000”.

11 (b) TEMPORARY WAIVER OF TECHNICAL ASSIST-
12 ANCE GRANTS MATCHING REQUIREMENTS AND FLEXI-
13 BILITY ON PRE- AND POST-LOAN ASSISTANCE.—During
14 the period beginning on the date of enactment of this Act
15 and ending on September 30, 2021, the Administration
16 shall waive—

17 (1) the requirement to contribute non-Federal
18 funds under section 7(m)(4)(B) of the Small Busi-
19 ness Act (15 U.S.C. 636(m)(4)(B)); and

20 (2) the limitation on amounts allowed to be ex-
21 pended to provide information and technical assist-
22 ance under clause (i) of section 7(m)(4)(E) of the
23 Small Business Act (15 U.S.C. 636(m)(4)(E)) and
24 enter into third party contracts for the provision of

1 technical assistance under clause (ii) of such section
2 7(m)(4)(E).

3 (c) TEMPORARY DURATION OF LOANS TO BOR-
4 ROWERS.—

5 (1) IN GENERAL.—During the period beginning
6 on the date of enactment of this Act and ending on
7 September 30, 2021, the duration of a loan made by
8 an eligible intermediary under section 7(m) of the
9 Small Business Act (15 U.S.C. 636(m))—

10 (A) to an existing borrower may be ex-
11 tended to not more than 8 years; and

12 (B) to a new borrower may be not more
13 than 8 years.

14 (2) REVERSION.—On and after October 1,
15 2021, the duration of a loan made by an eligible
16 intermediary to a borrower under section 7(m) of
17 the Small Business Act (15 U.S.C. 636(m)) shall be
18 7 years or such other amount established by the Ad-
19 ministrator.

20 (d) FUNDING.—Section 20 of the Small Business Act
21 (15 U.S.C. 631 note) is amended by adding at the end
22 the following:

23 “(h) MICROLOAN PROGRAM.—For each of fiscal
24 years 2021 through 2025, the Administration is author-
25 ized to make—

1 “(1) \$80,000,000 in technical assistance grants,
2 as provided in section 7(m); and

3 “(2) \$110,000,000 in direct loans, as provided
4 in section 7(m).”.

5 (e) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
6 tion to amounts provided under the Consolidated Appro-
7 priations Act, 2020 (Public Law 116–93; 133 Stat. 2317)
8 for the program established under section 7(m) of the
9 Small Business Act (15 U.S.C. 636(m)) and amounts pro-
10 vided for fiscal year 2021 for that program, there is au-
11 thorized to be appropriated for fiscal year 2021, to remain
12 available until expended—

13 (1) \$50,000,000 to provide technical assistance
14 grants under such section 7(m); and

15 (2) \$7,000,000 to provide direct loans under
16 such section 7(m).

17 **SEC. 330. EXTENSION OF PARTICIPATION IN 8(a) PROGRAM.**

18 (a) **IN GENERAL.**—The Administrator shall ensure
19 that a small business concern participating in the program
20 established under section 8(a) of the Small Business Act
21 (15 U.S.C. 637(a)) on or before September 9, 2020, may
22 elect to extend such participation by a period of 1 year,
23 regardless of whether the small business concern pre-
24 viously elected to suspend participation in the program
25 pursuant to guidance of the Administrator.

1 (b) EMERGENCY RULEMAKING AUTHORITY.—Not
2 later than 15 days after the date of enactment of this Act,
3 the Administrator shall issue regulations to carry out this
4 section without regard to the notice requirements under
5 section 553(b) of title 5, United States Code.

6 **SEC. 331. TARGETED EIDL ADVANCE FOR SMALL BUSINESS**
7 **CONTINUITY, ADAPTATION, AND RESILIENCY.**

8 (a) DEFINITIONS.—In this section:

9 (1) AGRICULTURAL ENTERPRISE.—The term
10 “agricultural enterprise” has the meaning given the
11 term in section 18(b) of the Small Business Act (15
12 U.S.C. 647(b)).

13 (2) COVERED ENTITY.—The term “covered en-
14 tity”—

15 (A) means an eligible entity that—

16 (i) applies for a loan under section
17 7(b)(2) of the Small Business Act (15
18 U.S.C. 636(b)(2)) during the covered pe-
19 riod, including before the date of enact-
20 ment of this Act;

21 (ii) is located in a low-income commu-
22 nity;

23 (iii) has suffered an economic loss of
24 greater than 30 percent; and

1 (iv) employs not more than 300 em-
2 ployees; and

3 (B) except with respect to an entity in-
4 cluded under section 123.300(c) of title 13,
5 Code of Federal Regulations, or any successor
6 regulation, does not include an agricultural en-
7 terprise.

8 (3) COVERED PERIOD.—The term “covered pe-
9 riod” has the meaning given the term in section
10 1110(a)(1) of the CARES Act (15 U.S.C.
11 9009(a)(1)), as amended by section 332 of this Act.

12 (4) ECONOMIC LOSS.—The term “economic
13 loss” means, with respect to a covered entity—

14 (A) the amount by which the gross receipts
15 of the covered entity declined during an 8-week
16 period between March 2, 2020, and December
17 31, 2021, relative to a comparable 8-week pe-
18 riod immediately preceding March 2, 2020, or
19 during 2019; or

20 (B) if the covered entity is a seasonal busi-
21 ness concern, such other amount determined
22 appropriate by the Administrator.

23 (5) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means an entity that, during the covered period,
25 is eligible for a loan made under section 7(b)(2) of

1 the Small Business Act (15 U.S.C. 636(b)(2)), as
2 described in section 1110(b) of the CARES Act (15
3 U.S.C. 9009(b)).

4 (6) LOW-INCOME COMMUNITY.—The term “low-
5 income community” has the meaning given the term
6 in section 45D(e) of the Internal Revenue Code of
7 1986.

8 (b) ENTITLEMENT TO FULL AMOUNT.—

9 (1) IN GENERAL.—Subject to paragraph (2), a
10 covered entity, after submitting a request to the Ad-
11 ministrator that the Administrator verifies under
12 subsection (c), shall receive a total of \$10,000 under
13 section 1110(e) of the CARES Act (15 U.S.C.
14 9009(e)), without regard to whether—

15 (A) the applicable loan for which the cov-
16 ered entity applies or applied under section
17 7(b)(2) of the Small Business Act (15 U.S.C.
18 636(b)(2)) is or was approved;

19 (B) the covered entity accepts or accepted
20 the offer of the Administrator with respect to
21 an approved loan described in subparagraph
22 (A); or

23 (C) the covered entity has previously re-
24 ceived a loan under section 7(a)(36) of the
25 Small Business Act (15 U.S.C. 636(a)(36)).

1 (2) EFFECT OF PREVIOUSLY RECEIVED
2 AMOUNTS.—

3 (A) IN GENERAL.—With respect to a cov-
4 ered entity that received an emergency grant
5 under section 1110(e) of the CARES Act (15
6 U.S.C. 9009(e)) before the date of enactment of
7 this Act, the amount of the payment that the
8 covered entity shall receive under this sub-
9 section (after satisfaction of the procedures re-
10 quired under subparagraph (B)) shall be the
11 difference between \$10,000 and the amount of
12 that previously received grant.

13 (B) PROCEDURES.—If the Administrator
14 receives a request under paragraph (1) from a
15 covered entity described in subparagraph (A) of
16 this paragraph, the Administrator shall, not
17 later than 21 days after the date on which the
18 Administrator receives the request—

19 (i) perform the verification required
20 under subsection (c);

21 (ii) if the Administrator, under sub-
22 section (c), verifies that the entity is a cov-
23 ered entity, provide to the covered entity a
24 payment in the amount described in sub-
25 paragraph (A); and

1 (iii) with respect to a covered entity
2 that the Administrator determines is not
3 entitled to a payment under this section,
4 provide the covered entity with a notifica-
5 tion explaining why the Administrator
6 reached that determination.

7 (C) RULE OF CONSTRUCTION.—Nothing in
8 this paragraph may be construed to require any
9 entity that received an emergency grant under
10 section 1110(e) of the CARES Act (15 U.S.C.
11 9009(e)) before the date of enactment of this
12 Act to repay any amount of that grant.

13 (c) VERIFICATION.—In carrying out this section, the
14 Administrator shall require any information, including any
15 tax records, from an entity submitting a request under
16 subsection (b) that the Administrator determines to be
17 necessary to verify that the entity is a covered entity, with-
18 out regard to whether the entity has previously submitted
19 such information to the Administrator.

20 (d) ORDER OF PROCESSING.—The Administrator
21 shall process and approve requests for payments under
22 subsection (b) in the order that the Administrator receives
23 the requests, except that the Administrator shall give—

24 (1) first priority to covered entities described in
25 subsection (b)(2)(A); and

1 (2) second priority to covered entities that have
2 not received emergency grants under section 1110(e)
3 of the CARES Act (15 U.S.C. 9009(e)), as of the
4 date on which the Administrator receives such a re-
5 quest, because of the unavailability of funding to
6 carry out such section 1110(e).

7 (e) APPLICABILITY.—In addition to any other restric-
8 tion imposed under this section, any eligibility restriction
9 applicable to a loan made under section 7(b)(2) of the
10 Small Business Act (15 U.S.C. 636(b)(2)), including any
11 restriction under section 123.300 or 123.301 of title 13,
12 Code of Federal Regulations, or any successor regulation,
13 shall apply with respect to funding provided under this
14 section.

15 (f) NOTIFICATION REQUIRED.—The Administrator
16 shall provide notice to each of the following entities stating
17 that the entity may be eligible for a payment under this
18 section if the entity satisfies the requirements under
19 clauses (ii), (iii), and (iv) of subsection (a)(2)(A):

20 (1) Each entity that received an emergency
21 grant under section 1110(e) of the CARES Act (15
22 U.S.C. 9009(e)) before the date of enactment of this
23 Act.

24 (2) Each entity that, before the date of enact-
25 ment of this Act—

1 (A) applied for a loan under section
2 7(b)(2) of the Small Business Act (15 U.S.C.
3 636(b)(2)); and

4 (B) did not receive an emergency grant
5 under section 1110(e) of the CARES Act (15
6 U.S.C. 9009(e)) because of the unavailability of
7 funding to carry out such section 1110(e).

8 (g) ADMINISTRATION.—In carrying out this section,
9 the Administrator may rely on loan officers and other per-
10 sonnel of the Office of Disaster Assistance of the Adminis-
11 tration and other resources of the Administration, includ-
12 ing contractors of the Administration.

13 (h) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Administrator
15 \$20,000,000,000 to carry out this section—

16 (1) which shall remain available through De-
17 cember 31, 2021; and

18 (2) of which \$20,000,000 is authorized to be
19 appropriated to the Inspector General of the Admin-
20 istration to prevent waste, fraud, and abuse with re-
21 spect to funding provided under this section.

22 **SEC. 332. EMERGENCY EIDL GRANTS.**

23 Section 1110 of the CARES Act (15 U.S.C. 9009)
24 is amended—

1 (1) in subsection (a)(1), by striking “December
2 31, 2020” and inserting “December 31, 2021”;

3 (2) in subsection (d), by striking paragraphs
4 (1) and (2) and inserting the following:

5 “(1) approve an applicant—

6 “(A) based solely on the credit score of the
7 applicant; or

8 “(B) by using alternative appropriate
9 methods to determine an applicant’s ability to
10 repay; and

11 “(2) use information from the Department of
12 the Treasury to confirm that—

13 “(A) an applicant is eligible to receive such
14 a loan; or

15 “(B) the information contained in an ap-
16 plication for such a loan is accurate.”; and

17 (3) in subsection (e)—

18 (A) in paragraph (1)—

19 (i) by striking “During the covered
20 period” and inserting the following:

21 “(A) ADVANCES.—During the covered pe-
22 riod”;

23 (ii) in subparagraph (A), as so des-
24 ignated, by striking “within 3 days after

1 the Administrator receives an application
2 from such applicant”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) TIMING.—With respect to each re-
6 quest submitted to the Administrator under
7 subparagraph (A), the Administrator shall, not
8 later than 21 days after the date on which the
9 Administrator receives the request—

10 “(i) verify whether the entity is an en-
11 tity that is eligible for a loan made under
12 section 7(b)(2) of the Small Business Act
13 (15 U.S.C. 636(b)(2)) during the covered
14 period, as described in subsection (b);

15 “(ii) if the Administrator, under
16 clause (i), verifies that the entity submit-
17 ting the request is an entity that is eligible,
18 as described in that clause, provide the ad-
19 vance requested by the entity; and

20 “(iii) with respect to an entity that
21 the Administrator determines is not enti-
22 tled to receive an advance under this sub-
23 section, provide the entity with a notifica-
24 tion explaining why the Administrator
25 reached that determination.”;

1 (B) in paragraph (7), by striking “
2 \$20,000,000,000” and inserting “
3 \$40,000,000,000”; and

4 (C) in paragraph (8), by striking “Decem-
5 ber 31, 2020” and inserting “December 31,
6 2021”.

7 **SEC. 333. REPEAL OF EIDL ADVANCE DEDUCTION.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “covered entity” means an entity
10 that receives an advance under section 1110(e) of
11 the CARES Act (15 U.S.C. 9009(e)), including an
12 entity that received such an advance before the date
13 of enactment of this Act; and

14 (2) the term “covered period” has the meaning
15 given the term in section 1110(a)(1) of the CARES
16 Act (15 U.S.C. 9009(a)(1)), as amended by section
17 332 of this Act.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that borrowers of loans made under section 7(b)(2)
20 of the Small Business Act (15 U.S.C. 636(b)(2)) in re-
21 sponse to COVID–19 during the covered period should be
22 made whole, without regard to whether those borrowers
23 are eligible for forgiveness with respect to those loans.

24 (c) REPEAL.—Section 1110(e)(6) of the CARES Act
25 (15 U.S.C. 9009(e)(6)) is repealed.

1 (d) EFFECTIVE DATE; APPLICABILITY.—The amend-
2 ment made by subsection (c) shall be effective as if in-
3 cluded in the CARES Act (Public Law 116–136; 134 Stat.
4 281).

5 (e) RULEMAKING.—

6 (1) IN GENERAL.—Not later than 15 days after
7 the date of enactment of this Act, the Administrator
8 shall issue rules that ensure the equal treatment of
9 all covered entities with respect to the amendment
10 made by subsection (c), which shall include consider-
11 ation of covered entities that, before the date of en-
12 actment of this Act, completed the loan forgiveness
13 process described in section 1110(e)(6) of the
14 CARES Act (15 U.S.C. 9009(e)(6)), as in effect be-
15 fore that date of enactment.

16 (2) NOTICE AND COMMENT.— The notice and
17 comment requirements under section 553 of title 5,
18 United States Code, shall not apply with respect to
19 the rules issued under paragraph (1).

20 **SEC. 334. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF 7(a)**
21 **LOANS.**

22 Section 7(a)(7) of the Small Business Act (15 U.S.C.
23 636(a)(7)) is amended—

24 (1) by striking “The Administration” and in-
25 serting “(A) IN GENERAL.—The Administrator”;

1 (2) in subparagraph (A), as so designated, by
2 inserting “and interest” after “principal”; and

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

4 “(B) DEFERRAL REQUIREMENTS.—With
5 respect to a deferral provided under this para-
6 graph, the Administrator may allow lenders
7 under this subsection—

8 “(i) to provide full payment deferment
9 relief (including payment of principal and
10 interest) for a period of not more than 1
11 year; and

12 “(ii) to provide an additional
13 deferment period if the borrower provides
14 documentation justifying such additional
15 deferment.

16 “(C) SECONDARY MARKET.—

17 “(i) IN GENERAL.—Except as pro-
18 vided in clause (ii), if an investor declines
19 to approve a deferral or additional
20 deferment requested by a lender under
21 subparagraph (B), the Administrator shall
22 exercise the authority to purchase the loan
23 so that the borrower may receive full pay-
24 ment deferment relief (including payment
25 of principal and interest) or an additional

1 deferment as described in subparagraph
2 (B).

3 “(ii) EXCEPTION.—If, in a fiscal year,
4 the Administrator determines that the cost
5 of implementing clause (i) is greater than
6 zero, the Administrator shall not imple-
7 ment that clause.”.

8 **SEC. 335. DOCUMENTATION REQUIRED FOR CERTAIN ELI-**
9 **GIBLE RECIPIENTS.**

10 (a) IN GENERAL.—Section 7(a)(36)(D)(ii)(II) of the
11 Small Business Act (15 U.S.C. 636(a)(36)(D)(ii)(II)) is
12 amended by striking “as is necessary” and all that follows
13 through the period at the end and inserting “as deter-
14 mined necessary by the Administrator and the Secretary,
15 to establish the applicant as eligible.”.

16 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
17 ment made by subsection (a) shall be effective as if in-
18 cluded in the CARES Act (Public Law 116–136; 134 Stat.
19 281) and shall apply to any loan made pursuant to section
20 7(a)(36) of the Small Business Act (15 U.S.C.
21 636(a)(36)) before, on, or after the date of enactment of
22 this Act, including forgiveness of such a loan.

1 **SEC. 336. ELECTION OF 12-WEEK PERIOD BY SEASONAL EM-**
2 **PLOYERS.**

3 (a) IN GENERAL.—Section 7(a)(36)(E)(i)(I)(aa)(AA)
4 of the Small Business Act (15 U.S.C.
5 636(a)(36)(E)(i)(I)(aa)(AA)) is amended by striking “, in
6 the case of an applicant” and all that follows through
7 “June 30, 2019” and inserting the following: “an appli-
8 cant that is a seasonal employer shall use the average total
9 monthly payments for payroll for any 12-week period se-
10 lected by the seasonal employer between February 15,
11 2019, and February 15, 2020”.

12 (b) EFFECTIVE DATE; APPLICABILITY.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the amendment made by subsection (a)
15 shall be effective as if included in the CARES Act
16 (Public Law 116–136; 134 Stat. 281) and shall
17 apply to any loan made pursuant to section 7(a)(36)
18 of the Small Business Act (15 U.S.C. 636(a)(36))
19 before, on, or after the date of enactment of this
20 Act, including forgiveness of such a loan.

21 (2) EXCLUSION OF LOANS ALREADY FOR-
22 GIVEN.—The amendment made by subsection (a)
23 shall not apply to a loan made pursuant to section
24 7(a)(36) of the Small Business Act (15 U.S.C.
25 636(a)(36)) for which the borrower received forgive-
26 ness before the date of enactment of this Act under

1 section 1106 of the CARES Act, as in effect on the
2 day before such date of enactment.

3 **SEC. 337. INCLUSION OF CERTAIN REFINANCING IN NON-**
4 **RECOURSE REQUIREMENTS.**

5 (a) IN GENERAL.—Section 7(a)(36)(F)(v) of the
6 Small Business Act (15 U.S.C. 636(a)(36)(F)(v)) is
7 amended by striking “clause (i)” and inserting “clause (i)
8 or (iv)”.

9 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
10 ment made by subsection (a) shall be effective as if in-
11 cluded in the CARES Act (Public Law 116–136; 134 Stat.
12 281) and shall apply to any loan made pursuant to section
13 7(a)(36) of the Small Business Act (15 U.S.C.
14 636(a)(36)) before, on, or after the date of enactment of
15 this Act, including forgiveness of such a loan.

16 **SEC. 338. APPLICATION OF CERTAIN TERMS THROUGH**
17 **LIFE OF COVERED LOAN.**

18 (a) IN GENERAL.—Section 7(a)(36) of the Small
19 Business Act (15 U.S.C. 636(a)(36)) is amended—

20 (1) in subparagraph (H), in the matter pre-
21 ceding clause (i), by striking “During the covered
22 period, with” and inserting “With”;

23 (2) in subparagraph (J), in the matter pre-
24 ceding clause (i), by striking “During the covered
25 period, with” and inserting “With”; and

1 (3) in subparagraph (M)—

2 (A) in clause (ii), in the matter preceding
3 subclause (I), by striking “During the covered
4 period, the” and inserting “The”; and

5 (B) in clause (iii), by striking “During the
6 covered period, with” and inserting “With”.

7 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
8 ments made by subsection (a) shall be effective as if in-
9 cluded in the CARES Act (Public Law 116–136; 134 Stat.
10 281) and shall apply to any loan made pursuant to section
11 7(a)(36) of the Small Business Act (15 U.S.C.
12 636(a)(36)) before, on, or after the date of enactment of
13 this Act, including forgiveness of such a loan.

14 **SEC. 339. INTEREST CALCULATION ON COVERED LOANS.**

15 (a) DEFINITIONS.—In this section, the terms “cov-
16 ered loan” and “eligible recipient” have the meanings
17 given the terms in section 7(a)(36)(A) of the Small Busi-
18 ness Act (15 U.S.C. 636(a)(36)(A)).

19 (b) CALCULATION.—Section 7(a)(36)(L) of the Small
20 Business Act (15 U.S.C. 636(a)(36)(L)) is amended by
21 inserting “, calculated on a non-compounding, non-adjust-
22 able basis” after “4 percent”.

23 (c) APPLICABILITY.—The amendment made by sub-
24 section (b) may apply with respect to a covered loan made
25 before the date of enactment of this Act, upon the agree-

1 ment of the lender and the eligible recipient with respect
2 to the covered loan.

3 **SEC. 340. REIMBURSEMENT FOR PROCESSING.**

4 (a) REIMBURSEMENT.—Section 7(a)(36)(P) of the
5 Small Business Act (15 U.S.C. 636(a)(36)(P)) is amend-
6 ed—

7 (1) by amending clause (i) to read as follows:

8 “(i) IN GENERAL.—The Administrator
9 shall reimburse a lender authorized to
10 make a covered loan as follows:

11 “(I) With respect to a covered
12 loan made during the period begin-
13 ning on the date of enactment of this
14 paragraph and ending on the day be-
15 fore the date of enactment of the Eco-
16 nomic Aid to Hard-Hit Small Busi-
17 nesses, Nonprofits, and Venues Act,
18 the Administrator shall reimburse
19 such a lender at a rate, based on the
20 balance of the financing outstanding
21 at the time of disbursement of the
22 covered loan, of—

23 “(aa) 5 percent for loans of
24 not more than \$350,000;

1 “(bb) 3 percent for loans of
2 more than \$350,000 and less
3 than \$2,000,000; and

4 “(cc) 1 percent for loans of
5 not less than \$2,000,000.

6 “(II) With respect to a covered
7 loan made on or after the date of en-
8 actment of the Economic Aid to
9 Hard-Hit Small Businesses, Non-
10 profits, and Venues Act, the Adminis-
11 trator shall reimburse such a lender—

12 “(aa) for a covered loan of
13 not more than \$50,000, in an
14 amount equal to the lesser of—

15 “(AA) 50 percent of the
16 balance of the financing out-
17 standing at the time of dis-
18 bursement of the covered
19 loan; or

20 “(BB) \$2,500; and

21 “(bb) at a rate, based on the
22 balance of the financing out-
23 standing at the time of disburse-
24 ment of the covered loan, of—

1 “(AA) 5 percent for a
2 covered loan of more than
3 \$50,000 and not more than
4 \$350,000;

5 “(BB) 3 percent for a
6 covered loan of more than
7 \$350,000 and less than
8 \$2,000,000; and

9 “(CC) 1 percent for a
10 covered loan of not less than
11 \$2,000,000.”; and

12 (2) by amending clause (iii) to read as follows:

13 “(iii) TIMING.—A reimbursement de-
14 scribed in clause (i) shall be made not later
15 than 5 days after the reported disburse-
16 ment of the covered loan and may not be
17 required to be repaid by a lender unless
18 the lender is found guilty of an act of
19 fraud in connection with the covered
20 loan.”.

21 (b) FEE LIMITS.—

22 (1) IN GENERAL.—Section 7(a)(36)(P)(ii) of
23 the Small Business Act (15 U.S.C.
24 636(a)(36)(P)(ii)) is amended by adding at the end
25 the following: “If an eligible recipient has knowingly

1 retained an agent, such fees shall be paid by the eli-
2 gible recipient and may not be paid out of the pro-
3 ceeds of a covered loan. A lender shall only be re-
4 sponsible for paying fees to an agent for services for
5 which the lender directly contracts with the agent.”.

6 (2) **EFFECTIVE DATE; APPLICABILITY.**—The
7 amendment made by paragraph (1) shall be effective
8 as if included in the CARES Act (Public Law 116–
9 136; 134 Stat. 281) and shall apply to any loan
10 made pursuant to section 7(a)(36) of the Small
11 Business Act (15 U.S.C. 636(a)(36)) before, on, or
12 after the date of enactment of this Act, including
13 forgiveness of such a loan.

14 **SEC. 341. DUPLICATION REQUIREMENTS FOR ECONOMIC**
15 **INJURY DISASTER LOAN RECIPIENTS.**

16 Section 7(a)(36)(Q) of the Small Business Act (15
17 U.S.C. 636(a)(36)(Q)) is amended by striking “during the
18 period beginning on January 31, 2020, and ending on the
19 date on which covered loans are made available”.

20 **SEC. 342. PROHIBITION OF ELIGIBILITY FOR PUBLICLY-**
21 **TRADED COMPANIES.**

22 Section 7(a)(36) of the Small Business Act (15
23 U.S.C. 636(a)(36)) is amended—

24 (1) in subparagraph (A), as amended by section
25 318 of this Act, by adding at the end the following:

1 “(xvi) the terms ‘exchange’, ‘issuer’,
2 and ‘security’ have the meanings given
3 those terms in section 3(a) of the Securi-
4 ties Exchange Act of 1934 (15 U.S.C.
5 78c(a)).”; and

6 (2) in subparagraph (D), as amended by section
7 318 of this Act by adding at the end the following:

8 “(viii) INELIGIBILITY OF PUBLICLY-
9 TRADED ENTITIES.—Notwithstanding any
10 other provision of this paragraph, on and
11 after the date of enactment of the Eco-
12 nomic Aid to Hard-Hit Small Businesses,
13 Nonprofits, and Venues Act, an entity that
14 is an issuer, the securities of which are
15 listed on an exchange registered as a na-
16 tional securities exchange under section 6
17 of the Securities Exchange Act of 1934
18 (15 U.S.C. 78f), shall be ineligible to re-
19 ceive a covered loan under this para-
20 graph.”.

21 **SEC. 343. COVERED PERIOD FOR NEW PARAGRAPH (36)**

22 **LOANS.**

23 (a) IN GENERAL.—Section 7(a)(36)(A)(iii) of the
24 Small Business Act (15 U.S.C. 636(a)(36)(A)(iii)) is

1 amended by striking “December 31, 2020” and inserting
2 “March 31, 2021”.

3 (b) **EFFECTIVE DATE; APPLICABILITY.**—The amend-
4 ment made by subsection (a) shall be effective as if in-
5 cluded in the CARES Act (Public Law 116–136; 134 Stat.
6 281) and shall apply to any loan made pursuant to section
7 7(a)(36) of the Small Business Act (15 U.S.C.
8 636(a)(36)) before, on, or after the date of enactment of
9 this Act, including forgiveness of such a loan.

10 **SEC. 344. APPLICABLE PERIODS FOR PRORATION.**

11 Section 7(a)(36)(A)(viii) of the Small Business Act
12 (15 U.S.C. 636(a)(36)(A)(viii)) is amended—

13 (1) in subclause (I)(bb), by striking “in 1 year,
14 as prorated for the covered period” and inserting
15 “on an annualized basis, as prorated for the period
16 during which the payments are made or the obliga-
17 tion to make the payments is incurred”; and

18 (2) in subclause (II)—

19 (A) in item (aa), by striking “an annual
20 salary of \$100,000, as prorated for the covered
21 period” and inserting “ \$100,000 on an
22 annualized basis, as prorated for the period
23 during which the compensation is paid or the
24 obligation to pay the compensation is incurred”;
25 and

1 (B) in item (bb), by striking “covered” and
2 inserting “applicable”.

3 **SEC. 345. EXTENSION OF WAIVER OF MATCHING FUNDS RE-**
4 **QUIREMENT UNDER THE WOMEN’S BUSINESS**
5 **CENTER PROGRAM.**

6 (a) IN GENERAL.—Section 1105 of the CARES Act
7 (15 U.S.C. 9004) is amended by striking “the 3-month
8 period beginning on the date of enactment of this Act”
9 and inserting “the period beginning on the date of enact-
10 ment of this Act and ending on June 30, 2021”.

11 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
12 ment made by subsection (a) shall be effective as if in-
13 cluded in the CARES Act (Public Law 116–136; 134 Stat.
14 281).

15 **SEC. 346. CLARIFICATION OF USE OF CARES ACT FUNDS**
16 **FOR SMALL BUSINESS DEVELOPMENT CEN-**
17 **TERS.**

18 (a) IN GENERAL.—Section 1103(b)(3)(A) of the
19 CARES Act (15 U.S.C. 9002(b)(3)(A)) is amended—

20 (1) by striking “The Administration” and in-
21 serting the following:

22 “(i) IN GENERAL.—The Administra-
23 tion”; and

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

1 “(ii) CLARIFICATION OF USE.—
2 Awards made under clause (i) shall be in
3 addition to, and separate from, any
4 amounts appropriated to make grants
5 under section 21(a) of the Small Business
6 Act (15 U.S.C. 648(a)) and such an award
7 may be used to complement and support
8 such a grant, except that priority with re-
9 spect to the receipt of that assistance shall
10 be given to small business development
11 centers that have been affected by issues
12 described in paragraph (2).”.

13 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
14 ments made by subsection (a) shall be effective as if in-
15 cluded in the CARES Act (Public Law 116–136; 134 Stat.
16 281).

17 **SEC. 347. GAO REPORT.**

18 Not later than 120 days after the date of enactment
19 of this Act, the Comptroller General of the United States
20 shall submit to the Committee on Small Business and En-
21 trepreneurship of the Senate and the Committee on Small
22 Business of the House of Representatives a report regard-
23 ing the use by the Administration of funds made available
24 to the Administration through supplemental appropria-

1 tions in fiscal year 2020, the purpose of which was for
2 administrative expenses.

3 **SEC. 348. EFFECTIVE DATE; APPLICABILITY.**

4 Except as otherwise provided in this Act, this Act and
5 the amendments made by this Act shall take effect on the
6 date of enactment of this Act and apply to loans and
7 grants made on or after the date of enactment of this Act.

8 **TITLE IV—TRANSPORTATION**
9 **Subtitle A—Airline Worker Support**
10 **Extension**

11 **SEC. 401. DEFINITIONS.**

12 Unless otherwise specified, the definitions in section
13 40102(a) of title 49, United States Code, shall apply to
14 this subtitle, except that in this subtitle—

15 (1) the term “catering functions” means prepa-
16 ration, assembly, or both, of food, beverages, provi-
17 sions and related supplies for delivery, and the deliv-
18 ery of such items, directly to aircraft or to a location
19 on or near airport property for subsequent delivery
20 to aircraft;

21 (2) the term “contractor” means—

22 (A) a person that performs, under contract
23 with a passenger air carrier conducting oper-
24 ations under part 121 of title 14, Code of Fed-
25 eral Regulations—

1 (i) catering functions; or

2 (ii) functions on the property of an
3 airport that are directly related to the air
4 transportation of persons, property, or
5 mail, including, but not limited to, the
6 loading and unloading of property on air-
7 craft, assistance to passengers under part
8 382 of title 14, Code of Federal Regula-
9 tions, security, airport ticketing and check-
10 in functions, ground-handling of aircraft,
11 or aircraft cleaning and sanitization func-
12 tions and waste removal; or

13 (B) a subcontractor that performs such
14 functions;

15 (3) the term “employee” means an individual,
16 other than a corporate officer, who is employed by
17 an air carrier or a contractor;

18 (4) the term “recall” means the dispatch of a
19 notice by a passenger air carrier or a contractor, via
20 mail, courier, or electronic mail, to an involuntarily
21 furloughed employee notifying the employee that—

22 (A) the employee must, within a specified
23 period of time, elect either—

24 (i) to return to employment or bypass
25 return to employment, in accordance with

1 an applicable collective bargaining agree-
2 ment or, in the absence of a collective bar-
3 gaining agreement, company policy; or

4 (ii) to permanently separate from em-
5 ployment with the passenger air carrier or
6 contractor; and

7 (B) failure to respond within such time pe-
8 riod specified shall be considered an election
9 under subparagraph (A)(ii);

10 (5) the term “returning employee” means an
11 involuntarily furloughed employee who has elected to
12 return to employment pursuant to a recall notice;
13 and

14 (6) the term “Secretary” means the Secretary
15 of the Treasury.

16 **SEC. 402. PANDEMIC RELIEF FOR AVIATION WORKERS.**

17 (a) **FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,**
18 **SALARIES, AND BENEFITS.**—Notwithstanding any other
19 provision of law, to preserve aviation jobs and compensate
20 air carrier industry workers, the Secretary shall provide
21 financial assistance that shall exclusively be used for the
22 continuation of payment of employee wages, salaries, and
23 benefits to—

24 (1) passenger air carriers, in an aggregate
25 amount up to \$15,000,000,000; and

1 (2) contractors, in an aggregate amount up to
2 \$1,000,000,000.

3 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding
4 any other provision of law, the Secretary may use funds
5 made available under section 4112(b) of the CARES Act
6 (15 U.S.C. 9072(b)) for costs and administrative expenses
7 associated with providing financial assistance under this
8 subtitle.

9 **SEC. 403. PROCEDURES FOR PROVIDING PAYROLL SUP-**
10 **PORT.**

11 (a) AWARDABLE AMOUNTS.—The Secretary shall
12 provide financial assistance under this subtitle—

13 (1) to a passenger air carrier required to file re-
14 ports pursuant to part 241 of title 14, Code of Fed-
15 eral Regulations, as of March 27, 2020, in an
16 amount equal to—

17 (A) the amount such air carrier was ap-
18 proved to receive (without taking into account
19 any pro rata reduction) under section 4113 of
20 the CARES Act (15 U.S.C. 9073); or

21 (B) at the request of such air carrier, or
22 in the event such air carrier did not receive as-
23 sistance under section 4113 of the CARES Act
24 (15 U.S.C. 9073), the amount of the salaries
25 and benefits reported by the air carrier to the

1 Department of Transportation pursuant to such
2 part 241, for the period from October 1, 2019,
3 through March 31, 2020;

4 (2) to a passenger air carrier that was not re-
5 quired to transmit reports under such part 241, as
6 of March 27, 2020, in an amount equal to—

7 (A) the amount such air carrier was ap-
8 proved to receive (without taking into account
9 any pro rata reduction) under section 4113 of
10 the CARES Act (15 U.S.C. 9073), plus an ad-
11 ditional 15 percent of such amount;

12 (B) at the request of such air carrier, pro-
13 vided such air carrier received assistance under
14 section 4113 of the CARES Act (15 U.S.C.
15 9073), the sum of—

16 (i) the amount that such air carrier
17 certifies, using sworn financial statements
18 or other appropriate data, as the amount
19 of total salaries and related fringe benefits
20 that such air carrier incurred and would be
21 required to be reported to the Department
22 of Transportation pursuant to such part
23 241, if such air carrier was required to
24 transmit such information during the pe-

1 riod from April 1, 2019, through Sep-
2 tember 30, 2019; and

3 (ii) an additional amount equal to the
4 difference between the amount certified
5 under clause (i) and the amount the air
6 carrier received under section 4113 of the
7 CARES Act (15 U.S.C. 9073); or

8 (C) in the event such air carrier did not re-
9 ceive assistance under section 4113 of the
10 CARES Act (15 U.S.C. 9073), an amount that
11 such an air carrier certifies, using sworn finan-
12 cial statements or other appropriate data, as
13 the amount of total salaries and related fringe
14 benefits that such air carrier incurred and
15 would be required to be reported to the Depart-
16 ment of Transportation pursuant to such part
17 241, if such air carrier was required to trans-
18 mit such information during the period from
19 October 1, 2019, through March 31, 2020; and
20 (3) to a contractor in an amount equal to—

21 (A) the amount such contractor was ap-
22 proved to receive (without taking into account
23 any pro rata reduction) under section 4113 of
24 the CARES Act (15 U.S.C. 9073); or

1 (B) in the event such contractor did not
2 receive assistance under section 4113 of the
3 CARES Act (15 U.S.C. 9073), an amount that
4 the contractor certifies, using sworn financial
5 statements or other appropriate data, as the
6 amount of wages, salaries, benefits, and other
7 compensation that such contractor paid the em-
8 ployees of such contractor during the period
9 from October 1, 2019, through March 31,
10 2020.

11 (b) DEADLINES AND PROCEDURES.—

12 (1) IN GENERAL.—

13 (A) FORMS; TERMS AND CONDITIONS.—Fi-
14 nancial assistance provided to a passenger air
15 carrier or contractor under this subtitle shall—

16 (i) be, to the maximum extent prac-
17 ticable, in the same form and on the same
18 terms and conditions (including require-
19 ments for audits and the clawback of any
20 financial assistance provided upon failure
21 by a passenger air carrier or contractor to
22 honor the assurances specified in section
23 404), as agreed to by the Secretary and
24 the recipient for assistance received under
25 section 4113 of the CARES Act (15

1 U.S.C. 9073), except if inconsistent with
2 this subtitle; or

3 (ii) in the event such a passenger air
4 carrier or a contractor did not receive as-
5 sistance under section 4113 of the CARES
6 Act (15 U.S.C. 9073), be, to the maximum
7 extent practicable, in the same form and
8 on the same terms and conditions (includ-
9 ing requirements for audits and the
10 clawback of any financial assistance pro-
11 vided upon failure by a passenger air car-
12 rier or contractor to honor the assurances
13 specified in section 404), as agreed to by
14 the Secretary and similarly situated recipi-
15 ents of assistance under such section 4113.

16 (B) PROCEDURES.—The Secretary shall,
17 to the maximum extent practicable, publish
18 streamlined and expedited procedures not later
19 than 5 days after the date of enactment of this
20 subtitle for passenger air carriers and contrac-
21 tors to submit requests for financial assistance
22 under this subtitle.

23 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
24 SISTANCE.—Not later than 10 days after the date of
25 enactment of this subtitle, the Secretary shall make

1 initial payments to passenger air carriers and con-
2 tractors that submit requests for financial assistance
3 approved by the Secretary.

4 (3) SUBSEQUENT PAYMENTS.—The Secretary
5 shall determine an appropriate method for the timely
6 distribution of payments to passenger air carriers
7 and contractors with approved requests for financial
8 assistance from any funds remaining available after
9 providing initial financial assistance payments under
10 paragraph (2).

11 (c) PRO RATA REDUCTIONS.—The Secretary shall
12 have the authority to reduce, on a pro rata basis, the
13 amounts due to passenger air carriers and contractors
14 under subsection (a) in order to address any shortfall in
15 assistance that would otherwise be provided under such
16 subsection.

17 (d) AUDITS.—The Inspector General of the Depart-
18 ment of the Treasury shall audit certifications made under
19 subsection (a).

20 **SEC. 404. REQUIRED ASSURANCES.**

21 (a) IN GENERAL.—To be eligible for financial assist-
22 ance under this subtitle, a passenger air carrier or a con-
23 tractor shall enter into an agreement with the Secretary,
24 or otherwise certify in such form and manner as the Sec-

1 retary shall prescribe, that the passenger air carrier or
2 contractor shall—

3 (1) refrain from conducting involuntary fur-
4 loughs or reducing pay rates and benefits until—

5 (A) with respect to passenger air carriers,
6 March 31, 2021; or

7 (B) with respect to contractors, March 31,
8 2021, or the date on which the contractor ex-
9 pends such financial assistance, whichever is
10 later;

11 (2) ensure that neither the passenger air carrier
12 or contractor nor any affiliate of the passenger air
13 carrier or contractor may, in any transaction, pur-
14 chase an equity security of the passenger air carrier
15 or contractor or the parent company of the pas-
16 senger air carrier or contractor that is listed on a
17 national securities exchange through—

18 (A) with respect to passenger air carriers,
19 March 31, 2022; or

20 (B) with respect to contractors, March 31,
21 2022, or the date on which the contractor ex-
22 pends such financial assistance, whichever is
23 later;

24 (3) ensure that the passenger air carrier or con-
25 tractor shall not pay dividends, or make other cap-

1 ital distributions, with respect to common stock (or
2 equivalent interest) of the air carrier or contractor
3 through—

4 (A) with respect to passenger air carriers,
5 March 31, 2022; or

6 (B) with respect to contractors, March 31,
7 2022, or the date on which the contractor ex-
8 pends such financial assistance, whichever is
9 later; and

10 (4) meet the requirements of sections 405 and
11 406.

12 (b) **RECALLS OF EMPLOYEES.**—An agreement or cer-
13 tification under this section shall require a passenger air
14 carrier or contractor to perform the following actions:

15 (1) In the case of a passenger air carrier or
16 contractor that received financial assistance under
17 title IV of the CARES Act—

18 (A) recall (as defined in section 401), not
19 later than 72 hours after executing such agree-
20 ment or certification, any employees involun-
21 tarily furloughed by such passenger air carrier
22 or contractor between October 1, 2020, and the
23 date such passenger air carrier or contractor
24 enters into an agreement with the Secretary

1 with respect to financial assistance under this
2 subtitle;

3 (B) compensate returning employees for
4 lost pay and benefits (offset by any amounts re-
5 ceived by the employee from a passenger air
6 carrier or contractor as a result of the employ-
7 ee's furlough, including, but not limited to, fur-
8 lough pay, severance pay, or separation pay) be-
9 tween—

10 (i) in the case of a passenger air car-
11 rier, December 1, 2020, and the date on
12 which such passenger air carrier enters
13 into an agreement with the Secretary with
14 respect to financial assistance under this
15 subtitle; or

16 (ii) in the case of a contractor, the
17 date of enactment of this subtitle and the
18 date on which such contractor enters into
19 an agreement with the Secretary with re-
20 spect to financial assistance under this
21 subtitle; and

22 (C) restore the rights and protections for
23 such returning employees as if such employees
24 had not been involuntarily furloughed.

1 (2) In the case of a passenger air carrier or
2 contractor that did not receive financial assistance
3 under title IV of the CARES Act to—

4 (A) recall (as defined in section 401), with-
5 in 72 hours after executing such agreement or
6 certification, any employees involuntarily fur-
7 loughed by such passenger air carrier or con-
8 tractor between March 27, 2020, and the date
9 such passenger air carrier or contractor enters
10 into an agreement with the Secretary for finan-
11 cial assistance under this subtitle;

12 (B) compensate returning employees under
13 this paragraph for lost pay and benefits (offset
14 by any amounts received by the employee from
15 a passenger air carrier or contractor as a result
16 of the employee's furlough, including, but not
17 limited to, furlough pay, severance pay, or sepa-
18 ration pay) between—

19 (i) in the case of a passenger air car-
20 rier, December 1, 2020, and the date such
21 passenger air carrier enters into an agree-
22 ment with the Secretary for financial as-
23 sistance under this subtitle; or

24 (ii) in the case of a contractor, the
25 date of enactment of this subtitle and the

1 date on which such contractor enters into
2 an agreement with the Secretary with re-
3 spect to financial assistance under this
4 subtitle; and

5 (C) restore the rights and protections for
6 such returning employees as if such employees
7 had not been involuntarily furloughed.

8 **SEC. 405. PROTECTION OF COLLECTIVE BARGAINING**
9 **AGREEMENTS.**

10 (a) **IN GENERAL.**—Neither the Secretary, nor any
11 other actor, department, or agency of the Federal Govern-
12 ment, shall condition the issuance of financial assistance
13 under this subtitle on a passenger air carrier’s or contrac-
14 tor’s implementation of measures to enter into negotia-
15 tions with the certified bargaining representative of a craft
16 or class of employees of the passenger air carrier or con-
17 tractor under the Railway Labor Act (45 U.S.C. 151 et
18 seq.) or the National Labor Relations Act (29 U.S.C. 151
19 et seq.), regarding pay or other terms and conditions of
20 employment.

21 (b) **PASSENGER AIR CARRIER PERIOD OF EFFECT.**—
22 With respect to any passenger air carrier to which finan-
23 cial assistance is provided under this subtitle, this section
24 shall be in effect with respect to the passenger air carrier
25 for the period beginning on the date on which the pas-

1 senger air carrier is first issued such financial assistance
2 and ending on March 31, 2021.

3 (c) CONTRACTOR PERIOD OF EFFECT.—With respect
4 to any contractor to which financial assistance is provided
5 under this subtitle, this section shall be in effect with re-
6 spect to the contractor beginning on the date on which
7 the contractor is first issued such financial assistance and
8 ending on March 31, 2021, or until the date on which
9 all funds are expended, whichever is later.

10 **SEC. 406. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**
11 **TION.**

12 (a) IN GENERAL.—The Secretary may only provide
13 financial assistance under this subtitle to a passenger air
14 carrier or contractor after such carrier or contractor en-
15 ters into an agreement with the Secretary that provides
16 that, during the 2-year period beginning October 1, 2020,
17 and ending October 1, 2022—

18 (1) no officer or employee of the passenger air
19 carrier or contractor whose total compensation ex-
20 ceeded \$425,000 in calendar year 2019 (other than
21 an employee whose compensation is determined
22 through an existing collective bargaining agreement
23 entered into prior to the date of enactment of this
24 subtitle) will receive from the passenger air carrier
25 or contractor—

1 (A) total compensation that exceeds, dur-
2 ing any 12 consecutive months of such 2-year
3 period, the total compensation received by the
4 officer or employee from the passenger air car-
5 rier or contractor in calendar year 2019; or

6 (B) severance pay or other benefits upon
7 termination of employment with the passenger
8 air carrier or contractor which exceeds twice the
9 maximum total compensation received by the
10 officer or employee from the passenger air car-
11 rier or contractor in calendar year 2019; and

12 (2) no officer or employee of the passenger air
13 carrier or contractor whose total compensation ex-
14 ceeded \$3,000,000 in calendar year 2019 may re-
15 ceive during any 12 consecutive months of such pe-
16 riod total compensation in excess of the sum of—

17 (A) \$3,000,000; and

18 (B) 50 percent of the excess over
19 \$3,000,000 of the total compensation received
20 by the officer or employee from the passenger
21 air carrier or contractor in calendar year 2019.

22 (b) TOTAL COMPENSATION DEFINED.—In this sec-
23 tion, the term “total compensation” includes salary, bo-
24 nuses, awards of stock, and other financial benefits pro-

1 vided by a passenger air carrier or contractor to an officer
2 or employee of the passenger air carrier or contractor.

3 **SEC. 407. MINIMUM AIR SERVICE GUARANTEES.**

4 (a) **IN GENERAL.**—The Secretary of Transportation
5 is authorized to require, to the extent reasonable and prac-
6 ticable, an air carrier provided financial assistance under
7 this subtitle to maintain scheduled air transportation, as
8 the Secretary of Transportation determines necessary, to
9 ensure services to any point served by that air carrier be-
10 fore March 1, 2020.

11 (b) **REQUIRED CONSIDERATIONS.**—When considering
12 whether to exercise the authority provided by this section,
13 the Secretary of Transportation shall take into consider-
14 ation the air transportation needs of small and remote
15 communities, the need to maintain well-functioning health
16 care supply chains, including medical devices and supplies,
17 and pharmaceutical supply chains.

18 (c) **SUNSET.**—The authority provided under this sec-
19 tion shall terminate on March 1, 2022, and any require-
20 ments issued by the Secretary of Transportation under
21 this section shall cease to apply after that date.

22 (d) **SENSE OF CONGRESS.**—It is the sense of Con-
23 gress that, when implementing this section, the Secretary
24 of Transportation should take into consideration the fol-
25 lowing:

1 (1) A number of airports and communities have
2 lost air service as a result of consolidated operations
3 by covered air carriers, as permitted by the Depart-
4 ment of Transportation, including smaller airports
5 that are located near larger airports.

6 (2) Airports covering common points, as deter-
7 mined by the Department of Transportation, do not
8 align with the grouping commonly used by many air
9 carriers, other Federal agencies, and distribution
10 channels used by consumers to purchase air travel.

11 (3) The demographic, geographic, economic,
12 and other characteristics of an area and affected
13 communities when determining whether consolidated
14 operations at a single airport effectively serve the
15 needs of the point.

16 (4) Maintaining a robust air transportation sys-
17 tem, including maintaining air service to airports
18 throughout the United States, plays an important
19 role in the effective distribution of a coronavirus vac-
20 cine.

21 (5) The objections from community respondents
22 on whether a specific airport should or should not be
23 included in a consolidated point, including those ob-
24 jections noting the importance of the required con-
25 siderations set forth in subsection (b).

1 **SEC. 408. TAXPAYER PROTECTION.**

2 (a) CARES ACT ASSISTANCE RECIPIENTS.—With
3 respect to a recipient of financial assistance under section
4 4113 of the CARES Act (15 U.S.C. 9073) that receives
5 financial assistance under this subtitle, the Secretary may
6 receive warrants, options, preferred stock, debt securities,
7 notes, or other financial instruments issued by such recipi-
8 ent that are, to the maximum extent practicable, in the
9 same form and amount, and under the same terms and
10 conditions, as agreed to by the Secretary and such recipi-
11 ent to provide appropriate compensation to the Federal
12 Government for the provision of the financial assistance
13 under this subtitle.

14 (b) OTHER APPLICANTS.—With respect to a recipient
15 of financial assistance under this subtitle that did not re-
16 ceive financial assistance under section 4113 of the
17 CARES Act (15 U.S.C. 9073), the Secretary may receive
18 warrants, options, preferred stock, debt securities, notes,
19 or other financial instruments issued by such recipient in
20 a form and amount that are, to the maximum extent prac-
21 ticable, under the same terms and conditions as agreed
22 to by the Secretary and similarly situated recipients of fi-
23 nancial assistance under such section to provide appro-
24 priate compensation to the Federal Government for the
25 provision of the financial assistance under this subtitle.

1 **SEC. 409. REPORTS.**

2 (a) REPORT.—Not later than May 1, 2021, the Sec-
3 retary shall submit to the Committee on Transportation
4 and Infrastructure and the Committee on Financial Serv-
5 ices of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation and the Com-
7 mittee on Banking, Housing, and Urban Affairs of the
8 Senate a report on the financial assistance provided to
9 passenger air carriers and contractors under this subtitle,
10 that includes—

11 (1) a description of any financial assistance
12 provided to passenger air carriers under this sub-
13 title;

14 (2) any audits of passenger air carriers or con-
15 tractors receiving financial assistance under this
16 subtitle;

17 (3) any reports filed by passenger air carriers
18 or contractors receiving financial assistance under
19 this subtitle;

20 (4) any instances of non-compliance by pas-
21 senger air carriers or contractors receiving financial
22 assistance under this subtitle with the requirements
23 of this subtitle or agreements entered into with the
24 Secretary to receive such financial assistance; and

1 (5) information relating to any clawback of any
2 financial assistance provided to passenger air car-
3 riers or contractors under this subtitle.

4 (b) INTERNET UPDATES.—The Secretary shall up-
5 date the website of the Department of the Treasury, at
6 minimum, on a weekly basis as necessary to reflect new
7 or revised distributions of financial assistance under this
8 subtitle with respect to each passenger air carrier or con-
9 tractor that receives such assistance, the identification of
10 any applicant that applied for financial assistance under
11 this subtitle, and the date of application for such assist-
12 ance.

13 (c) SUPPLEMENTAL UPDATE.—Not later than the
14 last day of the 1-year period following the date of enact-
15 ment of this subtitle, the Secretary shall update and sub-
16 mit to the Committee on Transportation and Infrastruc-
17 ture and the Committee on Financial Services of the
18 House of Representatives and the Committee on Com-
19 merce, Science, and Transportation and the Committee on
20 Banking, Housing, and Urban Affairs of the Senate, the
21 report submitted under subsection (a).

22 (d) PROTECTION OF CERTAIN DATA.—The Secretary
23 may withhold information that would otherwise be re-
24 quired to be made available under this section only if the

1 Secretary determines to withhold the information in ac-
2 cordance with section 552 of title 5, United States Code.

3 **SEC. 410. COORDINATION.**

4 In implementing this subtitle, the Secretary shall co-
5 ordinate with the Secretary of Transportation.

6 **SEC. 411. FUNDING.**

7 There is appropriated, out of amounts in the Treas-
8 ury not otherwise appropriated, \$16,000,000,000 to carry
9 out this subtitle, to remain available until expended.

10 **SEC. 412. CARES ACT AMENDMENTS.**

11 (a) CONTINUED APPLICATION OF REQUIRED ASSUR-
12 ANCES.—Section 4114 of the CARES Act (15 U.S.C.
13 9074) is amended by adding at the end the following new
14 subsections:

15 “(c) CONTINUED APPLICATION.—

16 “(1) IN GENERAL.—If, after the date of enact-
17 ment of this subsection, a contractor expends any
18 funds made available pursuant to section 4112 and
19 distributed pursuant to section 4113, the assurances
20 in paragraphs (1) through (3) of subsection (a) shall
21 continue to apply until the dates included in such
22 paragraphs, or the date on which the contractor
23 fully expends such financial assistance, whichever is
24 later.

1 “(2) SPECIAL RULE.—Not later than April 5,
2 2021, each contractor described in section
3 4111(3)(A)(i) that has received funds pursuant to
4 such section 4112 shall report to the Secretary on
5 the amount of such funds that the contractor has
6 expended through March 31, 2021. If the contractor
7 has expended an amount that is less than 100 per-
8 cent of the total amount of funds the contractor re-
9 ceived under such section, the Secretary shall ini-
10 tiate an action to recover any funds that remain un-
11 expended as of April 30, 2021.

12 “(d) RECALL OF EMPLOYEES.—

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 any contractor that has unspent financial assistance
15 provided under this subtitle as of the date of enact-
16 ment of this subsection and conducted involuntary
17 furloughs or reduced pay rates and benefits, between
18 March 27, 2020, and the date on which the con-
19 tractor entered into an agreement with the Secretary
20 related to financial assistance under this subtitle,
21 shall recall (as defined in section 4111) employees
22 who were involuntarily furloughed during such pe-
23 riod by not later than January 4, 2021.

24 “(2) WAIVER.—The Secretary of the Treasury
25 shall waive the requirement under paragraph (1) for

1 a contractor to recall employees if the contractor
2 certifies that the contractor has or will have insuffi-
3 cient remaining financial assistance provided under
4 this subtitle to keep recalled employees employed for
5 more than two weeks upon returning to work.

6 “(3) AUDITS.—The Inspector General of the
7 Department of the Treasury shall audit certifi-
8 cations made under paragraph (2).”.

9 (b) DEFINITION OF RECALL.—Section 4111 of the
10 CARES Act (15 U.S.C. 9071) is amended—

11 (1) in paragraph (4) by striking “and” at the
12 end;

13 (2) by redesignating paragraph (5) as para-
14 graph (6); and

15 (3) by inserting after paragraph (4) the fol-
16 lowing:

17 “(5) the term ‘recall’ means the dispatch of a
18 notice by a contractor, via mail, courier, or electronic
19 mail, to an involuntarily furloughed employee noti-
20 fying the employee that—

21 “(A) the employee must, within a specified
22 period of time that is not less than 14 days,
23 elect either—

24 “(i) to return to employment or by-
25 pass return to employment in accordance

1 with an applicable collective bargaining
2 agreement or, in the absence of a collective
3 bargaining agreement, company policy; or

4 “(ii) to permanently separate from
5 employment with the contractor; and

6 “(B) failure to respond within such time
7 period specified will be deemed to be an election
8 under subparagraph (A)(ii); and”.

9 (c) DEFINITION OF BUSINESSES CRITICAL TO MAIN-
10 TAINING NATIONAL SECURITY.—Section 4002 of the
11 CARES Act (15 U.S.C. 9041) is amended by adding at
12 the end the following:

13 “(11) AEROSPACE-RELATED BUSINESSES CRIT-
14 ICAL TO MAINTAINING NATIONAL SECURITY.—The
15 term ‘businesses critical to maintaining national se-
16 curity’ means those businesses that manufacture or
17 produce aerospace-related products, civil or defense,
18 including those that design, integrate, assemble, sup-
19 ply, maintain, and repair such products, and other
20 businesses involved in aerospace-related manufac-
21 turing or production as further defined by the Sec-
22 retary, in consultation with the Secretary of Defense
23 and the Secretary of Transportation. For purposes
24 of the preceding sentence, aerospace-related products
25 include, but are not limited to, components, parts, or

1 systems of aircraft, aircraft engines, or appliances
2 for inclusion in an aircraft, aircraft engine, or appli-
3 ance.”.

4 **Subtitle B—Coronavirus Economic**
5 **Relief for Transportation Serv-**
6 **ices Act**

7 **SEC. 420. SHORT TITLE.**

8 This subtitle may be cited as the “Coronavirus Eco-
9 nomic Relief for Transportation Services Act”.

10 **SEC. 421. ASSISTANCE FOR PROVIDERS OF TRANSPOR-**
11 **TATION SERVICES AFFECTED BY COVID-19.**

12 (a) DEFINITIONS.—In this section:

13 (1) COVERED PERIOD.—The term “covered pe-
14 riod”, with respect to a provider of transportation
15 services, means the period—

16 (A) beginning on the date of enactment of
17 this Act; and

18 (B) ending on the later of—

19 (i) March 31, 2021; or

20 (ii) the date on which all funds pro-
21 vided to the provider of transportation
22 services under subsection (c) are expended.

23 (2) COVID-19.—The term “COVID-19”
24 means the Coronavirus Disease 2019.

25 (3) PAYROLL COSTS.—

1 (A) IN GENERAL.—The term “payroll
2 costs” means—

3 (i) any payment to an employee of
4 compensation in the form of—

5 (I) salary, wage, commission, or
6 similar compensation;

7 (II) payment of a cash tip or an
8 equivalent;

9 (III) payment for vacation, pa-
10 rental, family, medical, or sick leave;

11 (IV) payment required for the
12 provision of group health care or
13 other group insurance benefits, includ-
14 ing insurance premiums;

15 (V) payment of a retirement ben-
16 efit;

17 (VI) payment of a State or local
18 tax assessed on employees with re-
19 spect to compensation; or

20 (VII) paid administrative leave;
21 and

22 (ii) any payment of compensation to,
23 or income of, a sole proprietor or inde-
24 pendent contractor—

25 (I) that is—

- 1 (aa) a wage;
- 2 (bb) a commission;
- 3 (cc) income;
- 4 (dd) net earnings from self-
- 5 employment; or
- 6 (ee) similar compensation;
- 7 and
- 8 (II) in an amount equal to not
- 9 more than \$100,000 during 1 cal-
- 10 endar year, as prorated for the cov-
- 11 ered period.
- 12 (B) EXCLUSIONS.—The term “payroll
- 13 costs” does not include—
- 14 (i) any compensation of an individual
- 15 employee in excess of an annual salary of
- 16 \$100,000, as prorated for the covered pe-
- 17 riod;
- 18 (ii) any tax imposed or withheld under
- 19 chapter 21, 22, or 24 of the Internal Rev-
- 20 enue Code of 1986 during the covered pe-
- 21 riod;
- 22 (iii) any compensation of an employee
- 23 whose principal place of residence is out-
- 24 side the United States;

1 (iv) any qualified sick leave wages for
2 which a credit is allowed under section
3 7001 of the Families First Coronavirus
4 Response Act (26 U.S.C. 3111 note; Pub-
5 lic Law 116–127);

6 (v) any qualified family leave wages
7 for which a credit is allowed under section
8 7003 of that Act (26 U.S.C. 3111 note;
9 Public Law 116–127); or

10 (vi) any bonus, raise in excess of in-
11 flation, or other form of additional em-
12 ployee compensation.

13 (4) PROVIDER OF TRANSPORTATION SERV-
14 ICES.—The term “provider of transportation serv-
15 ices” means an entity that—

16 (A) is established or organized—

17 (i) in the United States; or

18 (ii) pursuant to Federal law;

19 (B) has significant operations, and a ma-
20 jority of employees based, in the United States;

21 (C) was in operation on March 1, 2020;

22 and

23 (D) is the operator of—

1 (i) a vessel of the United States (as
2 defined in section 116 of title 46, United
3 States Code) that is—

4 (I) a passenger vessel (as defined
5 in section 2101 of that title) carrying
6 fewer than 2,400 passengers;

7 (II) a small passenger vessel (as
8 defined in section 2101 of that title);
9 or

10 (III) a vessel providing pilotage
11 services and regulated by a State in
12 accordance with chapter 85 of that
13 title;

14 (ii) a company providing transpor-
15 tation services using a bus characterized
16 by an elevated passenger deck located over
17 a baggage compartment (commonly known
18 as an “over-the-road bus”), including local
19 and intercity fixed-route service, commuter
20 service, and charter or tour service (includ-
21 ing tour or excursion service that includes
22 features in addition to bus transportation,
23 such as meals, lodging, admission to points
24 of interest or special attractions, or the
25 services of a guide);

1 (iii) a company providing transpor-
2 tation services using a school bus (as de-
3 fined in section 571.3 of title 49, Code of
4 Federal Regulations (or successor regula-
5 tions)); or

6 (iv) any other passenger transpor-
7 tation service company subject to regula-
8 tion by the Department of Transportation
9 as the Secretary, in consultation with the
10 Secretary of Transportation, determines to
11 be appropriate.

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of the Treasury.

14 (b) FUNDING.—Out of any funds in the Treasury not
15 otherwise appropriated, there are appropriated to provide
16 grants to eligible providers of transportation services
17 under this section, \$2,000,000,000 for fiscal year 2021,
18 to remain available until expended.

19 (c) PROVISION OF ASSISTANCE.—

20 (1) IN GENERAL.—The Secretary, in consulta-
21 tion with the Secretary of Transportation, shall use
22 the amounts made available under subsection (b) to
23 provide grants to eligible providers of transportation
24 services described in paragraph (2) that certify to
25 the Secretary that the providers of transportation

1 services have experienced a revenue loss of 25 per-
2 cent or more, on an annual basis, as a direct or indi-
3 rect result of COVID–19.

4 (2) DESCRIPTION OF ELIGIBLE PROVIDERS OF
5 TRANSPORTATION SERVICES.—

6 (A) IN GENERAL.—An eligible provider of
7 transportation services referred to in paragraph

8 (1) is—

9 (i) a provider of transportation serv-
10 ices that, on March 1, 2020—

11 (I) had 500 or fewer full-time,
12 part-time, or temporary employees;
13 and

14 (II) was not a subsidiary, parent,
15 or affiliate of any other entity with a
16 combined total workforce of more
17 than 500 full-time, part-time, or tem-
18 porary employees; or

19 (ii) a provider of transportation serv-
20 ices that—

21 (I) on March 1, 2020, had more
22 than 500 full-time, part-time, or tem-
23 porary employees; and

24 (II) has not received assistance
25 under paragraph (1), (2), or (3) of

1 section 4003(b), or subtitle B of title
2 IV of division A, of the Coronavirus
3 Aid, Relief, and Economic Security
4 Act (Public Law 116–136; 134 Stat.
5 281).

6 (B) SCOPE OF ELIGIBILITY FOR CERTAIN
7 COMPANIES.—

8 (i) IN GENERAL.—A provider of trans-
9 portation services that has entered into or
10 maintains a contract or agreement de-
11 scribed in clause (ii) shall not be deter-
12 mined to be ineligible for assistance under
13 this subsection on the basis of that con-
14 tract or agreement, subject to clause (iv).

15 (ii) CONTRACT OR AGREEMENT DE-
16 SCRIBED.—A contract or agreement re-
17 ferred to in clause (i) is a contract or
18 agreement for transportation services that
19 is supported by a public entity using funds
20 received under the Emergency Appropria-
21 tions for Coronavirus Health Response and
22 Agency Operations (division B of Public
23 Law 116–136; 134 Stat. 505).

24 (iii) ADJUSTMENT OF ASSISTANCE.—
25 The Secretary may reduce the amount of

1 assistance available under this subsection
2 to a provider of transportation services de-
3 scribed in clause (i) based on the amount
4 of funds provided under this section or the
5 Emergency Appropriations for Coronavirus
6 Health Response and Agency Operations
7 (division B of Public Law 116–136; 134
8 Stat. 505) that have supported a contract
9 or agreement described in clause (ii) to
10 which the provider of transportation serv-
11 ices is a party.

12 (iv) NOTICE REQUIREMENT.—A pro-
13 vider of transportation services that has
14 entered into or maintains a contract or
15 agreement described in clause (ii), and
16 that applies for assistance under this sub-
17 section, shall submit to the Secretary a no-
18 tice describing the contract or agreement,
19 including the amount of funds provided for
20 the contract or agreement under this sub-
21 section or the Emergency Appropriations
22 for Coronavirus Health Response and
23 Agency Operations (division B of Public
24 Law 116–136; 134 Stat. 505).

25 (3) AMOUNT.—

1 (A) FACTORS FOR CONSIDERATION.—In
2 determining the amount of assistance to be pro-
3 vided to an eligible provider of transportation
4 services under this subsection, the Secretary
5 shall take into consideration information pro-
6 vided by the provider of transportation services,
7 including—

8 (i) the amount of debt owed by the
9 provider of transportation services on
10 major equipment, if any;

11 (ii) other sources of Federal assist-
12 ance provided to the provider of transpor-
13 tation services, if any; and

14 (iii) such other information as the
15 Secretary may require.

16 (B) LIMITATIONS.—

17 (i) AWARD.—The Secretary shall en-
18 sure that the amount of assistance pro-
19 vided to a provider of transportation serv-
20 ices under this subsection, when combined
21 with any other Federal assistance provided
22 in response to COVID–19 under the
23 Coronavirus Aid, Relief, and Economic Se-
24 curity Act (Public Law 116–136; 134 Stat.
25 281), the Paycheck Protection Program

1 and Health Care Enhancement Act (Public
2 Law 116–139; 134 Stat. 620), or any
3 other provision of law, does not exceed the
4 total amount of revenue earned by the pro-
5 vider of transportation services during cal-
6 endar year 2019.

7 (ii) CERTIFICATION.—A provider of
8 transportation services seeking assistance
9 under this subsection shall submit to the
10 Secretary—

11 (I) documentation describing the
12 total amount of revenue earned by the
13 provider of transportation services
14 during calendar year 2019; and

15 (II) a certification that the
16 amount of assistance sought under
17 this subsection, when combined with
18 any other Federal assistance described
19 in clause (i), does not exceed the total
20 amount of revenue earned by the pro-
21 vider of transportation services during
22 calendar year 2019.

23 (4) FORM OF ASSISTANCE.—The amounts made
24 available under subsection (b) shall be provided to

1 eligible providers of transportation services in the
2 form of grants.

3 (5) EQUAL ACCESS.—The Secretary shall en-
4 sure equal access to the assistance provided under
5 this section to eligible providers of transportation
6 services that are small, minority-owned, and women-
7 owned businesses.

8 (6) CONDITIONS OF RECEIPT.—As a condition
9 of receipt of assistance under this subsection, the
10 Secretary shall require that a provider of transpor-
11 tation services shall agree—

12 (A) subject to paragraph (7)—

13 (i) to commence using the funds, on a
14 priority basis and to the extent the funds
15 are available, to maintain through the ap-
16 plicable covered period, expenditures on
17 payroll costs for all employees as of the
18 date of enactment of this Act, after mak-
19 ing any adjustments required for—

20 (I) retirement; or

21 (II) voluntary employee separa-
22 tion;

23 (ii) not to impose, during the covered
24 period—

25 (I) any involuntary furlough; or

1 (II) any reduction in pay rates or
2 benefits for nonexecutive employees;
3 and

4 (iii) to recall or rehire any employees
5 laid off, furloughed, or terminated after
6 March 27, 2020, to the extent warranted
7 by increased service levels;

8 (B) to return to the Secretary any funds
9 received under this subsection that are not used
10 by the provider of transportation services by the
11 date that is 1 year after the date of receipt of
12 the funds; and

13 (C) to examine the anticipated expenditure
14 of the funds by the provider of transportation
15 services for the purposes described in subpara-
16 graph (A) not less frequently than once every
17 90 days after the date of receipt of the funds.

18 (7) RAMP-UP PERIOD.—The requirement de-
19 scribed in paragraph (6)(A)(iii) shall not apply to a
20 provider of transportation services until the later
21 of—

22 (A) the date that is 30 days after the date
23 of receipt of the funds; and

24 (B) the date that is 90 days after the date
25 of enactment of this Act.

1 (8) ADDITIONAL CONDITIONS OF CERTAIN RE-
2 CEIPTS.—

3 (A) PRIORITIZATION OF PAYROLL
4 COSTS.—As a condition of receipt of a grant
5 under this subsection, the Secretary shall re-
6 quire that, except as provided in subparagraph
7 (B), a provider of transportation services shall
8 agree to use an amount equal to not less than
9 60 percent of the funds on payroll costs of the
10 provider of transportation services.

11 (B) EXCEPTION.—Subparagraph (A) shall
12 not apply to a provider of transportation serv-
13 ices if the provider of transportation services
14 certifies to the Secretary that, after making any
15 adjustments required for retirement or vol-
16 untary employee separation—

17 (i) each nonseasonal employee on the
18 payroll of the provider of transportation
19 services on January 1, 2020—

20 (I) if laid off, furloughed, or ter-
21 minated by the provider of transpor-
22 tation services as described in para-
23 graph (6)(A)(iii), is rehired, or has
24 been offered rehire, by the provider of
25 transportation services; and

1 (II) if rehired under clause (i) or
2 subject to a reduction in salary before
3 the date of receipt by the provider of
4 transportation services of assistance
5 under this subsection, receives not less
6 than 100 percent of the previous sal-
7 ary of the employee;

8 (ii) the provider of transportation
9 services—

10 (I) is staffed at a level of full-
11 time equivalent, seasonal employees,
12 on a monthly basis, that is greater
13 than or equivalent to the level at
14 which the provider of transportation
15 services was staffed with full-time
16 equivalent, seasonal employees on a
17 monthly basis during calendar year
18 2019;

19 (II) is offering priority in rehir-
20 ing to seasonal employees that were
21 laid off, furloughed, terminated, or
22 not offered rehire in calendar year
23 2020, as the provider of transpor-
24 tation services achieves staffing at the
25 level described in subclause (I); and

1 (III) offers any seasonal em-
2 ployee rehired under subclause (II) or
3 subject to a reduction in salary before
4 the date of receipt by the provider of
5 transportation services of assistance
6 under this subsection not less than
7 100 percent of the previous salary of
8 the employee; and

9 (iii) the provider of transportation
10 services will fully cover, through the appli-
11 cable covered period, all payroll costs asso-
12 ciated with the staffing requirements de-
13 scribed in clauses (i) and (ii).

14 (9) FORMS; TERMS AND CONDITIONS.—A grant
15 provided under this section shall be in such form,
16 subject to such terms and conditions, and contain
17 such covenants, representations, warranties, and re-
18 quirements (including requirements for audits) as
19 the Secretary determines to be appropriate in ac-
20 cordance with this section.

21 (d) ELIGIBLE ACTIVITIES.—

22 (1) IN GENERAL.—Subject to the priority de-
23 scribed in subsection (c)(6)(A), a provider of trans-
24 portation services shall use assistance provided
25 under subsection (c) only for—

1 (A) the payment of payroll costs;

2 (B) the acquisition of services, equipment,
3 including personal protective equipment, and
4 other measures needed to protect workers and
5 customers from COVID–19;

6 (C) continued operations and maintenance
7 during the applicable covered period of existing
8 capital equipment and facilities—

9 (i) including rent, leases, insurance,
10 and interest on regularly scheduled debt
11 service; but

12 (ii) not including any prepayment of,
13 or payment of principal on, a debt obliga-
14 tion, except for any principal on a debt ob-
15 ligation accrued by the provider of trans-
16 portation services directly to maintain the
17 expenditures of the provider of transpor-
18 tation services on payroll costs throughout
19 the COVID–19 pandemic; or

20 (D) the compensation of returning employ-
21 ees for lost pay and benefits during the
22 COVID–19 pandemic, subject to subsection (e).

23 (2) ELIGIBILITY.—The use of assistance pro-
24 vided under subsection (c) for the compensation of
25 returning employees under paragraph (1)(D) shall

1 be counted toward the required amount of grants to
2 be used on payroll costs under subsection (c)(6)(A).

3 (e) COMPENSATION OF RETURNING EMPLOYEES.—

4 Notwithstanding any other provision of law, any com-
5 pensation provided to a returning employee under sub-
6 section (d)(1)(D)—

7 (1) shall be offset by—

8 (A) any amounts received by the employee
9 from the provider of transportation services as
10 a result of the layoff, furlough, or termination
11 of the employee or any failure to hire the em-
12 ployee for seasonal employment during calendar
13 year 2020, including—

14 (i) furlough pay;

15 (ii) severance pay; or

16 (iii) separation pay; and

17 (B) any amounts the employee received
18 from unemployment insurance; and

19 (2) shall not—

20 (A) be considered an overpayment for pur-
21 poses of any State or Federal unemployment
22 law; or

23 (B) be subject to any overpayment recov-
24 ery efforts by a State agency (as defined in sec-
25 tion 205 of the Federal-State Extended Unem-

1 ployment Compensation Act of 1970 (U.S.C.
2 3304 note)).

3 (f) ADMINISTRATIVE PROVISIONS.—

4 (1) IN GENERAL.—The Secretary may take
5 such actions as the Secretary determines to be nec-
6 essary to carry out this section, including—

7 (A) using direct hiring authority to hire
8 employees to administer this section;

9 (B) entering into contracts, including con-
10 tracts for services authorized by this section;
11 and

12 (C) issuing such regulations and other
13 guidance as may be necessary or appropriate to
14 carry out the purposes of this section.

15 (2) ADMINISTRATIVE EXPENSES.—Of the funds
16 made available under this section, not more than
17 \$50,000,000 may be used by the Secretary for ad-
18 ministrative expenses to carry out this section.

19 (3) AVAILABILITY FOR OBLIGATION.—The
20 funds made available under this section shall remain
21 available for obligation until the date that is 3 years
22 after the date of enactment of this Act.

1 **Subtitle C—Motor Carrier Safety**
2 **Grant Relief Act of 2020**

3 **SEC. 440. SHORT TITLE.**

4 This subtitle may be cited as the “Motor Carrier
5 Safety Grant Relief Act of 2020”.

6 **SEC. 441. RELIEF FOR RECIPIENTS OF FINANCIAL ASSIST-**
7 **ANCE AWARDS FROM THE FEDERAL MOTOR**
8 **CARRIER SAFETY ADMINISTRATION.**

9 (a) **DEFINITION OF SECRETARY.**—In this section, the
10 term “Secretary” means the Secretary of Transportation.

11 (b) **RELIEF FOR RECIPIENTS OF FINANCIAL ASSIST-**
12 **ANCE AWARDED FOR FISCAL YEARS 2019 AND 2020.**—

13 (1) **IN GENERAL.**—Notwithstanding any provi-
14 sion of chapter 311 of title 49, United States Code
15 (including any applicable period of availability under
16 section 31104(f) of that title), and any regulations
17 promulgated under that chapter and subject to para-
18 graph (2), the period of availability during which a
19 recipient may expend amounts made available to the
20 recipient under a grant or cooperative agreement de-
21 scribed in subparagraphs (A) through (E) shall be—

22 (A) for a grant made under section 31102
23 of that title (other than subsection (l) of that
24 section)—

1 (i) the fiscal year in which the Sec-
2 retary approves the financial assistance
3 agreement with respect to the grant; and

4 (ii) the following 2 fiscal years;

5 (B) for a grant made or a cooperative
6 agreement entered into under section
7 31102(1)(2) of that title—

8 (i) the fiscal year in which the Sec-
9 retary approves the financial assistance
10 agreement with respect to the grant or co-
11 operative agreement; and

12 (ii) the following 3 fiscal years;

13 (C) for a grant made under section
14 31102(1)(3) of that title—

15 (i) the fiscal year in which the Sec-
16 retary approves the financial assistance
17 agreement with respect to the grant; and

18 (ii) the following 5 fiscal years;

19 (D) for a grant made under section 31103
20 of that title—

21 (i) the fiscal year in which the Sec-
22 retary approves the financial assistance
23 agreement with respect to the grant; and

24 (ii) the following 2 fiscal years; and

1 (E) for a grant made or a cooperative
2 agreement entered into under section 31313 of
3 that title—

4 (i) the year in which the Secretary ap-
5 proves the financial assistance agreement
6 with respect to the grant or cooperative
7 agreement; and

8 (ii) the following 5 fiscal years.

9 (2) APPLICABILITY.—

10 (A) AMOUNTS AWARDED FOR FISCAL
11 YEARS 2019 AND 2020.—The periods of avail-
12 ability described in paragraph (1) shall apply
13 only—

14 (i) to amounts awarded for fiscal year
15 2019 or 2020 under a grant or cooperative
16 agreement described in subparagraphs (A)
17 through (E) of that paragraph; and

18 (ii) for the purpose of expanding the
19 period of availability during which the re-
20 cipient may expend the amounts described
21 in clause (i).

22 (B) AMOUNTS AWARDED FOR OTHER
23 YEARS.—The periods of availability described in
24 paragraph (1) shall not apply to any amounts
25 awarded under a grant or cooperative agree-

1 ment described in subparagraphs (A) through
2 (E) of that paragraph for any fiscal year other
3 than fiscal year 2019 or 2020, and those
4 amounts shall be subject to the period of avail-
5 ability otherwise applicable to those amounts
6 under Federal law.

7 **Subtitle D—Extension of Waiver** 8 **Authority**

9 **SEC. 442. EXTENSION OF WAIVER AUTHORITY.**

10 Notwithstanding any other provision of law, in fiscal
11 year 2021, the Secretary of Transportation may exercise
12 the authority provided by section 22005 of division B of
13 the CARES Act (23 U.S.C. 401 note; Public Law 116–
14 136).

15 **TITLE V—BANKING**

16 **Subtitle A—Emergency Rental** 17 **Assistance**

18 **SEC. 501. EMERGENCY RENTAL ASSISTANCE.**

19 (a) APPROPRIATION.—

20 (1) IN GENERAL.—Out of any money in the
21 Treasury of the United States not otherwise appro-
22 priated, there are appropriated for making payments
23 to eligible grantees under this section,
24 \$25,000,000,000 for fiscal year 2021.

1 (2) RESERVATION OF FUNDS FOR THE TERRI-
2 TORIES AND TRIBAL COMMUNITIES.—Of the amount
3 appropriated under paragraph (1), the Secretary
4 shall reserve—

5 (A) \$400,000,000 of such amount for
6 making payments under this section to the
7 Commonwealth of Puerto Rico, the United
8 States Virgin Islands, Guam, the Common-
9 wealth of the Northern Mariana Islands, and
10 American Samoa; and

11 (B) \$800,000,000 of such amount for
12 making payments under this section to eligible
13 grantees described in subparagraphs (C) and
14 (D) of subsection (k)(2); and

15 (C) \$15,000,000 for administrative ex-
16 penses of the Secretary described in subsection
17 (h).

18 (b) PAYMENTS FOR RENTAL ASSISTANCE.—

19 (1) ALLOCATION AND PAYMENTS TO STATES
20 AND UNITS OF LOCAL GOVERNMENT.—

21 (A) IN GENERAL.—The amount appro-
22 priated under paragraph (1) of subsection (a)
23 that remains after the application of paragraph
24 (2) of such subsection shall be allocated and
25 paid to eligible grantees described in subpara-

1 graph (B) in the same manner as the amount
2 appropriated under subsection (a)(1) of section
3 601 of the Social Security Act (42 U.S.C. 801)
4 is allocated and paid to States and units of
5 local government under subsections (b) and (c)
6 of such section, and shall be subject to the
7 same requirements, except that—

8 (i) the deadline for payments under
9 section 601(b)(1) of such Act shall, for
10 purposes of payments under this section,
11 be deemed to be not later than 30 days
12 after the date of enactment of this section;

13 (ii) the amount referred to in para-
14 graph (3) of section 601(c) of such Act
15 shall be deemed to be the amount appro-
16 priated under paragraph (1) of subsection
17 (a) of this Act that remains after the ap-
18 plication of paragraph (2) of such sub-
19 section;

20 (iii) section 601(c) of the Social Secu-
21 rity Act shall be applied—

22 (I) by substituting “1 of the 50
23 States or the District of Columbia”
24 for “1 of the 50 States” each place it
25 appears;

1 (II) in paragraph (2)(A), by sub-
2 stituting “ \$200,000,000” for “
3 \$1,250,000,000”;

4 (III) in paragraph (2)(B), by
5 substituting “each of the 50 States
6 and District of Columbia” for “each
7 of the 50 States”;

8 (IV) in paragraph (4), by sub-
9 stituting “excluding the Common-
10 wealth of Puerto Rico, the United
11 States Virgin Islands, Guam, the
12 Commonwealth of the Northern Mar-
13 iana Islands, and American Samoa”
14 for “excluding the District of Colum-
15 bia and territories specified in sub-
16 section (a)(2)(A)”;

17 (V) without regard to paragraph
18 (6);

19 (iv) section 601(d) of such Act shall
20 not apply to such payments; and

21 (v) section 601(e) shall be applied —

22 (I) by substituting “under section
23 501 of subtitle A of title V of division
24 N of the Consolidated Appropriations

1 Act, 2021” for “under this section”;
2 and

3 (II) by substituting “local gov-
4 ernment elects to receive funds from
5 the Secretary under section 501 of
6 subtitle A of title V of division N of
7 the Consolidated Appropriations Act,
8 2021 and will use the funds in a man-
9 ner consistent with such section” for
10 “local government’s proposed uses of
11 the funds are consistent with sub-
12 section (d)”.

13 (B) ELIGIBLE GRANTEES DESCRIBED.—
14 The eligible grantees described in this subpara-
15 graph are the following:

16 (i) A State that is 1 of the 50 States
17 or the District of Columbia.

18 (ii) A unit of local government located
19 in a State described in clause (i).

20 (2) ALLOCATION AND PAYMENTS TO TRIBAL
21 COMMUNITIES.—

22 (A) IN GENERAL.—From the amount re-
23 served under subsection (a)(2)(B), the Sec-
24 retary shall—

1 (i) pay the amount equal to 0.3 per-
2 cent of such amount to the Department of
3 Hawaiian Home Lands; and
4 (ii) subject to subparagraph (B), from
5 the remainder of such amount, allocate
6 and pay to each Indian tribe (or, if appli-
7 cable, the tribally designated housing enti-
8 ty of an Indian tribe) that was eligible for
9 a grant under title I of the Native Amer-
10 ican Housing Assistance and Self-Deter-
11 mination Act of 1996 (NAHASDA) (25
12 U.S.C. 4111 et seq.) for fiscal year 2020
13 an amount that bears the same proportion
14 to the such remainder as the amount each
15 such Indian tribe (or entity) was eligible to
16 receive for such fiscal year from the
17 amount appropriated under paragraph (1)
18 under the heading “NATIVE AMERICAN
19 PROGRAMS” under the heading “PUBLIC
20 AND INDIAN HOUSING” of title II of divi-
21 sion H of the Further Consolidated Appro-
22 priations Act, 2020 (Public Law 116–94)
23 to carry out the Native American Housing
24 Block Grants program bears to the amount
25 appropriated under such paragraph for

1 such fiscal year, provided the Secretary
2 shall be authorized to allocate, in an equi-
3 table manner as determined by the Sec-
4 retary, and pay any Indian tribe that opted
5 out of receiving a grant allocation under
6 the Native American Housing Block
7 Grants program formula in fiscal year
8 2020, including by establishing a minimum
9 amount of payments to such Indian tribe,
10 provided such Indian tribe notifies the Sec-
11 retary not later than 30 days after the
12 date of enactment of this Act that it in-
13 tends to receive allocations and payments
14 under this section.

15 (B) PRO RATA ADJUSTMENT; DISTRIBUTION OF DECLINED FUNDS.—

17 (i) PRO RATA ADJUSTMENTS.—The
18 Secretary shall make pro rata reductions
19 in the amounts of the allocations deter-
20 mined under clause (ii) of subparagraph
21 (A) for entities described in such clause as
22 necessary to ensure that the total amount
23 of payments made pursuant to such clause
24 does not exceed the remainder amount de-
25 scribed in such clause.

1 (ii) DISTRIBUTION OF DECLINED
2 FUNDS.—If the Secretary determines as of
3 30 days after the date of enactment of this
4 Act that an entity described in clause (ii)
5 of subparagraph (A) has declined to re-
6 ceive its full allocation under such clause
7 then, not later than 15 days after such
8 date, the Secretary shall redistribute, on a
9 pro rata basis, such allocation among the
10 other entities described in such clause that
11 have not declined to receive their alloca-
12 tions.

13 (3) ALLOCATIONS AND PAYMENTS TO TERRI-
14 TORIES.—

15 (A) IN GENERAL.—From the amount re-
16 served under subsection (a)(2)(A), subject to
17 subparagraph (B), the Secretary shall allocate
18 and pay to each eligible grantee described in
19 subparagraph (C) an amount equal to the prod-
20 uct of—

21 (i) the amount so reserved; and

22 (ii) each such eligible grantee's share
23 of the combined total population of all
24 such eligible grantees, as determined by
25 the Secretary.

1 (B) ALLOCATION ADJUSTMENT.—

2 (i) REQUIREMENT.—The sum of the
3 amounts allocated under subparagraph (A)
4 to all of the eligible grantees described in
5 clause (ii) of subparagraph (C) shall not be
6 less than the amount equal to 0.3 percent
7 of the amount appropriated under sub-
8 section (a)(1).

9 (ii) REDUCTION.—The Secretary shall
10 reduce the amount of the allocation deter-
11 mined under subparagraph (A) for the eli-
12 gible grantee described in clause (i) of sub-
13 paragraph (C) as necessary to meet the re-
14 quirement of clause (i).

15 (C) ELIGIBLE GRANTEE DESCRIBED.—
16 The eligible grantees described in this subpara-
17 graph are—

18 (i) the Commonwealth of Puerto Rico;

19 and

20 (ii) the United States Virgin Islands,
21 Guam, the Commonwealth of the Northern
22 Mariana Islands, and American Samoa.

23 (c) USE OF FUNDS.—

24 (1) IN GENERAL.—An eligible grantee shall
25 only use the funds provided from a payment made

1 under this section to provide financial assistance and
2 housing stability services to eligible households.

3 (2) FINANCIAL ASSISTANCE.—

4 (A) IN GENERAL.—Not less than 90 per-
5 cent of the funds received by an eligible grantee
6 from a payment made under this section shall
7 be used to provide financial assistance to eligi-
8 ble households, including the payment of

9 (i) rent;

10 (ii) rental arrears;

11 (iii) utilities and home energy costs;

12 (iv) utilities and home energy costs
13 arrears; and

14 (v) other expenses related to housing
15 incurred due, directly or indirectly, to the
16 novel coronavirus disease (COVID-19) out-
17 break, as defined by the Secretary.

18 Such assistance shall be provided for a period
19 not to exceed 12 months except that grantees
20 may provide assistance for an additional 3
21 months only if necessary to ensure housing sta-
22 bility for a household subject to the availability
23 of funds.

24 (B) LIMITATION ON ASSISTANCE FOR PRO-
25 SPECTIVE RENT PAYMENTS.—

1 (i) IN GENERAL.—Subject to the ex-
2 ception in clause (ii), an eligible grantee
3 shall not provide an eligible household with
4 financial assistance for prospective rent
5 payments for more than 3 months based
6 on any application by or on behalf of the
7 household.

8 (ii) EXCEPTION.—For any eligible
9 household described in clause (i), such
10 household may receive financial assistance
11 for prospective rent payments for addi-
12 tional months:

13 (I) subject to the availability of
14 remaining funds currently allocated to
15 the eligible grantee, and

16 (II) based on a subsequent appli-
17 cation for additional financial assist-
18 ance provided that the total months of
19 financial assistance provided to the
20 household do not exceed the total
21 months of assistance allowed under
22 subparagraph (A).

23 (iii) FURTHER LIMITATION.—To the
24 extent that applicants have rental arrears,
25 grantees may not make commitments for

1 prospective rent payments unless they have
2 also provided assistance to reduce an eligi-
3 ble household's rental arrears.

4 (C) DISTRIBUTION OF FINANCIAL ASSIST-
5 ANCE.—

6 (i) PAYMENTS.—

7 (I) IN GENERAL.—With respect
8 to financial assistance for rent and
9 rental arrears and utilities and home
10 energy costs and utility and home en-
11 ergy costs arrears provided to an eligi-
12 ble household from a payment made
13 under this section, an eligible grantee
14 shall make payments to a lessor or
15 utility provider on behalf of the eligi-
16 ble household, except that, if the les-
17 sor or utility provider does not agree
18 to accept such payment from the
19 grantee after outreach to the lessor or
20 utility provider by the grantee, the
21 grantee may make such payments di-
22 rectly to the eligible household for the
23 purpose of making payments to the
24 lessor or utility provider.

1 (II) RULE OF CONSTRUCTION.—

2 Nothing in this section shall be con-
3 strued to invalidate any otherwise le-
4 gitimate grounds for eviction.

5 (ii) DOCUMENTATION.—For any pay-
6 ments made by an eligible grantee to a les-
7 sor or utility provider on behalf of an eligi-
8 ble household, the eligible grantee shall
9 provide documentation of such payments to
10 such household.

11 (3) HOUSING STABILITY SERVICES.—Not more
12 than 10 percent of funds received by an eligible
13 grantee from a payment made under this section
14 may be used to provide eligible households with case
15 management and other services related to the novel
16 coronavirus disease (COVID-19) outbreak, as de-
17 fined by the Secretary, intended to help keep house-
18 holds stably housed.

19 (4) PRIORITIZATION OF ASSISTANCE.—

20 (A) In reviewing applications for financial
21 assistance and housing stability services to eligi-
22 ble households from a payment made under this
23 section, an eligible grantee shall prioritize con-
24 sideration of the applications of an eligible

1 household that satisfies any of the following
2 conditions:

3 (i) The income of the household does
4 not exceed 50 percent of the area median
5 income for the household.

6 (ii) 1 or more individuals within the
7 household are unemployed as of the date of
8 the application for assistance and have not
9 been employed for the 90-day period pre-
10 ceding such date.

11 (B) Nothing in this section shall be con-
12 strued to prohibit an eligible grantee from pro-
13 viding a process for the further prioritizing of
14 applications for financial assistance and hous-
15 ing stability services from a payment made
16 under this section, including to eligible house-
17 holds in which 1 or more individuals within the
18 household were unable to reach their place of
19 employment or their place of employment was
20 closed because of a public health order imposed
21 as a direct result of the COVID-19 public
22 health emergency.

23 (5) ADMINISTRATIVE COSTS.—

24 (A) IN GENERAL.—Not more than 10 per-
25 cent of the amount paid to an eligible grantee

1 under this section may be used for administra-
2 tive costs attributable to providing financial as-
3 sistance and housing stability services under
4 paragraphs (2) and (3), respectively, including
5 for data collection and reporting requirements
6 related to such funds.

7 (B) NO OTHER ADMINISTRATIVE COSTS.—
8 Amounts paid under this section shall not be
9 used for any administrative costs other than to
10 the extent allowed under subparagraph (A).

11 (d) REALLOCATION OF UNUSED FUNDS.—Beginning
12 on September 30, 2021, the Secretary shall recapture ex-
13 cess funds, as determined by the Secretary, not obligated
14 by a grantee for the purposes described under subsection
15 (c) and the Secretary shall reallocate and repay such
16 amounts to eligible grantees who, at the time of such re-
17 allocation, have obligated at least 65 percent of the
18 amount originally allocated and paid to such grantee
19 under subsection (b)(1), only for the allowable uses de-
20 scribed under subsection (c). The amount of any such re-
21 allocation shall be determined based on demonstrated need
22 within a grantee’s jurisdiction, as determined by the Sec-
23 retary.

24 (e) AVAILABILITY.—

1 (1) IN GENERAL.—Funds provided to an eligi-
2 ble grantee under a payment made under this sec-
3 tion shall remain available through December 31,
4 2021.

5 (2) EXTENSION FOR FUNDS PROVIDED PURSU-
6 ANT TO A REALLOCATION OF UNUSED FUNDS.—For
7 funds reallocated to an eligible grantee pursuant to
8 subsection (d), an eligible grantee may request, sub-
9 ject to the approval of the Secretary, a 90-day exten-
10 sion of the deadline established in paragraph (1).

11 (f) APPLICATION FOR ASSISTANCE BY LANDLORDS
12 AND OWNERS.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 nothing in this section shall preclude a landlord or
15 owner of a residential dwelling from—

16 (A) assisting a renter of such dwelling in
17 applying for assistance from a payment made
18 under this section; or

19 (B) applying for such assistance on behalf
20 of a renter of such dwelling.

21 (2) REQUIREMENTS FOR APPLICATIONS SUB-
22 MITTED ON BEHALF OF TENANTS.—If a landlord or
23 owner of a residential dwelling submits an applica-
24 tion for assistance from a payment made under this
25 section on behalf of a renter of such dwelling—

1 (A) the landlord must obtain the signature
2 of the tenant on such application, which may be
3 documented electronically;

4 (B) documentation of such application
5 shall be provided to the tenant by the landlord;
6 and

7 (C) any payments received by the landlord
8 from a payment made under this section shall
9 be used to satisfy the tenant's rental obligations
10 to the owner.

11 (g) REPORTING REQUIREMENTS.—

12 (1) IN GENERAL.—The Secretary, in consulta-
13 tion with the Secretary of Housing and Urban De-
14 velopment, shall provide public reports not less fre-
15 quently than quarterly regarding the use of funds
16 made available under this section, which shall in-
17 clude, with respect to each eligible grantee under
18 this section, both for the past quarter and over the
19 period for which such funds are available—

20 (A) the number of eligible households that
21 receive assistance from such payments;

22 (B) the acceptance rate of applicants for
23 assistance;

24 (C) the type or types of assistance pro-
25 vided to each eligible household;

1 (D) the average amount of funding pro-
2 vided per eligible household receiving assistance;

3 (E) household income level, with such in-
4 formation disaggregated for households with in-
5 come that—

6 (i) does not exceed 30 percent of the
7 area median income for the household;

8 (ii) exceeds 30 percent but does not
9 exceed 50 percent of the area median in-
10 come for the household; and

11 (iii) exceeds 50 percent but does not
12 exceed 80 percent of area median income
13 for the household; and

14 (F) the average number of monthly rental
15 or utility payments that were covered by the
16 funding amount that a household received, as
17 applicable.

18 (2) DISAGGREGATION.—Each report under this
19 subsection shall disaggregate the information relat-
20 ing to households provided under subparagraphs (A)
21 through (F) of paragraph (1) by the gender, race,
22 and ethnicity of the primary applicant for assistance
23 in such households.

24 (3) ALTERNATIVE REPORTING REQUIREMENTS
25 FOR CERTAIN GRANTEES.—The Secretary may es-

1 tabish alternative reporting requirements for grant-
2 ees described in subsection (b)(2).

3 (4) PRIVACY REQUIREMENTS.—

4 (A) IN GENERAL.—Each eligible grantee
5 that receives a payment under this section shall
6 establish data privacy and security require-
7 ments for the information described in para-
8 graph (1) that—

9 (i) include appropriate measures to
10 ensure that the privacy of the individuals
11 and households is protected;

12 (ii) provide that the information, in-
13 cluding any personally identifiable informa-
14 tion, is collected and used only for the pur-
15 pose of submitting reports under para-
16 graph (1); and

17 (iii) provide confidentiality protections
18 for data collected about any individuals
19 who are survivors of intimate partner vio-
20 lence, sexual assault, or stalking.

21 (B) STATISTICAL RESEARCH.—

22 (i) IN GENERAL.—The Secretary—

23 (I) may provide full and
24 unredacted information provided
25 under subparagraphs (A) through (F)

1 of paragraph (1), including personally
2 identifiable information, for statistical
3 research purposes in accordance with
4 existing law; and

5 (II) may collect and make avail-
6 able for statistical research, at the
7 census tract level, information col-
8 lected under subparagraph (A).

9 (ii) APPLICATION OF PRIVACY RE-
10 QUIREMENTS.—A recipient of information
11 under clause (i) shall establish for such in-
12 formation the data privacy and security re-
13 quirements described in subparagraph (A).

14 (5) NONAPPLICATION OF THE PAPERWORK RE-
15 DUCATION ACT.—Subchapter I of chapter 35 of title
16 44, United States Code, shall not apply to the collec-
17 tion of information for the reporting or research re-
18 quirements specified in this subsection.

19 (h) ADMINISTRATIVE EXPENSES OF THE SEC-
20 RETARY.—Of the funds appropriated pursuant to sub-
21 section (a), not more than \$15,000,000 may be used for
22 administrative expenses of the Secretary in administering
23 this section, including technical assistance to grantees in
24 order to facilitate effective use of funds provided under
25 this section.

1 (i) Inspector General Oversight; Recoupment

2 (1) OVERSIGHT AUTHORITY.—The Inspector
3 General of the Department of the Treasury shall
4 conduct monitoring and oversight of the receipt, dis-
5 bursement, and use of funds made available under
6 this section.

7 (2) RECOUPMENT.—If the Inspector General of
8 the Department of the Treasury determines that a
9 State, Tribal government, or unit of local govern-
10 ment has failed to comply with subsection (c), the
11 amount equal to the amount of funds used in viola-
12 tion of such subsection shall be booked as a debt of
13 such entity owed to the Federal Government.
14 Amounts recovered under this subsection shall be de-
15 posited into the general fund of the Treasury.

16 (3) APPROPRIATION.—Out of any money in the
17 Treasury of the United States not otherwise appro-
18 priated, there are appropriated to the Office of the
19 Inspector General of the Department of the Treas-
20 ury, \$6,500,000 to carry out oversight and
21 recoupment activities under this subsection.
22 Amounts appropriated under the preceding sentence
23 shall remain available until expended.

24 (4) AUTHORITY OF INSPECTOR GENERAL.—
25 Nothing in this subsection shall be construed to di-

1 minish the authority of any Inspector General, in-
2 cluding such authority as provided in the Inspector
3 General Act of 1978 (5 U.S.C. App.)

4 (j) TREATMENT OF ASSISTANCE.—Assistance pro-
5 vided to a household from a payment made under this sec-
6 tion shall not be regarded as income and shall not be re-
7 garded as a resource for purposes of determining the eligi-
8 bility of the household or any member of the household
9 for benefits or assistance, or the amount or extent of bene-
10 fits or assistance, under any Federal program or under
11 any State or local program financed in whole or in part
12 with Federal funds.

13 (k) DEFINITIONS.—In this section:

14 (1) AREA MEDIAN INCOME.—The term “area
15 median income” means, with respect to a household,
16 the median income for the area in which the house-
17 hold is located, as determined by the Secretary of
18 Housing and Urban Development.

19 (2) ELIGIBLE GRANTEE.—The term “eligible
20 grantee” means any of the following:

21 (A) A State (as defined in section
22 601(g)(4) of the Social Security Act (42 U.S.C.
23 801(g)(4)).

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

1 (C) An Indian tribe or its tribally des-
2 ignated housing entity (as such terms are de-
3 fined in section 4 of the Native American Hous-
4 ing Assistance and Self-Determination Act of
5 1996 (25 U.S.C. 4103)) that was eligible to re-
6 ceive a grant under title I of such Act (25
7 U.S.C. 4111 et seq.) for fiscal year 2020 from
8 the amount appropriated under paragraph (1)
9 under the heading “NATIVE AMERICAN PRO-
10 GRAMS” under the heading “PUBLIC AND IN-
11 DIAN HOUSING” of title II of division H of the
12 Further Consolidated Appropriations Act, 2020
13 (Public Law 116–94) to carry out the Native
14 American Housing Block Grants program. For
15 the avoidance of doubt, the term Indian tribe
16 shall include Alaska native corporations estab-
17 lished pursuant to the Alaska Native Claims
18 Settlement Act (43 U.S.C. 1601 et seq.).

19 (D) The Department of Hawaiian Home-
20 lands.

21 (3) ELIGIBLE HOUSEHOLD.—

22 (A) IN GENERAL.—The term “eligible
23 household” means a household of 1 or more in-
24 dividuals who are obligated to pay rent on a

1 residential dwelling and with respect to which
2 the eligible grantee involved determines—

3 (i) that 1 or more individuals within
4 the household has

5 (I) qualified for unemployment
6 benefits or

7 (II) experienced a reduction in
8 household income, incurred significant
9 costs, or experienced other financial
10 hardship due, directly or indirectly, to
11 the novel coronavirus disease
12 (COVID-19) outbreak, which the ap-
13 plicant shall attest in writing;

14 (ii) that 1 or more individuals within
15 the household can demonstrate a risk of
16 experiencing homelessness or housing in-
17 stability, which may include—

18 (I) a past due utility or rent no-
19 tice or eviction notice;

20 (II) unsafe or unhealthy living
21 conditions; or

22 (III) any other evidence of such
23 risk, as determined by the eligible
24 grantee involved; and

1 (iii) the household has a household in-
2 come that is not more than 80 percent of
3 the area median income for the household.

4 (B) EXCEPTION.—To the extent feasible,
5 an eligible grantee shall ensure that any rental
6 assistance provided to an eligible household
7 pursuant to funds made available under this
8 section is not duplicative of any other Federally
9 funded rental assistance provided to such
10 household.

11 (C) INCOME DETERMINATION.—

12 (i) In determining the income of a
13 household for purposes of determining
14 such household's eligibility for assistance
15 from a payment made under this section
16 (including for purposes of subsection
17 (c)(4)), the eligible grantee involved shall
18 consider either

19 (I) the household's total income
20 for calendar year 2020, or

21 (II) subject to clause (ii), suffi-
22 cient confirmation, as determined by
23 the Secretary, of the household's
24 monthly income at the time of appli-
25 cation for such assistance.

1 (ii) In the case of income determined
2 under subclause (II), the eligible grantee
3 shall be required to re-determine the eligi-
4 bility of a household’s income after each
5 such period of 3 months for which the
6 household receives assistance from a pay-
7 ment made under this section.

8 (4) INSPECTOR GENERAL.—The term “Inspec-
9 tor General” means the Inspector General of the De-
10 partment of the Treasury.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Treasury.

13 (6) UNIT OF LOCAL GOVERNMENT.—The term
14 “unit of local government” has the meaning given
15 such term in paragraph (2) of section 601(g) of the
16 Social Security Act (42 U.S.C. 801(g)), except that,
17 in applying such term for purposes of this section,
18 such paragraph shall be applied by substituting
19 “200,000” for “500,000”.

20 (1) TERMINATION OF PROGRAM.—The authority of
21 an eligible grantee to make new obligations to provide pay-
22 ments under subsection (c) shall terminate on the date
23 established in subsection (e) for that eligible grantee.
24 Amounts not expended in accordance with this section
25 shall revert to the Department of the Treasury.

1 **SEC. 502. EXTENSION OF EVICTION MORATORIUM.**

2 The order issued by the Centers for Disease Control
3 and Prevention under section 361 of the Public Health
4 Service Act (42 U.S.C. 264), entitled “Temporary Halt
5 in Residential Evictions To Prevent the Further Spread
6 of COVID–19” (85 Fed. Reg. 55292 (September 4, 2020))
7 is extended through January 31, 2021, notwithstanding
8 the effective dates specified in such Order.

9 **Subtitle B—Community**
10 **Development Investment**

11 **SEC. 520. PURPOSE.**

12 The purpose of this subtitle is to establish emergency
13 programs to revitalize and provide long-term financial
14 products and service availability for, and provide invest-
15 ments in, low- and moderate-income and minority commu-
16 nities that have disproportionately suffered from the im-
17 pacts of the COVID–19 pandemic.

18 **SEC. 521. CONSIDERATIONS; REQUIREMENTS FOR CREDI-**
19 **TORS.**

20 (a) **IN GENERAL.**—In exercising the authorities
21 under this subtitle and the amendments made by this sub-
22 title, the Secretary of the Treasury shall take into consid-
23 eration increasing the availability of affordable credit for
24 consumers, small businesses, and nonprofit organizations,
25 including for projects supporting affordable housing, com-
26 munity-serving real estate, and other projects, that pro-

1 vide direct benefits to low- and moderate-income commu-
2 nities, low-income and underserved individuals, and mi-
3 norities, that have disproportionately suffered from the
4 health and economic impacts of the COVID–19 pandemic.

5 (b) REQUIREMENT FOR CREDITORS.—Any creditor
6 participating in a program established under this subtitle
7 or the amendments made by this subtitle shall fully comply
8 with all applicable statutory and regulatory requirements
9 relating to fair lending.

10 **SEC. 522. CAPITAL INVESTMENTS FOR NEIGHBORHOODS**
11 **DISPROPORTIONATELY IMPACTED BY THE**
12 **COVID–19 PANDEMIC.**

13 (a) IN GENERAL.—The Community Development
14 Banking and Financial Institutions Act of 1994 (12
15 U.S.C. 4701 et seq.) is amended by inserting after section
16 104 (12 U.S.C. 4703) the following:

17 **“SEC. 104A. CAPITAL INVESTMENTS FOR NEIGHBORHOODS**
18 **DISPROPORTIONATELY IMPACTED BY THE**
19 **COVID–19 PANDEMIC.**

20 “(a) DEFINITIONS.—In this section—

21 “(1) the term ‘bank holding company’ has the
22 meaning given the term in section 2 of the Bank
23 Holding Company Act of 1956 (12 U.S.C. 1841);

1 “(2) the term ‘eligible institution’ means any
2 low- and moderate-income community financial insti-
3 tution that is eligible to participate in the Program;

4 “(3) the term ‘Emergency Capital Investment
5 Fund’ means the Emergency Capital Investment
6 Fund established under subsection (b);

7 “(4) the term ‘low- and moderate-income com-
8 munity financial institution’ means any financial in-
9 stitution that is—

10 “(A)(i) a community development financial
11 institution; or

12 “(ii) a minority depository institution; and

13 “(B)(i) an insured depository institution
14 that is not controlled by a bank holding com-
15 pany or savings and loan holding company that
16 is also an eligible institution;

17 “(ii) a bank holding company;

18 “(iii) a savings and loan holding company;

19 or

20 “(iv) a federally insured credit union;

21 “(5) the term ‘minority’ means any Black
22 American, Native American, Hispanic American,
23 Asian American, Native Alaskan, Native Hawaiian,
24 or Pacific Islander;

1 “(6) the term ‘minority depository institution’
2 means an entity that is—

3 “(A) a minority depository institution, as
4 defined in section 308 of the Financial Institu-
5 tions Reform, Recovery, and Enforcement Act
6 of 1989 (12 U.S.C. 1463 note); or

7 “(B) considered to be a minority depository
8 institution by—

9 “(i) the appropriate Federal banking
10 agency; or

11 “(ii) the National Credit Union Ad-
12 ministration, in the case of an insured
13 credit union; or

14 “(C) listed in the Federal Deposit Insur-
15 ance Corporation’s Minority Depository Institu-
16 tions List published for the Third Quarter
17 2020.

18 “(7) the term ‘Program’ means the Emergency
19 Capital Investment Program established under sub-
20 section (b);

21 “(8) the term ‘savings and loan holding com-
22 pany’ has the meaning given the term under section
23 10(a) of the Home Owners’ Loan Act (12 U.S.C.
24 1467a(a)); and

1 “(9) the ‘Secretary’ means the Secretary of the
2 Treasury.

3 “(b) ESTABLISHMENT.—

4 “(1) FUND ESTABLISHED.—There is estab-
5 lished in the Treasury of the United States a fund
6 to be known as the ‘Emergency Capital Investment
7 Fund’, which shall be administered by the Secretary.

8 “(2) PROGRAM AUTHORIZED.—The Secretary is
9 authorized to establish an emergency program
10 known as the ‘Emergency Capital Investment Pro-
11 gram’ to support the efforts of low- and moderate-
12 income community financial institutions to, among
13 other things, provide loans, grants, and forbearance
14 for small businesses, minority-owned businesses, and
15 consumers, especially in low-income and underserved
16 communities, including persistent poverty counties,
17 that may be disproportionately impacted by the eco-
18 nomic effects of the COVID–19 pandemic, by pro-
19 viding direct and indirect capital investments in low-
20 and moderate-income community financial institu-
21 tions consistent with this section.

22 “(c) PURCHASES.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Emergency Capital Investment Fund shall be
25 available to the Secretary, without further appro-

1 priation or fiscal year limitation, for the costs of
2 purchases (including commitments to purchase), and
3 modifications of such purchases, of preferred stock
4 and other financial instruments from eligible institu-
5 tions on such terms and conditions as are deter-
6 mined by the Secretary in accordance with this sec-
7 tion.

8 “(2) PURCHASE LIMIT.—The aggregate amount
9 of purchases pursuant to paragraph (1) may not ex-
10 exceed \$9,000,000,000.

11 “(d) APPLICATION.—

12 “(1) ACCEPTANCE.—The Secretary shall begin
13 accepting applications for capital investments under
14 the Program not later than the end of the 30-day
15 period beginning on the date of enactment of this
16 section.

17 “(2) CONSULTATION WITH REGULATORS.—For
18 each eligible institution that applies to receive a cap-
19 ital investment under the Program, the Secretary
20 shall consult with the appropriate Federal banking
21 agency or the National Credit Union Administration,
22 as applicable, to determine whether the eligible insti-
23 tution may receive such capital investment.

24 “(3) ELIGIBILITY.—

1 “(A) IN GENERAL.—Only low- and mod-
2 erate-income community financial institutions
3 shall be eligible to participate in the Program.

4 “(B) ADDITIONAL CRITERIA.—The Sec-
5 retary may establish additional criteria for par-
6 ticipation by an institution in the Program, as
7 the Secretary may determine appropriate in
8 furtherance of the goals of the Program.

9 “(4) REQUIREMENT TO PROVIDE AN EMER-
10 GENCY INVESTMENT LENDING PLAN FOR COMMU-
11 NITIES THAT MAY BE DISPROPORTIONATELY IM-
12 PACTED BY THE ECONOMIC EFFECTS OF THE
13 COVID-19 PANDEMIC.—

14 “(A) IN GENERAL.—At the time that an
15 applicant submits an application to the Sec-
16 retary for a capital investment under the Pro-
17 gram, the applicant shall provide the Secretary,
18 along with the appropriate Federal banking
19 agency or the National Credit Union Adminis-
20 tration, as applicable, an investment and lend-
21 ing plan that—

22 “(i) demonstrates that not less than
23 30 percent of the lending of the applicant
24 over the past 2 fiscal years was made di-
25 rectly to low- and moderate income bor-

1 rowers, to borrowers that create direct ben-
2 efits for low- and moderate-income popu-
3 lations, to other targeted populations as
4 defined by the Fund, or any combination
5 thereof, as measured by the total number
6 and dollar amount of loans;

7 “(ii) describes how the business strat-
8 egy and operating goals of the applicant
9 will address community development needs
10 in communities that may be disproportion-
11 ately impacted by the economic effects of
12 COVID–19, which includes the needs of
13 small businesses, consumers, nonprofit or-
14 ganizations, community development, and
15 other projects providing direct benefits to
16 low- and moderate-income communities,
17 low-income individuals, and minorities
18 within the minority, rural, and urban low-
19 income and underserved areas served by
20 the applicant;

21 “(iii) includes a plan to provide com-
22 munity outreach and communication,
23 where appropriate;

24 “(iv) includes details on how the ap-
25 plicant plans to expand or maintain signifi-

1 cant lending or investment activity in low-
2 or moderate-income minority communities,
3 especially those that may be disproportion-
4 ately impacted by COVID–19 to histori-
5 cally disadvantaged borrowers, and to mi-
6 norities that have significant unmet capital
7 or financial services needs.

8 “(B) DOCUMENTATION.—In the case of an
9 applicant that is certified as a community devel-
10 opment financial institution as of the date of
11 enactment of this subsection, for purposes of
12 subparagraph (A)(i), the Secretary may rely on
13 documentation submitted by the applicant to
14 the Fund as part of certification compliance re-
15 porting.

16 “(5) INCENTIVES TO INCREASE LENDING AND
17 PROVIDE AFFORDABLE CREDIT.—

18 “(A) ISSUANCE AND PURCHASE OF PRE-
19 ferred stock.—An eligible institution that
20 the Secretary approves for participation in the
21 Program may issue to the Secretary, and the
22 Secretary may purchase from such institution,
23 preferred stock that—

24 “(i) provides that the preferred stock
25 will—

1 “(I) be repaid not later than the
2 end of the 10-year period beginning
3 on the date of the capital investment
4 under the Program; or

5 “(II) at the end of such 10-year
6 period, be subject to such additional
7 terms as the Secretary shall prescribe,
8 which shall include a requirement that
9 the stock shall carry the highest divi-
10 dend or interest rate payable; and

11 “(ii) provides that the term and condi-
12 tion described under clause (i) shall not
13 apply if the application of that term and
14 condition would adversely affect the capital
15 treatment of the stock under current or
16 successor applicable capital provisions com-
17 pared to a capital instrument with iden-
18 tical terms other than the term and condi-
19 tion described under clause (i).

20 “(B) ALTERNATIVE FINANCIAL INSTRU-
21 MENTS.—If the Secretary determines that an
22 institution cannot feasibly issue preferred stock
23 as provided under subparagraph (A), such insti-
24 tution may issue to the Secretary, and the Sec-
25 retary may purchase from such institution, a

1 subordinated debt instrument whose terms are,
2 to the extent possible, consistent with require-
3 ments under the Program applicable to the
4 terms of preferred stock issued by institutions
5 participating in the Program, with such adjust-
6 ments as the Secretary determines appropriate,
7 including by taking into account the tax treat-
8 ment of payments made with respect to securi-
9 ties issued by such eligible institution.

10 “(6) REQUIREMENTS ON PREFERRED STOCK
11 AND OTHER FINANCIAL INSTRUMENT.—Any finan-
12 cial instrument issued to the Secretary by a low- and
13 moderate-income community financial institution
14 under the Program shall provide the following:

15 “(A) No dividends, interest or other simi-
16 lar required payments shall have a rate exceed-
17 ing 2 percent per annum for the first 10 years.

18 “(B) The annual required payment rate of
19 dividends, interest, or other similar payments of
20 a low- and moderate-income community finan-
21 cial institution shall be adjusted downward as
22 follows, based on lending by the institution dur-
23 ing the most recent annual period compared to
24 lending by the institution during the annual pe-
25 riod ending on September 30, 2020:

1 “(i) No dividends, interest, or other
2 similar payments shall be due within the
3 first 24-month period after the capital in-
4 vestment by the Secretary.

5 “(ii) If the amount of lending by the
6 institution within minority, rural, and
7 urban low-income and underserved commu-
8 nities and to low- and moderate-income
9 borrowers has increased in amount be-
10 tween 200 percent and 400 percent of the
11 amount of the capital investment, the an-
12 nual payment rate shall not exceed 1.25
13 percent per annum.

14 “(iii) If the amount of lending by the
15 institution within minority, rural, and
16 urban low-income and underserved commu-
17 nities and to low- and moderate-income
18 borrowers has increased by more than 400
19 percent of the capital investment, the an-
20 nual payment rate shall not exceed 0.5
21 percent per annum.

22 “(7) CONTINGENCY OF PAYMENTS BASED ON
23 CERTAIN FINANCIAL CRITERIA.—

24 “(A) DEFERRAL.—Any annual payments
25 under this section shall be deferred in any quar-

1 ter or payment period if any of the following is
2 true:

3 “(i) The low- and moderate-income
4 community institution fails to meet the
5 Tier 1 capital ratio or similar ratio as de-
6 termined by the Secretary.

7 “(ii) The low- and moderate-income
8 community financial institution fails to
9 achieve positive net income for the quarter
10 or payment period.

11 “(iii) The low- and moderate-income
12 community financial institution determines
13 that the payment would be detrimental to
14 the financial health of the institution and
15 the Chief Executive Officer and Chief Fi-
16 nancial Officer of the institution provide
17 written notice, in a form reasonably satis-
18 factory to the Secretary, of such deter-
19 mination and the basis thereof.

20 “(B) TESTING DURING NEXT PAYMENT
21 PERIOD.—Any annual payment that is deferred
22 under this section shall—

23 “(i) be tested against the metrics de-
24 scribed in subparagraph (A) at the begin-
25 ning of the next payment period; and

1 “(ii) continue to be deferred until the
2 metrics described in that subparagraph are
3 no longer applicable.

4 “(8) REQUIREMENTS IN CONNECTION WITH
5 FAILURE TO SATISFY PROGRAM GOALS.—Any finan-
6 cial instrument issued to the Secretary by a low- and
7 moderate-income community financial institution
8 under the Program may include such additional
9 terms and conditions as the Secretary determines
10 may be appropriate to provide the holders with
11 rights in the event that such institution fails to sat-
12 isfy applicable requirements under the Program or
13 to protect the interests of the Federal Government.

14 “(e) RESTRICTIONS.—

15 “(1) IN GENERAL.—Each low- and moderate-in-
16 come community financial institution may only issue
17 financial instruments or senior preferred stock under
18 this subsection with an aggregate principal amount
19 (or comparable amount) that is—

20 “(A) not more than \$250,000,000; and

21 “(B)(i) not more than 7.5 percent of total
22 assets for an institution with assets of more
23 than \$2,000,000,000;

24 “(ii) not more than 15 percent of total as-
25 sets for an institution with assets of not less

1 than \$500,000,000 and not more than
2 \$2,000,000,000; and

3 “(iii) not more than 22.5 percent of total
4 assets for an institution with assets of less than
5 \$500,000,000.

6 “(2) SET-ASIDES.—Of the amounts made avail-
7 able under subsection (c)(2), not less than
8 \$4,000,000,000 shall be made available for eligible
9 institutions with total assets of not more than
10 \$2,000,000,000 that timely apply to receive a capital
11 investment under the Program, of which not less
12 than \$2,000,000,000 shall be made available for eli-
13 gible institutions with total assets of less than
14 \$500,000,000 that timely apply to receive a capital
15 investment under the Program.

16 “(3) HOLDING OF INSTRUMENTS.—Holding any
17 instrument of a low- and moderate-income commu-
18 nity financial institution described in paragraph (1)
19 shall not give the Secretary or any successor that
20 owns the instrument any rights over the manage-
21 ment of the institution in the ordinary course of
22 business.

23 “(4) SALE OF INTEREST.—

24 “(A) IN GENERAL.—With respect to a cap-
25 ital investment made into a low- and moderate-

1 income community financial institution under
2 this section, the Secretary—

3 “(i) prior to any sale of such capital
4 investment to a third party, shall provide
5 the low- and moderate-income community
6 financial institution a right of first refusal
7 to buy back the investment under terms
8 that do not exceed a value as determined
9 by an independent third party;

10 “(ii) shall not sell more than 25 per-
11 cent of the outstanding equity interests of
12 any institution to a single third party with-
13 out the consent of such institution, which
14 may not be unreasonably withheld; and

15 “(iii) with the permission of the insti-
16 tution, may transfer or sell the interest of
17 the Secretary in the capital investment for
18 no consideration or for a de minimis
19 amount to a mission aligned nonprofit af-
20 filiate of an applicant that is an insured
21 community development financial institu-
22 tion.

23 “(B) CALCULATION OF OWNERSHIP FOR
24 MINORITY DEPOSITORY INSTITUTIONS.—The
25 calculation and determination of ownership

1 thresholds for a depository institution to qualify
2 as a minority depository institution shall ex-
3 clude any dilutive effect of equity investments
4 by the Federal Government, including under the
5 Program or through the Fund.

6 “(5) REPAYMENT INCENTIVES.—The Secretary
7 may establish repayment incentives that will apply to
8 capital investments under the Program in a manner
9 that the Secretary determines to be consistent with
10 the purposes of the Program.

11 “(f) TREATMENT OF CAPITAL INVESTMENTS.—The
12 Secretary shall seek to establish the terms of preferred
13 stock issued under the Program to enable such preferred
14 stock to receive Tier 1 capital treatment.

15 “(g) OUTREACH TO MINORITY COMMUNITIES.—The
16 Secretary shall require low- and moderate-income commu-
17 nity financial institutions receiving capital investments
18 under the Program to provide community outreach and
19 communication, where appropriate, describing the avail-
20 ability and application process of receiving loans made
21 possible by the Program through organizations, trade as-
22 sociations, and individuals that represent or work within
23 or are members of minority communities.

24 “(h) RESTRICTIONS.—

1 “(1) IN GENERAL.—Not later than the end of
2 the 30-day period beginning on the date of enact-
3 ment of this section, the Secretary shall issue rules
4 setting restrictions on executive compensation, share
5 buybacks, and dividend payments for recipients of
6 capital investments under the Program.

7 “(2) CONFLICTS OF INTEREST.—

8 “(A) DEFINITIONS.—In this paragraph:

9 “(i) CONTROLLING INTEREST.—The
10 term ‘controlling interest’ means owning,
11 controlling, or holding not less than 20
12 percent, by vote or value, of the out-
13 standing amount of any class of equity in-
14 terest in an entity.

15 “(ii) COVERED ENTITY.—The term
16 ‘covered entity’ means an entity in which a
17 covered individual directly or indirectly
18 holds a controlling interest. For the pur-
19 pose of determining whether an entity is a
20 covered entity, the securities owned, con-
21 trolled, or held by 2 or more individuals
22 who are related as described in clause
23 (iii)(II) shall be aggregated.

24 “(iii) COVERED INDIVIDUAL.—The
25 term ‘covered individual’ means—

1 “(I) the President, the Vice
2 President, the head of an Executive
3 department, or a Member of Con-
4 gress; and

5 “(II) the spouse, child, son-in-
6 law, or daughter-in-law, as determined
7 under applicable common law, of an
8 individual described in subclause (i).

9 “(iv) EXECUTIVE DEPARTMENT.—The
10 term ‘Executive department’ has the mean-
11 ing given the term in section 101 of title
12 5, United States Code.

13 “(v) MEMBER OF CONGRESS.—The
14 term ‘member of Congress’ means a mem-
15 ber of the Senate or House of Representa-
16 tives, a Delegate to the House of Rep-
17 resentatives, and the Resident Commis-
18 sioner from Puerto Rico.

19 “(vi) EQUITY INTEREST.—The term
20 ‘equity interest’ means—

21 “(I) a share in an entity, without
22 regard to whether the share is—

23 “(aa) transferable; or

24 “(bb) classified as stock or
25 anything similar;

1 “(II) a capital or profit interest
2 in a limited liability company or part-
3 nership; or

4 “(III) a warrant or right, other
5 than a right to convert, to purchase,
6 sell, or subscribe to a share or interest
7 described in subclause (I) or (II), re-
8 spectively.

9 “(B) PROHIBITION.—Notwithstanding any
10 other provision of this section, no covered entity
11 may be eligible for any investment made under
12 the Program.

13 “(C) REQUIREMENT.—The principal execu-
14 tive officer and the principal financial officer,
15 or individuals performing similar functions, of
16 an entity seeking to receive an investment made
17 under the Program shall, before that invest-
18 ment is approved, certify to the Secretary and
19 the appropriate Federal banking agency or the
20 National Credit Union Administration, as appli-
21 cable, that the entity is eligible to receive the
22 investment, including that the entity is not a
23 covered entity.

24 “(i) INELIGIBILITY OF CERTAIN INSTITUTIONS.—An
25 institution shall be ineligible to participate in the Program

1 if such institution is designated in Troubled Condition by
2 the appropriate Federal banking agency or the National
3 Credit Union Administration, as applicable, or is subject
4 to a formal enforcement action with its primary Federal
5 regulator that addresses unsafe or unsound lending prac-
6 tices.

7 “(j) TERMINATION OF INVESTMENT AUTHORITY.—

8 “(1) IN GENERAL.—The authority to make new
9 capital investments in low- and moderate-income
10 community financial institutions, including commit-
11 ments to purchase preferred stock or other instru-
12 ments, provided under the Program shall terminate
13 on the date that is 6 months after the date on which
14 the national emergency concerning the novel
15 coronavirus disease (COVID–19) outbreak declared
16 by the President on March 13, 2020 under the Na-
17 tional Emergencies Act (50 U.S.C. 1601 et seq.) ter-
18 minates.

19 “(2) RULE OF CONSTRUCTION.—Nothing in
20 this subsection may be construed to limit any other
21 authority of the Secretary not described in para-
22 graph (1).

23 “(k) COLLECTION OF DATA.—Notwithstanding the
24 Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—

1 “(1) any low- and moderate-income community
2 financial institution may collect data described in
3 section 701(a)(1) of that Act (15 U.S.C. 1691(a)(1))
4 from borrowers and applicants for credit for the sole
5 purpose and exclusive use of monitoring compliance
6 under the plan required under subsection (d)(4); and

7 “(2) a low- and moderate-income community fi-
8 nancial institution that collects the data described in
9 paragraph (1) shall not be subject to adverse action
10 related to that collection by the Bureau of Consumer
11 Financial Protection or any other Federal agency.

12 “(l) DEPOSIT OF FUNDS.—All funds received by the
13 Secretary in connection with purchases made pursuant
14 this section, including interest payments, dividend pay-
15 ments, and proceeds from the sale of any financial instru-
16 ment, shall be deposited into the Fund and used to provide
17 financial and technical assistance pursuant to section 108,
18 except that subsection (e) of that section shall be waived.

19 “(m) DIRECT APPROPRIATION.—There is appro-
20 priated, out of amounts in the Treasury not otherwise ap-
21 propriated, for fiscal year 2021, \$9,000,000,000, to re-
22 main available until expended and to be deposited in the
23 Emergency Capital Investment Fund, to carry out this
24 section.

1 “(n) ADMINISTRATIVE EXPENSES.—Funds appro-
2 priated pursuant to subsection (m) may be used for ad-
3 ministrative expenses, including the costs of modifying
4 such investments, and reasonable costs of administering
5 the Program of making, holding, managing, and selling
6 the capital investments.

7 “(o) ADMINISTRATIVE PROVISIONS.—The Secretary
8 may take such actions as the Secretary determines nec-
9 essary to carry out the authorities in this section, includ-
10 ing the following:

11 “(1) The Secretary may use the services of any
12 agency or instrumentality of the United States or
13 component thereof on a reimbursable basis, and any
14 such agency or instrumentality or component thereof
15 is authorized to provide services as requested by the
16 Secretary using all authorities vested in or delegated
17 to that agency, instrumentality, or component.

18 “(2) The Secretary may enter into contracts,
19 including contracts for services authorized by section
20 3109 of title 5, United States Code.

21 “(3) The Secretary may designate any bank,
22 savings association, trust company, security broker
23 or dealer, asset manager, or investment adviser as a
24 financial agent of the Federal Government and such
25 institution shall perform all such reasonable duties

1 related to this section as financial agent of the Fed-
2 eral Government as may be required. The Secretary
3 shall have authority to amend existing agreements
4 with financial agents to perform reasonable duties
5 related to this section.

6 “(4) The Secretary may exercise any rights re-
7 ceived in connection with any preferred stock or
8 other financial instruments or assets purchased or
9 acquired pursuant to the authorities granted under
10 this section.

11 “(5) The Secretary may manage any assets
12 purchased under this section, including revenues and
13 portfolio risks therefrom.

14 “(6) The Secretary may sell, dispose of, trans-
15 fer, exchange or enter into securities loans, repur-
16 chase transactions, or other financial transactions in
17 regard to, any preferred stock or other financial in-
18 strument or asset purchased or acquired under this
19 section, upon terms and conditions and at a price
20 determined by the Secretary.

21 “(7) The Secretary may manage or prohibit
22 conflicts of interest that may arise in connection
23 with the administration and execution of the au-
24 thorities provided under this section.

1 “(8) The Secretary may establish and use vehi-
2 cles to purchase, hold, and sell preferred stock or
3 other financial instruments and issue obligations.

4 “(9) The Secretary may issue such regulations
5 and other guidance as may be necessary or appro-
6 priate to define terms or carry out the authorities or
7 purposes of this section.

8 “(10) The Secretary is authorized to use direct
9 hiring authority to hire employees to administer this
10 section.”.

11 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
12 The table of contents in section 1(b) of the Riegle Commu-
13 nity Development and Regulatory Improvement Act of
14 1994 is amended by inserting after the item relating to
15 section 104 the following:

“104A. Capital investments for neighborhoods disproportionately impacted by
the COVID-19 pandemic.”.

16 **SEC. 523. EMERGENCY SUPPORT FOR CDFIS AND COMMU-**
17 **NITIES RESPONDING TO THE COVID-19 PAN-**
18 **DEMIC.**

19 (a) **DIRECT APPROPRIATION.**—There is appro-
20 priated, out of amounts in the Treasury not otherwise ap-
21 propriated, for the fiscal year 2021, \$3,000,000,000 under
22 the heading “**DEPARTMENT OF TREASURY—COMMU-**
23 **NITY DEVELOPMENT FINANCIAL INSTITUTIONS**

1 **FUND PROGRAM ACCOUNT, EMERGENCY SUPPORT”**

2 to carry out this section, of which—

3 (1) up to \$1,250,000,000, shall remain avail-
4 able until September 30, 2021, to support, prepare
5 for, and respond to the economic impact of the
6 coronavirus, provided that the Fund shall—

7 (A) provide grants funded under this para-
8 graph using a formula that takes into account
9 criteria such as certification status, financial
10 and compliance performance, portfolio and bal-
11 ance sheet strength, a diversity of CDFI busi-
12 ness model types, and program capacity, of
13 which not less than \$25,000,000 may be for
14 grants to benefit Native American, Native Ha-
15 waiian, and Alaska Native communities; and

16 (B) make funds available under this para-
17 graph not later than 60 days after the date of
18 enactment of this Act; and

19 (2) up to \$1,750,000,000, shall remain avail-
20 able until expended, to provide grants to CDFIs to
21 respond to the economic impact of the COVID-19
22 pandemic—

23 (A) to expand lending, grant making, or
24 investment activity in low- or moderate-income
25 minority communities and to minorities that

1 have significant unmet capital or financial serv-
2 ices needs;

3 (B) using criteria such as certification sta-
4 tus, financial and compliance performance,
5 portfolio and balance sheet strength, a diversity
6 of CDFI business model types, status as a mi-
7 nority lending institution, and program capac-
8 ity, as well as experience making loans and in-
9 vestments to those areas and populations identi-
10 fied in this paragraph; and

11 (C) of which up to \$1,200,000,000, shall
12 be for providing financial assistance, technical
13 assistance, awards, training and outreach pro-
14 grams to recipients that are minority lending
15 institutions.

16 (b) ADMINISTRATIVE EXPENSES.—Funds appro-
17 priated pursuant to subsection (a) may be used for admin-
18 istrative expenses, including administration of Fund pro-
19 grams and the New Markets Tax Credit Program under
20 section 45D of the Internal Revenue Code of 1986.

21 (c) DEFINITIONS.—In this section:

22 (1) CDFI.—The term “CDFI” means a com-
23 munity development financial institution, as defined
24 in section 103 of the Community Development

1 Banking and Financial Institutions Act of 1994 (12
2 U.S.C. 4702).

3 (2) FUND.—The term “Fund” means the Com-
4 munity Development Financial Institutions Fund es-
5 tablished under section 104(a) of the Community
6 Development Banking and Financial Institutions Act
7 of 1994 (12 U.S.C. 4703(a)).

8 (3) MINORITY.—The term “minority” means
9 any Black American, Hispanic American, Asian
10 American, Native American, Native Alaskan, Native
11 Hawaiian, or Pacific Islander.

12 (4) MINORITY LENDING INSTITUTION.—The
13 term “minority lending institution” means a
14 CDFI—

15 (A) with respect to which a majority of
16 both the number dollar volume of arm’s-length,
17 on-balance sheet financial products of the CDFI
18 are directed at minorities or majority minority
19 census tracts or equivalents; and

20 (B) that—

21 (i) is a minority depository institution,
22 as defined in section 308(b) of the Finan-
23 cial Institutions Reform, Recovery, and
24 Enforcement Act of 1989 (12 U.S.C. 1463
25 note), or otherwise considered to be a mi-

1 nosity depository institution by the appro-
2 priate Federal banking agency, as defined
3 in section 3 of the Federal Deposit Insur-
4 ance Act (12 U.S.C. 1813), or by the Na-
5 tional Credit Union Administration, as ap-
6 plicable; or

7 (ii) meets standards for accountability
8 to minority populations as determined by
9 the Administrator.

10 (d) **COLLECTION OF DATA.**—With respect to a CDFI
11 that receives funds under this section, notwithstanding the
12 Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—

13 (1) the CDFI may collect data described in sec-
14 tion 701(a)(1) of that Act (15 U.S.C. 1691(a)(1))
15 from borrowers and applicants for credit for the sole
16 purpose and exclusive use to ensure that targeted
17 populations and low-income residents of investment
18 areas are adequately served; and

19 (2) the CDFI that collects the data described in
20 paragraph (1) shall not be subject to adverse action
21 related to that collection by the Bureau of Consumer
22 Financial Protection or any other Federal agency.

23 **SEC. 524. INSPECTOR GENERAL OVERSIGHT.**

24 (a) **IN GENERAL.**—The Inspector General of the De-
25 partment of the Treasury shall conduct, supervise, and co-

1 ordinate audits and investigations of any program estab-
2 lished under this subtitle or the amendments made by this
3 subtitle.

4 (b) REPORTING.—The Inspector General of the De-
5 partment of the Treasury shall submit to the Committee
6 on Financial Services of the House of Representatives and
7 the Committee on Banking, Housing, and Urban Affairs
8 of the Senate and the Secretary of the Treasury not less
9 frequently than 2 times per year a report relating to the
10 oversight provided by the Office of the Inspector General,
11 including any recommendations for improvements to the
12 programs described in subsection (a).

13 **SEC. 525. STUDY AND REPORT WITH RESPECT TO IMPACT**
14 **OF PROGRAMS ON LOW- AND MODERATE-IN-**
15 **COME AND MINORITY COMMUNITIES.**

16 (a) STUDY.—The Secretary of the Treasury shall
17 conduct a study of the impact of the programs established
18 under this subtitle or any amendment made by this sub-
19 title on low- and moderate-income and minority commu-
20 nities.

21 (b) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Secretary of the Treas-
23 ury shall submit to the Committee on Financial Services
24 of the House of Representatives and the Committee on
25 Banking, Housing, and Urban Affairs of the Senate a re-

1 port on the results of the study conducted pursuant to
2 subsection (a), which shall include, to the extent possible,
3 the results of the study disaggregated by ethnic group.

4 (c) INFORMATION PROVIDED TO THE SECRETARY.—
5 Eligible institutions that participate in any of the pro-
6 grams described in subsection (a) shall provide the Sec-
7 retary of the Treasury with such information as the Sec-
8 retary may require to carry out the study required by this
9 section.

10 **Subtitle C—Miscellaneous**

11 **SEC. 540. EXTENSIONS OF TEMPORARY RELIEF AND EMER-** 12 **GENCY AUTHORITIES.**

13 (a) IN GENERAL.—Title IV of the CARES Act (15
14 U.S.C. 9041 et seq.) is amended—

15 (1) in section 4014(b) (15 U.S.C. 9052(b))—

16 (A) in paragraph (1), by inserting “the
17 first day of the fiscal year of the insured depos-
18 itory institution, bank holding company, or any
19 affiliate thereof that begins after” before “the
20 date”; and

21 (B) in paragraph (2), by striking “Decem-
22 ber 31, 2020” and inserting “January 1,
23 2022”; and

24 (2) in section 4016(b)(2), by striking “2020”
25 and inserting “2021”.

1 (b) TEMPORARY CREDIT UNION PROVISIONS.—Sec-
2 tion 307(a)(4)(A) of the Federal Credit Union Act (12
3 U.S.C. 1795f(a)(4)(A)) is amended by striking “December
4 31, 2020” and inserting “December 31, 2021”.

5 **SEC. 541. EXTENSION OF TEMPORARY RELIEF FROM TROU-**
6 **BLED DEBT RESTRUCTURINGS AND INSURER**
7 **CLARIFICATION.**

8 Section 4013 of the CARES Act (15 U.S.C. 9051)
9 is amended—

10 (1) by inserting “, including an insurance com-
11 pany,” after “institution” each place the term ap-
12 pears;

13 (2) in subsection (a)(1), by striking “December
14 31, 2020” and inserting “January 1, 2022”;

15 (3) in subsection (b)(1)(B), by inserting “under
16 United States Generally Accepted Accounting Prin-
17 ciples” after “purposes”; and

18 (4) in subsection (d)(1), by inserting “, includ-
19 ing insurance companies,” after “institutions”.

20 **SEC. 542. HEALTHCARE OPERATING LOSS LOANS.**

21 (a) DEFINITIONS.—In this section:

22 (1) OPERATING LOSS.—The term “operating
23 loss” has the meaning given the term in section
24 223(d) of the National Housing Act (12 U.S.C.
25 1715n(d)).

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Housing and Urban Development.

3 (b) AUTHORIZATION TO PROVIDE MORTGAGE INSUR-
4 ANCE.—Notwithstanding any other provision of law, for
5 fiscal years 2020 and 2021, in addition to the authority
6 provided to insure operating loss loans under section
7 223(d) of the National Housing Act (12 U.S.C.
8 1715n(d)), the Secretary may insure or enter into commit-
9 ments to ensure mortgages under such section 223(d) with
10 respect to healthcare facilities—

11 (1) insured under section 232 or section 242 of
12 the National Housing Act (12 U.S.C. 1715w,
13 1715z-7);

14 (2) that were financially sound immediately
15 prior to the President’s March 13, 2020 Proclama-
16 tion on Declaring a National Emergency Concerning
17 the Novel Coronavirus Disease (COVID-19) Out-
18 break;

19 (3) that have exhausted all other forms of as-
20 sistance; and

21 (4) subject to—

22 (A) the limitation for new commitments to
23 guarantee loans insured under the General and
24 Special Risk Insurance Funds under the head-

1 ing “General and Special Risk Program Ac-
2 count” for fiscal years 2020 and 2021; and

3 (B) the underwriting parameters and other
4 terms and conditions that the Secretary deter-
5 mines appropriate through guidance.

6 (c) AMOUNT OF LOAN.—After all other realized or
7 reasonably anticipated assistance (including reimburse-
8 ments, loans, or other payments from other Federal
9 sources) are taken into account, a loan insured under sub-
10 section (b) shall be in an amount not exceeding the lesser
11 of—

12 (1) the temporary losses or additional expenses
13 incurred or expected to be incurred by the
14 healthcare facility as a result of the impact of the
15 circumstances giving rise to the President’s March
16 13, 2020 Proclamation on Declaring a National
17 Emergency Concerning the Novel Coronavirus Dis-
18 ease (COVID–19) Outbreak; or

19 (2) the amount expected to be needed to cover
20 the sum of—

21 (A) 1 year of principal and interest pay-
22 ments for the existing loans of the healthcare
23 facility insured by the Secretary;

24 (B) 1 year of principal and interest pay-
25 ments for the loan pursuant to this section;

1 (C) 1 year of mortgage insurance pre-
2 miums for the loans described in subparagraphs
3 (A) and (B);

4 (D) 1 year of monthly deposits to reserve
5 accounts required by the Secretary for the loans
6 described in subparagraphs (A) and (B);

7 (E) 1 year of property taxes and insurance
8 for the healthcare facility; and

9 (F) transaction costs, including legal fees,
10 for the loans described in subparagraphs (A)
11 and (B).

12 **TITLE VI—LABOR PROVISIONS**

13 **SEC. 601. JOB CORPS FLEXIBILITIES.**

14 (a) ENROLLMENT.—During the period beginning on
15 the date of enactment of this Act and ending when all
16 qualifying emergencies have expired, notwithstanding any
17 other provision of law, the requirements described in sec-
18 tions 145(a)(2)(A) and 152(b)(2)(B) of the Workforce In-
19 novation and Opportunity Act (29 U.S.C. 3195(a)(2)(A),
20 3202(b)(2)(B)) shall be applicable only for enrollees in the
21 Job Corps—

22 (1) participating on-site at a Job Corps center;
23 or

24 (2) returning to on-site participation at a Job
25 Corps center after participating in distance learning.

1 (b) ELIGIBILITY.—During a qualifying emergency or
2 the 1-year period immediately following the expiration of
3 the qualifying emergency, an individual who would be
4 older than the age of 24 on the date the individual enrolls
5 in the Job Corps is eligible to enroll in the Job Corps,
6 notwithstanding section 144(a)(1)(A) of the Workforce In-
7 novation and Opportunity Act (29 U.S.C. 3194(a)(1)(A)),
8 as long as—

9 (1) the individual applies for enrollment by the
10 date that is 6 months after the date of enactment
11 of this Act, and is not older than age 24 on the date
12 of application; and

13 (2) the individual attains the age of 25 during
14 the qualifying emergency or the 1-year period imme-
15 diately following the expiration of the qualifying
16 emergency.

17 (c) QUALIFYING EMERGENCY DEFINED.—In this
18 section, the term “qualifying emergency” has the meaning
19 given the term in section 3502(a)(4) of the Coronavirus
20 Aid, Relief, and Economic Security Act (Public Law 116–
21 136).

1 **TITLE VII—NUTRITION AND**
2 **AGRICULTURE RELIEF**
3 **Subtitle A—Nutrition**
4 **CHAPTER 1—SUPPLEMENTAL NUTRITION**
5 **ASSISTANCE PROGRAM**

6 **SEC. 701. DEFINITIONS.**

7 In this chapter—

8 (1) COVID-19 PUBLIC HEALTH EMERGENCY.—

9 The term “COVID-19 public health emergency”
10 means a public health emergency declared or re-
11 newed by the Secretary of Health and Human Serv-
12 ices under section 319 of the Public Health Service
13 Act (42 U.S.C. 247d) based on an outbreak of
14 coronavirus disease 2019 (COVID-19).

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

17 (3) SUPPLEMENTAL NUTRITION ASSISTANCE
18 PROGRAM.—The term “supplemental nutrition as-
19 sistance program” has the meaning given such term
20 in section 3(t) of the Food and Nutrition Act of
21 2008 (7 U.S.C. 2012(t)).

22 (4) SNAP.—The term “SNAP” refers to the
23 supplemental nutrition assistance program.

1 **SEC. 702. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**
2 **GRAM.**

3 (a) VALUE OF BENEFITS.—Notwithstanding any
4 other provision of law, beginning on January 1, 2021, and
5 for each subsequent month through June 30, 2021, the
6 value of benefits determined under section 8(a) of the
7 Food and Nutrition Act of 2008 (7 U.S.C. 15 2017(a))
8 shall be calculated using 115 percent of the June 2020
9 value of the thrifty food plan (as defined in section 3 of
10 such Act (7 U.S.C. 2012)) if the value of the benefits
11 would be greater under that calculation than in the ab-
12 sence of this subsection.

13 (b) REQUIREMENTS FOR THE SECRETARY.—In car-
14 rying out this section, the Secretary shall—

15 (1) consider the benefit increases described in
16 subsection (a) to be a “mass change”;

17 (2) require a simple process for States to notify
18 households of the increase in benefits;

19 (3) consider section 16(c)(3)(A) of the Food
20 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
21 to apply to any errors in the implementation of this
22 section without regard to the 120-day limit described
23 in that section; and

24 (4) disregard the additional amount of benefits
25 that a household receives as a result of this section
26 in determining the amount of overissuances under

1 section 13 of the Food and Nutrition Act of 2008
2 (7 U.S.C. 2022).

3 (c) ADMINISTRATIVE EXPENSES.—

4 (1) IN GENERAL.—For the costs of State ad-
5 ministrative expenses associated with carrying out
6 this section and administering the supplemental nu-
7 trition assistance program established under the
8 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
9 seq.) during the COVID-19 public health emergency,
10 the Secretary shall make available \$100,000,000 for
11 fiscal year 2021.

12 (2) TIMING.—Not later than 60 days after the
13 date of the enactment of this Act, the Secretary
14 shall make available to States amounts for fiscal
15 year 2021 under paragraph (1).

16 (3) ALLOCATION OF FUNDS.—Funds described
17 in paragraph (1) shall be made available as grants
18 to State agencies for fiscal year 2021 as follows:

19 (A) 75 percent of the amounts available
20 for fiscal year 2021 shall be allocated to States
21 based on the share of each State of households
22 that participate in the supplemental nutrition
23 assistance program as reported to the Depart-
24 ment of Agriculture for the most recent 12-
25 month period for which data are available, ad-

1 justed by the Secretary (as of the date of the
2 enactment of this Act) for participation in dis-
3 aster programs under section 5(h) of the Food
4 and Nutrition Act of 2008 (7 U.S.C. 2014(h));
5 and

6 (B) 25 percent of the amounts available
7 for fiscal year 2021 shall be allocated to States
8 based on the increase in the number of house-
9 holds that participate in the supplemental nu-
10 trition assistance program as reported to the
11 Department of Agriculture over the most recent
12 12-month period for which data are available,
13 adjusted by the Secretary (as of the date of the
14 enactment of this Act) for participation in dis-
15 aster programs under section 5(h) of the Food
16 and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

17 (d) CERTAIN EXCLUSIONS FROM SNAP INCOME.—A
18 Federal pandemic unemployment compensation payment
19 made to an individual under section 2104 of the
20 Coronavirus Aid, Relief, and Economic Security Act (Pub-
21 lic Law 116–136) shall not be regarded as income and
22 shall not be regarded as a resource for the month of re-
23 ceipt and the following 9 months, for the purpose of deter-
24 mining eligibility of such individual or any other individual
25 for benefits or assistance, or the amount of benefits or

1 assistance, under any programs authorized under the
2 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

3 (e) PROVISIONS FOR IMPACTED STUDENTS.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, not later than 20 days after the
6 date of the enactment of this Act, eligibility for sup-
7 plemental nutrition assistance program benefits shall
8 not be limited under section 6(e) of the Food and
9 Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an in-
10 dividual who—

11 (A) is enrolled at least half-time in an in-
12 stitution of higher education; and

13 (B)(i) is eligible to participate in a State
14 or federally financed work study program dur-
15 ing the regular school year as determined by
16 the institution of higher education; or

17 (ii) in the current academic year, has an
18 expected family contribution of \$0 as deter-
19 mined in accordance with part F of title IV of
20 the Higher Education Act of 195 (20 U.S.C.
21 1087kk et. seq.).

22 (2) SUNSET.—

23 (A) INITIAL APPLICATIONS.—The eligi-
24 bility standards authorized under paragraph (1)
25 shall be in effect for initial applications for the

1 supplemental nutrition assistance program until
2 30 days after the COVID–19 public health
3 emergency is lifted.

4 (B) RECERTIFICATIONS.—The eligibility
5 standards authorized under paragraph (1) shall
6 be in effect until the first recertification of a
7 household beginning no earlier than 30 days
8 after the COVID–19 public health emergency is
9 lifted.

10 (3) GUIDANCE.—

11 (A) IN GENERAL.—Not later than 10 days
12 after the date of enactment of this Act, the Sec-
13 retary shall issue guidance to State agencies on
14 the temporary student eligibility requirements
15 established under this subsection.

16 (B) COORDINATION WITH THE DEPART-
17 MENT OF EDUCATION.—The Secretary of Edu-
18 cation, in consultation with the Secretary of Ag-
19 riculture and institutions of higher education,
20 shall carry out activities to inform applicants
21 for Federal student financial aid under the
22 Higher Education Act of 1965 (20 U.S.C. 1001
23 et seq.) and students at institutions of higher
24 education of the temporary student eligibility
25 requirements established under this subsection.

1 (f) REPORT.—Not later than July 31, 2021, the Sec-
2 retary shall submit to the Committee on Agriculture of
3 the House of Representatives and the Committee on Agri-
4 culture, Nutrition, and Forestry of the Senate a report
5 that accounts for both the redemption rate and account
6 balances for each month during the period specified in
7 subsection (a).

8 (g) LIMITATION ON QUALITY CONTROL WAIVERS.—
9 Section 4603(a)(2) of the Continuing Appropriations Act,
10 2021 and Other Extensions Act (Public Law 116-159) is
11 amended by striking “September 30, 2021” and inserting
12 “June 30, 2021”.

13 (h) FUNDING.—There are hereby appropriated to the
14 Secretary, out of any money not otherwise appropriated,
15 such sums as may be necessary to carry out this section.

16 **SEC. 703. ADDITIONAL ASSISTANCE FOR SNAP ONLINE PUR-**
17 **CHASING AND TECHNOLOGY IMPROVE-**
18 **MENTS.**

19 (a) RESOURCES FOR SNAP ONLINE PURCHASING.—
20 Not later than 60 days after the date of enactment of this
21 Act, the Secretary shall provide—

22 (1) additional support for the Food and Nutri-
23 tion Service to conduct end-to-end testing in the on-
24 line production environment; and

1 (2) technical assistance to educate retailers on
2 the process and technical requirements for the online
3 acceptance of SNAP benefits and to support and ex-
4 pedite SNAP online purchasing.

5 (b) SNAP ONLINE PURCHASING ASSISTANCE FOR DI-
6 RECT-MARKETING FARMERS AND FARMERS' MARKETS.—
7 The Secretary, on a competitive basis, shall enter into co-
8 operative agreements with, or provide grants to, not more
9 than 5 eligible entities to build out functionality, and pro-
10 vide assistance to direct-marketing farmers and farmers'
11 markets to accept SNAP benefits through online trans-
12 actions.

13 (1) SELECTION PRIORITY.—The Secretary shall
14 prioritize eligible entities with experience building
15 online purchasing platforms for technology solutions
16 for farmers' markets and direct-marketing farmers.

17 (2) DEFINITION OF ELIGIBLE ENTITY.—In this
18 subsection, the term “eligible entity” means a non-
19 profit entity with experience building online pur-
20 chasing platforms or technology solutions, or with
21 experience working with commercial entities that
22 have experience building online purchasing platforms
23 or technology solutions.

24 (c) ISSUANCE INNOVATION AND TECHNOLOGY IM-
25 PROVEMENT SUPPORT.—The Secretary shall—

1 (1) review technological developments, including
2 developments related to security and privacy, sur-
3 rounding mobile payment technology, to support the
4 mobile technologies demonstration projects and the
5 use of mobile technologies authorized under section
6 7(k)(14) of the Food and Nutrition Act of 2008;
7 and

8 (2) test methods to modernize electronic benefit
9 transfer technology for the purpose of improving the
10 security and integrity of the electronic benefits
11 transfer system.

12 (d) REPORT.—Not later than January 31, 2022, and
13 annually thereafter until all funds provided under sub-
14 section (e) have been expended, the Secretary shall submit
15 to the Committee on Agriculture of the House of Rep-
16 resentatives and the Committee on Agriculture, Nutrition,
17 and Forestry of the Senate a report that includes—

18 (1) a description of the activities conducted
19 under subsections (a), (b), and (c);

20 (2) a description of any grants, cooperative
21 agreements, or contracts awarded under this section;

22 (3) an analysis of the technological develop-
23 ments surrounding mobile payment technology; and

24 (4) a summary of EBT modernization testing
25 results under subsection (c)(2).

1 (e) FUNDING.—

2 (1) APPROPRIATIONS.—There is hereby appro-
3 priated to the Secretary, out of any money in the
4 Treasury not otherwise appropriated, \$5,000,000 to
5 be available until expended to carry out this section.

6 (2) USE OF FUNDS.—With respect to the funds
7 appropriated under paragraph (1), the Secretary
8 shall use—

9 (A) not more than \$1,000,000 for pur-
10 poses described in subsection (a); and

11 (B) not more than \$1,000,000 for pur-
12 poses described in subsection (b).

13 **SEC. 704. NUTRITION ASSISTANCE PROGRAMS.**

14 In addition to amounts otherwise made available,
15 \$614,000,000, to remain available through September 30,
16 2021, shall be available for the Secretary of Agriculture
17 to provide grants to the Commonwealth of the Northern
18 Mariana Islands, Puerto Rico, and American Samoa for
19 nutrition assistance in response to a COVID-19 public
20 health emergency, of which \$14,000,000 shall be available
21 for the Commonwealth of the Northern Mariana Islands.

1 **CHAPTER 2—COMMODITY DISTRIBUTION**
2 **PROGRAMS**

3 **SEC. 711. EMERGENCY FOOD ASSISTANCE PROGRAM.**

4 For an additional amount for the “Commodity As-
5 sistance Program” for the emergency food assistance pro-
6 gram as authorized by section 27(a) of the Food and Nu-
7 trition Act of 2008 (7 U.S.C. 2036(a)) and section
8 204(a)(1) of the Emergency Food Assistance Act of 1983
9 (7 U.S.C. 7508(a)(1)), \$400,000,000, to remain available
10 through September 30, 2021: *Provided*, That of the funds
11 made available in this section, the Secretary may use up
12 to 20 percent for costs associated with the distribution of
13 commodities.

14 **SEC. 712. COMMODITY SUPPLEMENTAL ASSISTANCE PRO-**
15 **GRAM.**

16 In addition to amounts otherwise made available,
17 \$13,000,000, to remain available through September 30,
18 2021, shall be available for the Secretary of Agriculture
19 for the Commodity Supplemental Food Program as au-
20 thorized by section 4(a) of the Agriculture and Consumer
21 Protection Act of 1973 (7 U.S.C. 612c note): *Provided*,
22 That of the funds made available in this section, up to
23 20 percent shall be available for State administrative ex-
24 penses.

1 **CHAPTER 3—CHILD NUTRITION**

2 **SEC. 721. ASSISTANCE FOR CHILDREN IN CHILD CARE.**

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

6 (1) in subsection (f), by amending paragraph
7 (2) to read as follows:

8 “(2) SIMPLIFYING ASSUMPTIONS FOR SCHOOL
9 YEAR 2020-2021.—For purposes of this section, a
10 State agency may develop and use simplifying as-
11 sumptions (including a State or local public health
12 ordinance developed in response to COVID–19) and
13 the best feasibly available data to determine the sta-
14 tus of a school or covered child care facility as
15 opened, closed, or operating with a reduced number
16 of days or hours, establish State or regionally-based
17 benefits levels, identify eligible children and children
18 eligible for assistance under subsection (h), and es-
19 tablish eligibility periods for eligible children and
20 children eligible for assistance under subsection
21 (h).”;

22 (2) in subsection (h)—

23 (A) in paragraph (1), by inserting “or the
24 area of a child’s residence” after “schools in the
25 area of a covered child care facility”;

1 (B) in paragraph (2), by inserting “or for
2 each day that a school in the area of a covered
3 child care facility or the area of the child’s resi-
4 dence is closed or has reduced attendance or
5 hours for at least 5 consecutive days” before
6 the period at the end; and

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

8 “(4) DEEMED POPULATION.—For purposes of
9 an approved State agency plan described in para-
10 graph (1) or an approved amendment to such a plan
11 described in such paragraph, the Secretary of Agri-
12 culture shall deem any child who has not attained
13 the age of 6 as a child who is enrolled in a covered
14 child care facility.”; and

15 (3) in subsection (j), by inserting “for State
16 agencies, other agencies of the State, local units, and
17 schools” after “administrative expenses”.

18 **SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**

19 **GRAMS DURING COVID-19 PANDEMIC.**

20 (a) USE OF CERTAIN APPROPRIATIONS TO COVER
21 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL
22 PROGRAMS.—

23 (1) IN GENERAL.—

24 (A) REQUIRED ALLOTMENTS.—Notwith-
25 standing any other provision of law, the Sec-

1 retary shall allocate to each State that partici-
2 pates in the reimbursement program under
3 paragraph (3) such amounts as may be nec-
4 essary to carry out reimbursements under such
5 paragraph for each reimbursement month, in-
6 cluding, subject to paragraph (5)(B), adminis-
7 trative expenses necessary to make such reim-
8 bursements.

9 (B) GUIDANCE WITH RESPECT TO PRO-
10 GRAM.—Not later than 30 days after the date
11 of the enactment of this section, the Secretary
12 shall issue guidance with respect to the reim-
13 bursement program under paragraph (3).

14 (2) REIMBURSEMENT PROGRAM APPLICA-
15 TION.—To participate in the reimbursement pro-
16 gram under paragraph (3), not later than 30 days
17 after the date described in paragraph (1)(B), a
18 State shall submit an application to the Secretary
19 that includes a plan to calculate and disburse reim-
20 bursements under the reimbursement program under
21 paragraph (3).

22 (3) REIMBURSEMENT PROGRAM.—Subject to
23 paragraphs (4) and (5)(D), using the amounts allo-
24 cated under paragraph (1)(A), a State participating
25 in the reimbursement program under this paragraph

1 shall make reimbursements for emergency oper-
2 ational costs for each reimbursement month as fol-
3 lows:

4 (A) For each new school food authority in
5 the State for the reimbursement month, an
6 amount equal to 55 percent of the amount
7 equal to—

8 (i) the average monthly amount such
9 new school food authority was reimbursed
10 under the reimbursement sections for
11 meals and supplements served by such new
12 school food authority during the alternate
13 period; minus

14 (ii) the amount such new school food
15 authority was reimbursed under the reim-
16 bursement sections for meals and supple-
17 ments served by such new school food au-
18 thority during such reimbursement month.

19 (B) For each school food authority not de-
20 scribed in subparagraph (A) in the State for
21 the reimbursement month, an amount equal to
22 55 percent of—

23 (i) the amount such school food au-
24 thority was reimbursed under the reim-
25 bursement sections for meals and supple-

1 ments served by such school food authority
2 for the month beginning one year before
3 such reimbursement month; minus

4 (ii) the amount such school food au-
5 thority was reimbursed under the reim-
6 bursement sections for meals and supple-
7 ments served by such school food authority
8 during such reimbursement month.

9 (4) SPECIAL RULES RELATING TO REIMBURSE-
10 MENT CALCULATION.—

11 (A) EFFECT OF NEGATIVE NUMBER.—If a
12 subtraction performed under subparagraph (A)
13 or (B) of paragraph (3) results in a negative
14 number, the reimbursement amount calculated
15 under such subparagraph shall equal zero.

16 (B) SPECIAL TREATMENT OF MARCH,
17 2020.—In the case of a reimbursement under
18 subparagraph (A) or (B) of paragraph (3) for
19 the reimbursement month of March, 2020, the
20 reimbursement amount shall be equal to the
21 amount determined under such a subparagraph
22 for such month, divided by 2.

23 (5) TREATMENT OF FUNDS.—

1 (A) AVAILABILITY.—Funds allocated to a
2 State under paragraph (1)(A) shall remain
3 available until September 30, 2021.

4 (B) ADMINISTRATIVE EXPENSES.—A State
5 may reserve not more than 1 percent of the
6 funds allocated under paragraph (1)(A) for ad-
7 ministrative expenses to carry out this sub-
8 section.

9 (C) UNEXPENDED BALANCE.—On March
10 31, 2022, any amounts allocated to a State
11 under paragraph (1)(A) or reimbursed to a
12 school food authority or new school food author-
13 ity under paragraph (3) that are unexpended by
14 such State, school food authority, or new school
15 food authority shall revert to the Secretary.

16 (D) LIMITATION ON USE OF FUNDS.—
17 Funds allocated to a State under paragraph
18 (1)(A) may only be made available to a school
19 food authority or new school food authority
20 that—

21 (i) submits a claim to such State for
22 meals, supplements, or administrative costs
23 with respect to a month occurring during
24 the period beginning September 1, 2020
25 and ending December 31, 2020; or

1 (ii) provides an assurance to such
2 State that the school food authority or new
3 school food authority will submit a claim to
4 such State for meals, supplements, or ad-
5 ministrative costs with respect to a month
6 occurring during the first full semester (or
7 equivalent term) after the conclusion of the
8 public health emergency, as determined by
9 such State.

10 (6) REPORTS.—Each State that carries out a
11 reimbursement program under paragraph (3) shall,
12 not later than March 31, 2022, submit a report to
13 the Secretary that includes a summary of the use of
14 such funds by the State and each school food au-
15 thority and new school food authority in such State.

16 (b) USE OF CERTAIN APPROPRIATIONS TO COVER
17 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE
18 OPERATIONAL EMERGENCY COSTS DURING COVID-19
19 PANDEMIC.—

20 (1) IN GENERAL.—

21 (A) REQUIRED ALLOTMENTS.—Notwith-
22 standing any other provision of law, the Sec-
23 retary shall allocate to each State that partici-
24 pates in the reimbursement program under
25 paragraph (3) such amounts as may be nec-

1 essary to carry out reimbursements under such
2 paragraph for each reimbursement month, in-
3 cluding, subject to paragraph (5)(C), adminis-
4 trative expenses necessary to make such reim-
5 bursements.

6 (B) GUIDANCE WITH RESPECT TO PRO-
7 GRAM.—Not later than 30 days after the date
8 of the enactment of this section, the Secretary
9 shall issue guidance with respect to the reim-
10 bursement program under paragraph (3).

11 (2) REIMBURSEMENT PROGRAM APPLICA-
12 TION.—To participate in the reimbursement pro-
13 gram under paragraph (3), not later than 30 days
14 after the date described in paragraph (1)(B), a
15 State shall submit an application to the Secretary
16 that includes a plan to calculate and disburse reim-
17 bursements under the reimbursement program under
18 paragraph (3).

19 (3) REIMBURSEMENT AMOUNT.—Subject to
20 paragraphs (4) and (5)(E), using the amounts allo-
21 cated under paragraph (1)(A), a State participating
22 in the reimbursement program under this paragraph
23 shall make reimbursements for child care operational
24 emergency costs for each reimbursement month as
25 follows:

1 (A) For each new covered institution in the
2 State for the reimbursement month, an amount
3 equal to 55 percent of—

4 (i) the average monthly amount such
5 new covered institution was reimbursed
6 under subsection (c) and subsection (f) of
7 section 17 of the Richard B. Russell Na-
8 tional School Lunch Act (42 U.S.C. 1766)
9 for meals and supplements served by such
10 new covered institution during the alter-
11 nate period; minus

12 (ii) the amount such new covered in-
13 stitution was reimbursed under such sec-
14 tion for meals and supplements served by
15 such new covered institution during such
16 reimbursement month.

17 (B) For each covered institution not de-
18 scribed in subparagraph (A) in the State for
19 the reimbursement month, an amount equal to
20 55 percent of—

21 (i) the amount such covered institu-
22 tion was reimbursed under subsection (c)
23 and subsection (f) of section 17 of the
24 Richard B. Russell National School Lunch
25 Act (42 U.S.C. 1766) for meals and sup-

1 plements served by such covered institution
2 during the month beginning one year be-
3 fore such reimbursement month; minus

4 (ii) the amount such covered institu-
5 tion was reimbursed under such section for
6 meals and supplements served by such cov-
7 ered institution during such reimbursement
8 month.

9 (C) For each new sponsoring organization
10 of a family or group day care home in the State
11 for the reimbursement month, an amount equal
12 to 55 percent of—

13 (i) the average monthly amount such
14 new sponsoring organization of a family or
15 group day care home was reimbursed
16 under section 17(f)(3)(B) of the Richard
17 B. Russell National School Lunch Act (42
18 U.S.C. 1766(f)(3)(B)) for administrative
19 funds for the alternate period; minus

20 (ii) the amount such new sponsoring
21 organization of a family or group day care
22 home was reimbursed under such section
23 for administrative funds for the reimburse-
24 ment month.

1 (D) For each sponsoring organization of a
2 family or group day care home not described in
3 subparagraph (C) in the State for the reim-
4 bursement month, an amount equal to 55 per-
5 cent of—

6 (i) the amount such sponsoring orga-
7 nization of a family or group day care
8 home was reimbursed under section
9 17(f)(3)(B) of the Richard B. Russell Na-
10 tional School Lunch Act (42 U.S.C.
11 1766(f)(3)(B)) for administrative funds for
12 the month beginning one year before such
13 reimbursement month; minus

14 (ii) the amount such sponsoring orga-
15 nization of a family or group day care
16 home was reimbursed under such section
17 for administrative funds for such reim-
18 bursement month.

19 (4) SPECIAL RULES RELATING TO REIMBURSE-
20 MENT CALCULATION.—

21 (A) EFFECT OF NEGATIVE NUMBER.—If a
22 subtraction performed under subparagraph (A),
23 (B), (C), or (D) of paragraph (3) results in a
24 negative number, the reimbursement amount

1 calculated under such subparagraph shall equal
2 zero.

3 (B) SPECIAL TREATMENT OF MARCH,
4 2020.—In the case of a reimbursement under
5 subparagraph (A), (B), (C), or (D) of para-
6 graph (3) for the reimbursement month of
7 March, 2020, the reimbursement amount shall
8 be equal to the amount determined under such
9 a subparagraph for such month, divided by 2.

10 (5) TREATMENT OF FUNDS.—

11 (A) AVAILABILITY.—Funds allocated to a
12 State under paragraph (1)(A) shall remain
13 available until September 30, 2021.

14 (B) UNAFFILIATED CENTER.—In the case
15 of a covered institution or a new covered insti-
16 tution that is an unaffiliated center that is
17 sponsored by a sponsoring organization and re-
18 ceives funds for a reimbursement month under
19 subparagraph (A) or (B) of paragraph (3), such
20 unaffiliated center shall provide to such spon-
21 soring organization an amount of such funds as
22 agreed to by the sponsoring organization and
23 the unaffiliated center, except such amount may
24 not be greater be than 15 percent of such
25 funds.

1 (C) ADMINISTRATIVE EXPENSES.—A State
2 may reserve not more than 1 percent of the
3 funds allocated under paragraph (1)(A) for ad-
4 ministrative expenses to carry out this sub-
5 section.

6 (D) UNEXPENDED BALANCE.—On March
7 31, 2022, any amounts allocated to a State
8 under paragraph (1)(A) or reimbursed to a new
9 covered institution, covered institution, new
10 sponsoring organization of a family or group
11 day care home, or sponsoring organization of a
12 family or group day care home that are unex-
13 pended by such State, new covered institution,
14 covered institution, new sponsoring organization
15 of a family or group day care home, or spon-
16 soring organization of a family or group day
17 care home, shall revert to the Secretary.

18 (E) LIMITATION ON USE OF FUNDS.—
19 Funds allocated to a State under paragraph
20 (1)(A) may only be made available to a new
21 covered institution, covered institution, new
22 sponsoring organization of a family or group
23 day care home, or sponsoring organization of a
24 family or group day care home that—

1 (i) submits a claim to such State for
2 meals, supplements, or administrative costs
3 with respect to a month occurring during
4 the period beginning September 1, 2020
5 and ending December 31, 2020; or

6 (ii) provides an assurance to such
7 State that the new covered institution, cov-
8 ered institution, new sponsoring organiza-
9 tion of a family or group day care home,
10 or sponsoring organization of a family or
11 group day care home will submit a claim to
12 such State for meals, supplements, or ad-
13 ministrative costs with respect to a month
14 occurring within 90 days after the conclu-
15 sion of the public health emergency.

16 (6) REPORTS.—Each State that carries out a
17 reimbursement program under paragraph (3) shall,
18 not later than March 31, 2022, submit a report to
19 the Secretary that includes a summary of the use of
20 such funds by the State and each new covered insti-
21 tution, covered institution, new sponsoring organiza-
22 tion of a family or group day care home, or spon-
23 soring organization of a family or group day care
24 home.

1 (c) FUNDING.—There are appropriated to the Sec-
2 retary, out of any funds in the Treasury not otherwise
3 appropriated, such sums as are necessary to carry out this
4 section.

5 (d) DEFINITIONS.—In this section:

6 (1) ALTERNATE PERIOD.—The term “alternate
7 period” means the period beginning January 1,
8 2020 and ending February 29, 2020.

9 (2) EMERGENCY OPERATIONAL COSTS.—The
10 term “emergency operational costs” means the costs
11 incurred by a school food authority or new school
12 food authority—

13 (A) during a public health emergency;

14 (B) that are related to the ongoing oper-
15 ation, modified operation, or temporary suspen-
16 sion of operation (including administrative
17 costs) of such school food authority or new
18 school food authority; and

19 (C) except as provided under subsection
20 (a), that are not reimbursed under a Federal
21 grant.

22 (3) CHILD CARE OPERATIONAL EMERGENCY
23 COSTS.—The term “child care operational emergency
24 costs” means the costs under the child and adult
25 care food program under section 17 of the Richard

1 B. Russell National School Lunch Act (42 U.S.C.
2 1766) incurred by a new covered institution, covered
3 institution, new sponsoring organization of a family
4 or group day care home, or sponsoring organization
5 of a family or group day care home—

6 (A) during a public health emergency;

7 (B) that are related to the ongoing oper-
8 ation, modified operation, or temporary suspen-
9 sion of operation (including administrative
10 costs) of such new covered institution, covered
11 institution, new sponsoring organization of a
12 family or group day care home, sponsoring or-
13 ganization of a family or group day care home,
14 or sponsoring organization of an unaffiliated
15 center; and

16 (C) except as provided under subsection
17 (b), that are not reimbursed under a Federal
18 grant.

19 (4) COVERED INSTITUTION.—The term “cov-
20 ered institution” means—

21 (A) an institution (as defined in section
22 17(a)(2) of the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1766(a)(2))); and

24 (B) a family or group day care home.

1 (5) NEW COVERED INSTITUTION.—The term
2 “new covered institution” means a covered institu-
3 tion for which no reimbursements were made for
4 meals and supplements under section 17(e) or (f) of
5 the Richard B. Russell National School Lunch Act
6 (42 U.S.C. 1766) with respect to the previous reim-
7 bursement period.

8 (6) NEW SCHOOL FOOD AUTHORITY.—The term
9 “new school food authority” means a school food au-
10 thority for which no reimbursements were made
11 under the reimbursement sections with respect to
12 the previous reimbursement period.

13 (7) NEW SPONSORING ORGANIZATION OF A
14 FAMILY OR GROUP DAY CARE.—The term “new
15 sponsoring organization of a family or group day
16 care” means a sponsoring organization of a family
17 or group day care home for which no reimburse-
18 ments for administrative funds were made under
19 section 17(f)(3)(B) of the Richard B. Russell Na-
20 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B))
21 for the previous reimbursement period.

22 (8) PREVIOUS REIMBURSEMENT PERIOD.—The
23 term “previous reimbursement period” means the
24 period beginning March 1, 2019 and ending June
25 30, 2019.

1 (9) PUBLIC HEALTH EMERGENCY.—The term
2 “public health emergency” means a public health
3 emergency declared pursuant to section 319 of the
4 Public Health Service Act (42 U.S.C. 247d) result-
5 ing from the COVID–19 pandemic or any renewal of
6 such declaration pursuant to such section 319.

7 (10) REIMBURSEMENT MONTH.—The term “re-
8 imbursement month” means March 2020, April
9 2020, May 2020, and June 2020.

10 (11) REIMBURSEMENT SECTIONS.—The term
11 “reimbursement sections” means—

12 (A) section 4(b), section 11(a)(2), section
13 13, and section 17A(c) of the Richard B. Rus-
14 sell National School Lunch Act (42 U.S.C.
15 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C.
16 1761; 42 U.S.C. 1766a(c)); and

17 (B) section 4 of the Child Nutrition Act
18 (42 U.S.C. 1773).

19 (12) SECRETARY.—The term “Secretary”
20 means the Secretary of Agriculture.

21 (13) STATE.— The term “State” has the mean-
22 ing given such term in section 12(d)(8) of the Rich-
23 ard B. Russell National School Lunch Act (42
24 U.S.C. 1760(d)(8)).

1 **SEC. 723. TASK FORCE ON SUPPLEMENTAL FOODS DELIV-**
2 **ERY IN THE SPECIAL SUPPLEMENTAL NUTRI-**
3 **TION PROGRAM.**

4 (a) ESTABLISHMENT OF TASK FORCE.—Not later
5 than 90 days after the date of the enactment of this sec-
6 tion, the Secretary shall establish a task force on supple-
7 mental foods delivery in the special supplemental nutrition
8 program (in this section referred to as the “Task Force”).

9 (b) MEMBERSHIP.—

10 (1) COMPOSITION.—The Task Force shall be
11 composed of at least 1 member but not more than
12 3 members appointed by the Secretary from each of
13 the following:

14 (A) Retailers of supplemental foods.

15 (B) Representatives of State agencies.

16 (C) Representatives of Indian State agen-
17 cies.

18 (D) Representatives of local agencies.

19 (E) Technology companies with experience
20 maintaining the special supplemental nutrition
21 program information systems and technology,
22 including management information systems or
23 electronic benefit transfer services.

24 (F) Manufacturers of supplemental foods,
25 including infant formula.

1 (G) Participants in the special supple-
2 mental nutrition program from diverse loca-
3 tions.

4 (H) Other organizations that have experi-
5 ence with and knowledge of the special supple-
6 mental nutrition program.

7 (2) LIMITATION ON MEMBERSHIP.—The Task
8 Force shall be composed of not more than 20 mem-
9 bers.

10 (c) DUTIES.—

11 (1) STUDY.—The Task Force shall study meas-
12 ures to streamline the redemption of supplemental
13 foods benefits that promote convenience, safety, and
14 equitable access to supplemental foods, including in-
15 fant formula, for participants in the special supple-
16 mental nutrition program, including—

17 (A) online and telephonic ordering and
18 curbside pickup of, and payment for, supple-
19 mental foods;

20 (B) online and telephonic purchasing of
21 supplemental foods;

22 (C) home delivery of supplemental foods;

23 (D) self checkout for purchases of supple-
24 mental foods; and

1 (E) other measures that limit or eliminate
2 consumer presence in a physical store.

3 (2) REPORT BY TASK FORCE.—Not later than
4 September 30, 2021, the Task Force shall submit to
5 the Secretary a report that includes—

6 (A) the results of the study required under
7 paragraph (1); and

8 (B) recommendations with respect to such
9 results.

10 (3) REPORT BY SECRETARY.—Not later than
11 45 days after receiving the report required under
12 paragraph (2), the Secretary shall—

13 (A) submit to Congress a report that in-
14 cludes—

15 (i) a plan with respect to carrying out
16 the recommendations received by the Sec-
17 retary in such report under paragraph (2);
18 and

19 (ii) an assessment of whether legisla-
20 tive changes are necessary to carry out
21 such plan; and

22 (B) notify the Task Force of the submis-
23 sion of the report required under subparagraph
24 (A).

1 (4) PUBLICATION.—The Secretary shall make
2 publicly available on the website of the Department
3 of Agriculture—

4 (A) the report received by the Secretary
5 under paragraph (2); and

6 (B) the report submitted by the Secretary
7 under paragraph (3)(A).

8 (d) TERMINATION.—The Task Force shall terminate
9 on the date the Secretary submits the report required
10 under paragraph (3)(A).

11 (e) NONAPPLICABILITY OF FACA.—The Federal Ad-
12 visory Committee Act (5 U.S.C. App.) shall not apply to
13 the Task Force.

14 (f) DEFINITIONS.—In this section:

15 (1) LOCAL AGENCY.—The term “local agency”
16 has the meaning given the term in section 17(b) of
17 the Child Nutrition Act of 1966 (42 U.S.C.
18 1786(b)).

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

21 (3) SPECIAL SUPPLEMENTAL NUTRITION PRO-
22 GRAM.—The term “special supplemental nutrition
23 program” means the special supplemental nutrition
24 program under section 17 of the Child Nutrition Act
25 of 1966 (42 U.S.C. 1786).

1 (4) STATE AGENCY.—The term “State agency”
2 has the meaning given the term in section 17(b) of
3 the Child Nutrition Act of 1966 (42 U.S.C.
4 1786(b)).

5 (5) SUPPLEMENTAL FOODS.—The term “sup-
6 plemental foods” has the meaning given the term in
7 section 17(b) of the Child Nutrition Act of 1966 (42
8 U.S.C. 1786(b)).

9 **CHAPTER 4—OTHER MATTERS**

10 **SEC. 731. AGING AND DISABILITY SERVICES PROGRAMS.**

11 For an additional amount for nutrition services under
12 the Older Americans Act of 1965, \$175,000,000: *Pro-*
13 *vided*, That of the amount made available under this head-
14 ing in this Act, \$168,000,000 shall be for subparts 1 and
15 2 of part C of title III of such Act and \$7,000,000 shall
16 be for nutrition services under title VI of such Act: *Pro-*
17 *vided further*, That State matching requirements under
18 sections 304(d)(1)(D) and 309(b)(2) of such Act shall not
19 apply to funds made available under this heading.

20 **SEC. 732. NUTRITION SERVICES UNDER OLDER AMERICANS** 21 **ACT.**

22 (a) NUTRITION SERVICES TRANSFER CRITERIA.—
23 With respect to funds appropriated under paragraph (1)
24 or (2) of section 303(b) of the Older Americans Act of
25 1965 (42 U.S.C. 3023(b)) received by a State for fiscal

1 year 2021, the Secretary shall allow a State agency or an
2 area agency on aging, without prior approval, to transfer
3 not more than 100 percent of the funds received, notwith-
4 standing the limitation on transfer authority provided in
5 subparagraph (A) of section 308(b)(4) of the Older Ameri-
6 cans Act of 1965 (42 U.S.C. 3028(b)(4)) and without re-
7 gard to subparagraph (B) of such section, by the State
8 agency or area agency on aging, respectively, and attrib-
9 utable to funds appropriated under paragraph (1) or (2)
10 of section 303(b) of such Act, between subpart 1 and sub-
11 part 2 of part C (42 U.S.C. 3030d–2 et seq.) for such
12 use as the State agency or area agency on aging, respec-
13 tively, considers appropriate to meet the needs of the State
14 or area served.

15 (b) HOME-DELIVERED NUTRITION SERVICES WAIV-
16 ER.—For purposes of determining eligibility for the deliv-
17 ery of nutrition services under section 337 of the Older
18 Americans Act of 1965 (42 U.S.C. 3030g), with funds re-
19 ceived by a State under the Older Americans Act of 1965
20 (42 U.S.C. 2001 et seq.) for fiscal 2021, the State shall
21 treat an older individual who is unable to obtain nutrition
22 because the individual is practicing social distancing due
23 to the public health emergency in the same manner as the
24 State treats an older individual who is homebound by rea-
25 son of illness.

1 (c) DIETARY GUIDELINES WAIVER.—To facilitate
2 implementation of subparts 1 and 2 of part C of title III
3 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
4 2 et seq.), with funds received by a State for fiscal year
5 2021, the Assistant Secretary for Aging may waive, but
6 continue to make every effort practicable to encourage the
7 restoration of, the applicable requirements for meals pro-
8 vided under such subparts comply with the requirements
9 of clauses (i) and (ii) of section 339(2)(A) of such Act
10 (42 U.S.C. 3030g–21(2)(A)).

11 **Subtitle B—Agriculture**

12 **CHAPTER 1—AGRICULTURAL PROGRAMS**

13 **SEC. 751. OFFICE OF THE SECRETARY.**

14 There is appropriated, out of any funds in the Treas-
15 ury not otherwise appropriated, for an additional amount
16 for the “Office of the Secretary”, \$11,187,500,000, to re-
17 main available until expended, to prevent, prepare for, and
18 respond to coronavirus by providing support for agricul-
19 tural producers, growers, and processors impacted by
20 coronavirus, including producers and growers of specialty
21 crops, non-specialty crops, dairy, livestock, and poultry,
22 producers that supply local food systems, including farm-
23 ers markets, restaurants, and schools, and growers who
24 produce livestock or poultry under a contract for another
25 entity: *Provided*, That from the amounts provided in this

1 section, the Secretary of Agriculture shall make supple-
2 mental payments to producers of price trigger crops for
3 the 2020 crop year under section 9.202 of title 7, Code
4 of Federal Regulations, on eligible acres of the crop, in
5 an amount equal to \$20 per eligible acre: *Provided further*,
6 That from the amounts provided in this section, the Sec-
7 retary of Agriculture shall make supplemental payments
8 to producers of flat-rate crops for the 2020 crop year
9 under section 9.202 of title 7, Code of Federal Regula-
10 tions, on eligible acres of the crop, in an amount equal
11 to \$20 per eligible acre: *Provided further*, That for the pur-
12 poses of determining the amount of eligible sales under
13 section 9.202(i) of title 7, Code of Federal Regulations,
14 the Secretary of Agriculture shall also include indemnities
15 received under crop insurance under the Federal Crop In-
16 surance Act (7 U.S.C. 1501 et seq.) and payments made
17 or calculated under the noninsured crop disaster assist-
18 ance program established by section 196 of the Federal
19 Agriculture Improvement and Reform Act of 1996 (7
20 U.S.C. 7333) and the wildfire and hurricane indemnity
21 plus program under subpart O of part 760 of title 7, Code
22 of Federal Regulations: *Provided further*, That for the pur-
23 poses of determining the amount of eligible sales under
24 section 9.202(i) of title 7, Code of Federal Regulations,
25 the Secretary of Agriculture may allow producers to sub-

1 stitute 2018 sales for such commodities for 2019 sales:
2 *Provided further*, That from the amounts provided in this
3 section, the Secretary of Agriculture shall make payments
4 to producers of livestock or poultry (not including any
5 packer (as defined in section 201 of the Packers and
6 Stockyards Act, 1921 (7 U.S.C. 191)) or live poultry deal-
7 er (as defined in section 2(a) of that Act (7 U.S.C.
8 182(a)))) for losses of livestock or poultry depopulated be-
9 fore the date of enactment of this Act due to insufficient
10 processing access, based on 80 percent of the fair market
11 value of any livestock or poultry so depopulated, and for
12 the cost of such depopulation (other than costs for which
13 the producer has been compensated under the environ-
14 mental quality incentives program under subchapter A of
15 chapter 4 of subtitle D of title XII of the Food Security
16 Act of 1985 (16 U.S.C. 3839aa et seq.)): *Provided further*,
17 That in determining the cost of depopulation under the
18 preceding proviso, the Secretary of Agriculture may take
19 into consideration whether a producer has been com-
20 pensated for the costs of such depopulation by any State
21 program: *Provided further*, That from the amounts pro-
22 vided in this section, the Secretary of Agriculture shall
23 make payments to producers of cattle described in para-
24 graphs (2), (3), and (4) of section 9.102(i) of title 7, Code
25 of Federal Regulations, in an amount equal to the product

1 obtained by multiplying the number of such cattle in in-
2 ventory during the time period specified in paragraph
3 (c)(2) of that section by 50 percent of the payment rate
4 calculated by subtracting the applicable CCC payment rate
5 specified in paragraph (h) of that section and the applica-
6 ble payment rate specified in section 9.202(c) of that title
7 from the applicable CARES Act payment rate specified
8 in section 9.102(h) of that title: *Provided further*, That
9 from the amounts provided in this section, the Secretary
10 of Agriculture shall make payments to producers of cattle
11 described in paragraphs (1) and (5) of section 9.102(i)
12 of title 7, Code of Federal Regulations, in an amount
13 equal to the product obtained by multiplying the number
14 of such cattle in inventory during the time period specified
15 in paragraph (c)(2) of that section by 25 percent of the
16 payment rate calculated by subtracting the applicable CCC
17 payment rate specified in paragraph (h) of that section
18 and the applicable payment rate specified in section
19 9.202(c) of that title (if applicable) from the applicable
20 CARES Act payment rate specified in section 9.102(h) of
21 that title: *Provided further*, That from the amounts pro-
22 vided in this section, the Secretary of Agriculture shall use
23 not more than \$1,000,000,000 to make payments to con-
24 tract growers of livestock and poultry to cover not more
25 than 80 percent of revenue losses, as determined by the

1 Secretary of Agriculture, for the period beginning on Jan-
2 uary 1, 2020, and ending on the date of enactment of this
3 Act: *Provided further*, That from the amounts provided in
4 this section, the Secretary of Agriculture shall use not less
5 than \$20,000,000 to improve and maintain animal disease
6 prevention and response capacity: *Provided further*, That
7 from the amounts provided in this section, the Secretary
8 of Agriculture shall make payments to domestic users of
9 upland cotton and extra-long staple cotton for the period
10 beginning on March 1, 2020, and ending on December 31,
11 2020, in an amount equal to the product obtained by mul-
12 tipling 10 by the product obtained by multiplying 6 cents
13 per pound by the average monthly consumption of the do-
14 mestic user for the period beginning on January 1, 2017,
15 and ending on December 31, 2019: *Provided further*, That
16 notwithstanding paragraph (e) of section 9.7 of title 7,
17 Code of Federal Regulations (or any successor regulation),
18 and subject to the availability of funds, taking into ac-
19 count the requirements of the other provisos in this sec-
20 tion, for purposes of providing assistance under subparts
21 B and C of part 9 of that title, the Secretary of Agri-
22 culture shall make additional payments to ensure that
23 such assistance more closely aligns with the calculated
24 gross payment or revenue losses of any person or entity,
25 except that such assistance shall not exceed the calculated

1 gross payment or 80 percent of the loss, as determined
2 by the Secretary of Agriculture, of any entity or persons,
3 and that for the purposes of determining income derived
4 from farming, ranching, and forestry under paragraph (d)
5 of that section, the Secretary of Agriculture shall broadly
6 consider income derived from agricultural sales (including
7 gains), agricultural services, the sale of agricultural real
8 estate, and prior year net operating loss carryforward as
9 such income: *Provided further*, That from the amounts
10 provided in this section, the Secretary of Agriculture may
11 provide support to processors for losses of crops due to
12 insufficient processing access: *Provided further*, That the
13 Secretary of Agriculture may extend the term of a mar-
14 keting assistance loan authorized by section 1201 of the
15 Agricultural Act of 2014 (7 U.S.C. 9031), notwith-
16 standing section 1203(b) of that Act (7 U.S.C. 9033(b)),
17 for any loan commodity to 12 months: *Provided further*,
18 That the authority provided by the previous proviso shall
19 expire on September 30, 2021: *Provided further*, That
20 from the amounts provided in this section, the Secretary
21 of Agriculture shall use not less than \$1,500,000,000 to
22 purchase food and agricultural products, including sea-
23 food, to purchase and distribute agricultural products (in-
24 cluding fresh produce, dairy, and meat products) to indi-
25 viduals in need, including through delivery to nonprofit or-

1 ganizations that can receive, store, and distribute food
2 items, and for grants and loans to small or midsized food
3 processors or distributors, seafood processing facilities and
4 processing vessels, farmers markets, producers, or other
5 organizations to respond to coronavirus, including for
6 measures to protect workers against the Coronavirus Dis-
7 ease 2019 (COVID–19): *Provided further*, That not later
8 than 30 days after the date of enactment of this Act and
9 prior to issuing solicitations for contracts under the pre-
10 vious proviso, the Secretary of Agriculture shall conduct
11 a preliminary review of actions necessary to improve
12 COVID–19-related food purchasing, including reviewing
13 coordination, specifications, quality, and fairness of pur-
14 chases, including the distribution of purchased commod-
15 ities, including the fairness of food distribution, such as
16 whether rural communities received adequate support, the
17 degree to which transportation costs were sufficient to
18 reach all areas, whether food safety was adequate in the
19 distribution of food, and the degree to which local pur-
20 chases of food were made: *Provided further*, That from the
21 amounts provided in this section, the Secretary of Agri-
22 culture may use not more than \$200,000,000 to provide
23 relief to timber harvesting and timber hauling businesses
24 that have, as a result of the COVID–19 pandemic, experi-
25 enced a loss of not less than 10 percent in gross revenue

1 during the period beginning on January 1, 2020, and end-
2 ing on December 1, 2020, as compared to the gross rev-
3 enue of that timber harvesting or hauling business during
4 the same period in 2019: *Provided further*, That in making
5 direct support payments in this section, the Secretary of
6 Agriculture may take into account price differentiation
7 factors for each commodity based on specialized varieties,
8 local markets, and farm practices, such as certified or-
9 ganic farms (as defined in section 2103 of the Organic
10 Foods Production Act of 1990 (7 U.S.C. 6502)): *Provided*
11 *further*, That using amounts provided in this section, the
12 Secretary of Agriculture may make payments to producers
13 of advanced biofuel, biomass-based diesel, cellulosic
14 biofuel, conventional biofuel, or renewable fuel (as such
15 terms are defined in section 211(o)(1) of the Clean Air
16 Act (42 U.S.C. 7545(o)(1))) produced in the United
17 States, for unexpected market losses as a result of
18 COVID–19: *Provided further*, That the Secretary of Agri-
19 culture may make recourse loans available to dairy prod-
20 uct processors, packagers, or merchandisers impacted by
21 COVID–19: *Provided further*, That each reference in this
22 section to a section or other provision of the Code of Fed-
23 eral Regulations shall be considered to be a reference to
24 that section or other provision as in effect on the date
25 of enactment of this Act.

1 **SEC. 752. SPECIALTY CROP BLOCK GRANTS.**

2 Due to the impacts of COVID–19 on specialty crops,
3 there is appropriated, out of any funds in the Treasury
4 not otherwise appropriated, for Specialty Crop Block
5 Grants under section 101 of the Specialty Crops Competi-
6 tiveness Act of 2004 (7 U.S.C. 1621 note; Public Law
7 108–465), \$100,000,000, to remain available until ex-
8 pended.

9 **SEC. 753. LOCAL AGRICULTURE MARKET PROGRAM.**

10 Due to the impacts that COVID–19 has had on many
11 local agriculture markets, there is appropriated, out of any
12 funds in the Treasury not otherwise appropriated, for the
13 Local Agriculture Market Program established under sec-
14 tion 210A of the Agricultural Marketing Act of 1946 (7
15 U.S.C. 1627c), \$100,000,000, to remain available until
16 expended: *Provided*, That notwithstanding any other pro-
17 vision of law, the Secretary of Agriculture may reduce the
18 amount of matching funds otherwise required under that
19 section 210A to an amount not greater than 10 percent
20 of the total amount of the Federal funds obligated under
21 this section only during the public health emergency de-
22 clared by the Secretary of Health and Human Services
23 under section 319 of the Public Health Service Act (42
24 U.S.C. 247d) on January 31, 2020, with respect to
25 COVID–19 (or any renewal of that declaration): *Provided*
26 *further*, That such match may be an in-kind contribution.

1 **SEC. 754. FARMING OPPORTUNITIES TRAINING AND OUT-**
2 **REACH PROGRAM.**

3 Due to the impacts of COVID–19 on certain pro-
4 ducers, there is appropriated, out of any funds in the
5 Treasury not otherwise appropriated, for the Farming Op-
6 portunities Training and Outreach Program under section
7 2501 of the Food, Agriculture, Conservation, and Trade
8 Act of 1990 (7 U.S.C. 2279), \$75,000,000, to remain
9 available until expended: *Provided*, That notwithstanding
10 any other provision of law, the Secretary of Agriculture
11 may reduce the amount of matching funds otherwise re-
12 quired under that section 2501 to an amount not greater
13 than 10 percent of the total amount of the Federal funds
14 obligated under this section only during the public health
15 emergency declared by the Secretary of Health and
16 Human Services under section 319 of the Public Health
17 Service Act (42 U.S.C. 247d) on January 31, 2020, with
18 respect to COVID–19 (or any renewal of that declaration):
19 *Provided further*, That such match may be an in-kind con-
20 tribution: *Provided further*, That the Secretary of Agri-
21 culture may waive any maximum grant amount otherwise
22 applicable to grants provided using such amounts.

23 **SEC. 755. GUS SCHUMACHER NUTRITION INCENTIVE PRO-**
24 **GRAM.**

25 There is appropriated, out of any funds in the Treas-
26 ury not otherwise appropriated, for the Gus Schumacher

1 Nutrition Incentive Program under section 4405 of the
2 Food, Conservation, and Energy Act of 2008 (7 U.S.C.
3 7517), \$75,000,000, to remain available until expended:
4 *Provided*, That notwithstanding any other provision of
5 law, the Secretary of Agriculture may reduce the amount
6 of matching funds otherwise required under that section
7 4405 to an amount not greater than 10 percent of the
8 total amount of the Federal funds obligated under this
9 section only during the public health emergency declared
10 by the Secretary of Health and Human Services under
11 section 319 of the Public Health Service Act (42 U.S.C.
12 247d) on January 31, 2020, with respect to COVID–19
13 (or any renewal of that declaration): *Provided further*,
14 That such match may be an in-kind contribution: *Provided*
15 *further*, That the Secretary of Agriculture may waive any
16 maximum grant amount otherwise applicable to grants
17 provided under this section: *Provided further*, That the
18 Secretary of Agriculture may use such amounts to provide
19 additional funding to ongoing grants provided under such
20 Program before the date of enactment of this Act.

21 **SEC. 756. RESEARCH.**

22 There is appropriated, out of any funds in the Treas-
23 ury not otherwise appropriated, \$20,000,000 for fiscal
24 year 2021 and each fiscal year thereafter for the Agricul-
25 tural Research Service to address gaps in nutrition re-

1 search at the critical intersections of responsive agri-
2 culture, quality food production, and human nutrition and
3 health.

4 **CHAPTER 2—SUPPORT FOR DAIRY,**
5 **LIVESTOCK, AND FARM STRESS**

6 **SEC. 760. DEFINITIONS.**

7 In this chapter:

8 (1) The term “COVID–19” means the disease
9 caused by SARS–CoV–2, or any viral strain mutat-
10 ing therefrom with pandemic potential.

11 (2) The term “COVID–19 public health emer-
12 gency” means the public health emergency declared
13 by the Secretary of Health and Human Services
14 under section 319 of the Public Health Service Act
15 (42 U.S.C. 247d) on January 31, 2020, with respect
16 to COVID–19 (or any renewal of that declaration).

17 (3) The term “Secretary” means the Secretary
18 of Agriculture.

19 **SEC. 761. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAY-**
20 **MENTS.**

21 (a) IN GENERAL.—The Secretary shall provide sup-
22 plemental dairy margin coverage payments to partici-
23 pating eligible dairy operations described in subsection
24 (b)(1) whenever the average actual dairy production mar-
25 gin (as defined in section 1401 of the Agricultural Act

1 of 2014 (7 U.S.C. 9051)) for a month is less than the
2 coverage level threshold selected by such eligible dairy op-
3 eration under section 1406 of that Act (7 U.S.C. 9056).

4 (b) ELIGIBLE DAIRY OPERATION DESCRIBED.—

5 (1) IN GENERAL.—An eligible dairy operation
6 described in this subsection is a dairy operation
7 that—

8 (A) is located in the United States; and

9 (B) during a calendar year in which such
10 dairy operation is a participating dairy oper-
11 ation (as defined in section 1401 of the Agricul-
12 tural Act of 2014 (7 U.S.C. 9051)), has a pro-
13 duction history established under the dairy
14 margin coverage program under section 1405 of
15 the Agricultural Act of 2014 (7 U.S.C. 9055)
16 of less than 5,000,000 pounds, as determined in
17 accordance with subsection (c) of such section
18 1405.

19 (2) LIMITATION ON ELIGIBILITY.—An eligible
20 dairy operation shall only be eligible for payments
21 under this section during a calendar year in which
22 such eligible dairy operation is enrolled in the dairy
23 margin coverage (as defined in section 1401 of the
24 Agricultural Act of 2014 (7 U.S.C. 9051)).

1 (c) SUPPLEMENTAL PRODUCTION HISTORY CAL-
2 CULATION.—

3 (1) IN GENERAL.—For purposes of determining
4 the supplemental production history of an eligible
5 dairy operation under this section, such dairy oper-
6 ation’s supplemental production history shall be
7 equal to 75 percent of the amount described in para-
8 graph (2) with respect to such dairy operation.

9 (2) AMOUNT.—The amount referred to in para-
10 graph (1) is, with respect to an eligible dairy oper-
11 ation, the amount equal to—

12 (A) the production volume of such dairy
13 operation for the 2019 milk marketing year;
14 minus

15 (B) the dairy margin coverage production
16 history of such dairy operation established
17 under section 1405 of the Agricultural Act of
18 2014 (7 U.S.C. 9055).

19 (d) COVERAGE PERCENTAGE.—

20 (1) IN GENERAL.—For purposes of calculating
21 payments to be issued under this section during a
22 calendar year, an eligible dairy operation’s coverage
23 percentage shall be equal to the coverage percentage
24 selected by such eligible dairy operation with respect

1 to such calendar year under section 1406 of the Ag-
2 ricultural Act of 2014 (7 U.S.C. 9056).

3 (2) 5 MILLION POUND LIMITATION.—

4 (A) IN GENERAL.—The Secretary shall not
5 provide supplemental dairy margin coverage on
6 an eligible dairy operation’s actual production
7 for a calendar year such that the total covered
8 production history of such dairy operation ex-
9 ceeds 5,000,000 pounds.

10 (B) DETERMINATION OF AMOUNT.—In cal-
11 culating the total covered production history of
12 an eligible dairy operation under subparagraph
13 (A), the Secretary shall multiply the coverage
14 percentage selected by such operation under
15 section 1406 of the Agricultural Act of 2014 (7
16 U.S.C. 9056) by the sum of—

17 (i) the supplemental production his-
18 tory calculated under subsection (c) with
19 respect to such dairy operation; and

20 (ii) the dairy margin coverage produc-
21 tion history described in subsection
22 (c)(2)(B) with respect to such dairy oper-
23 ation.

1 (e) PREMIUM COST.—The premium cost for an eligi-
2 ble dairy operation under this section for a calendar year
3 shall be equal to the product of multiplying—

4 (1) the Tier I premium cost calculated with re-
5 spect to such dairy operation for such year under
6 section 1407(b) of the Agricultural Act of 2014 (7
7 U.S.C. 9057(b)); by

8 (2) the supplemental production history with re-
9 spect to such dairy operation calculated under sub-
10 section (c) (such that total covered production his-
11 tory does not exceed 5,000,000 pounds).

12 (f) REGULATIONS.—Not later than 45 days after the
13 date of the enactment of this section, the Secretary shall
14 issue regulations to carry out this section.

15 (g) PROHIBITION WITH RESPECT TO DAIRY MARGIN
16 COVERAGE ENROLLMENT.—

17 (1) IN GENERAL.—The Secretary may not re-
18 open or otherwise provide a special enrollment for
19 dairy margin coverage (as defined in section 1401 of
20 the Agricultural Act of 2014 (7 U.S.C. 9051)) for
21 purposes of establishing eligibility for supplemental
22 dairy margin coverage payments under this section.

23 (2) CLARIFICATION WITH RESPECT TO SUPPLE-
24 MENTAL DAIRY MARGIN COVERAGE PAYMENTS.—The

1 Secretary may open a special enrollment for supple-
2 mental dairy margin coverage under this section.

3 (h) APPLICATION FOR CALENDAR YEAR 2021.—The
4 Secretary shall make payments under this section to eligi-
5 ble dairy operations described in subsection (b)(1) for
6 months after and including January, 2021.

7 (i) SUNSET.—The authority to make payments under
8 this section shall terminate on December 31, 2023.

9 (j) FUNDING.—There is appropriated, out of any
10 funds in the Treasury not otherwise appropriated, to carry
11 out this section such sums as necessary, to remain avail-
12 able until the date specified in subsection (i).

13 **SEC. 762. DAIRY DONATION PROGRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) ELIGIBLE DAIRY ORGANIZATION.—The term
16 “eligible dairy organization” has the meaning given
17 the term in section 1431(a) of the Agricultural Act
18 of 2014 (7 U.S.C. 9071(a)).

19 (2) ELIGIBLE DAIRY PRODUCT.—The term “eli-
20 gible dairy product” means a product primarily
21 made from milk, including fluid milk, that is pro-
22 duced and processed in the United States.

23 (3) ELIGIBLE DISTRIBUTOR.—The term “eligi-
24 ble distributor” means a public or private nonprofit

1 organization that distributes donated eligible dairy
2 products to recipient individuals and families.

3 (4) ELIGIBLE PARTNERSHIP.—The term “eligi-
4 ble partnership” means a partnership between an el-
5 igible dairy organization and an eligible distributor.

6 (b) ESTABLISHMENT AND PURPOSES.—Not later
7 than 60 days after the date of enactment of this Act, the
8 Secretary shall establish and administer a dairy donation
9 program for the purposes of—

10 (1) facilitating the timely donation of eligible
11 dairy products; and

12 (2) preventing and minimizing food waste.

13 (c) DONATION AND DISTRIBUTION PLANS.—

14 (1) IN GENERAL.—To be eligible to receive re-
15 imbursement under subsection (d), an eligible part-
16 nership shall submit to the Secretary a donation and
17 distribution plan that describes the process that the
18 eligible partnership will use for the donation, proc-
19 essing, transportation, temporary storage, and dis-
20 tribution of eligible dairy products.

21 (2) REVIEW AND APPROVAL.—

22 (A) IN GENERAL.—Not later than 15 busi-
23 ness days after receiving a plan described in
24 paragraph (1), the Secretary shall—

25 (i) review that plan; and

1 (ii) issue an approval or disapproval
2 of that plan.

3 (B) EMERGENCY AND DISASTER-RELATED
4 PRIORITIZATION.—

5 (i) IN GENERAL.—In receiving and re-
6 viewing a donation and distribution plan
7 submitted under paragraph (1), the Sec-
8 retary shall determine whether an emer-
9 gency or disaster was a substantial factor
10 in the submission, including—

11 (I) a declared or renewed public
12 health emergency under section 319
13 of the Public Health Service Act (42
14 U.S.C. 247d); and

15 (II) a disaster designated by the
16 Secretary.

17 (ii) PRIORITY REVIEW.—On making
18 an affirmative determination under clause
19 (i) with respect to a donation and distribu-
20 tion plan submitted under paragraph (1),
21 the Secretary shall give priority to the ap-
22 proval or disapproval of that plan.

23 (d) REIMBURSEMENT.—

24 (1) IN GENERAL.—On receipt of appropriate
25 documentation under paragraph (3), the Secretary

1 shall reimburse an eligible dairy organization that is
2 a member of an eligible partnership for which the
3 Secretary has approved a donation and distribution
4 plan under subsection (c)(2)(A)(ii) at a rate equal to
5 the product obtained by multiplying—

6 (A) the current reimbursement price de-
7 scribed in paragraph (2); and

8 (B) the volume of milk required to make
9 the donated eligible dairy product.

10 (2) REIMBURSEMENT PRICE.—The Secretary—

11 (A) shall set the reimbursement price re-
12 ferred to in paragraph (1)(A) at a value that
13 shall—

14 (i) be representative of the cost of the
15 milk required to make the donated eligible
16 dairy product;

17 (ii) be between the lowest and highest
18 of the class I, II, III, or IV milk prices on
19 the date of the production of the eligible
20 dairy product;

21 (iii) be sufficient to avoid food waste;

22 and

23 (iv) not interfere with the commercial
24 marketing of milk or dairy products;

1 (B) may set appropriate reimbursement
2 prices under subparagraph (A) for different eli-
3 gible dairy products by class and region for the
4 purpose of—

5 (i) encouraging the donation of sur-
6 plus eligible dairy products;

7 (ii) facilitating the orderly marketing
8 of milk;

9 (iii) reducing volatility relating to sig-
10 nificant market disruptions;

11 (iv) maintaining traditional price rela-
12 tionships between classes of milk; or

13 (v) stabilizing on-farm milk prices.

14 (3) DOCUMENTATION.—

15 (A) IN GENERAL.—An eligible dairy orga-
16 nization shall submit to the Secretary such doc-
17 umentation as the Secretary may require to
18 demonstrate—

19 (i) the production of the eligible dairy
20 product; and

21 (ii) the donation of the eligible dairy
22 product to an eligible distributor.

23 (B) VERIFICATION.—The Secretary may
24 verify the accuracy of documentation submitted
25 under subparagraph (A).

1 (4) RETROACTIVE REIMBURSEMENT.—In pro-
2 viding reimbursements under paragraph (1), the
3 Secretary may provide reimbursements for eligible
4 dairy product costs incurred before the date on
5 which the donation and distribution plan for the ap-
6 plicable participating partnership was approved by
7 the Secretary under subsection (c)(2)(A)(ii).

8 (5) EMERGENCY AND DISASTER-RELATED
9 PRIORITIZATION.—In providing reimbursements
10 under paragraph (1), the Secretary shall give pri-
11 ority to reimbursements to eligible dairy organiza-
12 tions covered by a donation and distribution plan for
13 which the Secretary makes an affirmative deter-
14 mination under subsection (c)(2)(B)(i).

15 (e) PROHIBITION ON RESALE OF PRODUCTS.—

16 (1) IN GENERAL.—An eligible distributor that
17 receives eligible dairy products donated under this
18 section may not sell the eligible dairy products into
19 commercial markets.

20 (2) PROHIBITION ON FUTURE PARTICIPA-
21 TION.—An eligible distributor that the Secretary de-
22 termines has violated paragraph (1) shall not be eli-
23 gible for any future participation in the program es-
24 tablished under this section.

1 (f) REVIEWS.—The Secretary shall conduct appro-
2 priate reviews or audits to ensure the integrity of the pro-
3 gram established under this section.

4 (g) PUBLICATION OF DONATION ACTIVITY.—The
5 Secretary, acting through the Administrator of the Agri-
6 cultural Marketing Service, shall publish on the publicly
7 accessible website of the Agricultural Marketing Service
8 periodic reports describing donation activity under this
9 section.

10 (h) SUPPLEMENTAL REIMBURSEMENTS.—

11 (1) IN GENERAL.—The Secretary shall make a
12 supplemental reimbursement to an eligible dairy or-
13 ganization that received a reimbursement under the
14 milk donation program established under section
15 1431 of the Agricultural Act of 2014 (7 U.S.C.
16 9071) during the period beginning on January 1,
17 2020, and ending on the date on which amounts
18 made available under subsection (i) are no longer
19 available.

20 (2) REIMBURSEMENT CALCULATION.—A sup-
21 plemental reimbursement described in paragraph (1)
22 shall be an amount equal to—

23 (A) the reimbursement calculated under
24 subsection (d); minus

1 (B) the reimbursement under the milk do-
2 nation program described in paragraph (1).

3 (i) FUNDING.—Out of any amounts of the Treasury
4 not otherwise appropriated, there is appropriated to the
5 Secretary to carry out this section \$400,000,000, to re-
6 main available until expended.

7 **SEC. 763. ESTABLISHMENT OF TRUST FOR BENEFIT OF UN-**
8 **PAID CASH SELLERS OF LIVESTOCK.**

9 The Packers and Stockyards Act, 1921, is amended
10 by inserting after section 317 (7 U.S.C. 217a) the fol-
11 lowing new section:

12 **“SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.**

13 “(a) ESTABLISHMENT.—

14 “(1) IN GENERAL.—All livestock purchased by
15 a dealer in cash sales and all inventories of, or re-
16 ceivables or proceeds from, such livestock shall be
17 held by such dealer in trust for the benefit of all un-
18 paid cash sellers of such livestock until full payment
19 has been received by such unpaid cash sellers.

20 “(2) EXEMPTION.—Any dealer whose average
21 annual purchases of livestock do not exceed
22 \$100,000 shall be exempt from the provisions of this
23 section.

24 “(3) EFFECT OF DISHONORED INSTRU-
25 MENTS.—For purposes of determining full payment

1 under paragraph (1), a payment to an unpaid cash
2 seller shall not be considered to have been made if
3 the unpaid cash seller receives a payment instrument
4 that is dishonored.

5 “(b) PRESERVATION OF TRUST.—An unpaid cash
6 seller shall lose the benefit of a trust under subsection (a)
7 if the unpaid cash seller has not preserved the trust by
8 giving written notice to the dealer involved and filing such
9 notice with the Secretary—

10 “(1) within 30 days of the final date for mak-
11 ing a payment under section 409 in the event that
12 a payment instrument has not been received; or

13 “(2) within 15 business days after the date on
14 which the seller receives notice that the payment in-
15 strument promptly presented for payment has been
16 dishonored.

17 “(c) NOTICE TO LIEN HOLDERS.—When a dealer re-
18 ceives notice under subsection (b) of the unpaid cash sell-
19 er’s intent to preserve the benefits of the trust, the dealer
20 shall, within 15 business days, give notice to all persons
21 who have recorded a security interest in, or lien on, the
22 livestock held in such trust.

23 “(d) CASH SALES DEFINED.—For the purpose of
24 this section, a cash sale means a sale in which the seller
25 does not expressly extend credit to the buyer.

1 “(e) PURCHASE OF LIVESTOCK SUBJECT TO
2 TRUST.—

3 “(1) IN GENERAL.—A person purchasing live-
4 stock subject to a dealer trust shall receive good title
5 to the livestock if the person receives the livestock—

6 “(A) in exchange for payment of new
7 value; and

8 “(B) in good faith without notice that the
9 transfer is a breach of trust.

10 “(2) DISHONORED PAYMENT INSTRUMENT.—
11 Payment shall not be considered to have been made
12 if a payment instrument given in exchange for the
13 livestock is dishonored.

14 “(3) TRANSFER IN SATISFACTION OF ANTE-
15 CEDENT DEBT.—A transfer of livestock subject to a
16 dealer trust is not for value if the transfer is in sat-
17 isfaction of an antecedent debt or to a secured party
18 pursuant to a security agreement.

19 “(f) ENFORCEMENT.—Whenever the Secretary has
20 reason to believe that a dealer subject to this section has
21 failed to perform the duties required by this section or
22 whenever the Secretary has reason to believe that it will
23 be in the best interest of unpaid cash sellers, the Secretary
24 shall do one or more of the following—

1 “(1) appoint an independent trustee to carry
2 out the duties required by this section, preserve
3 trust assets, and enforce the trust;

4 “(2) serve as independent trustee, preserve
5 trust assets, and enforce the trust; or

6 “(3) file suit in the United States district court
7 for the district in which the dealer resides to enjoin
8 the dealer’s failure to perform the duties required by
9 this section, preserve trust assets, and to enforce the
10 trust. Attorneys employed by the Secretary may,
11 with the approval of the Attorney General, represent
12 the Secretary in any such suit. Nothing herein shall
13 preclude unpaid sellers from filing suit to preserve
14 or enforce the trust.”.

15 **SEC. 764. GRANTS FOR IMPROVEMENTS TO MEAT AND**
16 **POULTRY FACILITIES TO ALLOW FOR INTER-**
17 **STATE SHIPMENT.**

18 (a) IN GENERAL.—The Secretary shall make grants
19 to meat and poultry slaughter and processing facilities de-
20 scribed in subsection (b) (including such facilities oper-
21 ating under State inspection or such facilities that are ex-
22 empt from Federal inspection) to assist such facilities with
23 respect to costs incurred in making improvements to such
24 facilities and carrying out other planning activities nec-
25 essary—

1 (1) to obtain a Federal grant of inspection
2 under the Federal Meat Inspection Act (21 U.S.C.
3 601 et seq.) or the Poultry Products Inspection Act
4 (21 U.S.C. 451 et seq.), as applicable; or

5 (2) to operate as a State-inspected facility that
6 is compliant with—

7 (A) the Federal Meat Inspection Act (21
8 U.S.C. 601 et seq.) under the cooperative inter-
9 state shipment program established under sec-
10 tion 501 of that Act (21 U.S.C. 683); or

11 (B) the Poultry Products Inspection Act
12 (21 U.S.C. 451 et seq.) under the cooperative
13 interstate shipment program established under
14 section 31 of that Act (21 U.S.C. 472).

15 (b) ELIGIBLE FACILITIES.—To be eligible for a grant
16 under this section, a meat or poultry slaughter or proc-
17 essing facility shall be—

18 (1) in operation as of the date on which the fa-
19 cility submits to the Secretary an application for the
20 grant; and

21 (2) seeking—

22 (A) to obtain a Federal grant of inspection
23 described in subsection (a)(1); or

24 (B) to be eligible for inspection under a co-
25 operative interstate shipment program described

1 in subparagraph (A) or (B), as applicable, of
2 subsection (a)(2), in a State that participates in
3 that program.

4 (c) ELIGIBLE ACTIVITIES.—A facility that receives a
5 grant under this section may use the grant amount for—

6 (1) the modernization or expansion of existing
7 facilities;

8 (2) the modernization of equipment;

9 (3) compliance with packaging and labeling re-
10 quirements under applicable law;

11 (4) compliance with safety requirements under
12 applicable law;

13 (5) the development of processes to ensure food
14 safety; and

15 (6) such other purposes as the Secretary deter-
16 mines to be appropriate.

17 (d) GRANT REQUIREMENTS.—

18 (1) AMOUNT.—The amount of a grant under
19 this section shall not exceed \$200,000.

20 (2) CONDITION.—As a condition of receiving a
21 grant under this section, a grant recipient shall
22 agree that the grant recipient shall make a payment
23 (or payments) to the Secretary in an amount equal
24 to the amount of the grant if the recipient, within
25 36 months of receiving such grant—

1 (A) as applicable—

2 (i) is not subject to inspection under
3 the Federal Meat Inspection Act (21
4 U.S.C. 601 et seq.) or the Poultry Prod-
5 ucts Inspection Act (21 U.S.C. 451 et
6 seq.), as applicable; or

7 (ii) is not eligible for inspection under
8 a cooperative interstate shipment program
9 described in subparagraph (A) or (B), as
10 applicable, of subsection (a)(2); or

11 (B) is not making a good faith effort to be
12 subject to such inspection or to be eligible
13 under such a cooperative interstate shipment
14 program, as applicable.

15 (3) MATCHING FUNDS.—

16 (A) IN GENERAL.—The Secretary shall re-
17 quire a recipient of a grant under this section
18 to provide matching non-Federal funds in an
19 amount equal to the amount of the grant.

20 (B) EXCEPTION.—The Secretary shall not
21 require any recipient of a grant under this sec-
22 tion to provide matching funds with respect to
23 a grant awarded in fiscal year 2021.

24 (e) REPORTS.—

1 (1) REPORTS ON GRANTS MADE.—Beginning
2 not later than 1 year after the date on which the
3 first grant is awarded under this section, and con-
4 tinuing annually thereafter through the year that is
5 10 years after the date on which the final grant is
6 awarded under this section, the Secretary shall sub-
7 mit to the Committee on Agriculture and the Com-
8 mittee on Appropriations of the House of Represent-
9 atives and the Committee on Agriculture, Nutrition,
10 and Forestry and the Committee on Appropriations
11 of the Senate a report on grants made under this
12 section, including—

13 (A) any facilities that used a grant award-
14 ed under this section to carry out eligible activi-
15 ties described in subsection (c) during the year
16 covered by the report; and

17 (B) the operational status of facilities that
18 were awarded grants under this section.

19 (2) REPORT ON THE COOPERATIVE INTERSTATE
20 SHIPMENT PROGRAM.—Beginning not later than 1
21 year after the date of the enactment of this section,
22 the Secretary shall submit to the Committee on Ag-
23 riculture and the Committee on Appropriations of
24 the House of Representatives and the Committee on
25 Agriculture, Nutrition, and Forestry and the Com-

1 mittee on Appropriations of the Senate a report de-
2 scribing any recommendations, developed in con-
3 sultation with all States, for possible improvements
4 to the cooperative interstate shipment programs
5 under section 501 of the Federal Meat Inspection
6 Act (21 U.S.C. 683) and section 31 of the Poultry
7 Products Inspection Act (21 U.S.C. 472).

8 (f) FUNDING.—Of the funds of the Treasury not oth-
9 erwise appropriated, there is appropriated to carry out
10 this section \$60,000,000 for the period of fiscal years
11 2021 through 2023, to remain available until expended.

12 **SEC. 765. MEAT AND POULTRY PROCESSING STUDY AND**
13 **REPORT.**

14 (a) STUDY AND REPORT ON FINANCIAL ASSISTANCE
15 AVAILABILITY.—

16 (1) STUDY REQUIRED.—The Secretary shall
17 conduct a study on the availability and effectiveness
18 of—

19 (A) Federal loan programs, Federal loan
20 guarantee programs, and grant programs for
21 which—

22 (i) facilities that slaughter or other-
23 wise process meat and poultry in the
24 United States, which are in operation and
25 subject to inspection under the Federal

1 Meat Inspection Act (21 U.S.C. 601 et
2 seq.) or the Poultry Products Inspection
3 Act (21 U.S.C. 451 et seq.), as of the date
4 of the enactment of this section, and

5 (ii) entities seeking to establish such a
6 facility in the United States,

7 may be eligible; and

8 (B) Federal grant programs intended to
9 support—

10 (i) business activities relating to in-
11 creasing the slaughter or processing capac-
12 ity in the United States; and

13 (ii) feasibility or marketing studies on
14 the practicality and viability of specific new
15 or expanded projects to support additional
16 slaughter or processing capacity in the
17 United States.

18 (2) REPORT TO CONGRESS.—Not later than 60
19 days after the date of the enactment of this section,
20 the Secretary, in consultation with applicable Fed-
21 eral agencies, shall submit a report to the Com-
22 mittee on Agriculture of the House of Representa-
23 tives and the Committee on Agriculture, Nutrition,
24 and Forestry of the Senate that includes the results
25 of the study required under paragraph (1).

1 (3) PUBLICATION.—Not later than 90 days
2 after the date of the enactment of this section, the
3 Secretary shall make publicly available on the
4 website of the Food Safety and Inspection Service of
5 the Department of Agriculture a list of each loan
6 program, loan guarantee program, and grant pro-
7 gram identified under paragraph (1).

8 (b) FUNDING.—There is appropriated, out of the
9 funds of the Treasury not otherwise appropriated,
10 \$2,000,000 to carry out this section.

11 **SEC. 766. SUPPORT FOR FARM STRESS PROGRAMS.**

12 (a) IN GENERAL.—The Secretary shall make grants
13 to State departments of agriculture (or such equivalent
14 department) to expand or sustain stress assistance pro-
15 grams for individuals who are engaged in farming, ranch-
16 ing, and other agriculture-related occupations, including—

17 (1) programs that meet the criteria specified in
18 section 7522(b)(1) of the Food, Conservation, and
19 Energy Act of 2008 (7 U.S.C. 5936(b)(1)); and

20 (2) any State initiatives carried out as of the
21 date of the enactment of this Act that provide stress
22 assistance for such individuals.

23 (b) GRANT TIMING AND AMOUNT.—In making grants
24 under subsection (a), not later than 60 days after the date

1 of the enactment of this Act and subject to subsection (c),
2 the Secretary shall—

3 (1) make awards to States submitting State
4 plans that meet the criteria specified in paragraph
5 (1) of such subsection within the time period speci-
6 fied by the Secretary; and

7 (2) of the amounts made available under sub-
8 section (f), allocate among such States, an amount
9 to be determined by the Secretary, which in no case
10 may exceed \$500,000 for each State.

11 (c) STATE PLAN.—

12 (1) IN GENERAL.—A State department of agri-
13 culture seeking a grant under subsection (a) shall
14 submit to the Secretary a State plan to expand or
15 sustain stress assistance programs described in that
16 subsection that includes—

17 (A) a description of each activity and the
18 estimated amount of funding to support each
19 program and activity carried out through such
20 a program;

21 (B) an estimated timeline for the operation
22 of each such program and activity;

23 (C) the total amount of funding sought;
24 and

1 (D) an assurance that the State depart-
2 ment of agriculture will comply with the report-
3 ing requirement under subsection (e).

4 (2) GUIDANCE.—Not later than 20 days after
5 the date of the enactment of this Act, the Secretary
6 shall issue guidance for States with respect to the
7 submission of a State plan under paragraph (1) and
8 the allocation criteria under subsection (b).

9 (3) REALLOCATION.—If, after the first grants
10 are awarded pursuant to allocation under subsection
11 (b), any funds made available under subsection (f)
12 to carry out this subsection remain unobligated, the
13 Secretary shall—

14 (A) inform States that submit plans as de-
15 scribed in subsection (b), of such availability;
16 and

17 (B) reallocate such funds among such
18 States, as the Secretary determines to be ap-
19 propriate and equitable.

20 (d) COLLABORATION.—The Secretary may issue
21 guidance to encourage State departments of agriculture
22 to use funds provided under this section to support pro-
23 grams described in subsection (a) that are operated by—

1 (1) Indian tribes (as defined in section 4 of the
2 Indian Self-Determination and Education Assistance
3 Act (25 U.S.C. 5304));

4 (2) State cooperative extension services; and

5 (3) nongovernmental organizations.

6 (e) REPORTING.—Not later than 180 days after the
7 COVID–19 public health emergency ends, each State re-
8 ceiving additional grants under subsection (b) shall submit
9 a report to the Secretary describing—

10 (1) the activities conducted using such funds;

11 (2) the amount of funds used to support each
12 such activity; and

13 (3) the estimated number of individuals served
14 by each such activity.

15 (f) FUNDING.—Out of the funds of the Treasury not
16 otherwise appropriated, there is appropriated to carry out
17 this section \$28,000,000, to remain available until ex-
18 pended.

19 (g) STATE DEFINED.—In this section, the term
20 “State” means—

21 (1) a State;

22 (2) the District of Columbia;

23 (3) the Commonwealth of Puerto Rico; and

24 (4) any other territory or possession of the
25 United States.

1 **TITLE VIII—UNITED STATES**
2 **POSTAL SERVICE**

3 **SEC. 801. COVID-19 FUNDING FOR THE UNITED STATES**
4 **POSTAL SERVICE.**

5 Section 6001 of the CARES Act (39 U.S.C. 101 note;
6 Public Law 116–136) is amended—

7 (1) in the section heading, by striking “**BOR-**
8 **ROWING AUTHORITY**” and inserting “**FUNDING**”;

9 (2) by redesignating subsection (c) as sub-
10 subsection (d); and

11 (3) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) **NO REPAYMENT REQUIRED.**—Notwithstanding
14 any other provision of law, including subsection (b) of this
15 section, or any agreement entered into between the Sec-
16 retary of the Treasury and the Postal Service under that
17 subsection, the Postal Service shall not be required to
18 repay the amounts borrowed under that subsection.”.

19 **SEC. 802. TEMPORARY ACCEPTANCE OF CERTAIN LOW-RISK**
20 **POSTAL SHIPMENTS.**

21 Section 343(a)(3)(K)(vii) of the Trade Act of 2002
22 (19 U.S.C. 1415(a)(3)(K)(vii)) is amended—

23 (1) in subclause (I), by striking “subclause
24 (II)” and inserting “subclause (II) or (III)”; and

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

1 “(III) Notwithstanding subclause (I), dur-
2 ing the period beginning on January 1, 2021,
3 through March 15, 2021, the Postmaster Gen-
4 eral may accept a shipment without trans-
5 mission of the information described in para-
6 graphs (1) and (2) if the Commissioner deter-
7 mines, or concurs with the determination of the
8 Postmaster General, that the shipment presents
9 a low risk of violating any relevant United
10 States statutes or regulations, including stat-
11 utes or regulations relating to the importation
12 of controlled substances such as fentanyl and
13 other synthetic opioids.”.

14 **TITLE IX—BROADBAND**
15 **INTERNET ACCESS SERVICE**

16 **SEC. 901. AMENDMENTS TO THE SECURE AND TRUSTED**
17 **COMMUNICATIONS NETWORK REIMBURSE-**
18 **MENT PROGRAM.**

19 The Secure and Trusted Communications Networks
20 Act of 2019 (47 U.S.C. 1601 et seq.) is amended—

21 (1) in section 4 (47 U.S.C. 1603)—

22 (A) in subsection (b)(1), by striking
23 “2,000,000” and inserting “10,000,000”;

24 (B) in subsection (c)—

25 (i) in paragraph (1)(A)—

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1 (I) in the matter preceding clause
2 (i), by striking “before”;

3 (II) by amending clause (i) to
4 read as follows:

5 “(i) as defined in the Report and
6 Order of the Commission in the matter of
7 Protecting Against National Security
8 Threats to the Communications Supply
9 Chain Through FCC Programs (FCC 19–
10 121; WC Docket No. 18–89; adopted No-
11 vember 22, 2019) (in this section referred
12 to as the ‘Report and Order’); or”;

13 (III) by amending clause (ii) to
14 read as follows:

15 “(ii) as determined to be covered by
16 both the process of the Report and Order
17 and the Designation Orders of the Com-
18 mission on June 30, 2020 (DA 20–690;
19 PS Docket No. 19–351; adopted June 30,
20 2020) (DA 20–691; PS Docket No. 19–
21 352; adopted June 30, 2020) (in this sec-
22 tion collectively referred to as the ‘Des-
23 ignation Orders’);”;

24 (ii) in paragraph (2)(A), by amending
25 clauses (i) and (ii) to read as follows:

1 “(i) publication of the Report and
2 Order; or

3 “(ii) in the case of covered commu-
4 nications equipment that only became cov-
5 ered pursuant to the Designation Orders,
6 June 30, 2020; or”;

7 (C) in subsection (d)(5)—

8 (i) in subparagraph (A), by striking
9 “The Commission” and inserting “Subject
10 to subparagraph (C), the Commission”;
11 and

12 (ii) by adding at the end the fol-
13 lowing:

14 “(C) PRIORITY FOR ALLOCATION.—On and
15 after the date of enactment of this subpara-
16 graph, the Commission shall allocate sufficient
17 reimbursement funds—

18 “(i) first, to approved applicants that
19 have 2,000,000 or fewer customers, for re-
20 moval and replacement of covered commu-
21 nications equipment, as defined in section
22 9 or as designated by the process set forth
23 in the Report and Order;

24 “(ii) after funds have been allocated
25 to all applicants described in clause (i), to

1 approved applicants that are accredited
2 public or private non-commercial edu-
3 cational institutions providing their own
4 facilities-based educational broadband serv-
5 ice, as defined in section 27.4 of title 47,
6 Code of Federal Regulations, or any suc-
7 cessor regulation, for removal and replace-
8 ment of covered communications equip-
9 ment, as defined in section 9 or as des-
10 ignated by the process set forth in the Re-
11 port and Order; and

12 “(iii) after funds have been allocated
13 to all applicants described in clause (ii), to
14 any remaining approved applicants deter-
15 mined to be eligible for reimbursement
16 under the Program.”; and

17 (D) by adding at the end the following:

18 “(k) LIMITATION.—In carrying out this section, the
19 Commission may not expend more than \$1,900,000,000.”;
20 and

21 (2) in section 9 (47 U.S.C. 1608), by amending
22 paragraph (10) to read as follows:

23 “(10) PROVIDER OF ADVANCED COMMUNICA-
24 TIONS SERVICE.—The term ‘provider of advanced
25 communications service’—

1 “(A) means a person who provides ad-
2 vanced communications service to United States
3 customers; and

4 “(B) includes—

5 “(i) accredited public or private non-
6 commercial educational institutions, pro-
7 viding their own facilities-based edu-
8 cational broadband service, as defined in
9 section 27.4 of title 47, Code of Federal
10 Regulations, or any successor regulation;
11 and

12 “(ii) health care providers and librar-
13 ies providing advanced communications
14 service.”.

15 **SEC. 902. CONNECTING MINORITY COMMUNITIES.**

16 (a) DEFINITIONS.—In this section:

17 (1) ANCHOR COMMUNITY.—

18 (A) IN GENERAL.—The term “anchor com-
19 munity” means any area that—

20 (i) except as provided in subparagraph
21 (B), is not more than 15 miles from a his-
22 torically Black college or university, a
23 Tribal College or University, or a Minority-
24 serving institution; and

1 (ii) has an estimated median annual
2 household income of not more than 250
3 percent of the poverty line, as that term is
4 defined in section 673(2) of the Commu-
5 nity Services Block Grant Act (42 U.S.C.
6 9902(2)).

7 (B) CERTAIN TRIBAL COLLEGES OR UNI-
8 VERSITIES.—With respect to a Tribal College or
9 University that is located on land held in trust
10 by the United States, the Assistant Secretary,
11 in consultation with the Secretary of the Inte-
12 rior, may establish a different maximum dis-
13 tance for the purposes of subparagraph (A)(i) if
14 the Assistant Secretary is able to ensure that,
15 in establishing that different maximum dis-
16 tance, each anchor community that is estab-
17 lished as a result of that action is statistically
18 comparable to other anchor communities de-
19 scribed in subparagraph (A).

20 (2) ASSISTANT SECRETARY.—The term “Assist-
21 ant Secretary” means the Assistant Secretary of
22 Commerce for Communications and Information.

23 (3) BROADBAND INTERNET ACCESS SERVICE.—
24 The term “broadband internet access service” has
25 the meaning given the term in section 8.1(b) of title

1 47, Code of Federal Regulations, or any successor
2 regulation.

3 (4) COMMISSION.—The term “Commission”
4 means the Federal Communications Commission.

5 (5) CONNECTED DEVICE.—The term “con-
6 nected device” means a laptop computer, tablet com-
7 puter, or similar device that is capable of connecting
8 to broadband internet access service.

9 (6) DIRECTOR.—The term “Director” means
10 the Director of the Office.

11 (7) ELIGIBLE EQUIPMENT.—The term “eligible
12 equipment” means—

13 (A) a Wi-Fi hotspot;

14 (B) a modem;

15 (C) a router;

16 (D) a device that combines a modem and
17 router;

18 (E) a connected device; or

19 (F) any other equipment used to provide
20 access to broadband internet access service.

21 (8) ELIGIBLE RECIPIENT.—The term “eligible
22 recipient” means—

23 (A) a historically Black college or univer-
24 sity;

25 (B) a Tribal College or University;

1 (C) a Minority-serving institution; or

2 (D) a consortium that is led by a histori-
3 cally Black college or university, a Tribal Col-
4 lege or University, or a Minority-serving institu-
5 tion and that also includes—

6 (i) a minority business enterprise; or

7 (ii) an organization described in sec-
8 tion 501(c)(3) of the Internal Revenue
9 Code of 1986 and exempt from tax under
10 section 501(a) of such Code.

11 (9) HISTORICALLY BLACK COLLEGE OR UNI-
12 VERSITY.—The term “historically Black college or
13 university” has the meaning given the term “part B
14 institution” in section 322 of the Higher Education
15 Act of 1965 (20 U.S.C. 1061).

16 (10) MINORITY-SERVING INSTITUTION.—The
17 term “Minority-serving institution” means any of
18 the following:

19 (A) An Alaska Native-serving institution,
20 as that term is defined in section 317(b) of the
21 Higher Education Act of 1965 (20 U.S.C.
22 1059d(b)).

23 (B) A Native Hawaiian-serving institution,
24 as that term is defined in section 317(b) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1059d(b)).

3 (C) A Hispanic-serving institution, as that
4 term is defined in section 502(a) of the Higher
5 Education Act of 1965 (20 U.S.C. 1101a(a)).

6 (D) A Predominantly Black institution, as
7 that term is defined in section 371(c) of the
8 Higher Education Act of 1965 (20 U.S.C.
9 1067q(c)).

10 (E) An Asian American and Native Amer-
11 ican Pacific Islander-serving institution, as that
12 term is defined in section 320(b) of the Higher
13 Education Act of 1965 (20 U.S.C. 1059g(b)).

14 (F) A Native American-serving, nontribal
15 institution, as that term is defined in section
16 319(b) of the Higher Education Act of 1965
17 (20 U.S.C. 1059f(b)).

18 (11) MINORITY BUSINESS ENTERPRISE.—The
19 term “minority business enterprise” has the mean-
20 ing given the term in section 1400.2 of title 15,
21 Code of Federal Regulations, or any successor regu-
22 lation.

23 (12) OFFICE.—The term “Office” means the
24 Office of Minority Broadband Initiatives established
25 pursuant to subsection (b)(1).

1 (13) PILOT PROGRAM.—The term “Pilot Pro-
2 gram” means the Connecting Minority Communities
3 Pilot Program established under the rules promul-
4 gated by the Assistant Secretary under subsection
5 (c)(1).

6 (14) TRIBAL COLLEGE OR UNIVERSITY.—The
7 term “Tribal College or University” has the meaning
8 given the term in section 316(b) of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1059c(b)).

10 (15) WI-FI.—The term “Wi-Fi” means a wire-
11 less networking protocol based on Institute of Elec-
12 trical and Electronics Engineers standard 802.11, or
13 any successor standard.

14 (16) WI-FI HOTSPOT.—The term “Wi-Fi
15 hotspot” means a device that is capable of—

16 (A) receiving broadband internet access
17 service; and

18 (B) sharing broadband internet access
19 service with another device through the use of
20 Wi-Fi.

21 (b) OFFICE OF MINORITY BROADBAND INITIA-
22 TIVES.—

23 (1) ESTABLISHMENT.—Not later than 180 days
24 after the date of enactment of this Act, the Assist-
25 ant Secretary shall establish within the National

1 Telecommunications and Information Administration
2 the Office of Minority Broadband Initiatives.

3 (2) DIRECTOR.—The Office shall be headed by
4 the Director of the Office of Minority Broadband
5 Initiatives, who shall be appointed by the Assistant
6 Secretary.

7 (3) DUTIES.—The Office, acting through the
8 Director, shall—

9 (A) collaborate with Federal agencies that
10 carry out broadband internet access service sup-
11 port programs to determine how to expand ac-
12 cess to broadband internet access service and
13 other digital opportunities in anchor commu-
14 nities;

15 (B) collaborate with State, local, and Trib-
16 al governments, historically Black colleges or
17 universities, Tribal Colleges or Universities, Mi-
18 nority-serving institutions, and stakeholders in
19 the communications, education, business, and
20 technology fields to—

21 (i) promote—

22 (I) initiatives relating to
23 broadband internet access service
24 connectivity for anchor communities;
25 and

1 (II) digital opportunities for an-
2 chor communities;

3 (ii) develop recommendations to pro-
4 mote the rapid, expanded deployment of
5 broadband internet access service to
6 unserved historically Black colleges or uni-
7 versities, Tribal Colleges or Universities,
8 Minority-serving institutions, and anchor
9 communities, including to—

10 (I) students, faculty, and staff of
11 historically Black colleges or univer-
12 sities, Tribal Colleges or Universities,
13 and Minority-serving institutions; and

14 (II) senior citizens and veterans
15 who live in anchor communities;

16 (iii) promote activities that would ac-
17 celerate the adoption of broadband internet
18 access service (including any associated
19 equipment or personnel necessary to access
20 and use that service, such as modems,
21 routers, devices that combine a modem and
22 a router, Wi-Fi hotspots, and connected
23 devices)—

24 (I) by students, faculty, and staff
25 of historically Black colleges or uni-

1 versities, Tribal Colleges or Univer-
2 sities, and Minority-serving institu-
3 tions; and

4 (II) within anchor communities;

5 (iv) upon request, provide assistance
6 to historically Black colleges or univer-
7 sities, Tribal Colleges or Universities, Mi-
8 nority-serving institutions, and leaders
9 from anchor communities with respect to
10 navigating Federal programs dealing with
11 broadband internet access service;

12 (v) promote digital literacy skills, in-
13 cluding by providing opportunities for vir-
14 tual or in-person digital literacy training
15 and education;

16 (vi) promote professional development
17 opportunity partnerships between industry
18 and historically Black colleges or univer-
19 sities, Tribal Colleges or Universities, and
20 Minority-serving institutions to help ensure
21 that information technology personnel and
22 students of historically Black colleges or
23 universities, Tribal Colleges or Univer-
24 sities, and Minority-serving institutions
25 have the skills needed to work with new

1 and emerging technologies with respect to
2 broadband internet access service; and

3 (vii) explore how to leverage invest-
4 ment in infrastructure with respect to
5 broadband internet access service to—

6 (I) expand connectivity with re-
7 spect to that service in anchor com-
8 munities and by students, faculty, and
9 staff of historically Black colleges or
10 universities, Tribal Colleges or Uni-
11 versities, and Minority-serving institu-
12 tions;

13 (II) encourage investment in
14 communities that have been des-
15 ignated as qualified opportunity zones
16 under section 1400Z–1 of the Internal
17 Revenue Code of 1986; and

18 (III) serve as a catalyst for adop-
19 tion of that service, so as to promote
20 job growth and economic development
21 and deployment of advanced tech-
22 nologies; and

23 (C) assume any functions carried out
24 under the Minority Broadband Initiative of the
25 National Telecommunications and Information

1 Administration, as of the day before the date of
2 enactment of this Act.

3 (4) REPORTS.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date on which the Assistant Secretary
6 establishes the Office under paragraph (1), and
7 annually thereafter, the Assistant Secretary
8 shall submit to the Committee on Commerce,
9 Science, and Transportation of the Senate and
10 the Committee on Energy and Commerce of the
11 House of Representatives a report that—

12 (i) for the year covered by the report,
13 details the work of the Office in expanding
14 access to fixed and mobile broadband
15 internet access service—

16 (I) at historically Black colleges
17 or universities, Tribal Colleges or Uni-
18 versities, and Minority-serving institu-
19 tions, including by expanding that ac-
20 cess to students, faculty, and staff of
21 historically Black colleges or univer-
22 sities, Tribal Colleges or Universities,
23 and Minority-serving institutions; and

24 (II) within anchor communities;
25 and

1 (ii) identifies barriers to providing ac-
2 cess to broadband internet access service—

3 (I) at historically Black colleges
4 or universities, Tribal Colleges or Uni-
5 versities, and Minority-serving institu-
6 tions, including to students, faculty,
7 and staff of historically Black colleges
8 or universities, Tribal Colleges or Uni-
9 versities, and Minority-serving institu-
10 tions; and

11 (II) within anchor communities.

12 (B) PUBLIC AVAILABILITY.—Not later
13 than 30 days after the date on which the As-
14 sistant Secretary submits a report under sub-
15 paragraph (A), the Assistant Secretary shall, to
16 the extent feasible, make that report publicly
17 available.

18 (c) CONNECTING MINORITY COMMUNITIES PILOT
19 PROGRAM.—

20 (1) RULES REQUIRED.—

21 (A) IN GENERAL.—Not later than 45 days
22 after the date of enactment of this Act, the As-
23 sistant Secretary shall promulgate rules estab-
24 lishing the Connecting Minority Communities
25 Pilot Program, the purpose of which shall be to

1 provide grants to eligible recipients in anchor
2 communities for the purchase of broadband
3 internet access service or any eligible equip-
4 ment, or to hire and train information tech-
5 nology personnel—

6 (i) in the case of an eligible recipient
7 described in subparagraph (A), (B), or (C)
8 of subsection (a)(8), to facilitate edu-
9 cational instruction and learning, including
10 through remote instruction;

11 (ii) in the case of an eligible recipient
12 described in subsection (a)(8)(D)(i), to op-
13 erate the minority business enterprise; or

14 (iii) in the case of an eligible recipient
15 described in subsection (a)(8)(D)(ii), to op-
16 erate the organization.

17 (B) CONTENT.—The rules promulgated
18 under subparagraph (A) shall—

19 (i) establish a method for identifying
20 which eligible recipients in anchor commu-
21 nities have the greatest unmet financial
22 needs;

23 (ii) ensure that grants under the Pilot
24 Program are made—

1 (I) to eligible recipients identified
2 under the method established under
3 clause (i); and

4 (II) in a manner that best
5 achieves the purposes of the Pilot
6 Program;

7 (iii) require that an eligible recipient
8 described in subparagraph (A), (B), or (C)
9 of subsection (a)(8) that receives a grant
10 to provide broadband internet access serv-
11 ice or eligible equipment to students
12 prioritizes students who—

13 (I) are eligible to receive a Fed-
14 eral Pell Grant under section 401 of
15 the Higher Education Act of 1965 (20
16 U.S.C. 1070a);

17 (II) are recipients of any other
18 need-based financial aid from the
19 Federal Government, a State, or that
20 eligible recipient;

21 (III) are qualifying low-income
22 consumers for the purposes of the
23 program carried out under subpart E
24 of part 54 of title 47, Code of Federal

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1 Regulations, or any successor regula-
2 tions;

3 (IV) are low-income individuals,
4 as that term is defined in section
5 312(g) of the Higher Education Act
6 of 1965 (20 U.S.C. 1058(g)); or

7 (V) have been approved to receive
8 unemployment insurance benefits
9 under any Federal or State law since
10 March 1, 2020;

11 (iv) provide that a recipient of a grant
12 under the Pilot Program—

13 (I) shall use eligible equipment
14 for a purpose that the recipient con-
15 siders to be appropriate, subject to
16 any restriction provided in those rules
17 (or any successor rules);

18 (II) if the recipient lends, or oth-
19 erwise provides, eligible equipment to
20 students or patrons, shall prioritize
21 lending or providing to such individ-
22 uals that the recipient believes do not
23 have access to that equipment, subject
24 to any restriction provided in those
25 rules (or any successor rules); and

1 (III) may not sell or otherwise
2 transfer eligible equipment in ex-
3 change for any thing (including a
4 service) of value;

5 (v) include audit requirements that—

6 (I) ensure that a recipient of a
7 grant made under the Pilot Program
8 uses grant funds in compliance with
9 the requirements of this section and
10 the overall purpose of the Pilot Pro-
11 gram; and

12 (II) prevent waste, fraud, and
13 abuse in the operation of the Pilot
14 Program;

15 (vi) provide that not less than 40 per-
16 cent of the amount of the grants made
17 under the Pilot Program are made to His-
18 torically Black colleges or universities; and

19 (vii) provide that not less than 20 per-
20 cent of the amount of the grants made
21 under the Pilot Program are made to eligi-
22 ble recipients described in subparagraphs
23 (A), (B), and (C) of subsection (a)(8) to
24 provide broadband internet access service

1 or eligible equipment to students of those
2 eligible recipients.

3 (2) FUND.—

4 (A) ESTABLISHMENT.—There is estab-
5 lished in the Treasury of the United States a
6 fund to be known as the Connecting Minority
7 Communities Fund.

8 (B) USE OF FUND.—Amounts in the Con-
9 necting Minority Communities Fund established
10 under subparagraph (A) shall be available to
11 the Assistant Secretary to provide support
12 under the rules promulgated under paragraph
13 (1).

14 (3) INTERAGENCY COORDINATION.—When mak-
15 ing grants under the Pilot Program, the Assistant
16 Secretary shall coordinate with other Federal agen-
17 cies, including the Commission, the National Science
18 Foundation, and the Department of Education, to
19 ensure the efficient expenditure of Federal funds, in-
20 cluding by preventing multiple expenditures of Fed-
21 eral funds for the same purpose.

22 (4) AUDITS.—

23 (A) IN GENERAL.—For each of fiscal years
24 2021 and 2022, the Inspector General of the
25 Department of Commerce shall conduct an

1 audit of the Pilot Program according to the re-
2 quirements established under paragraph
3 (1)(B)(v).

4 (B) REPORT.—After completing each audit
5 conducted under subparagraph (A), the Inspec-
6 tor General of the Department of Commerce
7 shall submit to the Committee on Commerce,
8 Science, and Transportation of the Senate and
9 the Committee on Energy and Commerce of the
10 House of Representatives a report that details
11 the findings of the audit.

12 (5) DIRECT APPROPRIATION.—There is appro-
13 priated, out of amounts in the Treasury not other-
14 wise appropriated, for the fiscal year ending Sep-
15 tember 30, 2021, to remain available until expended,
16 \$285,000,000 to the Connecting Minority Commu-
17 nities Fund established under paragraph (2).

18 (6) TERMINATION.—Except with respect to the
19 report required under paragraph (7) and the author-
20 ity of the Secretary of Commerce and the Inspector
21 General of the Department of Commerce described
22 in paragraph (8), the Pilot Program, including all
23 reporting requirements under this section, shall ter-
24 minate on the date on which the amounts made

1 available to carry out the Pilot Program are fully ex-
2 pended.

3 (7) REPORT.—Not later than 90 days after the
4 date on which the Pilot Program terminates under
5 paragraph (6), the Assistant Secretary, after con-
6 sulting with eligible recipients that received grants
7 under the Pilot Program, shall submit to the Com-
8 mittee on Commerce, Science, and Transportation of
9 the Senate and the Committee on Energy and Com-
10 merce of the House of Representatives a report
11 that—

12 (A) describes the manner in which the
13 Pilot Program was carried out;

14 (B) identifies each eligible recipient that
15 received a grant under the Pilot Program; and

16 (C) contains information regarding the ef-
17 fectiveness of the Pilot Program, including les-
18 sons learned in carrying out the Pilot Program
19 and recommendations for future action.

20 (8) SAVINGS PROVISION.—The termination of
21 the Pilot Program under paragraph (6) shall not
22 limit, alter, or affect the ability of the Secretary of
23 Commerce or the Inspector General of the Depart-
24 ment of Commerce to—

1 (A) investigate waste, fraud, and abuse
2 with respect to the Pilot Program; or

3 (B) recover funds that are misused under
4 the Pilot Program.

5 **SEC. 903. FCC COVID-19 TELEHEALTH PROGRAM.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Commerce, Science,
10 and Transportation of the Senate; and

11 (B) the Committee on Energy and Com-
12 merce of the House of Representatives;

13 (2) the term “Commission” means the Federal
14 Communications Commission; and

15 (3) the term “COVID-19 Telehealth Program”
16 or “Program” means the COVID-19 Telehealth
17 Program established by the Commission under the
18 authority provided under the heading “SALARIES
19 AND EXPENSES” under the heading “FEDERAL
20 COMMUNICATIONS COMMISSION” under the heading
21 “INDEPENDENT AGENCIES” in title V of divi-
22 sion B of the CARES Act (Public Law 116-136;
23 134 Stat. 531).

24 (b) ADDITIONAL APPROPRIATION.—Out of amounts
25 in the Treasury not otherwise appropriated, there is ap-

1 appropriated \$249,950,000 in additional funds for the
2 COVID–19 Telehealth Program, of which \$50,000 shall
3 be transferred by the Commission to the Inspector General
4 of the Commission for oversight of the COVID–19 Tele-
5 health Program.

6 (c) ADMINISTRATIVE PROVISIONS.—

7 (1) EVALUATION OF APPLICATIONS.—

8 (A) PUBLIC NOTICE.—Not later than 10
9 days after the date of enactment of this Act,
10 the Commission shall issue a Public Notice es-
11 tablishing a 10-day period during which the
12 Commission will seek comments on—

13 (i) the metrics the Commission should
14 use to evaluate applications for funding
15 under this section; and

16 (ii) how the Commission should treat
17 applications filed during the funding
18 rounds for awards from the COVID-19
19 Telehealth Program using amounts appro-
20 priated under the CARES Act (Public Law
21 116–36; 134 Stat. 281).

22 (B) CONGRESSIONAL NOTICE.—After the
23 end of the comment period under subparagraph
24 (A), and not later than 15 days before the
25 Commission first commits funds under this sec-

1 tion, the Commission shall provide notice to the
2 appropriate congressional committees of the
3 metrics the Commission plans to use to evaluate
4 applications for those funds.

5 (2) **EQUITABLE DISTRIBUTION.**—To the extent
6 feasible, the Commission shall ensure, in providing
7 assistance under the COVID–19 Telehealth Program
8 from amounts made available under subsection (b),
9 that not less than 1 applicant in each of the 50
10 States and the District of Columbia has received
11 funding from the Program since the inception of the
12 Program, unless there is no such applicant eligible
13 for such assistance in a State or in the District of
14 Columbia, as the case may be.

15 (3) **PREVIOUS APPLICANTS.**—The Commission
16 shall allow an applicant who filed an application dur-
17 ing the funding rounds for awards from the
18 COVID–19 Telehealth Program using amounts ap-
19 propriated under the CARES Act (Public Law 116-
20 36; 134 Stat. 281) the opportunity to update or
21 amend that application as necessary.

22 (4) **INFORMATION.**—To the extent feasible, the
23 Commission shall provide each applicant for funding
24 from the COVID–19 Telehealth Program, if re-
25 quested, with—

1 (A) information on the status of the appli-
2 cation; and

3 (B) a rationale for the final funding deci-
4 sion for the application, after making that deci-
5 sion.

6 (5) DENIAL.—If the Commission chooses to
7 deny an application for funding from the COVID-
8 19 Telehealth Program, the Commission shall—

9 (A) issue notice to the applicant of the in-
10 tent of the Commission to deny the application
11 and the grounds for that decision;

12 (B) provide the applicant with 10 days to
13 submit any supplementary information that the
14 applicant determines relevant; and

15 (C) consider any supplementary informa-
16 tion submitted under subparagraph (B) in mak-
17 ing any final decision with respect to the appli-
18 cation.

19 (d) REPORT TO CONGRESS.—Not later than 90 days
20 after the date of enactment of this Act, and every 30 days
21 thereafter until all funds made available under this section
22 have been expended, the Commission shall submit to the
23 appropriate congressional committees a report on the dis-
24 tribution of funds appropriated for the COVID-19 Tele-
25 health Program under the CARES Act (Public Law 116-

1 36; 134 Stat. 281) or under this section, which shall in-
2 clude—

3 (1) non-identifiable and aggregated data on de-
4 ficient and rejected applications;

5 (2) non-identifiable and aggregated data on ap-
6 plications for which no award determination was
7 made;

8 (3) information on the total number of appli-
9 cants;

10 (4) information on the total dollar amount of
11 requests for awards made under this section; and

12 (5) information on applicant outreach and tech-
13 nical assistance.

14 (e) PAPERWORK REDUCTION ACT REQUIREMENTS.—

15 A collection of information conducted or sponsored under
16 any regulations required to implement this section shall
17 not constitute a collection of information for the purposes
18 of subchapter I of chapter 35 of title 44, United States
19 Code (commonly referred to as the “Paperwork Reduction
20 Act”).

21 **SEC. 904. BENEFIT FOR BROADBAND SERVICE DURING**
22 **EMERGENCY PERIOD RELATING TO COVID-**
23 **19.**

24 (a) DEFINITIONS.—In this section:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

2 The term “broadband internet access service” has
3 the meaning given such term in section 8.1(b) of
4 title 47, Code of Federal Regulations, or any suc-
5 cessor regulation.

6 (2) BROADBAND PROVIDER.—The term
7 “broadband provider” means a provider of
8 broadband internet access service.

9 (3) COMMISSION.—The term “Commission”
10 means the Federal Communications Commission.

11 (4) CONNECTED DEVICE.—The term “con-
12 nected device” means a laptop or desktop computer
13 or a tablet.

14 (5) DESIGNATED AS AN ELIGIBLE TELE-
15 COMMUNICATIONS CARRIER.—The term “designated
16 as an eligible telecommunications carrier”, with re-
17 spect to a broadband provider, means the broadband
18 provider is designated as an eligible telecommuni-
19 cations carrier under section 214(e) of the Commu-
20 nications Act of 1934 (47 U.S.C. 214(e)).

21 (6) ELIGIBLE HOUSEHOLD.—The term “eligible
22 household” means, regardless of whether the house-
23 hold or any member of the household receives sup-
24 port under subpart E of part 54 of title 47, Code
25 of Federal Regulations (or any successor regulation),

1 and regardless of whether any member of the house-
2 hold has any past or present arrearages with a
3 broadband provider, a household in which—

4 (A) at least one member of the household
5 meets the qualifications in subsection (a) or (b)
6 of section 54.409 of title 47, Code of Federal
7 Regulations (or any successor regulation);

8 (B) at least one member of the household
9 has applied for and been approved to receive
10 benefits under the free and reduced price lunch
11 program under the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1751 et seq.) or
13 the school breakfast program under section 4 of
14 the Child Nutrition Act of 1966 (42 U.S.C.
15 1773);

16 (C) at least one member of the household
17 has experienced a substantial loss of income
18 since February 29, 2020, that is documented by
19 layoff or furlough notice, application for unem-
20 ployment insurance benefits, or similar docu-
21 mentation or that is otherwise verifiable
22 through the National Verifier or National Life-
23 line Accountability Database;

24 (D) at least one member of the household
25 has received a Federal Pell Grant under section

1 401 of the Higher Education Act of 1965 (20
2 U.S.C. 1070a) in the current award year, if
3 such award is verifiable through the National
4 Verifier or National Lifeline Accountability
5 Database or the participating provider verifies
6 eligibility under subsection (a)(2)(B); or

7 (E) at least one member of the household
8 meets the eligibility criteria for a participating
9 provider’s existing low-income or COVID–19
10 program, subject to the requirements of sub-
11 section (a)(2)(B) and any other eligibility re-
12 quirements the Commission may consider nec-
13 essary for the public interest.

14 (7) EMERGENCY BROADBAND BENEFIT.—The
15 term “emergency broadband benefit” means a
16 monthly discount for an eligible household applied to
17 the actual amount charged to such household, which
18 shall be no more than the standard rate for an inter-
19 net service offering and associated equipment, in an
20 amount equal to such amount charged, but not more
21 than \$50, or, if an internet service offering is pro-
22 vided to an eligible household on Tribal land, not
23 more than \$75.

24 (8) EMERGENCY PERIOD.—The term “emer-
25 gency period” means the period that—

1 (A) begins on the date of the enactment of
2 this Act; and

3 (B) ends on the date that is 6 months
4 after the date on which the determination by
5 the Secretary of Health and Human Services
6 pursuant to section 319 of the Public Health
7 Service Act (42 U.S.C. 247d) that a public
8 health emergency exists as a result of COVID–
9 19, including any renewal thereof, terminates.

10 (9) INTERNET SERVICE OFFERING.—The term
11 “internet service offering” means, with respect to a
12 broadband provider, broadband internet access serv-
13 ice provided by such provider to a household, offered
14 in the same manner, and on the same terms, as de-
15 scribed in any of such provider’s offerings for
16 broadband internet access service to such household,
17 as on December 1, 2020.

18 (10) NATIONAL LIFELINE ACCOUNTABILITY
19 DATABASE.—The term “National Lifeline Account-
20 ability Database” has the meaning given such term
21 in section 54.400 of title 47, Code of Federal Regu-
22 lations (or any successor regulation).

23 (11) NATIONAL VERIFIER.—The term “Na-
24 tional Verifier” has the meaning given such term in

1 section 54.400 of title 47, Code of Federal Regula-
2 tions, or any successor regulation.

3 (12) PARTICIPATING PROVIDER.—The term
4 “participating provider” means a broadband pro-
5 vider that—

6 (A)(i) is designated as an eligible tele-
7 communications carrier; or

8 (ii) meets requirements established by the
9 Commission for participation in the Emergency
10 Broadband Benefit Program and is approved by
11 the Commission under subsection (d)(2); and

12 (B) elects to participate in the Emergency
13 Broadband Benefit Program.

14 (13) STANDARD RATE.—The term “standard
15 rate” means the monthly retail rate for the applica-
16 ble tier of broadband internet access service as of
17 December 1, 2020, excluding any taxes or other gov-
18 ernmental fees.

19 (b) EMERGENCY BROADBAND BENEFIT PROGRAM.—

20 (1) ESTABLISHMENT.—The Commission shall
21 establish a program, to be known as the “Emer-
22 gency Broadband Benefit Program”, under which
23 the Commission shall, in accordance with this sec-
24 tion, reimburse, using funds from the Emergency
25 Broadband Connectivity Fund established in sub-

1 section (i), a participating provider for an emergency
2 broadband benefit, or an emergency broadband ben-
3 efit and a connected device, provided to an eligible
4 household during the emergency period.

5 (2) VERIFICATION OF ELIGIBILITY.—To verify
6 whether a household is an eligible household, a par-
7 ticipating provider shall—

8 (A) use the National Verifier or National
9 Lifeline Accountability Database;

10 (B) rely upon an alternative verification
11 process of the participating provider, if—

12 (i) the participating provider submits
13 information as required by the Commission
14 regarding the alternative verification proc-
15 ess prior to seeking reimbursement; and

16 (ii) not later than 7 days after receiv-
17 ing the information required under clause
18 (i), the Commission—

19 (I) determines that the alter-
20 native verification process will be suf-
21 ficient to avoid waste, fraud, and
22 abuse; and

23 (II) notifies the participating
24 provider of the determination under
25 subclause (I); or

1 (C) rely on a school to verify the eligibility
2 of a household based on the participation of the
3 household in the free and reduced price lunch
4 program or the school breakfast program de-
5 scribed in subsection (a)(6)(B).

6 (3) USE OF NATIONAL VERIFIER AND NA-
7 TIONAL LIFELINE ACCOUNTABILITY DATABASE.—
8 The Commission shall—

9 (A) expedite the ability of all participating
10 providers to access the National Verifier and
11 National Lifeline Accountability Database for
12 purposes of determining whether a household is
13 an eligible household, without regard to whether
14 a participating provider is designated as an eli-
15 gible telecommunications carrier; and

16 (B) ensure that the National Verifier and
17 National Lifeline Accountability Database ap-
18 prove an eligible household to receive the emer-
19 gency broadband benefit not later than 2 days
20 after the date of the submission of information
21 necessary to determine if such household is an
22 eligible household.

23 (4) REIMBURSEMENT.—From the Emergency
24 Broadband Connectivity Fund established in sub-
25 section (i), the Commission shall reimburse a partici-

1 participating provider in an amount equal to the emer-
2 gency broadband benefit with respect to an eligible
3 household that receives such benefit from such par-
4 ticipating provider during the emergency period.

5 (5) REIMBURSEMENT FOR CONNECTED DE-
6 VICE.—A participating provider that, during the
7 emergency period, in addition to providing the emer-
8 gency broadband benefit to an eligible household,
9 supplies such household with a connected device may
10 be reimbursed up to \$100 from the Emergency
11 Broadband Connectivity Fund established in sub-
12 section (i) for such connected device, if the charge
13 to such eligible household is more than \$10 but less
14 than \$50 for such connected device, except that a
15 participating provider may receive reimbursement
16 for no more than 1 connected device per eligible
17 household.

18 (6) CERTIFICATION REQUIRED.—To receive a
19 reimbursement under paragraph (4) or (5), a par-
20 ticipating provider shall certify to the Commission
21 the following:

22 (A) That the amount for which the partici-
23 pating provider is seeking reimbursement from
24 the Emergency Broadband Connectivity Fund
25 established in subsection (i) for providing an

1 internet service offering to an eligible household
2 is not more than the standard rate.

3 (B) That each eligible household for which
4 the participating provider is seeking reimburse-
5 ment for providing an internet service offering
6 discounted by the emergency broadband ben-
7 efit—

8 (i) has not been and will not be
9 charged—

10 (I) for such offering, if the stand-
11 ard rate for such offering is less than
12 or equal to the amount of the emer-
13 gency broadband benefit for such
14 household; or

15 (II) more for such offering than
16 the difference between the standard
17 rate for such offering and the amount
18 of the emergency broadband benefit
19 for such household;

20 (ii) will not be required to pay an
21 early termination fee if such eligible house-
22 hold elects to enter into a contract to re-
23 ceive such internet service offering if such
24 household later terminates such contract;

1 (iii) was not, after the date of the en-
2 actment of this Act, subject to a manda-
3 tory waiting period for such internet serv-
4 ice offering based on having previously re-
5 ceived broadband internet access service
6 from such participating provider; and

7 (iv) will otherwise be subject to the
8 participating provider's generally applica-
9 ble terms and conditions as applied to
10 other customers.

11 (C) That each eligible household for which
12 the participating provider is seeking reimburse-
13 ment for supplying such household with a con-
14 nected device has not been and will not be
15 charged \$10 or less or \$50 or more for such de-
16 vice.

17 (D) A description of the process used by
18 the participating provider to verify that a
19 household is an eligible household, if the pro-
20 vider elects an alternative verification process
21 under paragraph (2)(B), and that such
22 verification process was designed to avoid
23 waste, fraud, and abuse.

24 (7) AUDIT REQUIREMENTS.—The Commission
25 shall adopt audit requirements to ensure that par-

1 participating providers are in compliance with the re-
2 quirements of this section and to prevent waste,
3 fraud, and abuse in the Emergency Broadband Ben-
4 efit Program. A finding of waste, fraud, or abuse or
5 an improper payment (as such term is defined in
6 section 2(d) of the Improper Payments Information
7 Act of 2002 (31 U.S.C. 3321 note)) identified by the
8 Commission or the Inspector General of the Com-
9 mission shall include the following:

10 (A) The name of the participating pro-
11 vider.

12 (B) The amount of funding made available
13 from the Emergency Broadband Connectivity
14 Fund to the participating provider.

15 (C) The amount of funding determined to
16 be an improper payment to a participating pro-
17 vider.

18 (D) A description of to what extent fund-
19 ing made available from the Emergency
20 Broadband Connectivity Fund that was an im-
21 proper payment was used for a reimbursement
22 for a connected device or a reimbursement for
23 an internet service offering.

1 (E) Whether, in the case of a connected
2 device, such device, or the value thereof, has
3 been recovered.

4 (F) Whether any funding from the Emer-
5 gency Broadband Connectivity Fund was made
6 available to a participating provider for an
7 emergency broadband benefit for a person out-
8 side the eligible household.

9 (G) Whether any funding from the Emer-
10 gency Broadband Connectivity Fund was made
11 available to reimburse a participating provider
12 for an emergency broadband benefit made avail-
13 able to an eligible household in which all mem-
14 bers of such household necessary to satisfy the
15 eligibility requirements described in subsection
16 (a)(6) were deceased.

17 (8) RANDOM AUDIT REQUIRED.—Not later than
18 1 year after the date of the enactment of this Act,
19 the Inspector General of the Commission shall con-
20 duct an audit of a representative sample of partici-
21 pating providers receiving reimbursements under the
22 Emergency Broadband Benefit Program.

23 (9) NOTIFICATION OF AUDIT FINDINGS.—Not
24 later than 7 days after a finding made by the Com-
25 mission under the requirements of paragraph (7),

1 the Commission shall notify the Committee on En-
2 ergy and Commerce of the House of Representatives
3 and the Committee on Commerce, Science, and
4 Transportation of the Senate with any information
5 described in such paragraph that the Commission
6 has obtained.

7 (10) EXPIRATION OF PROGRAM.—At the conclu-
8 sion of the Emergency Broadband Benefit Program,
9 any participating eligible households shall be subject
10 to a participating provider’s generally applicable
11 terms and conditions.

12 (c) REGULATIONS REQUIRED.—

13 (1) IN GENERAL.—Not later than 60 days after
14 the date of the enactment of this Act, the Commis-
15 sion shall promulgate regulations to implement this
16 section.

17 (2) COMMENT PERIODS.—As part of the rule-
18 making under paragraph (1), the Commission
19 shall—

20 (A) provide a 20-day public comment pe-
21 riod that begins not later than 5 days after the
22 date of the enactment of this Act;

23 (B) provide a 20-day public reply comment
24 period that immediately follows the period
25 under subparagraph (A); and

1 (C) during the comment periods under
2 subparagraphs (A) and (B), seek comment
3 on—

4 (i) the provision of assistance from
5 the Emergency Broadband Connectivity
6 Fund established in subsection (i) con-
7 sistent with this section; and

8 (ii) other related matters.

9 (d) ELIGIBILITY OF PROVIDERS.—

10 (1) RELATION TO ELIGIBLE TELECOMMUNI-
11 CATIONS CARRIER DESIGNATION.—The Commission
12 may not require a broadband provider to be des-
13 igned as an eligible telecommunications carrier in
14 order to be a participating provider.

15 (2) EXPEDITED APPROVAL PROCESS.—

16 (A) IN GENERAL.—The Commission shall
17 establish an expedited process by which the
18 Commission approves as participating providers
19 broadband providers that are not designated as
20 eligible telecommunications carriers and elect to
21 participate in the Emergency Broadband Ben-
22 efit Program.

23 (B) EXCEPTION.—Notwithstanding sub-
24 paragraph (A), the Commission shall automati-
25 cally approve as a participating provider a

1 broadband provider that has an established pro-
2 gram as of April 1, 2020, that is widely avail-
3 able and offers internet service offerings to eli-
4 gible households and maintains verification
5 processes that are sufficient to avoid fraud,
6 waste, and abuse.

7 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall affect the collection, distribution, or administra-
9 tion of the Lifeline Assistance Program governed by the
10 rules set forth in subpart E of part 54 of title 47, Code
11 of Federal Regulations (or any successor regulation).

12 (f) **PART 54 REGULATIONS.**—Nothing in this section
13 shall be construed to prevent the Commission from pro-
14 viding that the regulations in part 54 of title 47, Code
15 of Federal Regulations, or any successor regulation, shall
16 apply in whole or in part to the Emergency Broadband
17 Benefit Program, shall not apply in whole or in part to
18 such Program, or shall be modified in whole or in part
19 for purposes of application to such Program.

20 (g) **ENFORCEMENT.**—A violation of this section or a
21 regulation promulgated under this section shall be treated
22 as a violation of the Communications Act of 1934 (47
23 U.S.C. 151 et seq.) or a regulation promulgated under
24 such Act. The Commission shall enforce this section and
25 the regulations promulgated under this section in the same

1 manner, by the same means, and with the same jurisdic-
2 tion, powers, and duties as though all applicable terms and
3 provisions of the Communications Act of 1934 were incor-
4 porated into and made a part of this section.

5 (h) EXEMPTIONS.—

6 (1) CERTAIN RULEMAKING REQUIREMENTS.—

7 Section 553 of title 5, United States Code, shall not
8 apply to a regulation promulgated under subsection
9 (c) or a rulemaking proceeding to promulgate such
10 a regulation.

11 (2) PAPERWORK REDUCTION ACT REQUIRE-

12 MENTS.—A collection of information conducted or
13 sponsored under the regulations required by sub-
14 section (c) shall not constitute a collection of infor-
15 mation for the purposes of subchapter I of chapter
16 35 of title 44, United States Code (commonly re-
17 ferred to as the Paperwork Reduction Act).

18 (i) EMERGENCY BROADBAND CONNECTIVITY

19 FUND.—

20 (1) ESTABLISHMENT.—There is established in

21 the Treasury of the United States a fund to be
22 known as the Emergency Broadband Connectivity
23 Fund.

24 (2) APPROPRIATION.—There is appropriated to

25 the Emergency Broadband Connectivity Fund, out

1 of any money in the Treasury not otherwise appro-
2 priated, \$3,200,000,000 for fiscal year 2021, to re-
3 main available until expended.

4 (3) USE OF FUNDS.—Amounts in the Emer-
5 gency Broadband Connectivity Fund shall be avail-
6 able to the Commission for reimbursements to par-
7 ticipating providers under this section, and the Com-
8 mission may use not more than 2 percent of such
9 amounts to administer the Emergency Broadband
10 Benefit Program.

11 (4) RELATIONSHIP TO UNIVERSAL SERVICE
12 CONTRIBUTIONS.—Reimbursements provided under
13 this section shall be provided from amounts made
14 available under this subsection and not from con-
15 tributions under section 254(d) of the Communica-
16 tions Act of 1934 (47 U.S.C. 254(d)).

17 (5) USE OF UNIVERSAL SERVICE ADMINISTRA-
18 TIVE COMPANY PERMITTED.—The Commission shall
19 have the authority to avail itself of the services of
20 the Universal Service Administrative Company to
21 implement the Emergency Broadband Benefit Pro-
22 gram, including developing and processing reim-
23 bursements and distributing funds to participating
24 providers.

1 (j) SAFE HARBOR.—The Commission may not en-
2 force a violation of this section under section 501, 502,
3 or 503 of the Communications Act of 1934 (47 U.S.C.
4 501; 502; 503), or any rules of the Commission promul-
5 gated under such sections of such Act, if a participating
6 provider demonstrates to the Commission that such pro-
7 vider relied in good faith on information provided to such
8 provider to make the verification required by subsection
9 (b)(2).

10 **SEC. 905. GRANTS FOR BROADBAND CONNECTIVITY.**

11 (a) DEFINITIONS.—In this section:

12 (1) ASSISTANT SECRETARY.—The term “Assist-
13 ant Secretary” means the Assistant Secretary of
14 Commerce for Communications and Information.

15 (2) BROADBAND OR BROADBAND SERVICE.—
16 The term “broadband” or “broadband service” has
17 the meaning given the term “broadband internet ac-
18 cess service” in section 8.1(b) of title 47, Code of
19 Federal Regulations, or any successor regulation.

20 (3) COMMISSION.—The term “Commission”
21 means the Federal Communications Commission.

22 (4) COVERED BROADBAND PROJECT.—The
23 term “covered broadband project” means a competi-
24 tively and technologically neutral project for the de-
25 ployment of fixed broadband service that provides

1 qualifying broadband service in an eligible service
2 area.

3 (5) COVERED PARTNERSHIP.—The term “cov-
4 ered partnership” means a partnership between—

5 (A) a State, or 1 or more political subdivi-
6 sions of a State; and

7 (B) a provider of fixed broadband service.

8 (6) DEPARTMENT.—The term “Department”
9 means the Department of Commerce.

10 (7) ELIGIBLE SERVICE AREA.—The term “eligi-
11 ble service area” means a census block in which
12 broadband service is not available at 1 or more
13 households or businesses in the census block, as de-
14 termined by the Assistant Secretary on the basis
15 of—

16 (A) the maps created under section
17 802(c)(1) of the Communications Act of 1934
18 (47 U.S.C. 642(c)(1)); or

19 (B) if the maps described in subparagraph
20 (A) are not available, the most recent informa-
21 tion available to the Assistant Secretary, includ-
22 ing information provided by the Commission.

23 (8) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means—

25 (A) a Tribal Government;

1 (B) a Tribal College or University;

2 (C) the Department of Hawaiian Home
3 Lands on behalf of the Native Hawaiian Com-
4 munity, including Native Hawaiian Education
5 Programs;

6 (D) a Tribal organization; or

7 (E) a Native Corporation.

8 (9) NATIVE CORPORATION.—The term “Native
9 Corporation” has the meaning given the term in sec-
10 tion 3 of the Alaska Native Claims Settlement Act
11 (43 U.S.C. 1602).

12 (10) NATIVE HAWAIIAN.—The term “Native
13 Hawaiian” has the meaning given the term in sec-
14 tion 801 of the Native American Housing Assistance
15 and Self-Determination Act of 1996 (25 U.S.C.
16 4221).

17 (11) QUALIFYING BROADBAND SERVICE.—The
18 term “qualifying broadband service” means
19 broadband service with—

20 (A) a download speed of not less than 25
21 megabits per second;

22 (B) an upload speed of not less than 3
23 megabits per second; and

24 (C) a latency sufficient to support real-
25 time, interactive applications.

1 (12) TRIBAL GOVERNMENT.—The term “Tribal
2 Government” means the governing body of any In-
3 dian or Alaska Native Tribe, band, nation, pueblo,
4 village, community, component band, or component
5 reservation, individually recognized (including par-
6 enthetically) in the list published most recently as of
7 the date of enactment of this Act pursuant to sec-
8 tion 104 of the Federally Recognized Indian Tribe
9 List Act of 1994 (25 U.S.C. 5131).

10 (13) TRIBAL LAND.—The term “Tribal land”
11 means—

12 (A) any land located within the boundaries
13 of—

14 (i) an Indian reservation, pueblo, or
15 rancheria; or

16 (ii) a former reservation within Okla-
17 homa;

18 (B) any land not located within the bound-
19 aries of an Indian reservation, pueblo, or
20 rancheria, the title to which is held—

21 (i) in trust by the United States for
22 the benefit of an Indian Tribe or an indi-
23 vidual Indian;

24 (ii) by an Indian Tribe or an indi-
25 vidual Indian, subject to restriction against

1 alienation under laws of the United States;

2 or

3 (iii) by a dependent Indian commu-
4 nity;

5 (C) any land located within a region estab-
6 lished pursuant to section 7(a) of the Alaska
7 Native Claims Settlement Act (43 U.S.C.
8 1606(a));

9 (D) Hawaiian Home Lands, as defined in
10 section 801 of the Native American Housing
11 Assistance and Self-Determination Act of 1996
12 (25 U.S.C. 4221); or

13 (E) those areas or communities designated
14 by the Assistant Secretary of Indian Affairs of
15 the Department of the Interior that are near,
16 adjacent, or contiguous to reservations where fi-
17 nancial assistance and social service programs
18 are provided to Indians because of their status
19 as Indians.

20 (14) UNSERVED.—The term “unserved”, with
21 respect to a household, means—

22 (A) the household lacks access to quali-
23 fying broadband service; and

24 (B) no broadband provider has been se-
25 lected to receive, or is otherwise receiving, Fed-

1 eral or State funding subject to enforceable
2 build out commitments to deploy qualifying
3 broadband service in the specific area where the
4 household is located by dates certain, even if
5 such service is not yet available, provided that
6 the Federal or State agency providing the fund-
7 ing has not deemed the service provider to be
8 in default of its buildout obligations under the
9 applicable Federal or State program.

10 (b) DIRECT APPROPRIATION.—There is appropriated
11 to the Assistant Secretary, out of amounts in the Treasury
12 not otherwise appropriated, for the fiscal year ending Sep-
13 tember 30, 2021, to remain available until expended—

14 (1) \$1,000,000,000 for grants under subsection
15 (c); and

16 (2) \$300,000,000 for grants under subsection
17 (d).

18 (c) TRIBAL BROADBAND CONNECTIVITY PRO-
19 GRAM.—

20 (1) TRIBAL BROADBAND CONNECTIVITY
21 GRANTS.—The Assistant Secretary shall use the
22 funds made available under subsection (b)(1) to im-
23 plement a program to make grants to eligible enti-
24 ties to expand access to and adoption of—

25 (A) broadband service on Tribal land; or

1 (B) remote learning, telework, or telehealth
2 resources during the COVID–19 pandemic.

3 (2) GRANTS.—From the amounts appropriated
4 under subsection (b)(1), the Assistant Secretary
5 shall award a grant to each eligible entity that sub-
6 mits an application that the Assistant Secretary ap-
7 proves after consultation with the Commission to
8 prevent duplication of funding.

9 (3) ALLOCATIONS.—

10 (A) EQUITABLE DISTRIBUTION.—The
11 amounts appropriated under subsection (b)(1)
12 shall be made available to eligible entities on an
13 equitable basis, and not less than 3 percent of
14 those amounts shall be made available for the
15 benefit of Native Hawaiians.

16 (B) ADMINISTRATIVE EXPENSES OF AS-
17 SISTANT SECRETARY.—The Assistant Secretary
18 may use not more than 2 percent of amounts
19 appropriated under subsection (b)(1) for admin-
20 istrative purposes, including the provision of
21 technical assistance to Tribal Governments to
22 help those Governments take advantage of the
23 program established under this subsection.

24 (4) USE OF GRANT FUNDS.—

25 (A) COMMITMENT DEADLINE.—

1 (i) IN GENERAL.—Not later than 180
2 days after receiving grant funds under this
3 subsection, an eligible entity shall commit
4 the funds in accordance with the approved
5 application of the entity.

6 (ii) REVERSION OF FUNDS.—Any
7 grant funds not committed by an eligible
8 entity by the deadline under clause (i) shall
9 revert to the general fund of the Treasury.

10 (B) EXPENDITURE DEADLINE.—

11 (i) IN GENERAL.—Not later than 1
12 year after receiving grant funds under this
13 subsection, an eligible entity shall expend
14 the grant funds.

15 (ii) EXTENSIONS FOR INFRASTRUC-
16 TURE PROJECTS.—The Assistant Secretary
17 may extend the period under clause (i) for
18 an eligible entity that proposes to use the
19 grant funds for construction of broadband
20 infrastructure if the eligible entity certifies
21 that—

22 (I) the eligible entity has a plan
23 for use of the grant funds;

24 (II) the construction project is
25 underway; or

1 (III) extenuating circumstances
2 require an extension of time to allow
3 the project to be completed.

4 (iii) REVERSION OF FUNDS.—Any
5 grant funds not expended by an eligible en-
6 tity by the deadline under clause (i) shall
7 be made available to other eligible entities
8 for the purposes provided in this sub-
9 section.

10 (5) ELIGIBLE USES.—An eligible entity may
11 use grant funds made available under this subsection
12 for—

13 (A) broadband infrastructure deployment,
14 including support for the establishment of car-
15 rier-neutral submarine cable landing stations;

16 (B) affordable broadband programs, in-
17 cluding—

18 (i) providing free or reduced-cost
19 broadband service; and

20 (ii) preventing disconnection of exist-
21 ing broadband service;

22 (C) distance learning;

23 (D) telehealth;

24 (E) digital inclusion efforts; and

25 (F) broadband adoption activities.

1 (6) ADMINISTRATIVE EXPENSES OF ELIGIBLE
2 ENTITIES.—An eligible entity may use not more
3 than 2 percent of grant funds received under this
4 subsection for administrative purposes.

5 (7) SUBGRANTEES.—

6 (A) IN GENERAL.—An eligible entity may
7 enter into a contract with a subgrantee, includ-
8 ing a non-Tribal entity, as part of its use of
9 grant funds pursuant to this subsection.

10 (B) REQUIREMENTS.—An eligible entity
11 that enters into a contract with a subgrantee
12 for use of grant funds received under this sub-
13 section shall—

14 (i) before entering into the contract,
15 after a reasonable investigation, make a
16 determination that the subgrantee—

17 (I) is capable of carrying out the
18 project for which grant funds will be
19 provided in a competent manner in
20 compliance with all applicable laws;

21 (II) has the financial capacity to
22 meet the obligations of the project
23 and the requirements of this sub-
24 section; and

1 (III) has the technical and oper-
2 ational capability to carry out the
3 project; and

4 (ii) stipulate in the contract reason-
5 able provisions for recovery of funds for
6 nonperformance.

7 (8) BROADBAND INFRASTRUCTURE DEPLOY-
8 MENT.—In using grant funds received under this
9 subsection for new construction of broadband infra-
10 structure, an eligible entity shall prioritize projects
11 that deploy broadband infrastructure to unserved
12 households.

13 (d) BROADBAND INFRASTRUCTURE PROGRAM.—

14 (1) BROADBAND INFRASTRUCTURE DEPLOY-
15 MENT GRANTS.—The Assistant Secretary shall use
16 the funds made available under subsection (b)(2) to
17 implement a program under which the Assistant
18 Secretary makes grants on a competitive basis to
19 covered partnerships for covered broadband projects.

20 (2) MAPPING.—

21 (A) DATA FROM COMMISSION.—Not less
22 frequently than annually, the Commission shall,
23 through the process established under section
24 802(b)(7)) of the Communications Act of 1934
25 (47 U.S.C. 642(b)(7)), provide the Assistant

1 Secretary any data collected by the Commission
2 pursuant to title VIII of that Act (47 U.S.C.
3 641 et seq.).

4 (B) USE BY ASSISTANT SECRETARY.—The
5 Assistant Secretary shall rely on the data pro-
6 vided under subparagraph (A) in carrying out
7 this subsection to the greatest extent prac-
8 ticable.

9 (3) ELIGIBILITY REQUIREMENTS.—To be eligi-
10 ble for a grant under this subsection, a covered part-
11 nership shall submit an application at such time, in
12 such manner, and containing such information as
13 the Assistant Secretary may require, which applica-
14 tion shall, at a minimum, include a description of—

15 (A) the covered partnership;

16 (B) the covered broadband project to be
17 funded by the grant, including—

18 (i) the speed or speeds at which the
19 covered partnership plans to offer
20 broadband service; and

21 (ii) the cost of the project;

22 (C) the area to be served by the covered
23 broadband project (in this paragraph referred
24 to as the “proposed service area”);

1 (D) any support provided to the provider
2 of broadband service that is part of the covered
3 partnership through—

4 (i) any grant, loan, or loan guarantee
5 provided by a State to the provider of
6 broadband service for the deployment of
7 broadband service in the proposed service
8 area;

9 (ii) any grant, loan, or loan guarantee
10 with respect to the proposed service area
11 provided by the Secretary of Agriculture—

12 (I) under title VI of the Rural
13 Electrification Act of 1936 (7 U.S.C.
14 950bb et seq.), including—

15 (aa) any program to provide
16 grants, loans, or loan guarantees
17 under sections 601 through 603
18 of that Act (7 U.S.C. 950bb et
19 seq.); and

20 (bb) the Community Con-
21 nect Grant Program established
22 under section 604 of that Act (7
23 U.S.C. 950bb-3); or

24 (II) the broadband loan and
25 grant pilot program known as the

1 “Rural eConnectivity Pilot Program”
2 or the “ReConnect Program” author-
3 ized under section 779 of division A of
4 the Consolidated Appropriations Act,
5 2018 (Public Law 115–141; 132 Stat.
6 348);

7 (iii) any high-cost universal service
8 support provided under section 254 of the
9 Communications Act of 1934 (47 U.S.C.
10 254);

11 (iv) any grant provided under section
12 6001 of the American Recovery and Rein-
13 vestment Act of 2009 (47 U.S.C. 1305);

14 (v) amounts made available for the
15 Education Stabilization Fund under the
16 heading “DEPARTMENT OF EDU-
17 CATION” in title VIII of division B of the
18 CARES Act (Public Law 116–136; 134
19 Stat. 564); or

20 (vi) any other grant, loan, or loan
21 guarantee provided by the Federal Govern-
22 ment for the provision of broadband serv-
23 ice.

24 (4) PRIORITY.—In awarding grants under this
25 subsection, the Assistant Secretary shall give pri-

1 ority to applications for covered broadband projects
2 as follows, in decreasing order of priority:

3 (A) Covered broadband projects designed
4 to provide broadband service to the greatest
5 number of households in an eligible service
6 area.

7 (B) Covered broadband projects designed
8 to provide broadband service in an eligible serv-
9 ice area that is wholly within any area other
10 than—

11 (i) a county, city, or town that has a
12 population of more than 50,000 inhab-
13 itants; and

14 (ii) the urbanized area contiguous and
15 adjacent to a city or town described in
16 clause (i).

17 (C) Covered broadband projects that are
18 the most cost-effective, prioritizing such
19 projects in areas that are the most rural.

20 (D) Covered broadband projects designed
21 to provide broadband service with a download
22 speed of not less than 100 megabits per second
23 and an upload speed of not less than 20 mega-
24 bits per second.

1 (E) Any other covered broadband project
2 that meets the requirements of this subsection.

3 (5) EXPENDITURE DEADLINE.—

4 (A) IN GENERAL.—Not later than 1 year
5 after receiving grant funds under this sub-
6 section, a covered partnership shall expend the
7 grant funds.

8 (B) EXTENSIONS.—The Assistant Sec-
9 retary may extend the period under subpara-
10 graph (A) for a covered partnership that pro-
11 poses to use the grant funds for construction of
12 broadband infrastructure if the covered partner-
13 ship certifies that—

14 (i) the covered partnership has a plan
15 for use of the grant funds;

16 (ii) the construction project is under-
17 way; or

18 (iii) extenuating circumstances require
19 an extension of time to allow the project to
20 be completed.

21 (C) REVERSION OF FUNDS.—Any grant
22 funds not expended by an covered partnership
23 by the deadline under subparagraph (A) shall
24 be made available to other covered partnerships
25 for the purposes provided in this subsection.

1 (6) GRANT CONDITIONS.—

2 (A) PROHIBITIONS.—As a condition of re-
3 ceiving a grant under this subsection, the As-
4 sistant Secretary shall prohibit a provider of
5 broadband service that is part of a covered
6 partnership receiving the grant—

7 (i) from using the grant amounts to
8 repay, or make any other payment relating
9 to, a loan made by any public or private
10 lender;

11 (ii) from using grant amounts as col-
12 lateral for a loan made by any public or
13 private lender; and

14 (iii) from using more than \$50,000 of
15 the grant amounts to pay for the prepara-
16 tion of the grant.

17 (B) NONDISCRIMINATION.—The Assistant
18 Secretary may not require a provider of
19 broadband service that is part of a covered
20 partnership to be designated as an eligible tele-
21 communications carrier pursuant to section
22 214(e) of the Communications Act of 1934 (47
23 U.S.C. 214(e)) to be eligible to receive a grant
24 under this subsection or as a condition of re-
25 ceiving a grant under this subsection.

1 (e) IMPLEMENTATION.—

2 (1) REQUIREMENTS; OUTREACH.—Not earlier
3 than 30 days, and not later than 60 days, after the
4 date of enactment of this Act, the Assistant Sec-
5 retary shall—

6 (A) issue a notice inviting eligible entities
7 and covered partnerships to submit applications
8 for grants under this section, which shall con-
9 tain details about how awarding decisions will
10 be made; and

11 (B) outline—

12 (i) the requirements for applications
13 for grants under this section; and

14 (ii) the allowed uses of grant funds
15 awarded under this section.

16 (2) APPLICATIONS.—

17 (A) SUBMISSION.—During the 90-day pe-
18 riod beginning on the date on which the Assist-
19 ant Secretary issues the notice under paragraph
20 (1), an eligible entity or covered partnership
21 may submit an application for a grant under
22 this section.

23 (B) PROCESSING.—

24 (i) IN GENERAL.—Not later than 90
25 days after receiving an application under

1 subparagraph (A), the Assistant Secretary
2 shall approve or deny the application.

3 (ii) DENIAL.—The Assistant Sec-
4 retary may deny an application submitted
5 under subparagraph (A) only if—

6 (I) the Assistant Secretary pro-
7 vides the applicant an opportunity to
8 cure any defects in the application;
9 and

10 (II) after receiving the oppor-
11 tunity under subclause (I), the appli-
12 cant still fails to meet the require-
13 ments of this section.

14 (C) SINGLE APPLICATION.—An eligible en-
15 tity or covered partnership may submit only 1
16 application under this paragraph.

17 (D) PROPOSED USE OF FUNDS.—An appli-
18 cation submitted by an eligible entity or a cov-
19 ered partnership under this paragraph shall de-
20 scribe each proposed use of grant funds.

21 (E) ALLOCATION OF FUNDS.—Not later
22 than 14 days after approving an application for
23 a grant under this paragraph, the Assistant
24 Secretary shall allocate the grant funds to the
25 eligible entity or covered partnership.

1 (F) TREATMENT OF UNALLOCATED
2 FUNDS.—

3 (i) IN GENERAL.—If an eligible entity
4 or covered partnership does not submit an
5 application by the deadline under subpara-
6 graph (A), or the Assistant Secretary does
7 not approve an application submitted by an
8 eligible entity or a covered partnership
9 under that subparagraph, the Assistant
10 Secretary shall make the amounts allocated
11 for, as applicable—

12 (I) the eligible entity under sub-
13 section (c) available to other eligible
14 entities on an equitable basis; or

15 (II) the covered partnership
16 under subsection (d) to other covered
17 partnerships.

18 (ii) SECOND PROCESS.—The Assistant
19 Secretary shall initiate a second notice and
20 application process described in this sub-
21 section to reallocate any funds made avail-
22 able to other eligible entities or covered
23 partnerships under clause (i).

24 (3) TRANSPARENCY, ACCOUNTABILITY, AND
25 OVERSIGHT REQUIRED.—In implementing this sec-

1 tion, the Assistant Secretary shall adopt measures,
2 including audit requirements, to—

3 (A) ensure sufficient transparency, ac-
4 countability, and oversight to provide the public
5 with information regarding the award and use
6 of grant funds under this section;

7 (B) ensure that a recipient of a grant
8 under this section uses the grant funds in com-
9 pliance with the requirements of this section
10 and the overall purpose of the applicable grant
11 program under this section; and

12 (C) deter waste, fraud, and abuse of grant
13 funds.

14 (4) PROHIBITION ON USE FOR COVERED COM-
15 MUNICATIONS EQUIPMENT OR SERVICES.—An eligi-
16 ble entity or covered partnership may not use grant
17 funds received under this section to purchase or sup-
18 port any covered communications equipment or serv-
19 ice (as defined in section 9 of the Secure and Trust-
20 ed Communications Networks Act of 2019 (47
21 U.S.C. 1608)).

22 (5) UNAUTHORIZED USE OF FUNDS.—To the
23 extent that the Assistant Secretary or the Inspector
24 General of the Department determines that an eligi-
25 ble entity or covered partnership has expended grant

1 funds received under this section in violation of this
2 section, the Assistant Secretary shall recover the
3 amount of funds that were so expended.

4 (f) REPORTING.—

5 (1) ELIGIBLE ENTITIES AND COVERED PART-
6 NERSHIPS.—

7 (A) ANNUAL REPORT.—Not later than 1
8 year after receiving grant funds under this sec-
9 tion, and annually thereafter until the funds
10 have been expended, an eligible entity or cov-
11 ered partnership shall submit to the Assistant
12 Secretary a report, with respect to the 1-year
13 period immediately preceding the report date,
14 that—

15 (i) describes how the eligible entity or
16 covered partnership expended the funds;

17 (ii) certifies that the eligible entity or
18 covered partnership complied with the re-
19 quirements of this section and with any
20 additional reporting requirements pre-
21 scribed by the Assistant Secretary, includ-
22 ing—

23 (I) a description of each service
24 provided with the grant funds; and

1 (II) the number of locations or
2 geographic areas at which broadband
3 service was provided using the grant
4 funds; and

5 (iii) identifies each subgrantee that re-
6 ceived a subgrant from the eligible entity
7 or covered partnership and a description of
8 the specific project for which grant funds
9 were provided.

10 (B) PROVISION OF INFORMATION TO FCC
11 AND USDA.—The Assistant Secretary shall pro-
12 vide the information collected under subpara-
13 graph (A) to the Commission and the Depart-
14 ment of Agriculture to be used when deter-
15 mining whether to award funds for the deploy-
16 ment of broadband under any program adminis-
17 tered by those agencies.

18 (C) TRANSMISSION OF REPORTS TO CON-
19 GRESS.—Not later than 5 days after receiving
20 a report from an eligible entity under subpara-
21 graph (A), the Assistant Secretary shall trans-
22 mit the report to the Committee on Commerce,
23 Science, and Transportation of the Senate and
24 the Committee on Energy and Commerce of the
25 House of Representatives.

1 (2) INSPECTOR GENERAL AND GAO.—Not later
2 than 6 months after the date on which the first
3 grant is awarded under this section, and every 6
4 months thereafter until all of the grant funds award-
5 ed under this section are expended, the Inspector
6 General of the Department and the Comptroller
7 General of the United States shall each submit to
8 the Committee on Commerce, Science, and Trans-
9 portation of the Senate and the Committee on En-
10 ergy and Commerce of the House of Representatives
11 a report that reviews the grants awarded under this
12 section during the preceding 6-month period. Each
13 such report shall include recommendations to ad-
14 dress waste, fraud, and abuse, if any.

15 (g) IMPACT ON OTHER FEDERAL BROADBAND PRO-
16 GRAMS.—The use of grant funds received under this sec-
17 tion by an eligible entity, covered partnership, or sub-
18 grantee shall not impact the eligibility of, or otherwise dis-
19 advantage, the eligible entity, covered partnership, or sub-
20 grantee with respect to participation in any other Federal
21 broadband program.

22 **SEC. 906. APPROPRIATIONS FOR FEDERAL COMMUNICA-**
23 **TIONS COMMISSION ACTIVITIES.**

24 There is appropriated to the Federal Communica-
25 tions Commission, out of amounts in the Treasury not oth-

1 erwise appropriated, for fiscal year 2021, to remain avail-
2 able until expended—

3 (1) \$65,000,000 to carry out title VIII of the
4 Communications Act of 1934 (47 U.S.C. 641 et
5 seq.); and

6 (2) \$1,900,000,000 to carry out the Secure and
7 Trusted Communications Networks Act of 2019 (47
8 U.S.C. 1601 et seq.), of which \$1,895,000,000 shall
9 be used to carry out the program established under
10 section 4 of that Act (47 U.S.C. 1603).

11 **TITLE X—MISCELLANEOUS**

12 **SEC. 1001. CORONAVIRUS RELIEF FUND EXTENSION.**

13 Section 601(d)(3) of the Social Security Act (42
14 U.S.C. 801(d)(3)) is amended by striking “December 30,
15 2020” and inserting “December 31, 2021”.

16 **SEC. 1002. CONTRACTOR PAY.**

17 Section 3610 of division A of the CARES Act (Public
18 Law 116–136) shall be applied by substituting “March 31,
19 2021” for “September 30, 2020”.

20 **SEC. 1003. RESCISSIONS.**

21 (a) **EXCHANGE STABILIZATION FUND.**—

22 (1) **IMMEDIATE RESCISSION.**—Of the unobli-
23 gated balances made available under section 4027 of
24 the CARES Act (15 U.S.C. 9061),

1 \$429,000,000,000 shall be permanently rescinded on
2 the date of enactment of this Act.

3 (2) SUBSEQUENT RESCISSION OF REMAINING
4 FUNDS.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (C), any remaining unobligated
7 balances made available under section 4027 of
8 the CARES Act (15 U.S.C. 9061) shall be per-
9 manently rescinded on January 9, 2021.

10 (B) APPLICABILITY.—Notwithstanding the
11 Federal Credit Reform Act of 1990 (2 U.S.C.
12 661 et seq.) or any other provision of law, the
13 rescission in subparagraph (A) shall apply to—

14 (i) the obligated but not disbursed
15 credit subsidy cost of all loans, loan guar-
16 antees, and other investments that the Sec-
17 retary of the Treasury has made or com-
18 mitted to make under section 4003(b)(4)
19 of the CARES Act (15 U.S.C. 9042(b)(4));
20 and

21 (ii) the obligated and disbursed credit
22 subsidy cost of all loans, loan guarantees,
23 and other investments that—

24 (I) the Secretary of the Treasury
25 has made or committed to make

1 under section 4003(b)(4) of the
2 CARES Act (15 U.S.C. 9042(b)(4));
3 and

4 (II) are not needed to meet the
5 commitments, as of January 9, 2021,
6 of the programs and facilities estab-
7 lished under section 13(3) of the Fed-
8 eral Reserve Act (12 U.S.C. 343(3))
9 in which the Secretary of the Treas-
10 ury has made or committed to make
11 a loan, loan guarantee, or other in-
12 vestment using funds appropriated
13 under section 4027 of the CARES Act
14 (15 U.S.C. 9061).

15 (C) EXCEPTIONS.—

16 (i) ADMINISTRATIVE EXPENSES.—The
17 \$100,000,000 made available under section
18 4003(f) of the CARES Act (15 U.S.C.
19 9042(f)) to pay costs and administrative
20 expenses—

21 (I) shall not be rescinded under
22 this paragraph; and

23 (II) shall be used exclusively for
24 the specific purposes described in that
25 section.

1 (ii) SPECIAL INSPECTOR GENERAL
2 FOR PANDEMIC RECOVERY.—The
3 \$25,000,000 made available under section
4 4018(g) of the CARES Act (15 U.S.C.
5 9053(g)) for the Special Inspector General
6 for Pandemic Recovery—

7 (I) shall not be rescinded under
8 this paragraph; and

9 (II) shall be used exclusively for
10 the specific purposes described in that
11 section.

12 (iii) CONGRESSIONAL OVERSIGHT
13 COMMISSION.—Of the amounts made avail-
14 able under section 4027 of the CARES Act
15 (15 U.S.C. 9061) for the Congressional
16 Oversight Commission established under
17 section 4020 of that Act (15 U.S.C. 9055),
18 \$5,000,000—

19 (I) shall not be rescinded under
20 this paragraph; and

21 (II) shall be used exclusively for
22 the expenses of the Congressional
23 Oversight Commission set forth in
24 section 4020(g)(2) of that Act.

1 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-
2 VESTMENTS.—

3 (1) IN GENERAL.—Effective on January 9,
4 2021, section 4003 of the CARES Act (15 U.S.C.
5 9042) is amended—

6 (A) in subsection (a), by striking “
7 \$500,000,000,000” and inserting “ \$0”; and

8 (B) in subsection (b)—

9 (i) in paragraph (1), by striking
10 “25,000,000,000” and inserting “0”;

11 (ii) in paragraph (2), by striking “
12 \$4,000,000,000” and inserting “0”;

13 (iii) in paragraph (3), by striking “
14 \$17,000,000,000” and inserting “0”; and

15 (iv) in paragraph (4), in the matter
16 preceding subparagraph (A), by striking “
17 \$454,000,000,000” and inserting “ \$0”.

18 (2) RULE OF CONSTRUCTION.—The amend-
19 ments made under paragraph (1) shall not be con-
20 strued to affect obligations incurred by the Depart-
21 ment of the Treasury before January 1, 2021.

22 **SEC. 1004. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
23 **TIONS.**

24 Section 4003(e) of the CARES Act (15 U.S.C.
25 9042(e)) is amended, in the matter preceding paragraph

1 (1), by striking “Amounts” and inserting “Notwith-
2 standing any other provision of law, amounts”.

3 **SEC. 1005. TERMINATION OF AUTHORITY.**

4 Section 4029 of the CARES Act (15 U.S.C. 9063)
5 is amended—

6 (1) in subsection (a), by striking “new”;

7 (2) in subsection (b)(1), in the matter pre-
8 ceding subparagraph (A), by striking “, loan guar-
9 antee, or other investment” and inserting “or loan
10 guarantee made under paragraph (1), (2), or (3) of
11 section 4003(b)”;

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

13 “(c) FEDERAL RESERVE PROGRAMS OR FACILI-
14 TIES.—

15 “(1) IN GENERAL.—After December 31, 2020,
16 the Board of Governors of the Federal Reserve Sys-
17 tem and the Federal Reserve banks shall not make
18 any loan, purchase any obligation, asset, security, or
19 other interest, or make any extension of credit
20 through any program or facility established under
21 section 13(3) of the Federal Reserve Act (12 U.S.C.
22 343(3)) in which the Secretary made a loan, loan
23 guarantee, or other investment pursuant to section
24 4003(b)(4), other than a loan submitted, on or be-
25 fore December 14, 2020, to the Main Street Lend-

1 ing Program’s lender portal for the sale of a partici-
2 pation interest in such loan, provided that the Main
3 Street Lending Program purchases a participation
4 interest in such loan on or before January 8, 2021
5 and under the terms and conditions of the Main
6 Street Lending Program as in effect on the date the
7 loan was submitted to the Main Street Lending Pro-
8 gram’s lender portal for the sale of a participation
9 interest in such loan.

10 “(2) NO MODIFICATION.—After December 31,
11 2020, the Board of Governors of the Federal Re-
12 serve System and the Federal Reserve banks—

13 “(A) shall not modify the terms and condi-
14 tions of any program or facility established
15 under section 13(3) of the Federal Reserve Act
16 (12 U.S.C. 343(3)) in which the Secretary
17 made a loan, loan guarantee, or other invest-
18 ment pursuant to section 4003(b)(4), including
19 by authorizing transfer of such funds to a new
20 program or facility established under section
21 13(3) of the Federal Reserve Act (12 U.S.C.
22 343(3)); and

23 “(B) may modify or restructure a loan, ob-
24 ligation, asset, security, other interest, or exten-

1 sion of credit made or purchased through any
2 such program or facility provided that—

3 “(i) the loan, obligation, asset, secu-
4 rity, other interest, or extension of credit is
5 an eligible asset or for an eligible business,
6 including an eligible nonprofit organiza-
7 tion, each as defined by such program or
8 facility; and

9 “(ii) the modification or restructuring
10 relates to an eligible asset or single and
11 specific eligible business, including an eligi-
12 ble nonprofit organization, each as defined
13 by such program or facility; and

14 “(iii) the modification or restructuring
15 is necessary to minimize costs to taxpayers
16 that could arise from a default on the loan,
17 obligation, asset, security, other interest,
18 or extension of credit.

19 “(3) USE OF FUNDS.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the Secretary is permitted to
22 use the fund established under section 5302 of
23 title 31, United States Code, for any purpose
24 permitted under that section.

1 “(B) EXCEPTION.—The fund established
2 under section 5302 of title 31, United States
3 Code, shall not be available for any program or
4 facility established under section 13(3) of the
5 Federal Reserve Act (12 U.S.C. 343(3)) that is
6 the same as any such program or facility in
7 which the Secretary made an investment pursu-
8 ant to section 4003(b)(4), except the Term
9 Asset-Backed Securities Loan Facility.”.

10 **SEC. 1006. RULE OF CONSTRUCTION.**

11 Except as expressly set forth in paragraphs (1) and
12 (2) of subsection (c) of section 4029 of the CARES Act,
13 as added by this Act, nothing in this Act shall be con-
14 strued to modify or limit the authority of the Board of
15 Governors of the Federal Reserve System under section
16 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)) as
17 of the day before the date of enactment of the CARES
18 Act (Public Law 116–136).

1 **DIVISION O—EXTENSIONS AND**
2 **TECHNICAL CORRECTIONS**

3 **TITLE I**

4 **IMMIGRATION EXTENSIONS**

5 SEC. 101. Section 401(b) of the Illegal Immigration
6 Reform and Immigrant Responsibility Act of 1996 (8
7 U.S.C. 1324a note) shall be applied by substituting “Sep-
8 tember 30, 2021” for “September 30, 2015”.

9 SEC. 102. Subclauses (II) and (III) of section
10 101(a)(27)(C)(ii) of the Immigration and Nationality Act
11 (8 U.S.C. 1101(a)(27)(C)(ii)) shall be applied by sub-
12 stituting “September 30, 2021” for “September 30,
13 2015”.

14 SEC. 103. Section 220(c) of the Immigration and Na-
15 tionality Technical Corrections Act of 1994 (8 U.S.C.
16 1182 note) shall be applied by substituting “September
17 30, 2021” for “September 30, 2015”.

18 SEC. 104. Section 610(b) of the Departments of
19 Commerce, Justice, and State, the Judiciary, and Related
20 Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note)
21 shall be applied by substituting “June 30, 2021” for
22 “September 30, 2015”.

23 SEC. 105. Notwithstanding the numerical limitation
24 set forth in section 214(g)(1)(B) of the Immigration and

1 Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary
2 of Homeland Security, after consultation with the Sec-
3 retary of Labor, and upon the determination that the
4 needs of American businesses cannot be satisfied in fiscal
5 year 2021 with United States workers who are willing,
6 qualified, and able to perform temporary nonagricultural
7 labor, may increase the total number of aliens who may
8 receive a visa under section 101(a)(15)(H)(ii)(b) of such
9 Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year
10 above such limitation by not more than the highest num-
11 ber of H-2B nonimmigrants who participated in the H-
12 2B returning worker program in any fiscal year in which
13 returning workers were exempt from such numerical limi-
14 tation.

15 **TITLE II—COMMISSION ON**
16 **BLACK MEN AND BOYS COR-**
17 **RECTIONS**

18 **SEC. 201. TECHNICAL CORRECTIONS TO THE COMMISSION**
19 **ON THE SOCIAL STATUS OF BLACK MEN AND**
20 **BOYS ACT.**

21 Section 2(b)(3) of the Commission on the Social Sta-
22 tus of Black Men and Boys Act (Public Law 116-156)
23 is amended by striking “House of Representatives major-
24 ity leader” and inserting “Speaker of the House of Rep-
25 resentatives”.

1 **TITLE III—U.S. CUSTOMS AND**
2 **BORDER PROTECTION AU-**
3 **THORITY TO ACCEPT DONA-**
4 **TIONS EXTENSION**

5 **SEC. 301. EXTENSION OF U.S. CUSTOMS AND BORDER PRO-**
6 **TECTION AUTHORITY TO ACCEPT DONA-**
7 **TIONS.**

8 Section 482(b)(4)(A) of the Homeland Security Act
9 of 2002 (6 U.S.C. 301a(b)(4)(A)) is amended by striking
10 “4 years after December 16, 2016” and inserting “De-
11 cember 16, 2021”.

12 **TITLE IV—LIVESTOCK MANDA-**
13 **TORY REPORTING EXTEN-**
14 **SION**

15 **SEC. 401. MANDATORY LIVESTOCK REPORTING.**

16 Section 260 of the Agricultural Marketing Act of
17 1946 (7 U.S.C. 1636i) and section 942 of the Livestock
18 Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note;
19 Public Law 106–78) shall be applied by substituting “Sep-
20 tember 30, 2021” for “September 30, 2020”.

1 **TITLE V—SOIL HEALTH AND IN-**
2 **COME PROTECTION PILOT**
3 **PROGRAM EXTENSION**

4 **SEC. 501. SOIL HEALTH AND INCOME PROTECTION PILOT**
5 **PROGRAM MODIFICATION.**

6 Section 1231C(b)(2)(B) of the Food Security Act of
7 1985 (16 U.S.C. 3831c(b)(2)(B)) shall be applied by sub-
8 stituting “September 30, 2021” for “December 31,
9 2020”.

10 **TITLE VI—UNITED STATES-MEX-**
11 **ICO-CANADA AGREEMENT IM-**
12 **PLEMENTATION ACT TECH-**
13 **NICAL CORRECTIONS**

14 **SEC. 601. TECHNICAL CORRECTIONS TO THE UNITED**
15 **STATES-MEXICO-CANADA AGREEMENT IM-**
16 **PLEMENTATION ACT.**

17 (a) ENVIRONMENT COOPERATION COMMISSIONS;
18 NORTH AMERICAN DEVELOPMENT BANK.—

19 (1) IN GENERAL.—Section 601 of the United
20 States-Mexico-Canada Agreement Implementation
21 Act (Public Law 116–113; 134 Stat. 78) shall not
22 apply to the provisions specified in paragraph (2)
23 and such provisions shall be restored and revived as
24 if such section had not been enacted.

1 (2) PROVISIONS SPECIFIED.—The provisions
2 specified in this paragraph are the following:

3 (A) Sections 532 and 533 of the North
4 American Free Trade Agreement Implementa-
5 tion Act.

6 (B) Part 2 of subtitle D of title V of such
7 Act (as amended by section 831 of the United
8 States-Mexico-Canada Agreement Implementa-
9 tion Act).

10 (3) NORTH AMERICAN DEVELOPMENT BANK:
11 LIMITATION ON CALLABLE CAPITAL SUBSCRIP-
12 TIONS.—The Secretary of the Treasury may sub-
13 scribe without fiscal year limitation to the callable
14 capital portion of the United States share of capital
15 stock of the North American Development Bank in
16 an amount not to exceed \$1,020,000,000. The au-
17 thority in the preceding sentence shall be in addition
18 to any other authority provided by previous Acts.

19 (b) RULES OF ORIGIN.—Section 202 of the United
20 States-Mexico-Canada Agreement Implementation Act (19
21 U.S.C. 4531) is amended—

22 (1) in subsection (c), by adding at the end the
23 following:

24 “(3) SPECIAL RULE FOR FOREIGN-TRADE
25 ZONES.—Paragraph (1)(B) shall not apply to a good

1 produced in a foreign-trade zone or subzone estab-
2 lished pursuant to the Act of June 18, 1934 (com-
3 monly known as the ‘Foreign Trade Zones Act’) (19
4 U.S.C. 81a et seq.) that is entered for consumption
5 in the customs territory of the United States.”; and

6 (2) in subsection (f)(2)(E), by striking “head-
7 ing 1507, 1508,” and inserting “any of headings
8 1501 through 1508”.

9 (c) DRAWBACKS.—

10 (1) IN GENERAL.—Section 208 of the United
11 States-Mexico-Canada Agreement Implementation
12 Act (19 U.S.C. 4534) is amended by adding at the
13 end the following:

14 “(e) ACTION ON CLAIM.—

15 “(1) IN GENERAL.—If the Commissioner of
16 U.S. Customs and Border Protection determines
17 that a claim of preferential tariff treatment has been
18 made with respect to an article for which a claim de-
19 scribed in paragraph (2) has been made, the Com-
20 missioner may make such adjustments regarding the
21 previous customs treatment of the article as may be
22 warranted.

23 “(2) CLAIMS DESCRIBED.—A claim described in
24 this paragraph is a claim for—

1 “(A) a refund, waiver, or reduction of
2 duty, under any applicable provision of law; or

3 “(B) a credit against a bond under section
4 312(d)(1) of the Tariff Act of 1930 (19 U.S.C.
5 1312(d)(1)).”.

6 (2) CONFORMING AMENDMENTS.—

7 (A) TARIFF ACT OF 1930.—The Tariff Act
8 of 1930 is amended—

9 (i) in section 311 (19 U.S.C. 1311),
10 in the 11th undesignated paragraph, by
11 striking “(subject to section
12 508(b)(2)(B))” and inserting “(subject to
13 section 208(e) of that Act)”;

14 (ii) in section 312 (19 U.S.C. 1312),
15 by striking “(subject to section
16 508(b)(2)(B))” each place it appears and
17 inserting “(subject to section 208(e) of
18 that Act)”;

19 (iii) in section 313(n)(1)(C) (19
20 U.S.C. 1313(n)(1)(C)), by striking “sec-
21 tion 508(b)(2)(B))” and inserting “section
22 208(e) of that Act”; and

23 (iv) in section 562(2)(B) (19 U.S.C.
24 1562(2)(B)), in the matter preceding
25 clause (i), by striking “(subject to section

1 508(b)(2)(B))” and inserting “(subject to
2 section 208(e) of that Act)”.

3 (B) FOREIGN TRADE ZONES ACT.—Section
4 3(a) of the Act of June 18, 1934 (commonly
5 known as the “Foreign Trade Zones Act”) (19
6 U.S.C. 81c(a)) is amended in the seventh pro-
7 viso by striking “(subject to section
8 508(b)(2)(B) of the Tariff Act of 1930)” and
9 inserting “(subject to section 208(e) of that
10 Act)”.

11 (d) RETENTION OF RECORDS.—

12 (1) IN GENERAL.—Section 508 of the Tariff
13 Act of 1930 (19 U.S.C. 1508) is amended by insert-
14 ing after subsection (b) the following:

15 “(c) PERIOD OF TIME.—The records required by sub-
16 section (a) shall be kept for such periods of time as the
17 Secretary shall prescribe, except that—

18 “(1) no period of time for the retention of the
19 records required under subsection (a) may exceed 5
20 years from the date of entry, filing of a reconcili-
21 ation, or exportation, as appropriate; and

22 “(2) records for any drawback claim shall be
23 kept until the 3rd anniversary of the date of liquida-
24 tion of the claim.”.

1 (2) CONFORMING AMENDMENT.—Section
2 313(r)(3)(B) of the Tariff Act of 1930 (19 U.S.C.
3 1313(r)(3)(B)) is amended by striking “section
4 508(c)(3)” and inserting “section 508(e)(2)”.

5 (e) RELIQUIDATION OF ENTRIES.—Section 520(d) of
6 the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended
7 by striking “(except with respect to any merchandise proc-
8 essing fees)”.

9 (f) PROTECTIVE ORDERS.—Section 777(f) of the
10 Tariff Act of 1930 (19 U.S.C. 1677f(f)) is amended—

11 (1) in the subsection heading, by striking “THE
12 THE” and inserting “THE”; and

13 (2) in paragraph (1), by striking subparagraph
14 (A) and inserting the following:

15 “(A) IN GENERAL.—If binational panel re-
16 view of a determination under this title is re-
17 quested pursuant to article 1904 of the United
18 States-Canada Agreement or article 10.12 of
19 the USMCA, or an extraordinary challenge
20 committee is convened under Annex 1904.13 of
21 the United States-Canada Agreement or chap-
22 ter 10 of the USMCA, the administering au-
23 thority or the Commission, as appropriate, may
24 make available to authorized persons, under a
25 protective order described in paragraph (2), a

1 copy of all proprietary material in the adminis-
2 trative record made during the proceeding in
3 question. If the administering authority or the
4 Commission claims a privilege as to a document
5 or portion of a document in the administrative
6 record of the proceeding in question and a bina-
7 tional panel or extraordinary challenge com-
8 mittee finds that in camera inspection or lim-
9 ited disclosure of that document or portion
10 thereof is required by United States law, the
11 administering authority or the Commission, as
12 appropriate, may restrict access to such docu-
13 ment or portion thereof to the authorized per-
14 sons identified by the panel or committee as re-
15 quiring access and may require such persons to
16 obtain access under a protective order described
17 in paragraph (2).”.

18 (g) DISPUTE SETTLEMENT.—The table of contents
19 for the United States-Mexico-Canada Agreement Imple-
20 mentation Act (Public Law 116–113; 134 Stat. 11) is
21 amended by striking the item relating to section 414 and
22 inserting the following:

“Sec. 414. Requests for review of determinations by competent investigating
authorities.”.

1 (h) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect on July 1,
3 2020.

4 **SEC. 602. TECHNICAL CORRECTIONS TO OTHER LAWS.**

5 (a) AFRICAN GROWTH AND OPPORTUNITY ACT.—
6 The African Growth and Opportunity Act is amended—

7 (1) in section 112 (19 U.S.C. 3721)—

8 (A) in subsection (b)(5)(A), by striking
9 “Annex 401 to the NAFTA” and inserting
10 “Annex 4–B of the USMCA”; and

11 (B) in subsection (f), by striking para-
12 graph (3) and inserting the following:

13 “(3) USMCA.—The term ‘USMCA’ has the
14 meaning given that term in section 3 of the United
15 States-Mexico-Canada Agreement Implementation
16 Act (19 U.S.C. 4502).”; and

17 (2) in section 113(b) (19 U.S.C. 3722(b))—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A), by striking
20 “Article 502(1) of the NAFTA” and in-
21 serting “article 5.4.1 of the USMCA”; and

22 (ii) in subparagraph (B)(i), in the
23 matter following subclause (II), by striking
24 “chapter 5 of the NAFTA” and inserting
25 “chapter 5 of the USMCA”; and

1 (B) in paragraph (2), by striking “Article
2 503 of the NAFTA” and inserting “article 5.5
3 of the USMCA”.

4 (b) CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—
5 The Caribbean Basin Economic Recovery Act is amend-
6 ed—

7 (1) in section 212(a)(1) (19 U.S.C.
8 2702(a)(1)), by striking subparagraph (D) and in-
9 serting the following:

10 “(D) The term ‘USMCA’ has the meaning
11 given that term in section 3 of the United States-
12 Mexico-Canada Agreement Implementation Act (19
13 U.S.C. 4502).”;

14 (2) in section 213(b) (19 U.S.C. 2703(b))—

15 (A) in paragraph (2)—

16 (i) in subparagraph (A)—

17 (I) in clause (v)(I), by striking
18 “Annex 401 of the NAFTA” and in-
19 serting “Annex 4–B of the USMCA”;
20 and

21 (II) in clause (vii)(IV)—

22 (aa) by striking “from a
23 country” and inserting the fol-
24 lowing: “from—

25 “(aa) a country”;

1 (bb) by striking the period
2 at the end and inserting “; or”;
3 and

4 (cc) by adding at the end
5 the following:

6 “(bb) a USMCA country (as
7 defined in section 3 of the United
8 States-Mexico-Canada Agreement
9 Implementation Act (19 U.S.C.
10 4502)).”; and

11 (ii) in subparagraph (C), by striking
12 “section 2.3(a), (b), or (c) of the Annex or
13 Appendix 3.1.B.11 of the Annex” and in-
14 serting “article 6.2 of the USMCA”;

15 (B) in paragraph (3)(A)(i), by striking
16 “Annex 302.2 of the NAFTA” and inserting
17 “Annex 2–B of the USMCA”;

18 (C) in paragraph (4)—

19 (i) in subparagraph (A)—

20 (I) in clause (i), by striking “Ar-
21 ticle 502(1) of the NAFTA” and in-
22 serting “article 5.4.1 of the USMCA”;
23 and

24 (II) in clause (ii)(I), in the mat-
25 ter following item (bb), by striking

1 “chapter 5 of the NAFTA” and in-
2 serting “chapter 5 of the USMCA”;
3 and

4 (ii) in subparagraph (B), by striking
5 “Article 503 of the NAFTA” and inserting
6 “article 5.5 of the USMCA”; and
7 (D) in paragraph (5)—

8 (i) in subparagraph (A), by striking
9 “NAFTA” and inserting “North American
10 Free Trade Agreement entered into be-
11 tween the United States, Mexico, and Can-
12 ada on December 17, 1992”; and

13 (ii) in subparagraph (C), by striking
14 “NAFTA” each place it appears and in-
15 serting “USMCA”; and

16 (3) in section 213A(b) (19 U.S.C. 2703a(b))—

17 (A) in paragraph (1)(B)(vii)(I)(aa), by
18 striking “Annex 401 of the NAFTA” and in-
19 serting “Annex 4–B of the USMCA”; and

20 (B) in paragraph (5)(A)(i), by striking
21 “Annex 401 of the NAFTA” and inserting
22 “Annex 4–B of the USMCA”.

23 (c) TRADE FACILITATION AND TRADE ENFORCE-
24 MENT ACT OF 2015.—Section 403 of the Trade Facilita-
25 tion and Trade Enforcement Act of 2015 (19 U.S.C.

1 4362) is amended by striking “article 1902 of the North
2 American Free Trade Agreement and section 408 of the
3 North American Free Trade Agreement Implementation
4 Act (19 U.S.C. 3438)” and inserting “article 10.10 of the
5 USMCA (as defined in section 3 of the United States-
6 Mexico-Canada Agreement Implementation Act (19
7 U.S.C. 4502)) and section 418 of the United States-Mex-
8 ico-Canada Agreement Implementation Act (19 U.S.C.
9 4588)”.

10 (d) TITLE 35, UNITED STATES CODE.—Section 11
11 of title 35, United States Code, is amended—

12 (1) by striking “The Director” and inserting
13 “(a) IN GENERAL.—The Director”;

14 (2) by striking “other than a NAFTA country”
15 and inserting “other than a USMCA country”; and

16 (3) by striking the third sentence and inserting
17 the following:

18 “(b) DEFINITIONS.—In this section—

19 “(1) the term ‘USMCA country’ has the mean-
20 ing given that term in section 3 of the United
21 States-Mexico-Canada Agreement Implementation
22 Act (19 U.S.C. 4502); and

23 “(2) the term ‘WTO member country’ has the
24 meaning given that term in section 2(10) of the

1 Uruguay Round Agreements Act (19 U.S.C.
2 3501(10)).”.

3 (e) ENERGY POLICY ACT OF 1992.—Section 1011(b)
4 of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b))
5 is amended by striking “North American Free Trade
6 Agreement” and inserting “USMCA (as defined in section
7 3 of the United States-Mexico-Canada Agreement Imple-
8 mentation Act (19 U.S.C. 4502))”.

9 (f) TRADE AGREEMENTS ACT OF 1979.—Section
10 493(a)(5)(D) of the Trade Agreements Act of 1979 (19
11 U.S.C. 2578b(a)(5)(D)) is amended by striking “the
12 NAFTA countries (as defined in section 2(4) of the North
13 American Free Trade Agreement Implementation Act)”
14 and inserting “the USMCA countries (as defined in sec-
15 tion 3 of the United States-Mexico-Canada Agreement Im-
16 plementation Act (19 U.S.C. 4502))”.

17 (g) EFFECTIVE DATE.—This section and the amend-
18 ments made by this section shall take effect on July 1,
19 2020.

20 **TITLE VII—DEPUTY ARCHITECT**
21 **OF THE CAPITOL AMENDMENTS**

22 **SEC. 701. ARCHITECT OF THE CAPITOL.**

23 (a) DELEGATION OF AUTHORITY.—The matter under
24 the heading “OFFICE OF THE ARCHITECT OF THE CAP-
25 ITOL” under the heading “ARCHITECT OF THE CAP-

1 ITOL” of the Legislative Appropriation Act, 1956 (2
2 U.S.C. 1803) is amended by striking “delegate to the as-
3 sistants” and all that follows through “2003” and insert-
4 ing “delegate the duties and authorities of the Architect
5 to officers and employees of the Office of the Architect
6 of the Capitol, as the Architect determines appropriate”.

7 (b) DEPUTY ARCHITECT OF THE CAPITOL.—Section
8 1203 of title I of division H of the Consolidated Appro-
9 priations Resolution, 2003 (2 U.S.C. 1805) is amended—

10 (1) in the section heading, by striking “CAP-
11 ITOL/CHIEF OPERATING OFFICER” and inserting
12 “CAPITOL”;

13 (2) in subsection (a), by striking “There shall
14 be” and all that follows and inserting “The Archi-
15 tect of the Capitol shall appoint a suitable individual
16 to be the Deputy Architect of the Capitol. The Ar-
17 chitect may delegate to the Deputy Architect such
18 duties as the Architect determines are necessary or
19 appropriate.”;

20 (3) by striking subsections (b) through (g);

21 (4) by redesignating subsection (h) as sub-
22 section (b); and

23 (5) by striking subsections (i) and (j).

1 **TITLE VIII—PANDEMIC RE-**
2 **SPONSE ACCOUNTABILITY**
3 **COMMITTEE AMENDMENTS**

4 **SEC. 801. AMENDMENTS TO THE PANDEMIC RESPONSE AC-**
5 **COUNTABILITY COMMITTEE.**

6 (a) APPROPRIATIONS.—

7 (1) IN GENERAL.—Title V of division B of the
8 Coronavirus Aid, Relief, and Economic Security Act
9 (Public Law 116–136) is amended in the matter
10 under the heading “PANDEMIC RESPONSE AC-
11 COUNTABILITY COMMITTEE” under the heading
12 “INDEPENDENT AGENCIES” by striking “funds
13 provided in” and inserting “covered funds and the
14 Coronavirus response as provided in section 15010
15 of”.

16 (2) EMERGENCY DESIGNATION.—The amounts
17 repurposed in this section that were previously des-
18 ignated by the Congress as an emergency require-
19 ment pursuant to the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985 are designated by
21 the Congress as an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget
23 and Emergency Deficit Control Act of 1985.

24 (b) DEFINITION OF COVERED FUNDS.—Section
25 15010(a)(6) of division B of the Coronavirus, Aid, Relief,

1 and Economic Security Act (Public Law 116–136) is
2 amended—

3 (1) in subparagraph (A), by striking “this Act”
4 and inserting “the Coronavirus Aid, Relief, and Eco-
5 nomic Security Act (divisions A and B)”;

6 (2) in subparagraph (C), by striking “or” at
7 the end; and

8 (3) by striking subparagraph (D) and inserting
9 the following:

10 “(D) the Paycheck Protection Program
11 and Health Care Enhancement Act (Public Law
12 116–139); or

13 “(E) divisions M and N of the Consoli-
14 dated Appropriations Act, 2021; and”.

15 **TITLE IX—ADJUSTMENT OF STA-**
16 **TUS FOR LIBERIAN NATION-**
17 **ALS EXTENSION**

18 **SEC. 901. EXTENSION OF PERIOD FOR ADJUSTMENT OF**
19 **STATUS FOR CERTAIN LIBERIAN NATIONALS.**

20 Section 7611(b)(1)(A) of the National Defense Au-
21 thorization Act for Fiscal Year 2020 (Public Law 116–
22 92) is amended by striking “1 year” and inserting “2
23 years”.

1 **TITLE X—CLEAN UP THE CODE**
2 **ACT OF 2019**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “Clean Up the Code
5 Act of 2019”.

6 **SEC. 1002. REPEALS.**

7 The following provisions of title 18, United States
8 Code, are repealed:

9 (1) Section 46 relating to transportation of
10 water hyacinths.

11 (2) Section 511A relating to unauthorized ap-
12 plication of theft prevention decal or device.

13 (3) Section 707 relating to 4–H club emblem
14 fraudulently used.

15 (4) Section 708 relating to Swiss Confederation
16 coat of arms.

17 (5) Section 711 relating to “Smokey Bear”
18 character or name.

19 (6) Section 711a relating to “Woodsy Owl”
20 character, name, or slogan.

21 (7) Section 715 relating to “The Golden Eagle
22 Insignia”.

23 (8) Chapter 89—Professions and Occupations.

24 (9) Section 1921 relating to receiving Federal
25 employees’ compensation after marriage.

1 **SEC. 1003. CLERICAL AMENDMENTS.**

2 (a) TABLE OF CHAPTERS FOR PART I OF TITLE
3 18.—The table of chapters for part I of title 18, United
4 States Code, is amended by striking the item relating to
5 chapter 89.

6 (b) TABLE OF SECTIONS FOR CHAPTER 3.—The
7 table of sections for chapter 3 of title 18, United States
8 Code, is amended by striking the item relating to section
9 46.

10 (c) TABLE OF SECTIONS FOR CHAPTER 25.—The
11 table of sections for chapter 25 of title 18, United States
12 Code, is amended by striking the item relating to section
13 511A.

14 (d) TABLE OF SECTIONS FOR CHAPTER 33.—The
15 table of sections for chapter 33 of title 18, United States
16 Code, is amended—

17 (1) by striking the item relating to section 707;

18 (2) by striking the item relating to section 708;

19 (3) by striking the item relating to section 711;

20 (4) by striking the item relating to section

21 711a; and

22 (5) by striking the item relating to section 715.

23 (e) TABLE OF SECTIONS FOR CHAPTER 93.—The
24 table of sections for chapter 93 of title 18, United States
25 Code, is amended by striking the item relating to section
26 1921.

1 **TITLE XI—AMENDMENTS TO**
2 **PROVISIONS RELATING TO**
3 **CHILD CARE CENTERS**

4 **SEC. 1101. PROVISIONS RELATING TO CHILD CARE CEN-**
5 **TERS.**

6 (a) SENATE EMPLOYEE CHILD CARE CENTER.—Sec-
7 tion 19001 of the Coronavirus Aid, Relief, and Economic
8 Security Act (2 U.S.C. 2063 note) is amended—

9 (1) by striking “The Secretary” and all that
10 follows through “per month,” and inserting the fol-
11 lowing:

12 “(a) REIMBURSEMENTS.—During the period begin-
13 ning on July 1, 2020 and ending on the termination date
14 of the public health emergency declared pursuant to sec-
15 tion 319 of the Public Health Service Act (42 U.S.C.
16 247d) resulting from the COVID–19 pandemic, the Sec-
17 retary of the Senate shall reimburse the Senate Employee
18 Child Care Center for expenses, due to measures taken
19 in the Capitol complex to combat coronavirus, as cal-
20 culated under subsection (b) and”; and

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

22 “(b) AMOUNT.—The amount of the reimbursement
23 under this section for each month of the period described
24 in subsection (a) shall be equal to the difference between—

25 “(1) the lesser of—

1 “(A) the amount of the operating costs (in-
2 cluding payroll, general, and administrative ex-
3 penses) of the Center for such month; or

4 “(B) \$105,000; and

5 “(2) the amount of tuition payments collected
6 by the Center for such month.”.

7 (b) LITTLE SCHOLARS CHILD DEVELOPMENT CEN-
8 TER.—Section 19004 of the Coronavirus Aid, Relief, and
9 Economic Security Act (2 U.S.C. 162b note) is amend-
10 ed—

11 (1) by striking “The Library of Congress” and
12 all that follows through “per month,” and inserting
13 the following:

14 “(a) REIMBURSEMENTS.—During the period begin-
15 ning on the date of enactment of the Consolidated Appro-
16 priations Act, 2021 and ending on the termination date
17 of the public health emergency declared pursuant to sec-
18 tion 319 of the Public Health Service Act (42 U.S.C.
19 247d) resulting from the COVID–19 pandemic, the Li-
20 brary of Congress shall reimburse the Little Scholars
21 Child Development Center for expenses, due to measures
22 taken in the Capitol complex to combat coronavirus, as
23 calculated under subsection (b) and”; and

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

1 “(b) AMOUNT.—The amount of the reimbursement
2 under this section for each month of the period described
3 in subsection (a) shall be equal to the difference between—

4 “(1) the lesser of—

5 “(A) the amount of the operating costs (in-
6 cluding payroll, general, and administrative ex-
7 penses) of the Center for such month; or

8 “(B) \$118,500; and

9 “(2) the amount of tuition payments collected
10 by the Center for such month.”.

11 (3) TINY FINDINGS CHILD DEVELOPMENT CEN-
12 TER.—Section 19009 of the Coronavirus Aid, Relief,
13 and Economic Security Act (Public Law 116–136;
14 134 Stat. 579) is amended—

15 (A) by striking “The Government” and all
16 that follows through “per month,” and insert-
17 ing the following:

18 “(a) REIMBURSEMENTS.—During the period begin-
19 ning on the date of enactment of the Consolidated Appro-
20 priations Act, 2021 and ending on the termination date
21 of the public health emergency declared pursuant to sec-
22 tion 319 of the Public Health Service Act (42 U.S.C.
23 247d) resulting from the COVID–19 pandemic, the Gov-
24 ernment Accountability Office shall reimburse the Tiny
25 Findings Child Development Center for expenses, due to

1 measures taken in the Capitol complex to combat
2 coronavirus, as calculated under subsection (b) and”; and

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

4 “(b) AMOUNT.—The amount of the reimbursement
5 under this section for each month of the period described
6 in subsection (a) shall be equal to the difference between—

7 “(1) the lesser of—

8 “(A) the amount of the operating costs (in-
9 cluding payroll, general, and administrative ex-
10 penses) of the Center for such month; or

11 “(B) \$162,500; and

12 “(2) the amount of tuition payments collected
13 by the Center for such month.”.

14 **TITLE XII—ALASKA NATIVES**
15 **EXTENSION**

16 **SEC. 1201. ALASKA NATIVES.**

17 Section 424(a) of the Consolidated Appropriations
18 Act, 2014 (Public Law 113–76), as amended by section
19 428 of the Consolidated Appropriations Act, 2018 (Public
20 Law 115–141), shall be applied by substituting “October
21 1, 2022” for “October 1, 2019”.

1 **TITLE XIII—OPEN TECHNOLOGY**
2 **FUND OPPORTUNITY TO CON-**
3 **TEST PROPOSED DEBARMENT**

4 **SEC. 1301. OPEN TECHNOLOGY FUND OPPORTUNITY TO**
5 **CONTEST PROPOSED DEBARMENT.**

6 (a) **EFFECTIVE DATE.**—Section 1299Q of the Wil-
7 liam M. (Mac) Thornberry National Defense Authoriza-
8 tion Act for Fiscal Year 2021 is amended by adding at
9 the end the following:

10 “(g) **EFFECTIVE DATE.**—This section and the
11 amendments made by this section shall take effect on the
12 date that is 90 days after the date of the enactment of
13 this Act.”.

14 (b) **OPEN TECHNOLOGY FUND OPPORTUNITY TO**
15 **CONTEST PROPOSED DEBARMENT.**—Notwithstanding any
16 provision of law or regulation, including section 513.313
17 of title 22, Code of Federal Regulations, in any debarment
18 proceeding concerning the Open Technology Fund that is
19 initiated prior to the date of enactment of this Act, the
20 Open Technology Fund shall have 90 calendar days after
21 receipt of any notice of proposed debarment to submit, in
22 person, in writing, or through a representative, informa-
23 tion and argument in opposition to the proposed debar-
24 ment, before such proposed debarment may proceed to ad-
25 ditional proceedings or decision.

1 **TITLE XIV—BUDGETARY**
2 **EFFECTS**

3 **SEC. 1401. BUDGETARY EFFECTS.**

4 (a) **STATUTORY PAYGO SCORECARDS.**—The budg-
5 etary effects of division N, this division, and each suc-
6 ceeding division, except for title VIII of division O and
7 title XIII of division FF, shall not be entered on either
8 PAYGO scorecard maintained pursuant to section 4(d) of
9 the Statutory Pay-As-You-Go Act of 2010.

10 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
11 effects of division N, this division, and each succeeding
12 division, except for title VIII of division O and title XIII
13 of division FF, shall not be entered on any PAYGO score-
14 card maintained for purposes of section 4106 of H. Con.
15 Res. 71 (115th Congress).

16 (c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—
17 Notwithstanding Rule 3 of the Budget Scorekeeping
18 Guidelines set forth in the joint explanatory statement of
19 the committee of conference accompanying Conference Re-
20 port 105–217 and section 250(c)(8) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985, the
22 budgetary effects of division N, this division, and each suc-
23 ceeding division, except for title VIII of division O and
24 title XIII of division FF, shall not be estimated—

25 (1) for purposes of section 251 of such Act; and

1 (2) for purposes of paragraph (4)(C) of section
2 3 of the Statutory Pay-As-You-Go Act of 2010 as
3 being included in an appropriation Act.

4 (d) BALANCES ON THE PAYGO SCORECARDS.—Ef-
5 fective on the date of the adjournment of the second ses-
6 sion of the 116th Congress, and for the purposes of the
7 annual report issued pursuant to section 5 of the Statu-
8 tory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after
9 such adjournment and for determining whether a seques-
10 tration order is necessary under such section, the balances
11 on the PAYGO scorecards established pursuant to para-
12 graphs (4) and (5) of section 4(d) of such Act shall be
13 zero.

1 **DIVISION P—NATIONAL BIO AND**
2 **AGRO-DEFENSE FACILITY**
3 **ACT OF 2020**

4 **SEC. 1. SHORT TITLE.**

5 This division may be cited as the “National Bio and
6 Agro-Defense Facility Act of 2020”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **ANIMAL.**—The term “animal” has the
10 meaning given the term in section 10403 of the Ani-
11 mal Health Protection Act (7 U.S.C. 8302).

12 (2) **TRANSBOUNDARY DISEASE.**—The term
13 “transboundary disease” has the meaning given the
14 term in section 12203(a) of the Agriculture Im-
15 provement Act of 2018 (7 U.S.C. 8914(a)).

16 (3) **VETERINARY COUNTERMEASURE.**—The
17 term “veterinary countermeasure” has the meaning
18 given the term in section 10403 of the Animal
19 Health Protection Act (7 U.S.C. 8302).

20 **SEC. 3. NATIONAL BIO AND AGRO-DEFENSE FACILITY.**

21 (a) **IN GENERAL.**—The National Bio and Agro-De-
22 fense Facility shall be a national security laboratory asset
23 to provide integrated research, development, and test and
24 evaluation infrastructure to improve preparedness and re-
25 sponse capabilities to prevent, detect, respond to, or miti-

1 gate harm resulting from animal pests or diseases and
2 zoonotic diseases for the purpose of defending the United
3 States against bio- and agro-threats, whether naturally oc-
4 ccurring or intentional.

5 (b) MISSION.—Pursuant to subsection (a), the mis-
6 sion of the National Bio and Agro-Defense Facility shall
7 be to protect the food supply, agriculture, and public
8 health of the United States, including by—

9 (1) integrating agricultural, zoonotic disease,
10 and other research, as appropriate;

11 (2) addressing threats from high-consequence
12 zoonotic disease agents, emerging foreign animal dis-
13 eases, and animal transboundary diseases;

14 (3) addressing biological threats;

15 (4) ensuring that research conducted at the Na-
16 tional Bio and Agro-Defense Facility addresses gaps
17 that fall between the ongoing animal and zoonotic
18 disease research efforts across the Federal Govern-
19 ment and does not duplicate those ongoing efforts;

20 (5) facilitating, integrating, and coordinating
21 the development and implementation of the strategic
22 plan for research under section 4(a)(2), relating to
23 protection of the food supply, agriculture, and public
24 health of the United States;

1 (6) providing appropriate education and train-
2 ing to prepare for and respond to bio- and agro-de-
3 fense threats;

4 (7) sharing data and related information with
5 appropriate Federal departments or agencies, as re-
6 quested by the heads of those departments or agen-
7 cies, or as necessary, to support biological material
8 threat assessments; and

9 (8) sharing data and related information, and
10 developing strategic partnerships, to enhance the
11 carrying out of the duties of the National Bio and
12 Agro-Defense Facility for the development of pri-
13 ority zoonotic animal disease diagnostics, vaccines,
14 drugs, and other countermeasures.

15 **SEC. 4. EVALUATION AND RESEARCH PLAN.**

16 (a) IN GENERAL.—Not less frequently than bienni-
17 ally, the Secretary of Agriculture, in coordination with the
18 Secretary of Homeland Security and the heads of other
19 appropriate Federal departments and agencies, shall—

20 (1) evaluate the work of the National Bio and
21 Agro-Defense Facility;

22 (2) develop, biennially update, and publish a
23 strategic plan for research at the National Bio and
24 Agro-Defense Facility based on priority risk and
25 threat assessments, including strategies to—

1 (A) develop veterinary countermeasures for
2 emerging foreign animal diseases and animal
3 transboundary diseases;

4 (B) provide advanced testing, diagnostic,
5 and evaluation capabilities for threat detection,
6 vulnerability assessments of animal and
7 zoonotic diseases, and veterinary counter-
8 measures for animal and zoonotic diseases;

9 (C) assist, as appropriate, with the devel-
10 opment, and address vulnerability assessments,
11 of the agriculture and food sectors;

12 (D) address gaps in the ongoing animal
13 and zoonotic disease research efforts across the
14 Federal Government, ensuring not to duplicate
15 those ongoing efforts; and

16 (E) be used for such other purposes as the
17 Secretary of Agriculture, in consultation with
18 the Secretary of Homeland Security and the
19 heads of other appropriate Federal departments
20 and agencies, determines to be appropriate; and

21 (3) submit to the Committee on Agriculture,
22 Nutrition, and Forestry of the Senate, the Com-
23 mittee on Homeland Security and Governmental Af-
24 fairs of the Senate, the Committee on Agriculture of
25 the House of Representatives, and the Committee on

1 Homeland Security of the House of Representatives,
2 the strategic plan for research described in para-
3 graph (2).

4 (b) CLASSIFIED INFORMATION.—The strategic plan
5 for research required under subsection (a)(2)—

6 (1) shall be published in an unclassified format
7 that is publicly available;

8 (2) shall be submitted under subsection (a)(3)
9 in unclassified form; and

10 (3) may include in the submission under sub-
11 section (a)(3) a classified annex for any sensitive or
12 classified information, as necessary.

13 **SEC. 5. AVAILABILITY OF DATA AND CONGRESSIONAL**
14 **BRIEFINGS.**

15 (a) IN GENERAL.—Every 6 months until the date de-
16 scribed in subsection (b), the Secretary of Agriculture, the
17 Secretary of Homeland Security, and the heads of other
18 appropriate Federal departments and agencies, as appro-
19 priate, shall provide to the Committees on Agriculture,
20 Nutrition, and Forestry and Homeland Security and Gov-
21 ernmental Affairs of the Senate and the Committees on
22 Agriculture and Homeland Security of the House of Rep-
23 resentatives a report and briefing describing—

24 (1) progress under each phase described in the
25 memorandum of agreement entitled “Memorandum

1 of Agreement Between the U.S. Department of Agri-
2 culture Marketing and Regulatory Programs, the
3 U.S. Department of Agriculture Research, Edu-
4 cation, and Economics, and the Department of
5 Homeland Security Science and Technology Direc-
6 torate” and dated June 20, 2019, that is not com-
7 pleted as of the date of enactment of this Act;

8 (2) the status of the actions taken pursuant to
9 the areas of collaborative opportunity and respon-
10 sibilities as described in the memorandum of under-
11 standing entitled “Memorandum of Understanding
12 Between the U.S. Department of Agriculture Mar-
13 keting and Regulatory Programs, the U.S. Depart-
14 ment of Agriculture Research, Education, and Eco-
15 nomics, and the Department of Homeland Security
16 Science and Technology Directorate for National Bio
17 and Agro-Defense Facility Collaboration” and dated
18 January 7, 2020; and

19 (3) the operations and mission of the National
20 Bio and Agro-Defense Facility, including the coordi-
21 nation and carrying out of—

22 (A) the memorandum of agreement and
23 memorandum of understanding described in
24 paragraphs (1) and (2), respectively;

1 (B) any successor memoranda of agree-
2 ment or understanding to the memorandum of
3 agreement and memorandum of understanding
4 described in paragraphs (1) and (2), respec-
5 tively;

6 (C) any similar joint agreement or under-
7 standing between the Department of Agri-
8 culture and the Department of Homeland Secu-
9 rity, or other relevant agencies, that documents
10 the biodefense mission of the National Bio and
11 Agro-Defense Facility; and

12 (D) research, including a description of the
13 users of the National Bio and Agro-Defense
14 Facility.

15 (b) TERMINATION.—The reporting and briefing re-
16 quirements under subsection (a) shall terminate on the
17 date that is 5 years after the date on which the National
18 Bio and Agro-Defense Facility attains full operating capa-
19 bility.

20 **SEC. 6. BUDGET AND REPORT.**

21 (a) BUDGET.—Concurrently with each budget sub-
22 mission to the Director of the Office of Management and
23 Budget, the Secretary of Agriculture, the Secretary of
24 Homeland Security, and the heads of other appropriate
25 Federal departments and agencies, as required by Home-

1 land Security Presidential Directive 9, shall jointly submit
2 to the Director of the Office of Management and Budget
3 an integrated budget plan for the defense and protection
4 of the food supply of the United States, including the op-
5 eration and use of the National Bio and Agro-Defense Fa-
6 cility.

7 (b) REPORT.—Not later than 60 days after the date
8 on which the budget of the United States Government is
9 submitted by the President under section 1105 of title 31,
10 United States Code, for each fiscal year, the Secretary of
11 Agriculture, the Secretary of Homeland Security, and the
12 heads of other appropriate Federal departments and agen-
13 cies shall jointly submit to Congress a report describing
14 an integrated budget plan described in subsection (a),
15 which shall be consistent with the budget submission of
16 the President under that section for the defense and pro-
17 tection of the food supply of the United States, including
18 the operation and use of the National Bio and Agro-De-
19 fense Facility.

20 **SEC. 7. EFFECT ON OTHER AUTHORITIES.**

21 Nothing in this Act affects the authority of the Sec-
22 retary of Agriculture or the Secretary of Homeland Secu-
23 rity under any other provision of law or program relating
24 to the protection of food supplies, agriculture, or public
25 health.

1 **DIVISION Q—FINANCIAL SERV-**
2 **ICES PROVISIONS AND INTEL-**
3 **LECTUAL PROPERTY**
4 **TITLE I—FINANCIAL SERVICES**
5 **PROVISIONS**

6 **SEC. 101. CARBON MONOXIDE ALARMS OR DETECTORS IN**
7 **FEDERALLY ASSISTED HOUSING.**

8 (a) FINDINGS.—Congress finds that—

9 (1) carbon monoxide alarms are not required by
10 federally assisted housing programs, when not re-
11 quired by State or local codes;

12 (2) numerous federally assisted housing resi-
13 dents have lost their lives due to carbon monoxide
14 poisoning;

15 (3) the effects of carbon monoxide poisoning
16 occur immediately and can result in death in a mat-
17 ter of minutes;

18 (4) carbon monoxide exposure can cause perma-
19 nent brain damage, life-threatening cardiac com-
20 plications, fetal death or miscarriage, and death,
21 among other harmful health conditions;

22 (5) carbon monoxide poisoning is especially
23 dangerous for unborn babies, children, elderly indi-
24 viduals, and individuals with cardiovascular disease,
25 among others with chronic health conditions;

1 (6) the majority of the 4,600,000 families re-
2 ceiving Federal housing assistance are families with
3 young children, elderly individuals, or individuals
4 with disabilities, making them especially vulnerable
5 to carbon monoxide poisoning;

6 (7) more than 400 people die and 50,000 addi-
7 tional people visit the emergency room annually as
8 a result of carbon monoxide poisoning;

9 (8) carbon monoxide poisoning is entirely pre-
10 ventable and early detection is possible with the use
11 of carbon monoxide alarms;

12 (9) the Centers for Disease Control and Preven-
13 tion warns that carbon monoxide poisoning is en-
14 tirely preventable and recommends the installation
15 of carbon monoxide alarms;

16 (10) the Office of Lead Hazard Control and
17 Healthy Homes of the Department of Housing and
18 Urban Development recommends the installation of
19 carbon monoxide alarms as a best practice to keep
20 families and individuals safe and to protect health;
21 and

22 (11) in order to safeguard the health and well-
23 being of tenants in federally assisted housing, the
24 Federal Government should consider best practices

1 for primary prevention of carbon monoxide-related
2 incidents.

3 (b) PUBLIC HOUSING, TENANT-BASED ASSISTANCE,
4 AND PROJECT-BASED ASSISTANCE.—The United States
5 Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amend-
6 ed—

7 (1) in section 3(a) (42 U.S.C. 1437a(a)), by
8 adding at the end the following:

9 “(8) CARBON MONOXIDE ALARMS.—Each public
10 housing agency shall ensure that carbon monoxide
11 alarms or detectors are installed in each dwelling
12 unit in public housing owned or operated by the
13 public housing agency in a manner that meets or ex-
14 ceeds—

15 “(A) the standards described in chapters 9
16 and 11 of the 2018 publication of the Inter-
17 national Fire Code, as published by the Inter-
18 national Code Council; or

19 “(B) any other standards as may be adopt-
20 ed by the Secretary, including any relevant up-
21 dates to the International Fire Code, through a
22 notice published in the Federal Register.”; and

23 (2) in section 8 (42 U.S.C. 1437f)—

24 (A) by inserting after subsection (i) the
25 following:

1 “(j) CARBON MONOXIDE ALARMS.—Each owner of a
2 dwelling unit receiving project-based assistance under this
3 section shall ensure that carbon monoxide alarms or detec-
4 tors are installed in the dwelling unit in a manner that
5 meets or exceeds—

6 “(1) the standards described in chapters 9 and
7 11 of the 2018 publication of the International Fire
8 Code, as published by the International Code Coun-
9 cil; or

10 “(2) any other standards as may be adopted by
11 the Secretary, including any relevant updates to the
12 International Fire Code, through a notice published
13 in the Federal Register.”; and

14 (B) in subsection (o), by adding at the end
15 the following:

16 “(21) CARBON MONOXIDE ALARMS.—Each
17 dwelling unit receiving tenant-based assistance or
18 project-based assistance under this subsection shall
19 have carbon monoxide alarms or detectors installed
20 in the dwelling unit in a manner that meets or ex-
21 ceeds—

22 “(A) the standards described in chapters 9
23 and 11 of the 2018 publication of the Inter-
24 national Fire Code, as published by the Inter-
25 national Code Council; or

1 “(B) any other standards as may be adopt-
2 ed by the Secretary, including any relevant up-
3 dates to the International Fire Code, through a
4 notice published in the Federal Register.”.

5 (c) SUPPORTIVE HOUSING FOR THE ELDERLY.—Sec-
6 tion 202(j) of the Housing Act of 1959 (12 U.S.C.
7 1701q(j)) is amended by adding at the end the following:

8 “(9) CARBON MONOXIDE ALARMS.—Each owner
9 of a dwelling unit assisted under this section shall
10 ensure that carbon monoxide alarms or detectors are
11 installed in the dwelling unit in a manner that meets
12 or exceeds—

13 “(A) the standards described in chapters 9
14 and 11 of the 2018 publication of the Inter-
15 national Fire Code, as published by the Inter-
16 national Code Council; or

17 “(B) any other standards as may be adopt-
18 ed by the Secretary, including any relevant up-
19 dates to the International Fire Code, through a
20 notice published in the Federal Register.”.

21 (d) SUPPORTIVE HOUSING FOR PERSONS WITH DIS-
22 ABILITIES.—Section 811(j) of the Cranston-Gonzalez Na-
23 tional Affordable Housing Act (42 U.S.C. 8013(j)) is
24 amended by adding at the end the following:

1 “(7) CARBON MONOXIDE ALARMS.—Each dwell-
2 ing unit assisted under this section shall contain in-
3 stalled carbon monoxide alarms or detectors that
4 meet or exceed—

5 “(A) the standards described in chapters 9
6 and 11 of the 2018 publication of the Inter-
7 national Fire Code, as published by the Inter-
8 national Code Council; or

9 “(B) any other standards as may be adopt-
10 ed by the Secretary, including any relevant up-
11 dates to the International Fire Code, through a
12 notice published in the Federal Register.”.

13 (e) HOUSING OPPORTUNITIES FOR PERSONS WITH
14 AIDS.—Section 856 of the Cranston-Gonzalez National
15 Affordable Housing Act (42 U.S.C. 12905) is amended by
16 adding at the end the following new subsection:

17 “(i) CARBON MONOXIDE ALARMS.—
18 Each dwelling unit assisted under this sub-
19 title shall contain installed carbon mon-
20 oxide alarms or detectors that meet or ex-
21 ceed—

22 “(1) the standards described in chapters 9 and
23 11 of the 2018 publication of the International Fire
24 Code, as published by the International Code Coun-
25 cil; or

1 “(2) any other standards as may be adopted by
2 the Secretary, including any relevant updates to the
3 International Fire Code, through a notice published
4 in the Federal Register.”.

5 (f) RURAL HOUSING.—Title V of the Housing Act
6 of 1949 (42 U.S.C. 1471 et seq.) is amended—

7 (1) in section 514 (42 U.S.C. 1484), by adding
8 at the end the following:

9 “(j) Housing and related facilities constructed with
10 loans under this section shall contain installed carbon
11 monoxide alarms or detectors that meet or exceed—

12 “(1) the standards described in chapters 9 and
13 11 of the 2018 publication of the International Fire
14 Code, as published by the International Code Coun-
15 cil; or

16 “(2) any other standards as may be adopted by
17 the Secretary, in collaboration with the Secretary of
18 Housing and Urban Development, including any rel-
19 evant updates to the International Fire Code,
20 through a notice published in the Federal Register.”;
21 and

22 (2) in section 515(m) (42 U.S.C. 1485(m))—

23 (A) by inserting “(1)” before “The Sec-
24 retary shall establish”; and

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

1 “(2) Housing and related facilities rehabilitated
2 or repaired with amounts received under a loan
3 made or insured under this section shall contain in-
4 stalled carbon monoxide alarms or detectors that
5 meet or exceed—

6 “(A) the standards described in chapters 9
7 and 11 of the 2018 publication of the Inter-
8 national Fire Code, as published by the Inter-
9 national Code Council; or

10 “(B) any other standards as may be adopt-
11 ed by the Secretary, in collaboration with the
12 Secretary of Housing and Urban Development,
13 including any relevant updates to the Inter-
14 national Fire Code, through a notice published
15 in the Federal Register.”.

16 (g) GUIDANCE.—The Secretary of Housing and
17 Urban Development shall provide guidance to public hous-
18 ing agencies (as defined in section 3(b)(6) of the United
19 States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)) on
20 how to educate tenants on health hazards in the home,
21 including to carbon monoxide poisoning, lead poisoning,
22 asthma induced by housing-related allergens, and other
23 housing-related preventable outcomes, to help advance pri-
24 mary prevention and prevent future deaths and other
25 harms.

1 (h) EFFECTIVE DATE.—The amendments made by
2 subsections (b) through (e) shall take effect on the date
3 that is 2 years after the date of enactment of this Act.

4 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section and
6 the amendments made by this section, \$101,400,000 per
7 year for each of fiscal years 2021, 2022, and 2023.

8 (j) NO PREEMPTION.—Nothing in the amendments
9 made by this section shall be construed to preempt or limit
10 the applicability of any State or local law relating to the
11 installation and maintenance of carbon monoxide alarms
12 or detectors in housing that requires standards that are
13 more stringent than the standards described in the amend-
14 ments made by this section.

15 (k) STUDY ON INCLUSION OF CARBON MONOXIDE
16 ALARMS OR DETECTORS IN OTHER UNITS.—The Sec-
17 retary of Housing and Urban Development, in consulta-
18 tion with the Consumer Product Safety Commission, shall
19 conduct a study and issue a publicly available report on
20 requiring carbon monoxide alarms or detectors in federally
21 assisted housing that is not covered in the amendments
22 made by this section.

1 **SEC. 102. PARTICIPATION OF INDIAN TRIBES AND TRIB-**
2 **ALLY DESIGNATED HOUSING ENTITIES IN**
3 **CONTINUUM OF CARE PROGRAM.**

4 (a) IN GENERAL.—Title IV of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11360 et seq.) is
6 amended—

7 (1) in section 401 (42 U.S.C. 11360)—

8 (A) by redesignating paragraphs (10)
9 through (33) as paragraphs (12) through (35),
10 respectively;

11 (B) by redesignating paragraphs (8) and
12 (9) as paragraphs (9) and (10), respectively;

13 (C) by inserting after paragraph (7) the
14 following:

15 “(8) FORMULA AREA.—The term ‘formula area’
16 has the meaning given the term in section 1000.302
17 of title 24, Code of Federal Regulations, or any suc-
18 cessor regulation.”;

19 (D) in paragraph (9), as so redesignated,
20 by inserting “a formula area,” after “non-
21 entitlement area,”; and

22 (E) by inserting after paragraph (10), as
23 so redesignated, the following:

24 “(11) INDIAN TRIBE.—The term ‘Indian Tribe’
25 has the meaning given the term ‘Indian tribe’ in sec-
26 tion 4 of the Native American Housing Assistance

1 and Self-Determination Act of 1996 (25 U.S.C.
2 4103).”); and

3 (2) in subtitle C (42 U.S.C. 11381 et seq.), by
4 adding at the end the following:

5 **“SEC. 435. INDIAN TRIBES AND TRIBALLY DESIGNATED**
6 **HOUSING ENTITIES.**

7 “Notwithstanding any other provision of this title, for
8 purposes of this subtitle, an Indian Tribe or tribally des-
9 ignated housing entity (as defined in section 4 of the Na-
10 tive American Housing Assistance and Self-Determination
11 Act of 1996 (25 U.S.C. 4103)) may—

12 “(1) be a collaborative applicant or eligible enti-
13 ty; or

14 “(2) receive grant amounts from another entity
15 that receives a grant directly from the Secretary,
16 and use the amounts in accordance with this sub-
17 title.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—

19 The table of contents in section 101(b) of the McKinney-
20 Vento Homeless Assistance Act (Public Law 100–77; 101
21 Stat. 482) is amended by inserting after the item relating
22 to section 434 the following:

“Sec. 435. Indian Tribes and tribally designated housing entities.”.

1 **SEC. 103. FOSTERING STABLE HOUSING OPPORTUNITIES.**

2 (a) DEFINITION OF FAMILY.—Subparagraph (A) of
3 section 3(b)(3) of the United States Housing Act of 1937
4 (42 U.S.C. 1437a(b)(3)(A)) is amended—

5 (1) in the first sentence—

6 (A) by striking “(v)” and inserting “(vi)”;

7 and

8 (B) by inserting after “tenant family,” the
9 following: “(v) a youth described in section
10 8(x)(2)(B),”; and

11 (2) in the second sentence, by inserting “or
12 (vi)” after “clause (v)”.

13 (b) HOUSING CHOICE VOUCHERS FOR FOSTERING
14 STABLE HOUSING OPPORTUNITIES.—

15 (1) ASSISTANCE FOR YOUTH AGING OUT OF
16 FOSTER CARE.—Section 8(x) of the United States
17 Housing Act of 1937 (42 U.S.C. 1437f(x)) is
18 amended—

19 (A) in paragraph (2), by inserting “subject
20 to paragraph (5),” after “(B)”;

21 (B) in paragraph (3)—

22 (i) By striking “(3) ALLOCATION.—
23 The” and inserting the following:

24 “(3) ALLOCATION.—

25 “(A) IN GENERAL.—The”; and

1 (ii) by adding at the end the following
2 new subparagraph:

3 “(B) ASSISTANCE FOR YOUTH AGING OUT
4 OF FOSTER CARE.—Notwithstanding any other
5 provision of law, the Secretary shall, subject
6 only to the availability of funds, allocate such
7 assistance to any public housing agencies that
8 (i) administer assistance pursuant to paragraph
9 (2)(B), or seek to administer such assistance,
10 consistent with procedures established by the
11 Secretary, (ii) have requested such assistance so
12 that they may provide timely assistance to eligi-
13 ble youth, and (iii) have submitted to the Sec-
14 retary a statement describing how the agency
15 will connect assisted youths with local commu-
16 nity resources and self-sufficiency services, to
17 the extent they are available, and obtain refer-
18 rals from public child welfare agencies regard-
19 ing youths in foster care who become eligible
20 for such assistance.”;

21 (C) by redesignating paragraph (5) as
22 paragraph (6); and

23 (D) by inserting after paragraph (4) the
24 following new paragraph:

1 “(5) REQUIREMENTS FOR ASSISTANCE FOR
2 YOUTH AGING OUT OF FOSTER CARE.—Assistance
3 provided under this subsection for an eligible youth
4 pursuant to paragraph (2)(B) shall be subject to the
5 following requirements:

6 “(A) REQUIREMENTS TO EXTEND ASSIST-
7 ANCE.—

8 “(i) PARTICIPATION IN FAMILY SELF-
9 SUFFICIENCY.—In the case of a public
10 housing agency that is providing such as-
11 sistance under this subsection on behalf of
12 an eligible youth and that is carrying out
13 a family self-sufficiency program under
14 section 23, the agency shall, subject only
15 to the availability of such assistance, ex-
16 tend the provision of such assistance for
17 up to 24 months beyond the period re-
18 ferred to in paragraph (2)(B), but only
19 during such period that the youth is in
20 compliance with the terms and conditions
21 applicable under section 23 and the regula-
22 tions implementing such section to a per-
23 son participating in a family self-suffi-
24 ciency program.

1 “(ii) EDUCATION, WORKFORCE DE-
2 VELOPMENT, OR EMPLOYMENT.—In the
3 case of a public housing agency that is
4 providing such assistance under this sub-
5 section on behalf of an eligible youth and
6 that is not carrying out a family self-suffi-
7 ciency program under section 23, or is car-
8 rying out such a program in which the
9 youth has been unable to enroll, the agency
10 shall, subject only to the availability of
11 such assistance, extend the provision of
12 such assistance for two successive 12-
13 month periods, after the period referred to
14 in paragraph (2)(B), but only if for not
15 less than 9 months of the 12-month period
16 preceding each such extension the youth
17 was—

18 “(I) engaged in obtaining a rec-
19 ognized postsecondary credential or a
20 secondary school diploma or its recog-
21 nized equivalent;

22 “(II) enrolled in an institution of
23 higher education, as such term is de-
24 fined in section 101(a) of the Higher
25 Education Act of 1965 (20 U.S.C.

1 1001(a)) and including the institu-
2 tions described in subparagraphs (A)
3 and (B) of section 102(a)(1) of such
4 Act (20 U.S.C. 1002(a)(1)); or

5 “(III) participating in a career
6 pathway, as such term is defined in
7 section 3 of the Workforce Innovation
8 and Opportunity Act (29 U.S.C.
9 3102).

10 Notwithstanding any other provision of
11 this clause, a public housing agency shall
12 consider employment as satisfying the re-
13 quirements under this subparagraph.

14 “(iii) EXCEPTIONS.—Notwithstanding
15 clauses (i) and (ii), a public housing agen-
16 cy that is providing such assistance under
17 this subsection on behalf of an eligible
18 youth shall extend the provision of such as-
19 sistance for up to 24 months beyond the
20 period referred to in paragraph (2)(B),
21 and clauses (i) and (ii) of this subpara-
22 graph shall not apply, if the eligible youth
23 certifies that he or she is—

24 “(I) a parent or other household
25 member responsible for the care of a

1 dependent child under the age of 6 or
2 for the care of an incapacitated per-
3 son;

4 “(II) a person who is regularly
5 and actively participating in a drug
6 addiction or alcohol treatment and re-
7 habilitation program; or

8 “(III) a person who is incapable
9 of complying with the requirement
10 under clause (i) or (ii), as applicable,
11 due to a documented medical condi-
12 tion.

13 “(iv) VERIFICATION OF COMPLI-
14 ANCE.—The Secretary shall require the
15 public housing agency to verify compliance
16 with the requirements under this subpara-
17 graph by each eligible youth on whose be-
18 half the agency provides such assistance
19 under this subsection on an annual basis
20 in conjunction with reviews of income for
21 purposes of determining income eligibility
22 for such assistance.

23 “(B) SUPPORTIVE SERVICES.—

24 “(i) ELIGIBILITY.—Each eligible
25 youth on whose behalf such assistance

1 under this subsection is provided shall be
2 eligible for any supportive services (as such
3 term is defined in section 3 of the Work-
4 force Innovation and Opportunity Act (29
5 U.S.C. 3102)) made available, in connec-
6 tion with any housing assistance program
7 of the agency, by or through the public
8 housing agency providing such assistance.

9 “(ii) INFORMATION.—Upon the initial
10 provision of such assistance under this
11 subsection on behalf of any eligible youth,
12 the public housing agency shall inform
13 such eligible youth of the existence of any
14 programs or services referred to in clause
15 (i) and of their eligibility for such pro-
16 grams and services.

17 “(C) APPLICABILITY TO MOVING TO WORK
18 AGENCIES.—Notwithstanding any other provi-
19 sion of law, the requirements of this paragraph
20 shall apply to assistance under this subsection
21 pursuant to paragraph (2)(B) made available
22 by each public housing agency participating in
23 the Moving to Work Program under section 204
24 of the Departments of Veterans Affairs and
25 Housing and Urban Development, and Inde-

1 pendent Agencies Appropriations Act, 1996 (42
2 U.S.C. 1437f note), except that in lieu of com-
3 pliance with clause (i) or (ii) of subparagraph
4 (A) of this paragraph, such an agency may
5 comply with the requirements under such
6 clauses by complying with such terms, condi-
7 tions, and requirements as may be established
8 by the agency for persons on whose behalf such
9 rental assistance under this subsection is pro-
10 vided.

11 “(D) TERMINATION OF VOUCHERS UPON
12 TURN-OVER.—A public housing agency shall not
13 reissue any such assistance made available from
14 appropriated funds when assistance for the
15 youth initially assisted is terminated, unless
16 specifically authorized by the Secretary.

17 “(E) REPORTS.—

18 “(i) IN GENERAL.—The Secretary
19 shall require each public housing agency
20 that provides such assistance under this
21 subsection in any fiscal year to submit a
22 report to the Secretary for such fiscal year
23 that—

24 “(I) specifies the number of per-
25 sons on whose behalf such assistance

1 under this subsection was provided
2 during such fiscal year;

3 “(II) specifies the number of per-
4 sons who applied during such fiscal
5 year for such assistance under this
6 subsection, but were not provided
7 such assistance, and provides a brief
8 identification in each instance of the
9 reason why the public housing agency
10 was unable to award such assistance;
11 and

12 “(III) describes how the public
13 housing agency communicated or col-
14 laborated with public child welfare
15 agencies to collect such data.

16 “(ii) INFORMATION COLLECTIONS.—
17 The Secretary shall, to the greatest extent
18 possible, utilize existing information collec-
19 tions, including the voucher management
20 system (VMS), the Inventory Management
21 System/PIH Information Center (IMS/
22 PIC), or the successors of those systems,
23 to collect information required under this
24 subparagraph.

1 “(F) CONSULTATION.—The Secretary shall
2 consult with the Secretary of Health and
3 Human Services to provide such information
4 and guidance to the Secretary of Health and
5 Human Services as may be necessary to facili-
6 tate such Secretary in informing States and
7 public child welfare agencies on how to correctly
8 and efficiently implement and comply with the
9 requirements of this subsection relating to as-
10 sistance provided pursuant to paragraph
11 (2)(B).”.

12 (2) APPLICABILITY TO FOSTERING STABLE
13 HOUSING OPPORTUNITIES PROGRAM.—Subparagraph
14 (A) of section 8(x)(4) of the United States Housing
15 Act of 1937 (42 U.S.C. 1437f(x)(4)(A)) is amended
16 by inserting before the semicolon at the end the fol-
17 lowing: “and establishing a point of contact at public
18 housing agencies to ensure that public housing agen-
19 cies receive appropriate referrals regarding eligible
20 recipients”.

21 (3) PHA ADMINISTRATIVE FEES.—Subsection
22 (q) of section 8 of the United States Housing Act
23 of 1937 (42 U.S.C. 1437f(q)) is amended by adding
24 at the end the following new paragraph:

1 “(5) SUPPLEMENTS FOR ADMINISTERING AS-
2 SISTANCE FOR YOUTH AGING OUT OF FOSTER
3 CARE.—The Secretary may provide supplemental
4 fees under this subsection to the public housing
5 agency for the cost of administering any assistance
6 for foster youth under subsection (x)(2)(B), in an
7 amount determined by the Secretary, but only if the
8 agency waives for such eligible youth receiving as-
9 sistance any residency requirement that it has other-
10 wise established pursuant to subsection
11 (r)(1)(B)(i).”.

12 (c) EXCEPTIONS TO LIMITATIONS FOR PROJECT-
13 BASED VOUCHER ASSISTANCE.—

14 (1) PERCENTAGE LIMITATION.—The first sen-
15 tence of clause (ii) of section 8(o)(13)(B) of the
16 United States Housing Act of 1937 (42 U.S.C.
17 1437f(o)(13)(B)(ii)), as amended by section
18 106(a)(2) of the Housing Opportunity Through
19 Modernization Act of 2016 (Public Law 114-201), is
20 further amended by inserting before “or that” the
21 following: “that house eligible youths receiving as-
22 sistance pursuant to subsection (x)(2)(B),”.

23 (2) INCOME-MIXING REQUIREMENT.—Subclause
24 (I) of section 8(o)(13)(D)(ii) of the United States
25 Housing Act of 1937 (42 U.S.C.

1 1437f(o)(13)(D)(ii)(I)), as amended by section
2 106(a)(3) of the Housing Opportunity Through
3 Modernization Act of 2016 (Public Law 114-201), is
4 further amended by inserting after “elderly families”
5 the following: “, to eligible youths receiving assist-
6 ance pursuant to subsection (x)(2)(B),”.

7 (d) **APPLICABILITY.**—The amendments made by this
8 section shall not apply to housing choice voucher assist-
9 ance made available pursuant to section 8(x) of the United
10 States Housing Act of 1937 (42 U.S.C. 1437f(x)) that is
11 in use on behalf of an assisted family as of the date of
12 the enactment of this Act.

13 **SEC. 104. HOMELESS ASSISTANCE GRANTS.**

14 (a) **RENEWAL OF CONTINUUM OF CARE**
15 **PROJECTS.**—In allocating and awarding amounts pro-
16 vided for the Continuum of Care program under subtitle
17 C of title IV of the McKinney-Vento Homeless Assistance
18 Act (42 U.S.C. 11381 et seq.), the Secretary of Housing
19 and Urban Development shall renew for one 12-month pe-
20 riod, without additional competition, all projects with ex-
21 isting grants expiring during calendar year 2021, includ-
22 ing youth homelessness demonstration projects and shelter
23 plus care projects expiring during calendar year 2021, not-
24 withstanding any inconsistent provisions in subtitle C of

1 title IV of the McKinney-Vento Homeless Assistance Act
2 or any other Act.

3 (b) PLANNING AND UNIFIED FUNDING AGENCY
4 AWARDS.—Continuum of Care planning and Unified
5 Funding Agency awards expiring in calendar year 2021
6 may also be renewed and the Continuum of Care may des-
7 ignate a new collaborative applicant to receive the award
8 in accordance with the existing process established by the
9 Secretary of Housing and Urban Development.

10 (c) NOTICE.—The Secretary of Housing and Urban
11 Development shall publish a notice that identifies and lists
12 all projects and awards eligible for such noncompetitive
13 renewal, prescribes the format and process by which the
14 projects and awards from the list will be renewed, makes
15 adjustments to the renewal amount based on changes to
16 the fair market rent, and establishes a maximum amount
17 for the renewal of planning and Unified Funding Agency
18 awards notwithstanding the requirement that such max-
19 imum amount be established in a notice of funding avail-
20 ability.

21 **SEC. 105. IMPROVEMENTS TO LOAN GUARANTEES FOR IN-**
22 **DIAN HOUSING.**

23 (a) FINDINGS.—Congress finds that—

24 (1) the extended timelines for approving lend-
25 ers' applications to participate in the program estab-

1 lished under section 184 of the Housing and Com-
2 munity Development Act of 1992 (12 U.S.C. 1715z-
3 13a) are unacceptably long;

4 (2) those extended timelines inhibit the ability
5 of lenders to provide needed mortgage loans on Na-
6 tive American reservations; and

7 (3) it can take a significant amount of time for
8 certain Bureau of Indian Affairs Land Title and
9 Records Offices to issue final certified title status re-
10 ports for mortgages issued on Indian trust land
11 under section 184 of the Housing and Community
12 Development Act of 1992 (12 U.S.C. 1715z-13a),
13 which delays the guarantee of the loan by the De-
14 partment of Housing and Urban Development.

15 (b) DOCUMENTATION REQUIRED FOR INDIAN TRUST
16 LAND.—Section 184(c) of the Housing and Community
17 Development Act of 1992 (12 U.S.C. 1715z-13a(c)) is
18 amended by adding at the end the following:

19 “(5) TRAILING DOCUMENTS.—

20 “(A) IN GENERAL.—The Secretary may
21 issue a certificate of guarantee under this sub-
22 section for a loan involving a security interest
23 in Indian trust land before the Secretary re-
24 ceives the trailing documents required by the
25 Secretary from the Bureau of Indian Affairs,

1 including the final certified title status report
2 showing the recordation by the Bureau of In-
3 dian Affairs of the mortgage relating to the
4 loan, if the originating lender agrees to indem-
5 nify the Secretary for any losses that may re-
6 sult when—

7 “(i) a claim payment is presented to
8 the Secretary due to the default of the bor-
9 rower on the loan; and

10 “(ii) the required trailing documents
11 are outstanding.

12 “(B) TERMINATION OF INDEMNIFICATION
13 AGREEMENT.—An indemnification agreement
14 between an originating lender and the Secretary
15 described in subparagraph (A) shall only termi-
16 nate upon receipt by the Secretary of the trail-
17 ing documents described in that subparagraph
18 in a form and manner that is acceptable to the
19 Secretary.

20 “(C) RULE OF CONSTRUCTION.—Nothing
21 in this paragraph shall be construed as author-
22 izing the Bureau of Indian Affairs to delay the
23 issuance of a final certified title status report
24 and recorded mortgage relating to a loan closed
25 on Indian trust land.”.

1 (c) REPORTING.—The Secretary of Housing and
2 Urban Development shall—

3 (1) report to the Committee on Banking, Hous-
4 ing, and Urban Affairs and the Committee on In-
5 dian Affairs of the Senate and the Committee on Fi-
6 nancial Services and the Committee on Natural Re-
7 sources of the House of Representatives on a semi-
8 annual basis on the progress that the Secretary is
9 making to accelerate the processing of loan applica-
10 tions on fee simple and Indian trust land under sec-
11 tion 184 of the Housing and Community Develop-
12 ment Act of 1992 (12 U.S.C. 1715z–13a); and

13 (2) if there is no improvement in accelerating
14 those processing timelines, submit to the committees
15 described in paragraph (1) a report explaining the
16 lack of improvement.

17 **SEC. 106. STUDY ON THE PROVISION OF AND RELIANCE**
18 **UPON INVESTMENT RESEARCH INTO SMALL**
19 **ISSUERS.**

20 (a) STUDY REQUIRED.—The Securities and Ex-
21 change Commission shall conduct a study to evaluate the
22 issues affecting the provision of and reliance upon invest-
23 ment research into small issuers, including emerging
24 growth companies and companies considering initial public
25 offerings.

1 (b) CONTENTS OF STUDY.—The study required
2 under subsection (a) shall consider—

3 (1) factors related to the demand for such re-
4 search by institutional and retail investors;

5 (2) the availability of such research, includ-
6 ing—

7 (A) the number and types of firms who
8 provide such research;

9 (B) the volume of such research over time;
10 and

11 (C) competition in the research market;

12 (3) conflicts of interest relating to the produc-
13 tion and distribution of investment research;

14 (4) the costs of such research;

15 (5) the impacts of different payment mecha-
16 nisms for investment research into small issuers, in-
17 cluding whether such research is paid for by—

18 (A) hard-dollar payments from research
19 clients;

20 (B) payments directed from the client's
21 commission income (i.e., "soft dollars"); or

22 (C) payments from the issuer that is the
23 subject of such research;

1 (6) any unique challenges faced by minority-
2 owned, women-owned, and veteran-owned small
3 issuers in obtaining research coverage; and

4 (7) the impact on the availability of research
5 coverage for small issuers due to—

6 (A) investment adviser concentration and
7 consolidation, including any potential impacts of
8 fund-size on demand for investment research of
9 small issuers;

10 (B) broker and dealer concentration and
11 consolidation, including any relationships be-
12 tween the size of the firm and allocation of re-
13 sources for investment research into small
14 issuers;

15 (C) Securities and Exchange Commission
16 rules;

17 (D) registered national securities associa-
18 tion rules;

19 (E) State and Federal liability concerns;

20 (F) the settlement agreements referenced
21 in Securities and Exchange Commission Litiga-
22 tion Release No. 18438 (i.e., the “Global Re-
23 search Analyst Settlement”); and

24 (G) Directive 2014/65/EU of the European
25 Parliament and of the Council of 15 May 2014

1 on markets in financial instruments and
2 amending Directive 2002/92/EC and Directive
3 2011/61/EU, as implemented by the European
4 Union (“EU”) member states (“MiFID II”).

5 (c) REPORT REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, the Securities
7 and Exchange Commission shall submit to Congress a re-
8 port that includes—

9 (1) the results of the study required by sub-
10 section (a); and

11 (2) recommendations to increase the demand
12 for, volume of, and quality of investment research
13 into small issuers, including emerging growth com-
14 panies and companies considering initial public of-
15 ferings.

16 **SEC. 107. STUDY ON THRESHOLD LIMITS APPLICABLE TO**
17 **DIVERSIFIED COMPANIES.**

18 (a) IN GENERAL.—The Securities and Exchange
19 Commission shall carry out a study of the 10 per centum
20 threshold limitation applicable to the definition of a diver-
21 sified company under section 5(b)(1) of the Investment
22 Company Act of 1940 (15 U.S.C. 80a–5(b)(1)) and deter-
23 mine the impacts of such threshold limits upon the protec-
24 tion of investors, efficiency, competition, and capital for-
25 mation.

1 (b) CONSIDERATIONS.—In carrying out the study re-
2 quired under subsection (a), the Commission shall con-
3 sider the following:

4 (1) The size and number of diversified compa-
5 nies that are currently restricted in their ability to
6 own more than 10 percent of the voting shares in an
7 individual company.

8 (2) How the investing preferences of diversified
9 companies have shifted over time with respect to
10 companies with smaller market capitalizations and
11 companies in industries where competition may be
12 limited.

13 (3) The expected impact to small and emerging
14 growth companies regarding the availability of cap-
15 ital, related impacts on investor confidence and risk,
16 and impacts on competition, if the threshold is in-
17 creased or otherwise changed.

18 (4) The ability of registered funds to manage li-
19 quidity risk.

20 (5) Any other consideration that the Commis-
21 sion considers necessary and appropriate for the pro-
22 tection of investors.

23 (c) SOLICITATION OF PUBLIC COMMENTS.—In car-
24 rying out the study required under subsection (a), the
25 Commission may solicit public comments.

1 (d) REPORT.—Not later than the end of the 180-day
2 period beginning on the date of enactment of this Act, the
3 Commission shall issue a report to the Congress, and
4 make such report publicly available on the website of the
5 Commission, containing—

6 (1) all findings and determinations made in car-
7 rying out the study required under subsection (a);
8 and

9 (2) any legislative recommendations of the
10 Commission.

11 **SEC. 108. CYBERSECURITY AND FINANCIAL SYSTEM RESIL-**
12 **IENCE REPORT.**

13 (a) IN GENERAL.—Not later than the end of the 180-
14 day period beginning on the date of enactment of this Act,
15 and annually thereafter, each banking regulator shall sub-
16 mit a report to the Committee on Financial Services of
17 the House of Representatives and the Committee on
18 Banking, Housing, and Urban Affairs of the Senate that
19 provides a detailed explanation of measures undertaken to
20 strengthen cybersecurity within the financial services sec-
21 tor and with respect to the functions of the regulator, in-
22 cluding the supervision and regulation of financial institu-
23 tions and, where applicable, third-party service providers.
24 Each such report shall specifically include a detailed anal-
25 ysis of—

1 (1) policies and procedures (including those de-
2 scribed under section 3554(b) of title 44, United
3 States Code) to detect, defend against, and respond
4 to—

5 (A) efforts to deny access to or degrade,
6 disrupt, or destroy any information and com-
7 munications technology system or network, or
8 exfiltrate information from such a system or
9 network without authorization;

10 (B) destructive malware attacks;

11 (C) denial of service activities; and

12 (D) any other efforts that may threaten
13 the functions of the banking regulator or enti-
14 ties overseen by the regulator by undermining
15 cybersecurity and the resilience of the financial
16 system;

17 (2) activities to ensure the effective implemen-
18 tation of policies and procedures described under
19 paragraph (1), including—

20 (A) the appointment of qualified staff, the
21 provision of staff training, the use of account-
22 ability measures to support staff performance,
23 and the designation, if any, of senior appointed
24 leadership to strengthen accountability for over-

1 sight of cybersecurity measures within each
2 banking regulator and among regulated entities;

3 (B) deployment of adequate resources and
4 technologies;

5 (C) efforts of the banking regulators to re-
6 spond to cybersecurity-related findings and rec-
7 ommendations of the Inspector General of the
8 banking regulator or the independent evaluation
9 described under section 3555 of title 42, United
10 States Code;

11 (D) industry efforts to respond to cyberse-
12 curity-related findings and recommendations of
13 the banking regulators;

14 (E) as appropriate, efforts to strengthen
15 cybersecurity in coordination with other Federal
16 departments and agencies, domestic and foreign
17 financial institutions, and other partners, in-
18 cluding the development and dissemination of
19 best practices regarding cybersecurity and the
20 sharing of threat information; and

21 (3) any current or emerging threats that are
22 likely to pose a risk to the resilience of the financial
23 system.

1 (b) FORM OF REPORT.—The report required under
2 subsection (a) shall be submitted in unclassified form, but
3 may include a classified annex, if appropriate.

4 (c) CONGRESSIONAL BRIEFING.—Upon request, the
5 head of each banking regulator shall provide a detailed
6 briefing to the appropriate Members of Congress on each
7 report submitted pursuant to subsection (a), except—

8 (1) the Chairman of the Board of Governors of
9 the Federal Reserve System may designate another
10 member of the Board of Governors of the Federal
11 Reserve System to provide such briefing;

12 (2) the Chairperson of the Federal Deposit In-
13 surance Corporation may designate another member
14 of the Board of Directors of the Corporation to pro-
15 vide such briefing; and

16 (3) the Chairman of the National Credit Union
17 Administration may designate another member of
18 the National Credit Union Administration Board to
19 provide such briefing.

20 (d) DEFINITIONS.—For the purposes of this section:

21 (1) APPROPRIATE MEMBERS OF CONGRESS.—
22 The term “appropriate Members of Congress”
23 means the following:

1 (A) The Chairman and Ranking Member
2 of the Committee on Financial Services of the
3 House of Representatives.

4 (B) The Chairman and Ranking Member
5 of the Committee on Banking, Housing, and
6 Urban Affairs of the Senate.

7 (2) BANKING REGULATOR.—The term “banking
8 regulator” means the Board of Governors of the
9 Federal Reserve System, the Comptroller of the Cur-
10 rency, the Federal Deposit Insurance Corporation,
11 and the National Credit Union Administration.

12 (3) SENIOR APPOINTED LEADERSHIP.—With
13 respect to a banking regulator, the term “senior ap-
14 pointed leadership” means a position that requires
15 Senate confirmation.

16 (e) SUNSET.—The provisions of this section shall
17 have no force or effect on or after the date that is 7 years
18 after the date of enactment of this Act.

19 **TITLE II—INTELLECTUAL** 20 **PROPERTY**

21 **Subtitle A—Copyrights**

22 **SEC. 211. UNAUTHORIZED STREAMING.**

23 (a) AMENDMENT.—Chapter 113 of title 18, United
24 States Code, is amended by inserting after section 2319B
25 the following:

1 **“§ 2319C. Illicit digital transmission services**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the terms ‘audiovisual work’, ‘computer
4 program’, ‘copies’, ‘copyright owner’, ‘digital trans-
5 mission’, ‘financial gain’, ‘motion picture’, ‘motion
6 picture exhibition facility’, ‘perform’, ‘phonorecords’,
7 ‘publicly’ (with respect to performing a work),
8 ‘sound recording’, and ‘transmit’ have the meanings
9 given those terms in section 101 of title 17;

10 “(2) the term ‘digital transmission service’
11 means a service that has the primary purpose of
12 publicly performing works by digital transmission;

13 “(3) the terms ‘publicly perform’ and ‘public
14 performance’ refer to the exclusive rights of a copy-
15 right owner under paragraphs (4) and (6) of section
16 106 (relating to exclusive rights in copyrighted
17 works) of title 17, as limited by sections 107
18 through 122 of title 17; and

19 “(4) the term ‘work being prepared for com-
20 mercial public performance’ means—

21 “(A) a computer program, a musical work,
22 a motion picture or other audiovisual work, or
23 a sound recording, if, at the time of unauthor-
24 ized public performance—

1 “(i) the copyright owner has a reason-
2 able expectation of commercial public per-
3 formance; and

4 “(ii) the copies or phonorecords of the
5 work have not been commercially publicly
6 performed in the United States by or with
7 the authorization of the copyright owner;
8 or

9 “(B) a motion picture, if, at the time of
10 unauthorized public performance, the motion
11 picture—

12 “(i)(I) has been made available for
13 viewing in a motion picture exhibition facil-
14 ity; and

15 “(II) has not been made available in
16 copies for sale to the general public in the
17 United States by or with the authorization
18 of the copyright owner in a format in-
19 tended to permit viewing outside a motion
20 picture exhibition facility; or

21 “(ii) had not been commercially pub-
22 licly performed in the United States by or
23 with the authorization of the copyright
24 owner more than 24 hours before the un-
25 authorized public performance.

1 “(b) PROHIBITED ACT.—It shall be unlawful for a
2 person to willfully, and for purposes of commercial advan-
3 tage or private financial gain, offer or provide to the public
4 a digital transmission service that—

5 “(1) is primarily designed or provided for the
6 purpose of publicly performing works protected
7 under title 17 by means of a digital transmission
8 without the authority of the copyright owner or the
9 law;

10 “(2) has no commercially significant purpose or
11 use other than to publicly perform works protected
12 under title 17 by means of a digital transmission
13 without the authority of the copyright owner or the
14 law; or

15 “(3) is intentionally marketed by or at the di-
16 rection of that person to promote its use in publicly
17 performing works protected under title 17 by means
18 of a digital transmission without the authority of the
19 copyright owner or the law.

20 “(c) PENALTIES.—Any person who violates sub-
21 section (b) shall be, in addition to any penalties provided
22 for under title 17 or any other law—

23 “(1) fined under this title, imprisoned not more
24 than 3 years, or both;

1 “(2) fined under this title, imprisoned not more
2 than 5 years, or both, if—

3 “(A) the offense was committed in connec-
4 tion with 1 or more works being prepared for
5 commercial public performance; and

6 “(B) the person knew or should have
7 known that the work was being prepared for
8 commercial public performance; and

9 “(3) fined under this title, imprisoned not more
10 than 10 years, or both, if the offense is a second or
11 subsequent offense under this section or section
12 2319(a).

13 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to—

15 “(1) affect the interpretation of any other pro-
16 vision of civil copyright law, including the limitations
17 of liability set forth in section 512 of title 17, or
18 principles of secondary liability; or

19 “(2) prevent any Federal or State authority
20 from enforcing cable theft or theft of service laws
21 that are not subject to preemption under section 301
22 of title 17.”.

23 (b) TABLE OF SECTIONS AMENDMENT.—The table of
24 section for chapter 113 of title 18, United States Code,

1 is amended by inserting after the item relating to section
2 2319B the following:

“2319C. Illicit digital transmission services.”.

3 **SEC. 212. COPYRIGHT SMALL CLAIMS.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Copyright Alternative in Small-Claims Enforcement Act
6 of 2020” or the “CASE Act of 2020”.

7 (b) **AMENDMENT.**—Title 17, United States Code, is
8 amended by adding at the end the following:

9 **“CHAPTER 15—COPYRIGHT SMALL**
10 **CLAIMS**

“1501. Definitions.

“1502. Copyright Claims Board.

“1503. Authority and duties of the Copyright Claims Board.

“1504. Nature of proceedings.

“1505. Registration requirement.

“1506. Conduct of proceedings.

“1507. Effect of proceeding.

“1508. Review and confirmation by district court.

“1509. Relationship to other district court actions.

“1510. Implementation by Copyright Office.

“1511. Funding.

11 **“§ 1501. Definitions**

12 “In this chapter—

13 “(1) the term ‘claimant’ means the real party
14 in interest that commences a proceeding before the
15 Copyright Claims Board under section 1506(e), pur-
16 suant to a permissible claim of infringement brought
17 under section 1504(c)(1), noninfringement brought
18 under section 1504(c)(2), or misrepresentation
19 brought under section 1504(c)(3);

1 “(2) the term ‘counterclaimant’ means a re-
2 spondent in a proceeding before the Copyright
3 Claims Board that—

4 “(A) asserts a permissible counterclaim
5 under section 1504(c)(4) against the claimant
6 in the proceeding; and

7 “(B) is the real party in interest with re-
8 spect to the counterclaim described in subpara-
9 graph (A);

10 “(3) the term ‘party’—

11 “(A) means a party; and

12 “(B) includes the attorney of a party, as
13 applicable; and

14 “(4) the term ‘respondent’ means any person
15 against whom a proceeding is brought before the
16 Copyright Claims Board under section 1506(e), pur-
17 suant to a permissible claim of infringement brought
18 under section 1504(c)(1), noninfringement brought
19 under section 1504(c)(2), or misrepresentation
20 brought under section 1504(c)(3).

21 **“§ 1502. Copyright Claims Board**

22 “(a) IN GENERAL.—There is established in the Copy-
23 right Office the Copyright Claims Board, which shall serve
24 as an alternative forum in which parties may voluntarily

1 seek to resolve certain copyright claims regarding any cat-
2 egory of copyrighted work, as provided in this chapter.

3 “(b) OFFICERS AND STAFF.—

4 “(1) COPYRIGHT CLAIMS OFFICERS.—The Reg-
5 ister of Copyrights shall recommend 3 full-time
6 Copyright Claims Officers to serve on the Copyright
7 Claims Board in accordance with paragraph (3)(A).
8 The Officers shall be appointed by the Librarian of
9 Congress to such positions after consultation with
10 the Register of Copyrights.

11 “(2) COPYRIGHT CLAIMS ATTORNEYS.—The
12 Register of Copyrights shall hire not fewer than 2
13 full-time Copyright Claims Attorneys to assist in the
14 administration of the Copyright Claims Board.

15 “(3) QUALIFICATIONS.—

16 “(A) COPYRIGHT CLAIMS OFFICERS.—

17 “(i) IN GENERAL.—Each Copyright
18 Claims Officer shall be an attorney who
19 has not fewer than 7 years of legal experi-
20 ence.

21 “(ii) EXPERIENCE.—Two of the Copy-
22 right Claims Officers shall—

23 “(I) have substantial experience
24 in the evaluation, litigation, or adju-

1 dication of copyright infringement
2 claims; and

3 “(II) between those 2 Officers,
4 have represented or presided over a
5 diversity of copyright interests, includ-
6 ing those of both owners and users of
7 copyrighted works.

8 “(iii) ALTERNATIVE DISPUTE RESOLU-
9 TION.—The Copyright Claims Officer not
10 described in clause (ii) shall have substan-
11 tial familiarity with copyright law and ex-
12 perience in the field of alternative dispute
13 resolution, including the resolution of liti-
14 gation matters through that method of res-
15 olution.

16 “(B) COPYRIGHT CLAIMS ATTORNEYS.—
17 Each Copyright Claims Attorney shall be an at-
18 torney who has not fewer than 3 years of sub-
19 stantial experience in copyright law.

20 “(4) COMPENSATION.—

21 “(A) COPYRIGHT CLAIMS OFFICERS.—

22 “(i) DEFINITION.—In this subpara-
23 graph, the term ‘senior level employee of
24 the Federal Government’ means an em-
25 ployee, other than an employee in the Sen-

1 ior Executive Service, the position of whom
2 is classified above GS-15 of the General
3 Schedule.

4 “(ii) PAY RANGE.—Each Copyright
5 Claims Officer shall be compensated at a
6 rate of pay that is not less than the min-
7 imum, and not more than the maximum,
8 rate of pay payable for senior level employ-
9 ees of the Federal Government, including
10 locality pay, as applicable.

11 “(B) COPYRIGHT CLAIMS ATTORNEYS.—
12 Each Copyright Claims Attorney shall be com-
13 pensated at a rate of pay that is not more than
14 the maximum rate of pay payable for level 10
15 of GS-15 of the General Schedule, including lo-
16 cality pay, as applicable.

17 “(5) TERMS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), a Copyright Claims Officer shall
20 serve for a renewable term of 6 years.

21 “(B) INITIAL TERMS.—The terms for the
22 first Copyright Claims Officers appointed under
23 this chapter shall be as follows:

1 “(i) The first such Copyright Claims
2 Officer appointed shall be appointed for a
3 term of 4 years.

4 “(ii) The second Copyright Claims Of-
5 ficer appointed shall be appointed for a
6 term of 5 years.

7 “(iii) The third Copyright Claims Of-
8 ficer appointed shall be appointed for a
9 term of 6 years.

10 “(6) VACANCIES AND INCAPACITY.—

11 “(A) VACANCY.—

12 “(i) IN GENERAL.—If a vacancy oc-
13 curs in the position of a Copyright Claims
14 Officer, the Librarian of Congress shall,
15 upon the recommendation of, and in con-
16 sultation with, the Register of Copyrights,
17 act expeditiously to appoint a Copyright
18 Claims Officer for that position.

19 “(ii) VACANCY BEFORE EXPIRA-
20 TION.—An individual appointed to fill a
21 vacancy occurring before the expiration of
22 the term for which the predecessor of the
23 individual was appointed shall be appointed
24 to serve a 6-year term.

1 “(B) INCAPACITY.—If a Copyright Claims
2 Officer is temporarily unable to perform the du-
3 ties of the Officer, the Librarian of Congress
4 shall, upon recommendation of, and in consulta-
5 tion with, the Register of Copyrights, act expe-
6 ditiously to appoint an interim Copyright
7 Claims Officer to perform such duties during
8 the period of such incapacity.

9 “(7) SANCTION OR REMOVAL.—Subject to sec-
10 tion 1503(b), the Librarian of Congress may sanc-
11 tion or remove a Copyright Claims Officer.

12 “(8) ADMINISTRATIVE SUPPORT.—The Register
13 of Copyrights shall provide the Copyright Claims Of-
14 ficers and Copyright Claims Attorneys with nec-
15 essary administrative support, including techno-
16 logical facilities, to carry out the duties of the Offi-
17 cers and Attorneys under this chapter.

18 “(9) LOCATION OF COPYRIGHT CLAIMS
19 BOARD.—The offices and facilities of the Copyright
20 Claims Officers and Copyright Claims Attorneys
21 shall be located at the Copyright Office.

22 **“§ 1503. Authority and duties of the Copyright Claims**
23 **Board**

24 “(a) FUNCTIONS.—

1 “(1) COPYRIGHT CLAIMS OFFICERS.—Subject
2 to the provisions of this chapter and applicable regu-
3 lations, the functions of the Copyright Claims Offi-
4 cers shall be as follows:

5 “(A) To render determinations on the civil
6 copyright claims, counterclaims, and defenses
7 that may be brought before the Officers under
8 this chapter.

9 “(B) To ensure that claims, counterclaims,
10 and defenses are properly asserted and other-
11 wise appropriate for resolution by the Copyright
12 Claims Board.

13 “(C) To manage the proceedings before the
14 Officers and render rulings pertaining to the
15 consideration of claims, counterclaims, and de-
16 fenses, including with respect to scheduling, dis-
17 covery, evidentiary, and other matters.

18 “(D) To request, from participants and
19 nonparticipants in a proceeding, the production
20 of information and documents relevant to the
21 resolution of a claim, counterclaim, or defense.

22 “(E) To conduct hearings and conferences.

23 “(F) To facilitate the settlement by the
24 parties of claims and counterclaims.

25 “(G) To—

1 “(i) award monetary relief; and

2 “(ii) include in the determinations of
3 the Officers a requirement that certain ac-
4 tivities under section 1504(e)(2) cease or
5 be mitigated, if the party to undertake the
6 applicable measure has so agreed.

7 “(H) To provide information to the public
8 concerning the procedures and requirements of
9 the Copyright Claims Board.

10 “(I) To maintain records of the pro-
11 ceedings before the Officers, certify official
12 records of such proceedings as needed, and, as
13 provided in section 1506(t), make the records
14 in such proceedings available to the public.

15 “(J) To carry out such other duties as are
16 set forth in this chapter.

17 “(K) When not engaged in performing the
18 duties of the Officers set forth in this chapter,
19 to perform such other duties as may be as-
20 signed by the Register of Copyrights.

21 “(2) COPYRIGHT CLAIMS ATTORNEYS.—Subject
22 to the provisions of this chapter and applicable regu-
23 lations, the functions of the Copyright Claims Attor-
24 neys shall be as follows:

1 “(A) To provide assistance to the Copy-
2 right Claims Officers in the administration of
3 the duties of those Officers under this chapter.

4 “(B) To provide assistance to members of
5 the public with respect to the procedures and
6 requirements of the Copyright Claims Board.

7 “(C) To provide information to potential
8 claimants contemplating bringing a permissible
9 action before the Copyright Claims Board about
10 obtaining a subpoena under section 512(h) for
11 the sole purpose of identifying a potential re-
12 spondent in such an action.

13 “(D) When not engaged in performing the
14 duties of the Attorneys set forth in this chapter,
15 to perform such other duties as may be as-
16 signed by the Register of Copyrights.

17 “(b) INDEPENDENCE IN DETERMINATIONS.—

18 “(1) IN GENERAL.—The Copyright Claims
19 Board shall render the determinations of the Board
20 in individual proceedings independently on the basis
21 of the records in the proceedings before it and in ac-
22 cordance with the provisions of this title, judicial
23 precedent, and applicable regulations of the Register
24 of Copyrights.

1 “(2) CONSULTATION.—The Copyright Claims
2 Officers and Copyright Claims Attorneys—

3 “(A) may consult with the Register of
4 Copyrights on general issues of law; and

5 “(B) subject to section 1506(x), may not
6 consult with the Register of Copyrights with re-
7 spect to—

8 “(i) the facts of any particular matter
9 pending before the Officers and the Attor-
10 neys; or

11 “(ii) the application of law to the
12 facts described in clause (i).

13 “(3) PERFORMANCE APPRAISALS.—Notwith-
14 standing any other provision of law or any regula-
15 tion or policy of the Library of Congress or Register
16 of Copyrights, any performance appraisal of a Copy-
17 right Claims Officer or Copyright Claims Attorney
18 may not consider the substantive result of any indi-
19 vidual determination reached by the Copyright
20 Claims Board as a basis for appraisal except to the
21 extent that the result may relate to any actual or al-
22 leged violation of an ethical standard of conduct.

23 “(c) DIRECTION BY REGISTER.—Subject to sub-
24 section (b), the Copyright Claims Officers and Copyright
25 Claims Attorneys shall, in the administration of their du-

1 ties, be under the general direction of the Register of
2 Copyrights.

3 “(d) INCONSISTENT DUTIES BARRED.—A Copyright
4 Claims Officer or Copyright Claims Attorney may not un-
5 dertake any duty that conflicts with the duties of the Offi-
6 cer or Attorney in connection with the Copyright Claims
7 Board.

8 “(e) RECUSAL.—A Copyright Claims Officer or Copy-
9 right Claims Attorney shall recuse himself or herself from
10 participation in any proceeding with respect to which the
11 Copyright Claims Officer or Copyright Claims Attorney,
12 as the case may be, has reason to believe that he or she
13 has a conflict of interest.

14 “(f) EX PARTE COMMUNICATIONS.—Except as may
15 otherwise be permitted by applicable law, any party to a
16 proceeding before the Copyright Claims Board shall re-
17 frain from ex parte communications with the Copyright
18 Claims Officers and the Register of Copyrights concerning
19 the substance of any active or pending proceeding before
20 the Copyright Claims Board.

21 “(g) JUDICIAL REVIEW.—Actions of the Copyright
22 Claims Officers and Register of Copyrights under this
23 chapter in connection with the rendering of any deter-
24 mination are subject to judicial review as provided under
25 section 1508(c) and not under chapter 7 of title 5.

1 **“§ 1504. Nature of proceedings**

2 “(a) VOLUNTARY PARTICIPATION.—Participation in
3 a Copyright Claims Board proceeding shall be on a vol-
4 untary basis in accordance with this chapter, and the right
5 of any party to instead pursue a claim, counterclaim, or
6 defense in a district court of the United States, any other
7 court, or any other forum, and to seek a jury trial, shall
8 be preserved. The rights, remedies, and limitations under
9 this section may not be waived except in accordance with
10 this chapter.

11 “(b) STATUTE OF LIMITATIONS.—

12 “(1) IN GENERAL.—A proceeding may not be
13 maintained before the Copyright Claims Board un-
14 less the proceeding is commenced, in accordance
15 with section 1506(e), before the Copyright Claims
16 Board not later than 3 years after the claim ac-
17 curred.

18 “(2) TOLLING.—Subject to section 1507(a), a
19 proceeding commenced before the Copyright Claims
20 Board shall toll the time permitted under section
21 507(b) for the commencement of an action on the
22 same claim in a district court of the United States
23 during the period in which the proceeding is pend-
24 ing.

25 “(c) PERMISSIBLE CLAIMS, COUNTERCLAIMS, AND
26 DEFENSES.—The Copyright Claims Board may render de-

1 terminations with respect to the following claims, counter-
2 claims, and defenses, subject to such further limitations
3 and requirements, including with respect to particular
4 classes of works, as may be set forth in regulations estab-
5 lished by the Register of Copyrights:

6 “(1) A claim for infringement of an exclusive
7 right in a copyrighted work provided under section
8 106 by the legal or beneficial owner of the exclusive
9 right at the time of the infringement for which the
10 claimant seeks damages, if any, within the limita-
11 tions set forth in subsection (e)(1).

12 “(2) A claim for a declaration of noninfringe-
13 ment of an exclusive right in a copyrighted work
14 provided under section 106, consistent with section
15 2201 of title 28.

16 “(3) A claim under section 512(f) for misrepre-
17 sentation in connection with a notification of claimed
18 infringement or a counter notification seeking to re-
19 place removed or disabled material, except that any
20 remedies relating to such a claim in a proceeding be-
21 fore the Copyright Claims Board shall be limited to
22 those available under this chapter.

23 “(4) A counterclaim that is asserted solely
24 against the claimant in a proceeding—

1 “(A) pursuant to which the counterclaim-
2 ant seeks damages, if any, within the limita-
3 tions set forth in subsection (e)(1); and

4 “(B) that—

5 “(i) arises under section 106 or sec-
6 tion 512(f) and out of the same trans-
7 action or occurrence that is the subject of
8 a claim of infringement brought under
9 paragraph (1), a claim of noninfringement
10 brought under paragraph (2), or a claim of
11 misrepresentation brought under para-
12 graph (3); or

13 “(ii) arises under an agreement per-
14 taining to the same transaction or occur-
15 rence that is the subject of a claim of in-
16 fringement brought under paragraph (1),
17 if the agreement could affect the relief
18 awarded to the claimant.

19 “(5) A legal or equitable defense under this title
20 or otherwise available under law, in response to a
21 claim or counterclaim asserted under this subsection.

22 “(6) A single claim or multiple claims permitted
23 under paragraph (1), (2), or (3) by 1 or more claim-
24 ants against 1 or more respondents, but only if all
25 claims asserted in any 1 proceeding arise out of the

1 same allegedly infringing activity or continuous
2 course of infringing activities and do not, in the ag-
3 gregate, result in the recovery of such claim or
4 claims for damages that exceed the limitations under
5 subsection (e)(1).

6 “(d) EXCLUDED CLAIMS.—The following claims and
7 counterclaims are not subject to determination by the
8 Copyright Claims Board:

9 “(1) A claim or counterclaim that is not a per-
10 missible claim or counterclaim under subsection (c).

11 “(2) A claim or counterclaim that has been fi-
12 nally adjudicated by a court of competent jurisdic-
13 tion or that is pending before a court of competent
14 jurisdiction, unless that court has granted a stay to
15 permit that claim or counterclaim to proceed before
16 the Copyright Claims Board.

17 “(3) A claim or counterclaim by or against a
18 Federal or State governmental entity.

19 “(4) A claim or counterclaim asserted against a
20 person or entity residing outside of the United
21 States, except in a case in which the person or entity
22 initiated the proceeding before the Copyright Claims
23 Board and is subject to counterclaims under this
24 chapter.

25 “(e) PERMISSIBLE REMEDIES.—

1 “(1) MONETARY RECOVERY.—

2 “(A) ACTUAL DAMAGES, PROFITS, AND
3 STATUTORY DAMAGES FOR INFRINGEMENT.—

4 With respect to a claim or counterclaim for in-
5 fringement of copyright, and subject to the limi-
6 tation on total monetary recovery under sub-
7 paragraph (D), the Copyright Claims Board
8 may award either of the following:

9 “(i) Actual damages and profits deter-
10 mined in accordance with section 504(b),
11 with that award taking into consideration,
12 in appropriate cases, whether the infring-
13 ing party has agreed to cease or mitigate
14 the infringing activity under paragraph
15 (2).

16 “(ii) Statutory damages, which shall
17 be determined in accordance with section
18 504(e), subject to the following conditions:

19 “(I) With respect to works timely
20 registered under section 412, so that
21 the works are eligible for an award of
22 statutory damages in accordance with
23 that section, the statutory damages
24 may not exceed \$15,000 for each
25 work infringed.

1 “(II) With respect to works not
2 timely registered under section 412,
3 but eligible for an award of statutory
4 damages under this section, statutory
5 damages may not exceed \$7,500 per
6 work infringed, or a total of \$15,000
7 in any 1 proceeding.

8 “(III) The Copyright Claims
9 Board may not make any finding
10 that, or consider whether, the in-
11 fringement was committed willfully in
12 making an award of statutory dam-
13 ages.

14 “(IV) The Copyright Claims
15 Board may consider, as an additional
16 factor in awarding statutory damages,
17 whether the infringer has agreed to
18 cease or mitigate the infringing activ-
19 ity under paragraph (2).

20 “(B) ELECTION OF DAMAGES.—With re-
21 spect to a claim or counterclaim of infringe-
22 ment, at any time before final determination is
23 rendered, and notwithstanding the schedule es-
24 tablished by the Copyright Claims Board under

1 section 1506(k), the claimant or counterclaim-
2 ant shall elect—

3 “(i) to recover actual damages and
4 profits or statutory damages under sub-
5 paragraph (A); or

6 “(ii) not to recover damages.

7 “(C) DAMAGES FOR OTHER CLAIMS.—
8 Damages for claims and counterclaims other
9 than infringement claims, such as those
10 brought under section 512(f), shall be subject
11 to the limitation under subparagraph (D).

12 “(D) LIMITATION ON TOTAL MONETARY
13 RECOVERY.—Notwithstanding any other provi-
14 sion of law, a party that pursues any 1 or more
15 claims or counterclaims in any single pro-
16 ceeding before the Copyright Claims Board may
17 not seek or recover in that proceeding a total
18 monetary recovery that exceeds the sum of
19 \$30,000, exclusive of any attorneys’ fees and
20 costs that may be awarded under section
21 1506(y)(2).

22 “(2) AGREEMENT TO CEASE CERTAIN ACTIV-
23 ITY.—In a determination of the Copyright Claims
24 Board, the Board shall include a requirement to

1 cease conduct if, in the proceeding relating to the
2 determination—

3 “(A) a party agrees—

4 “(i) to cease activity that is found to
5 be infringing, including removing or dis-
6 abling access to, or destroying, infringing
7 materials; or

8 “(ii) to cease sending a takedown no-
9 tice or counter notice under section 512 to
10 the other party regarding the conduct at
11 issue before the Board if that notice or
12 counter notice was found to be a knowing
13 material misrepresentation under section
14 512(f); and

15 “(B) the agreement described in subpara-
16 graph (A) is reflected in the record for the pro-
17 ceeding.

18 “(3) ATTORNEYS’ FEES AND COSTS.—Notwith-
19 standing any other provision of law, except in the
20 case of bad faith conduct as provided in section
21 1506(y)(2), the parties to proceedings before the
22 Copyright Claims Board shall bear their own attor-
23 neys’ fees and costs.

24 “(f) JOINT AND SEVERAL LIABILITY.—Parties to a
25 proceeding before the Copyright Claims Board may be

1 found jointly and severally liable if all such parties and
2 relevant claims or counterclaims arise from the same ac-
3 tivity or activities.

4 “(g) PERMISSIBLE NUMBER OF CASES.—The Reg-
5 ister of Copyrights may establish regulations relating to
6 the permitted number of proceedings each year by the
7 same claimant under this chapter, in the interests of jus-
8 tice and the administration of the Copyright Claims
9 Board.

10 **“§ 1505. Registration requirement**

11 “(a) APPLICATION OR CERTIFICATE.—A claim or
12 counterclaim alleging infringement of an exclusive right
13 in a copyrighted work may not be asserted before the
14 Copyright Claims Board unless—

15 “(1) the legal or beneficial owner of the copy-
16 right has first delivered a completed application, a
17 deposit, and the required fee for registration of the
18 copyright to the Copyright Office; and

19 “(2) a registration certificate has either been
20 issued or has not been refused.

21 “(b) CERTIFICATE OF REGISTRATION.—Notwith-
22 standing any other provision of law, a claimant or counter-
23 claimant in a proceeding before the Copyright Claims
24 Board shall be eligible to recover actual damages and prof-
25 its or statutory damages under this chapter for infringe-

1 ment of a work if the requirements of subsection (a) have
2 been met, except that—

3 “(1) the Copyright Claims Board may not
4 render a determination in the proceeding until—

5 “(A) a registration certificate with respect
6 to the work has been issued by the Copyright
7 Office, submitted to the Copyright Claims
8 Board, and made available to the other parties
9 to the proceeding; and

10 “(B) the other parties to the proceeding
11 have been provided an opportunity to address
12 the registration certificate;

13 “(2) if the proceeding may not proceed further
14 because a registration certificate for the work is
15 pending, the proceeding shall be held in abeyance
16 pending submission of the certificate to the Copy-
17 right Claims Board, except that, if the proceeding is
18 held in abeyance for more than 1 year, the Copy-
19 right Claims Board may, upon providing written no-
20 tice to the parties to the proceeding, and 30 days to
21 the parties to respond to the notice, dismiss the pro-
22 ceeding without prejudice; and

23 “(3) if the Copyright Claims Board receives no-
24 tice that registration with respect to the work has

1 been refused, the proceeding shall be dismissed with-
2 out prejudice.

3 “(c) PRESUMPTION.—In a case in which a registra-
4 tion certificate shows that registration with respect to a
5 work was issued not later than 5 years after the date of
6 the first publication of the work, the presumption under
7 section 410(c) shall apply in a proceeding before the Copy-
8 right Claims Board, in addition to relevant principles of
9 law under this title.

10 “(d) REGULATIONS.—In order to ensure that actions
11 before the Copyright Claims Board proceed in a timely
12 manner, the Register of Copyrights shall establish regula-
13 tions allowing the Copyright Office to make a decision,
14 on an expedited basis, to issue or deny copyright registra-
15 tion for an unregistered work that is at issue before the
16 Board.

17 **“§ 1506. Conduct of proceedings**

18 “(a) IN GENERAL.—

19 “(1) APPLICABLE LAW.—Proceedings of the
20 Copyright Claims Board shall be conducted in ac-
21 cordance with this chapter and regulations estab-
22 lished by the Register of Copyrights under this chap-
23 ter, in addition to relevant principles of law under
24 this title.

1 “(2) CONFLICTING PRECEDENT.—If it appears
2 that there may be conflicting judicial precedent on
3 an issue of substantive copyright law that cannot be
4 reconciled, the Copyright Claims Board shall follow
5 the law of the Federal jurisdiction in which the ac-
6 tion could have been brought if filed in a district
7 court of the United States, or, if the action could
8 have been brought in more than 1 such jurisdiction,
9 the jurisdiction that the Copyright Claims Board de-
10 termines has the most significant ties to the parties
11 and conduct at issue.

12 “(b) RECORD.—The Copyright Claims Board shall
13 maintain records documenting the proceedings before the
14 Board.

15 “(c) CENTRALIZED PROCESS.—Proceedings before
16 the Copyright Claims Board shall—

17 “(1) be conducted at the offices of the Copy-
18 right Claims Board without the requirement of in-
19 person appearances by parties or others; and

20 “(2) take place by means of written submis-
21 sions, hearings, and conferences carried out through
22 internet-based applications and other telecommuni-
23 cations facilities, except that, in cases in which phys-
24 ical or other nontestimonial evidence material to a
25 proceeding cannot be furnished to the Copyright

1 Claims Board through available telecommunications
2 facilities, the Copyright Claims Board may make al-
3 ternative arrangements for the submission of such
4 evidence that do not prejudice any other party to the
5 proceeding.

6 “(d) REPRESENTATION.—A party to a proceeding be-
7 fore the Copyright Claims Board may be, but is not re-
8 quired to be, represented by—

9 “(1) an attorney; or

10 “(2) a law student who is qualified under appli-
11 cable law governing representation by law students
12 of parties in legal proceedings and who provides
13 such representation on a pro bono basis.

14 “(e) COMMENCEMENT OF PROCEEDING.—In order to
15 commence a proceeding under this chapter, a claimant
16 shall, subject to such additional requirements as may be
17 prescribed in regulations established by the Register of
18 Copyrights, file a claim with the Copyright Claims Board,
19 that—

20 “(1) includes a statement of material facts in
21 support of the claim;

22 “(2) is certified under subsection (y)(1); and

23 “(3) is accompanied by a filing fee in such
24 amount as may be prescribed in regulations estab-
25 lished by the Register of Copyrights.

1 “(f) REVIEW OF CLAIMS AND COUNTERCLAIMS.—

2 “(1) CLAIMS.—Upon the filing of a claim under
3 subsection (e), the claim shall be reviewed by a
4 Copyright Claims Attorney to ensure that the claim
5 complies with this chapter and applicable regula-
6 tions, subject to the following:

7 “(A) If the claim is found to comply, the
8 claimant shall be notified regarding that com-
9 pliance and instructed to proceed with service of
10 the claim under subsection (g).

11 “(B) If the claim is found not to comply,
12 the claimant shall be notified that the claim is
13 deficient and be permitted to file an amended
14 claim not later than 30 days after the date on
15 which the claimant receives the notice, without
16 the requirement of an additional filing fee. If
17 the claimant files a compliant claim within that
18 30-day period, the claimant shall be so notified
19 and be instructed to proceed with service of the
20 claim. If the claim is refiled within that 30-day
21 period and still fails to comply, the claimant
22 shall again be notified that the claim is defi-
23 cient and shall be provided a second oppor-
24 tunity to amend the claim not later than 30
25 days after the date of that second notice, with-

1 out the requirement of an additional filing fee.
2 If the claim is refiled again within that second
3 30-day period and is compliant, the claimant
4 shall be so notified and shall be instructed to
5 proceed with service of the claim, but if the
6 claim still fails to comply, upon confirmation of
7 such noncompliance by a Copyright Claims Of-
8 ficer, the proceeding shall be dismissed without
9 prejudice. The Copyright Claims Board shall
10 also dismiss without prejudice any proceeding
11 in which a compliant claim is not filed within
12 the applicable 30-day period.

13 “(C)(i) Subject to clause (ii), for purposes
14 of this paragraph, a claim against an online
15 service provider for infringement by reason of
16 the storage of or referral or linking to infring-
17 ing material that may be subject to the limita-
18 tions on liability set forth in subsection (b), (c),
19 or (d) of section 512 shall be considered non-
20 compliant unless the claimant affirms in the
21 statement required under subsection (e)(1) of
22 this section that the claimant has previously no-
23 tified the service provider of the claimed in-
24 fringement in accordance with subsection
25 (b)(2)(E), (c)(3), or (d)(3) of section 512, as

1 applicable, and the service provider failed to re-
2 move or disable access to the material expedi-
3 tiously upon the provision of such notice.

4 “(ii) If a claim is found to be noncompliant
5 under clause (i), the Copyright Claims Board
6 shall provide the claimant with information con-
7 cerning the service of such a notice under the
8 applicable provision of section 512.

9 “(2) COUNTERCLAIMS.—Upon the filing and
10 service of a counterclaim, the counterclaim shall be
11 reviewed by a Copyright Claims Attorney to ensure
12 that the counterclaim complies with the provisions of
13 this chapter and applicable regulations. If the coun-
14 terclaim is found not to comply, the counterclaimant
15 and the other parties to the proceeding shall be noti-
16 fied that the counterclaim is deficient, and the
17 counterclaimant shall be permitted to file and serve
18 an amended counterclaim not later than 30 days
19 after the date of such notice. If the counterclaimant
20 files and serves a compliant counterclaim within that
21 30-day period, the counterclaimant and such other
22 parties shall be so notified. If the counterclaim is
23 refiled and served within that 30-day period but still
24 fails to comply, the counterclaimant and such other
25 parties shall again be notified that the counterclaim

1 is deficient, and the counterclaimant shall be pro-
2 vided a second opportunity to amend the counter-
3 claim not later than 30 days after the date of the
4 second notice. If the counterclaim is refiled and
5 served again within that second 30-day period and
6 is compliant, the counterclaimant and such other
7 parties shall be so notified, but if the counterclaim
8 still fails to comply, upon confirmation of such non-
9 compliance by a Copyright Claims Officer, the coun-
10 terclaim, but not the proceeding, shall be dismissed
11 without prejudice.

12 “(3) DISMISSAL FOR UNSUITABILITY.—The
13 Copyright Claims Board shall dismiss a claim or
14 counterclaim without prejudice if, upon reviewing
15 the claim or counterclaim, or at any other time in
16 the proceeding, the Copyright Claims Board con-
17 cludes that the claim or counterclaim is unsuitable
18 for determination by the Copyright Claims Board,
19 including on account of any of the following:

20 “(A) The failure to join a necessary party.

21 “(B) The lack of an essential witness, evi-
22 dence, or expert testimony.

23 “(C) The determination of a relevant issue
24 of law or fact that could exceed either the num-
25 ber of proceedings the Copyright Claims Board

1 could reasonably administer or the subject mat-
2 ter competence of the Copyright Claims Board.

3 “(g) SERVICE OF NOTICE AND CLAIMS.—In order to
4 proceed with a claim against a respondent, a claimant
5 shall, not later than 90 days after receiving notification
6 under subsection (f) to proceed with service, file with the
7 Copyright Claims Board proof of service on the respond-
8 ent. In order to effectuate service on a respondent, the
9 claimant shall cause notice of the proceeding and a copy
10 of the claim to be served on the respondent, either by per-
11 sonal service or pursuant to a waiver of personal service,
12 as prescribed in regulations established by the Register of
13 Copyrights. Such regulations shall include the following
14 requirements:

15 “(1) The notice of the proceeding shall adhere
16 to a prescribed form and shall set forth the nature
17 of the Copyright Claims Board and proceeding, the
18 right of the respondent to opt out, and the con-
19 sequences of opting out and not opting out, includ-
20 ing a prominent statement that, by not opting out
21 within 60 days after receiving the notice, the re-
22 spondent—

23 “(A) loses the opportunity to have the dis-
24 pute decided by a court created under article

1 III of the Constitution of the United States;
2 and

3 “(B) waives the right to a jury trial re-
4 garding the dispute.

5 “(2) The copy of the claim served on the re-
6 spondent shall be the same as the claim that was
7 filed with the Copyright Claims Board.

8 “(3) Personal service of a notice and claim may
9 be effected by an individual who is not a party to
10 the proceeding and is older than 18 years of age.

11 “(4) An individual, other than a minor or in-
12 competent individual, may be served by—

13 “(A) complying with State law for serving
14 a summons in an action brought in courts of
15 general jurisdiction in the State where service is
16 made;

17 “(B) delivering a copy of the notice and
18 claim to the individual personally;

19 “(C) leaving a copy of the notice and claim
20 at the individual’s dwelling or usual place of
21 abode with someone of suitable age and discre-
22 tion who resides there; or

23 “(D) delivering a copy of the notice and
24 claim to an agent designated by the respondent
25 to receive service of process or, if not so des-

1 ignated, an agent authorized by appointment or
2 by law to receive service of process.

3 “(5)(A) A corporation, partnership, or unincor-
4 porated association that is subject to suit in courts
5 of general jurisdiction under a common name shall
6 be served by delivering a copy of the notice and
7 claim to its service agent. If such service agent has
8 not been designated, service shall be accomplished—

9 “(i) by complying with State law for serv-
10 ing a summons in an action brought in courts
11 of general jurisdiction in the State where serv-
12 ice is made; or

13 “(ii) by delivering a copy of the notice and
14 claim to an officer, a managing or general
15 agent, or any other agent authorized by ap-
16 pointment or by law to receive service of proc-
17 ess in an action brought in courts of general ju-
18 risdiction in the State where service is made
19 and, if the agent is one authorized by statute
20 and the statute so requires, by also mailing a
21 copy of the notice and claim to the respondent.

22 “(B) A corporation, partnership, or unincor-
23 porated association that is subject to suit in courts
24 of general jurisdiction under a common name may
25 elect to designate a service agent to receive notice of

1 a claim against it before the Copyright Claims
2 Board by complying with requirements that the Reg-
3 ister of Copyrights shall establish by regulation. The
4 Register of Copyrights shall maintain a current di-
5 rectory of service agents that is available to the pub-
6 lic for inspection, including through the internet,
7 and may require such corporations, partnerships,
8 and unincorporated associations designating such
9 service agents to pay a fee to cover the costs of
10 maintaining the directory.

11 “(6) In order to request a waiver of personal
12 service, the claimant may notify a respondent, by
13 first class mail or by other reasonable means, that
14 a proceeding has been commenced, such notice to be
15 made in accordance with regulations established by
16 the Register of Copyrights, subject to the following:

17 “(A) Any such request shall be in writing,
18 shall be addressed to the respondent, and shall
19 be accompanied by a prescribed notice of the
20 proceeding, a copy of the claim as filed with the
21 Copyright Claims Board, a prescribed form for
22 waiver of personal service, and a prepaid or
23 other means of returning the form without cost.

24 “(B) The request shall state the date on
25 which the request is sent, and shall provide the

1 respondent a period of 30 days, beginning on
2 the date on which the request is sent, to return
3 the waiver form signed by the respondent. The
4 signed waiver form shall, for purposes of this
5 subsection, constitute acceptance and proof of
6 service as of the date on which the waiver is
7 signed.

8 “(7)(A) A respondent’s waiver of personal serv-
9 ice shall not constitute a waiver of the respondent’s
10 right to opt out of the proceeding.

11 “(B) A respondent who timely waives personal
12 service under paragraph (6) and does not opt out of
13 the proceeding shall be permitted a period of 30
14 days, in addition to the period otherwise permitted
15 under the applicable procedures of the Copyright
16 Claims Board, to submit a substantive response to
17 the claim, including any defenses and counterclaims.

18 “(8) A minor or an incompetent individual may
19 only be served by complying with State law for serv-
20 ing a summons or like process on such an individual
21 in an action brought in the courts of general juris-
22 diction of the State where service is made.

23 “(9) Service of a claim and waiver of personal
24 service may only be effected within the United
25 States.

1 “(h) NOTIFICATION BY COPYRIGHT CLAIMS
2 BOARD.—The Register of Copyrights shall establish regu-
3 lations providing for a written notification to be sent by,
4 or on behalf of, the Copyright Claims Board to notify the
5 respondent of a pending proceeding against the respond-
6 ent, as set forth in those regulations, which shall—

7 “(1) include information concerning the re-
8 spondent’s right to opt out of the proceeding, the
9 consequences of opting out and not opting out, and
10 a prominent statement that, by not opting out with-
11 in 60 days after the date of service under subsection
12 (g), the respondent loses the opportunity to have the
13 dispute decided by a court created under article III
14 of the Constitution of the United States and waives
15 the right to a jury trial regarding the dispute; and

16 “(2) be in addition to, and separate and apart
17 from, the notice requirements under subsection (g).

18 “(i) OPT-OUT PROCEDURE.—Upon being properly
19 served with a notice and claim, a respondent who chooses
20 to opt out of the proceeding shall have a period of 60 days,
21 beginning on the date of service, in which to provide writ-
22 ten notice of such choice to the Copyright Claims Board,
23 in accordance with regulations established by the Register
24 of Copyrights. If proof of service has been filed by the
25 claimant and the respondent does not submit an opt-out

1 notice to the Copyright Claims Board within that 60-day
2 period, the proceeding shall be deemed an active pro-
3 ceeding and the respondent shall be bound by the deter-
4 mination in the proceeding to the extent provided under
5 section 1507(a). If the respondent opts out of the pro-
6 ceeding during that 60-day period, the proceeding shall
7 be dismissed without prejudice, except that, in exceptional
8 circumstances and upon written notice to the claimant, the
9 Copyright Claims Board may extend that 60-day period
10 in the interests of justice.

11 “(j) SERVICE OF OTHER DOCUMENTS.—Documents
12 submitted or relied upon in a proceeding, other than the
13 notice and claim, shall be served in accordance with regu-
14 lations established by the Register of Copyrights.

15 “(k) SCHEDULING.—Upon confirmation that a pro-
16 ceeding has become an active proceeding, the Copyright
17 Claims Board shall issue a schedule for the future conduct
18 of the proceeding. The schedule shall not specify a time
19 that a claimant or counterclaimant is required make an
20 election of damages that is inconsistent with section
21 1504(e). A schedule issued by the Copyright Claims Board
22 may be amended by the Copyright Claims Board in the
23 interests of justice.

24 “(l) CONFERENCES.—One or more Copyright Claims
25 Officers may hold a conference to address case manage-

1 ment or discovery issues in a proceeding, which shall be
2 noted upon the record of the proceeding and may be re-
3 corded or transcribed.

4 “(m) PARTY SUBMISSIONS.—A proceeding of the
5 Copyright Claims Board may not include any formal mo-
6 tion practice, except that, subject to applicable regulations
7 and procedures of the Copyright Claims Board—

8 “(1) the parties to the proceeding may make re-
9 quests to the Copyright Claims Board to address
10 case management and discovery matters, and submit
11 responses thereto; and

12 “(2) the Copyright Claims Board may request
13 or permit parties to make submissions addressing
14 relevant questions of fact or law, or other matters,
15 including matters raised sua sponte by the Copy-
16 right Claims Officers, and offer responses thereto.

17 “(n) DISCOVERY.—Discovery in a proceeding shall be
18 limited to the production of relevant information and doc-
19 uments, written interrogatories, and written requests for
20 admission, as provided in regulations established by the
21 Register of Copyrights, except that—

22 “(1) upon the request of a party, and for good
23 cause shown, the Copyright Claims Board may ap-
24 prove additional relevant discovery, on a limited
25 basis, in particular matters, and may request spe-

1 cific information and documents from participants in
2 the proceeding and voluntary submissions from non-
3 participants, consistent with the interests of justice;

4 “(2) upon the request of a party, and for good
5 cause shown, the Copyright Claims Board may issue
6 a protective order to limit the disclosure of docu-
7 ments or testimony that contain confidential infor-
8 mation; and

9 “(3) after providing notice and an opportunity
10 to respond, and upon good cause shown, the Copy-
11 right Claims Board may apply an adverse inference
12 with respect to disputed facts against a party who
13 has failed to timely provide discovery materials in
14 response to a proper request for materials that could
15 be relevant to such facts.

16 “(o) EVIDENCE.—The Copyright Claims Board may
17 consider the following types of evidence in a proceeding,
18 and such evidence may be admitted without application
19 of formal rules of evidence:

20 “(1) Documentary and other nontestimonial
21 evidence that is relevant to the claims, counter-
22 claims, or defenses in the proceeding.

23 “(2) Testimonial evidence, submitted under
24 penalty of perjury in written form or in accordance
25 with subsection (p), limited to statements of the par-

1 ties and nonexpert witnesses, that is relevant to the
2 claims, counterclaims, and defenses in a proceeding,
3 except that, in exceptional cases, expert witness tes-
4 timony or other types of testimony may be permitted
5 by the Copyright Claims Board for good cause
6 shown.

7 “(p) HEARINGS.—The Copyright Claims Board may
8 conduct a hearing to receive oral presentations on issues
9 of fact or law from parties and witnesses to a proceeding,
10 including oral testimony, subject to the following:

11 “(1) Any such hearing shall be attended by not
12 fewer than 2 of the Copyright Claims Officers.

13 “(2) The hearing shall be noted upon the record
14 of the proceeding and, subject to paragraph (3), may
15 be recorded or transcribed as deemed necessary by
16 the Copyright Claims Board.

17 “(3) A recording or transcript of the hearing
18 shall be made available to any Copyright Claims Of-
19 ficer who is not in attendance.

20 “(q) VOLUNTARY DISMISSAL.—

21 “(1) BY CLAIMANT.—Upon the written request
22 of a claimant that is received before a respondent
23 files a response to the claim in a proceeding, the
24 Copyright Claims Board shall dismiss the pro-

1 ceeding, or a claim or respondent, as requested,
2 without prejudice.

3 “(2) BY COUNTERCLAIMANT.—Upon written re-
4 quest of a counterclaimant that is received before a
5 claimant files a response to the counterclaim, the
6 Copyright Claims Board shall dismiss the counter-
7 claim, such dismissal to be without prejudice.

8 “(3) CLASS ACTIONS.—Any party in an active
9 proceeding before the Copyright Claims Board who
10 receives notice of a pending or putative class action,
11 arising out of the same transaction or occurrence, in
12 which that party is a class member may request in
13 writing dismissal of the proceeding before the Board.
14 Upon notice to all claimants and counterclaimants,
15 the Copyright Claims Board shall dismiss the pro-
16 ceeding without prejudice.

17 “(r) SETTLEMENT.—

18 “(1) IN GENERAL.—At any time in an active
19 proceeding, some or all of the parties may—

20 “(A) jointly request a conference with a
21 Copyright Claims Officer for the purpose of fa-
22 cilitating settlement discussions; or

23 “(B) submit to the Copyright Claims
24 Board an agreement providing for settlement

1 and dismissal of some or all of the claims and
2 counterclaims in the proceeding.

3 “(2) ADDITIONAL REQUEST.—A submission
4 under paragraph (1)(B) may include a request that
5 the Copyright Claims Board adopt some or all of the
6 terms of the parties’ settlement in a final determina-
7 tion in the proceeding.

8 “(s) FACTUAL FINDINGS.—Subject to subsection
9 (n)(3), the Copyright Claims Board shall make factual
10 findings based upon a preponderance of the evidence.

11 “(t) DETERMINATIONS.—

12 “(1) NATURE AND CONTENTS.—A determina-
13 tion rendered by the Copyright Claims Board in a
14 proceeding shall—

15 “(A) be reached by a majority of the Copy-
16 right Claims Board;

17 “(B) be in writing, and include an expla-
18 nation of the factual and legal basis of the de-
19 termination;

20 “(C) set forth any terms by which a re-
21 spondent or counterclaim respondent has
22 agreed to cease infringing activity under section
23 1504(e)(2);

1 “(D) to the extent requested under sub-
2 section (r)(2), set forth the terms of any settle-
3 ment agreed to under subsection (r)(1); and

4 “(E) include a clear statement of all dam-
5 ages and other relief awarded, including under
6 subparagraphs (C) and (D).

7 “(2) DISSENT.—A Copyright Claims Officer
8 who dissents from a decision contained in a deter-
9 mination under paragraph (1) may append a state-
10 ment setting forth the grounds for that dissent.

11 “(3) PUBLICATION.—Each final determination
12 of the Copyright Claims Board shall be made avail-
13 able on a publicly accessible website. The Register
14 shall establish regulations with respect to the publi-
15 cation of other records and information relating to
16 such determinations, including the redaction of
17 records to protect confidential information that is
18 the subject of a protective order under subsection
19 (n)(2).

20 “(4) FREEDOM OF INFORMATION ACT.—All in-
21 formation relating to proceedings of the Copyright
22 Claims Board under this chapter is exempt from dis-
23 closure to the public under section 552(b)(3) of title
24 5, except for determinations, records, and informa-
25 tion published under paragraph (3).

1 “(u) RESPONDENT’S DEFAULT.—If a proceeding has
2 been deemed an active proceeding but the respondent has
3 failed to appear or has ceased participating in the pro-
4 ceeding, as demonstrated by the respondent’s failure,
5 without justifiable cause, to meet 1 or more deadlines or
6 requirements set forth in the schedule adopted by the
7 Copyright Claims Board under subsection (k), the Copy-
8 right Claims Board may enter a default determination, in-
9 cluding the dismissal of any counterclaim asserted by the
10 respondent, as follows and in accordance with such other
11 requirements as the Register of Copyrights may establish
12 by regulation:

13 “(1) The Copyright Claims Board shall require
14 the claimant to submit relevant evidence and other
15 information in support of the claimant’s claim and
16 any asserted damages and, upon review of such evi-
17 dence and any other requested submissions from the
18 claimant, shall determine whether the materials so
19 submitted are sufficient to support a finding in favor
20 of the claimant under applicable law and, if so, the
21 appropriate relief and damages, if any, to be award-
22 ed.

23 “(2) If the Copyright Claims Board makes an
24 affirmative determination under paragraph (1), the
25 Copyright Claims Board shall prepare a proposed

1 default determination, and shall provide written no-
2 tice to the respondent at all addresses, including
3 email addresses, reflected in the records of the pro-
4 ceeding before the Copyright Claims Board, of the
5 pendency of a default determination by the Copy-
6 right Claims Board and of the legal significance of
7 such determination. Such notice shall be accom-
8 panied by the proposed default determination and
9 shall provide that the respondent has a period of 30
10 days, beginning on the date of the notice, to submit
11 any evidence or other information in opposition to
12 the proposed default determination.

13 “(3) If the respondent responds to the notice
14 provided under paragraph (2) within the 30-day pe-
15 riod provided in such paragraph, the Copyright
16 Claims Board shall consider the respondent’s sub-
17 missions and, after allowing the other parties to ad-
18 dress such submissions, maintain, or amend its pro-
19 posed determination as appropriate, and the result-
20 ing determination shall not be a default determina-
21 tion.

22 “(4) If the respondent fails to respond to the
23 notice provided under paragraph (2), the Copyright
24 Claims Board shall proceed to issue the default de-
25 termination as a final determination. Thereafter, the

1 respondent may only challenge such determination to
2 the extent permitted under section 1508(c), except
3 that, before any additional proceedings are initiated
4 under section 1508, the Copyright Claims Board
5 may, in the interests of justice, vacate the default
6 determination.

7 “(v) CLAIMANT’S FAILURE TO PROCEED.—

8 “(1) FAILURE TO COMPLETE SERVICE.—If a
9 claimant fails to complete service on a respondent
10 within the 90-day period required under subsection
11 (g), the Copyright Claims Board shall dismiss that
12 respondent from the proceeding without prejudice. If
13 a claimant fails to complete service on all respond-
14 ents within that 90-day period, the Copyright Claims
15 Board shall dismiss the proceeding without preju-
16 dice.

17 “(2) FAILURE TO PROSECUTE.—If a claimant
18 fails to proceed in an active proceeding, as dem-
19 onstrated by the claimant’s failure, without justifi-
20 able cause, to meet 1 or more deadlines or require-
21 ments set forth in the schedule adopted by the Copy-
22 right Claims Board under subsection (k), the Copy-
23 right Claims Board may, upon providing written no-
24 tice to the claimant and a period of 30 days, begin-
25 ning on the date of the notice, to respond to the no-

1 tice, and after considering any such response, issue
2 a determination dismissing the claimant’s claims,
3 which shall include an award of attorneys’ fees and
4 costs, if appropriate, under subsection (y)(2). There-
5 after, the claimant may only challenge such deter-
6 mination to the extent permitted under section
7 1508(e), except that, before any additional pro-
8 ceedings are initiated under section 1508, the Copy-
9 right Claims Board may, in the interests of justice,
10 vacate the determination of dismissal.

11 “(w) REQUEST FOR RECONSIDERATION.—A party
12 may, not later than 30 days after the date on which the
13 Copyright Claims Board issues a final determination in
14 a proceeding under this chapter, submit a written request
15 for reconsideration of, or an amendment to, such deter-
16 mination if the party identifies a clear error of law or fact
17 material to the outcome, or a technical mistake. After pro-
18 viding the other parties an opportunity to address such
19 request, the Copyright Claims Board shall either deny the
20 request or issue an amended final determination.

21 “(x) REVIEW BY REGISTER.—If the Copyright
22 Claims Board denies a party a request for reconsideration
23 of a final determination under subsection (w), that party
24 may, not later than 30 days after the date of such denial,
25 request review of the final determination by the Register

1 of Copyrights in accordance with regulations established
2 by the Register. Such request shall be accompanied by a
3 reasonable filing fee, as provided in such regulations. The
4 review by the Register shall be limited to consideration
5 of whether the Copyright Claims Board abused its discre-
6 tion in denying reconsideration of the determination. After
7 providing the other parties an opportunity to address the
8 request, the Register shall either deny the request for re-
9 view, or remand the proceeding to the Copyright Claims
10 Board for reconsideration of issues specified in the remand
11 and for issuance of an amended final determination. Such
12 amended final determination shall not be subject to fur-
13 ther consideration or review, other than under section
14 1508(c).

15 “(y) CONDUCT OF PARTIES AND ATTORNEYS.—

16 “(1) CERTIFICATION.—The Register of Copy-
17 rights shall establish regulations requiring certifi-
18 cation of the accuracy and truthfulness of state-
19 ments made by participants in proceedings before
20 the Copyright Claims Board.

21 “(2) BAD FAITH CONDUCT.—Notwithstanding
22 any other provision of law, in any proceeding in
23 which a determination is rendered and it is estab-
24 lished that a party pursued a claim, counterclaim, or
25 defense for a harassing or other improper purpose,

1 or without a reasonable basis in law or fact, then,
2 unless inconsistent with the interests of justice, the
3 Copyright Claims Board shall in such determination
4 award reasonable costs and attorneys' fees to any
5 adversely affected party of in an amount of not more
6 than \$5,000, except that—

7 “(A) if an adversely affected party ap-
8 peared pro se in the proceeding, the award to
9 that party shall be for costs only, in an amount
10 of not more than \$2,500; and

11 “(B) in extraordinary circumstances, such
12 as where a party has demonstrated a pattern or
13 practice of bad faith conduct as described in
14 this paragraph, the Copyright Claims Board
15 may, in the interests of justice, award costs and
16 attorneys' fees in excess of the limitations
17 under this paragraph.

18 “(3) ADDITIONAL PENALTY.—If the Board
19 finds that on more than 1 occasion within a 12-
20 month period a party pursued a claim, counterclaim,
21 or defense before the Copyright Claims Board for a
22 harassing or other improper purpose, or without a
23 reasonable basis in law or fact, that party shall be
24 barred from initiating a claim before the Copyright
25 Claims Board under this chapter for a period of 12

1 months beginning on the date on which the Board
2 makes such a finding. Any proceeding commenced
3 by that party that is still pending before the Board
4 when such a finding is made shall be dismissed with-
5 out prejudice, except that if a proceeding has been
6 deemed active under subsection (i), the proceeding
7 shall be dismissed under this paragraph only if the
8 respondent provides written consent thereto.

9 “(z) REGULATIONS FOR SMALLER CLAIMS.—The
10 Register of Copyrights shall establish regulations to pro-
11 vide for the consideration and determination, by not fewer
12 than 1 Copyright Claims Officer, of any claim under this
13 chapter in which total damages sought do not exceed
14 \$5,000 (exclusive of attorneys’ fees and costs). A deter-
15 mination issued under this subsection shall have the same
16 effect as a determination issued by the entire Copyright
17 Claims Board.

18 “(aa) OPT-OUT FOR LIBRARIES AND ARCHIVES.—

19 “(1) IN GENERAL.—The Register of Copyrights
20 shall establish regulations allowing for a library or
21 archives that does not wish to participate in pro-
22 ceedings before the Copyright Claims Board to pre-
23 emptively opt out of such proceedings.

24 “(2) PROCEDURES.—The regulations estab-
25 lished under paragraph (1) shall—

1 “(A) set forth procedures for preemptively
2 opting out of proceedings before the Copyright
3 Claims Board; and

4 “(B) require that the Copyright Office
5 compile and maintain a publicly available list of
6 the libraries and archives that have successfully
7 opted out of proceedings in accordance with the
8 procedures described in subparagraph (A).

9 “(3) NO FEE OR RENEWAL REQUIRED.—The
10 Register of Copyrights may not—

11 “(A) charge a library or archives a fee to
12 preemptively opt out of proceedings under this
13 subsection; or

14 “(B) require a library or archives to renew
15 a decision to preemptively opt out of pro-
16 ceedings under this subsection.

17 “(4) DEFINITIONS.—For purposes of this sub-
18 section, the terms ‘library’ and ‘archives’ mean any
19 library or archives, respectively, that qualifies for the
20 limitations on exclusive rights under section 108.

21 **“§ 1507. Effect of proceeding**

22 “(a) DETERMINATION.—Subject to the reconsider-
23 ation and review processes provided under subsections (w)
24 and (x) of section 1506 and section 1508(c), the issuance
25 of a final determination by the Copyright Claims Board

1 in a proceeding, including a default determination or de-
2 termination based on a failure to prosecute, shall, solely
3 with respect to the parties to such determination, preclude
4 relitigation before any court or tribunal, or before the
5 Copyright Claims Board, of the claims and counterclaims
6 asserted and finally determined by the Board, and may
7 be relied upon for such purpose in a future action or pro-
8 ceeding arising from the same specific activity or activi-
9 ties, subject to the following:

10 “(1) A determination of the Copyright Claims
11 Board shall not preclude litigation or relitigation as
12 between the same or different parties before any
13 court or tribunal, or the Copyright Claims Board, of
14 the same or similar issues of fact or law in connec-
15 tion with claims or counterclaims not asserted or not
16 finally determined by the Copyright Claims Board.

17 “(2) A determination of ownership of a copy-
18 righted work for purposes of resolving a matter be-
19 fore the Copyright Claims Board may not be relied
20 upon, and shall not have any preclusive effect, in
21 any other action or proceeding before any court or
22 tribunal, including the Copyright Claims Board.

23 “(3) Except to the extent permitted under this
24 subsection and section 1508, any determination of
25 the Copyright Claims Board may not be cited or re-

1 lied upon as legal precedent in any other action or
2 proceeding before any court or tribunal, including
3 the Copyright Claims Board.

4 “(b) CLASS ACTIONS NOT AFFECTED.—

5 “(1) IN GENERAL.—A proceeding before the
6 Copyright Claims Board shall not have any effect on
7 a class action proceeding in a district court of the
8 United States, and section 1509(a) shall not apply
9 to a class action proceeding in a district court of the
10 United States.

11 “(2) NOTICE OF CLASS ACTION.—Any party to
12 an active proceeding before the Copyright Claims
13 Board who receives notice of a pending class action,
14 arising out of the same transaction or occurrence as
15 the proceeding before the Copyright Claims Board,
16 in which the party is a class member shall either—

17 “(A) opt out of the class action, in accord-
18 ance with regulations established by the Reg-
19 ister of Copyrights; or

20 “(B) seek dismissal under section
21 1506(q)(3) of the proceeding before the Copy-
22 right Claims Board.

23 “(c) OTHER MATERIALS IN PROCEEDING.—Except
24 as permitted under this section and section 1508, a sub-
25 mission or statement of a party or witness made in connec-

1 tion with a proceeding before the Copyright Claims Board,
2 including a proceeding that is dismissed, may not be cited
3 or relied upon in, or serve as the basis of, any action or
4 proceeding concerning rights or limitations on rights
5 under this title before any court or tribunal, including the
6 Copyright Claims Board.

7 “(d) APPLICABILITY OF SECTION 512(g).—A claim
8 or counterclaim before the Copyright Claims Board that
9 is brought under subsection (c)(1) or (c)(4) of section
10 1504, or brought under subsection (c)(6) of section 1504
11 and that relates to a claim under subsection (c)(1) or
12 (c)(4) of such section, qualifies as an action seeking an
13 order to restrain a subscriber from engaging in infringing
14 activity under section 512(g)(2)(C) if—

15 “(1) notice of the commencement of the Copy-
16 right Claims Board proceeding is provided by the
17 claimant to the service provider’s designated agent
18 before the service provider replaces the material fol-
19 lowing receipt of a counter notification under section
20 512(g); and

21 “(2) the claim brought alleges infringement of
22 the material identified in the notification of claimed
23 infringement under section 512(c)(1)(C).

24 “(e) FAILURE TO ASSERT COUNTERCLAIM.—The
25 failure or inability to assert a counterclaim in a proceeding

1 before the Copyright Claims Board shall not preclude the
2 assertion of that counterclaim in a subsequent court action
3 or proceeding before the Copyright Claims Board.

4 “(f) OPT-OUT OR DISMISSAL OF PARTY.—If a party
5 has timely opted out of a proceeding under section 1506(i)
6 or is dismissed from a proceeding before the Copyright
7 Claims Board issues a final determination in the pro-
8 ceeding, the determination shall not be binding upon and
9 shall have no preclusive effect with respect to that party.

10 **“§ 1508. Review and confirmation by district court**

11 “(a) IN GENERAL.—In any proceeding in which a
12 party has failed to pay damages, or has failed otherwise
13 to comply with the relief, awarded in a final determination
14 of the Copyright Claims Board, including a default deter-
15 mination or a determination based on a failure to pros-
16 ecute, the aggrieved party may, not later than 1 year after
17 the date on which the final determination is issued, any
18 reconsideration by the Copyright Claims Board or review
19 by the Register of Copyrights is resolved, or an amended
20 final determination is issued, whichever occurs last, apply
21 to the United States District Court for the District of Co-
22 lumbia or any other appropriate district court of the
23 United States for an order confirming the relief awarded
24 in the final determination and reducing such award to
25 judgment. The court shall grant such order and direct

1 entry of judgment unless the determination is or has been
2 vacated, modified, or corrected under subsection (c). If the
3 United States District Court for the District of Columbia
4 or other district court of the United States, as the case
5 may be, issues an order confirming the relief awarded by
6 the Copyright Claims Board, the court shall impose on the
7 party who failed to pay damages or otherwise comply with
8 the relief, the reasonable expenses required to secure such
9 order, including attorneys' fees, that were incurred by the
10 aggrieved party.

11 “(b) FILING PROCEDURES.—

12 “(1) APPLICATION TO CONFIRM DETERMINA-
13 TION.—Notice of the application under subsection
14 (a) for confirmation of a determination of the Copy-
15 right Claims Board and entry of judgment shall be
16 provided to all parties to the proceeding before the
17 Copyright Claims Board that resulted in the deter-
18 mination, in accordance with the procedures applica-
19 ble to service of a motion in the district court of the
20 United States where the application is made.

21 “(2) CONTENTS OF APPLICATION.—The appli-
22 cation under subsection (a) shall include the fol-
23 lowing:

24 “(A) A certified copy of the final or
25 amended final determination of the Copyright

1 Claims Board, as reflected in the records of the
2 Copyright Claims Board, following any process
3 of reconsideration or review by the Register of
4 Copyrights, to be confirmed and rendered to
5 judgment.

6 “(B) A declaration by the applicant, under
7 penalty of perjury—

8 “(i) that the copy is a true and cor-
9 rect copy of such determination;

10 “(ii) stating the date the determina-
11 tion was issued;

12 “(iii) stating the basis for the chal-
13 lenge under subsection (c)(1); and

14 “(iv) stating whether the applicant is
15 aware of any other proceedings before the
16 court concerning the same determination
17 of the Copyright Claims Board.

18 “(c) CHALLENGES TO THE DETERMINATION.—

19 “(1) BASES FOR CHALLENGE.—Not later than
20 90 days after the date on which the Copyright
21 Claims Board issues a final or amended final deter-
22 mination in a proceeding, or not later than 90 days
23 after the date on which the Register of Copyrights
24 completes any process of reconsideration or review of
25 the determination, whichever occurs later, a party

1 may seek an order from a district court of the
2 United States vacating, modifying, or correcting the
3 determination of the Copyright Claims Board in the
4 following cases:

5 “(A) If the determination was issued as a
6 result of fraud, corruption, misrepresentation,
7 or other misconduct.

8 “(B) If the Copyright Claims Board ex-
9 ceeded its authority or failed to render a final
10 determination concerning the subject matter at
11 issue.

12 “(C) In the case of a default determination
13 or determination based on a failure to pros-
14 ecute, if it is established that the default or fail-
15 ure was due to excusable neglect.

16 “(2) PROCEDURE TO CHALLENGE.—

17 “(A) NOTICE OF APPLICATION.—Notice of
18 the application to challenge a determination of
19 the Copyright Claims Board shall be provided
20 to all parties to the proceeding before the Copy-
21 right Claims Board, in accordance with the pro-
22 cedures applicable to service of a motion in the
23 court where the application is made.

24 “(B) STAYING OF PROCEEDINGS.—For
25 purposes of an application under this sub-

1 section, any judge who is authorized to issue an
2 order to stay the proceedings in another action
3 brought in the same court may issue an order,
4 to be served with the notice of application, stay-
5 ing proceedings to enforce the award while the
6 challenge is pending.

7 **“§ 1509. Relationship to other district court actions**

8 “(a) STAY OF DISTRICT COURT PROCEEDINGS.—
9 Subject to section 1507(b), a district court of the United
10 States shall issue a stay of proceedings or such other relief
11 as the court determines appropriate with respect to any
12 claim brought before the court that is already the subject
13 of a pending or active proceeding before the Copyright
14 Claims Board.

15 “(b) ALTERNATIVE DISPUTE RESOLUTION PROC-
16 ESS.—A proceeding before the Copyright Claims Board
17 under this chapter shall qualify as an alternative dispute
18 resolution process under section 651 of title 28 for pur-
19 poses of referral of eligible cases by district courts of the
20 United States upon the consent of the parties.

21 **“§ 1510. Implementation by Copyright Office**

22 “(a) REGULATIONS.—

23 “(1) IMPLEMENTATION GENERALLY.—The Reg-
24 ister of Copyrights shall establish regulations to
25 carry out this chapter. Such regulations shall include

1 the fees prescribed under subsections (e) and (x) of
2 section 1506. The authority to issue such fees shall
3 not limit the authority of the Register of Copyrights
4 to establish fees for services under section 708. All
5 fees received by the Copyright Office in connection
6 with the activities under this chapter shall be depos-
7 ited by the Register of Copyrights and credited to
8 the appropriations for necessary expenses of the Of-
9 fice in accordance with section 708(d). In estab-
10 lishing regulations under this subsection, the Reg-
11 ister of Copyrights shall provide for the efficient ad-
12 ministration of the Copyright Claims Board, and for
13 the ability of the Copyright Claims Board to timely
14 complete proceedings instituted under this chapter,
15 including by implementing mechanisms to prevent
16 harassing or improper use of the Copyright Claims
17 Board by any party.

18 “(2) LIMITS ON MONETARY RELIEF.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), not earlier than 3 years after the
21 date on which Copyright Claims Board issues
22 the first determination of the Copyright Claims
23 Board, the Register of Copyrights may, in order
24 to further the goals of the Copyright Claims
25 Board, conduct a rulemaking to adjust the lim-

1 its on monetary recovery or attorneys' fees and
2 costs that may be awarded under this chapter.

3 “(B) EFFECTIVE DATE OF ADJUST-
4 MENT.—Any rule under subparagraph (A) that
5 makes an adjustment shall take effect at the
6 end of the 120-day period beginning on the
7 date on which the Register of Copyrights sub-
8 mits the rule to Congress and only if Congress
9 does not, during that 120-day period, enact a
10 law that provides in substance that Congress
11 does not approve the rule.

12 “(b) NECESSARY FACILITIES.—Subject to applicable
13 law, the Register of Copyrights may retain outside vendors
14 to establish internet-based, teleconferencing, and other fa-
15 cilities required to operate the Copyright Claims Board.

16 “(c) FEES.—Any filing fees, including the fee to com-
17 mence a proceeding under section 1506(e), shall be pre-
18 scribed in regulations established by the Register of Copy-
19 rights. The sum total of such filing fees shall be in an
20 amount of not less than \$100, may not exceed the cost
21 of filing an action in a district court of the United States,
22 and shall be fixed in amounts that further the goals of
23 the Copyright Claims Board.

1 **“§ 1511. Funding**

2 “There are authorized to be appropriated such sums
3 as may be necessary to pay the costs incurred by the Copy-
4 right Office under this chapter that are not covered by
5 fees collected for services rendered under this chapter, in-
6 cluding the costs of establishing and maintaining the
7 Copyright Claims Board and its facilities.”.

8 (c) CLERICAL AMENDMENT.—The table of chapters
9 for title 17, United States Code, is amended by adding
10 at the end the following:

“15. Copyright Small Claims 1501”.

11 (d) IMPLEMENTATION.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), not later than 1 year after the date of en-
14 actment of this Act, the Copyright Claims Board es-
15 tablished under section 1502 of title 17, United
16 States Code, as added by subsection (b) of this sec-
17 tion, shall begin operations.

18 (2) EXTENSION.—The Register of Copyrights
19 may, for good cause, extend the deadline under
20 paragraph (1) by not more than 180 days if the
21 Register of Copyrights provides notice of the exten-
22 sion to the public and to Congress.

23 (e) STUDY.—Not later than 3 years after the date
24 on which the Copyright Claims Board issues the first de-
25 termination of the Copyright Claims Board under chapter

1 15 of title 17, United States Code, as added by subsection
2 (b) of this section, the Register of Copyrights shall con-
3 duct, and report to Congress on, a study that addresses
4 the following:

5 (1) The use and efficacy of the Copyright
6 Claims Board in resolving copyright claims, includ-
7 ing the number of proceedings the Copyright Claims
8 Board could reasonably administer.

9 (2) Whether adjustments to the authority of the
10 Copyright Claims Board are necessary or advisable,
11 including with respect to—

12 (A) eligible claims, such as claims under
13 section 1202 of title 17, United States Code;
14 and

15 (B) works and applicable damages limita-
16 tions.

17 (3) Whether greater allowance should be made
18 to permit awards of attorneys' fees and costs to pre-
19 vailing parties, including potential limitations on
20 such awards.

21 (4) Potential mechanisms to assist copyright
22 owners with small claims in ascertaining the identity
23 and location of unknown online infringers.

24 (5) Whether the Copyright Claims Board
25 should be expanded to offer mediation or other non-

1 binding alternative dispute resolution services to in-
2 terested parties.

3 (6) Such other matters as the Register of Copy-
4 rights believes may be pertinent concerning the
5 Copyright Claims Board.

6 (f) SEVERABILITY.—If any provision of this section,
7 an amendment made by this section, or the application
8 of such provision or amendment to any person or cir-
9 cumstance is held to be unconstitutional, the remainder
10 of this section and the amendments made by this section,
11 and the application of the provision or the amendment to
12 any other person or circumstance, shall not be affected.

13 **Subtitle B—Trademarks**

14 **SEC. 221. SHORT TITLE; TABLE OF CONTENTS.**

15 (a) SHORT TITLE.—This subtitle may be cited as the
16 “Trademark Modernization Act of 2020” or the “TM Act
17 of 2020”.

18 (b) TABLE OF CONTENTS.—The table of contents for
19 this subtitle is as follows:

Subtitle B—Trademarks

Sec. 221. Short title; table of contents.

Sec. 222. Definitions.

Sec. 223. Providing for third-party submission of evidence during examination.

Sec. 224. Providing for flexible response periods.

Sec. 225. Ex parte expungement; ex parte reexamination; new grounds for can-
cellation.

Sec. 226. Rebuttable presumption of irreparable harm.

Sec. 227. Report on decluttering initiatives.

Sec. 228. Amendments to confirm authority of the Director.

1 **SEC. 222. DEFINITIONS.**

2 In this subtitle:

3 (1) **DIRECTOR.**—The term “Director” means
4 the Under Secretary of Commerce for Intellectual
5 Property and Director of the United States Patent
6 and Trademark Office.

7 (2) **TRADEMARK ACT OF 1946.**—The term
8 “Trademark Act of 1946” means the Act entitled
9 “An Act to provide for the registration and protec-
10 tion of trademarks used in commerce, to carry out
11 the provisions of certain international conventions,
12 and for other purposes”, approved July 5, 1946 (15
13 U.S.C. 1051 et. seq) (commonly referred to as the
14 “Trademark Act of 1946” or the “Lanham Act”).

15 **SEC. 223. PROVIDING FOR THIRD-PARTY SUBMISSION OF**
16 **EVIDENCE DURING EXAMINATION.**

17 (a) **AMENDMENT.**—Section 1 of the Trademark Act
18 of 1946 (15 U.S.C. 1051) is amended by adding at the
19 end the following:

20 “(f) A third party may submit for consideration for
21 inclusion in the record of an application evidence relevant
22 to a ground for refusal of registration. The third-party
23 submission shall identify the ground for refusal and in-
24 clude a concise description of each piece of evidence sub-
25 mitted in support of each identified ground for refusal.
26 Not later than 2 months after the date on which the sub-

1 mission is filed, the Director shall determine whether the
2 evidence should be included in the record of the applica-
3 tion. The Director shall establish by regulation appro-
4 priate procedures for the consideration of evidence sub-
5 mitted by a third party under this subsection and may
6 prescribe a fee to accompany the submission. If the Direc-
7 tor determines that the third-party evidence should be in-
8 cluded in the record of the application, only the evidence
9 and the ground for refusal to which the evidence relates
10 may be so included. Any determination by the Director
11 whether or not to include evidence in the record of an ap-
12 plication shall be final and non-reviewable, and a deter-
13 mination to include or to not include evidence in the record
14 shall not prejudice any party's right to raise any issue and
15 rely on any evidence in any other proceeding.”.

16 (b) DEADLINE FOR PROCEDURES.—Not later than 1
17 year after the date of enactment of this Act, the Director
18 shall establish the appropriate procedures described in sec-
19 tion 1(f) of the Trademark Act of 1946, as added by sub-
20 section (a).

21 (c) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall take effect 1 year after the date of
23 enactment of this Act.

1 **SEC. 224. PROVIDING FOR FLEXIBLE RESPONSE PERIODS.**

2 Section 12(b) of the Trademark Act of 1946 (15
3 U.S.C. 1062(b)) is amended to read as follows:

4 “(b)(1) If the applicant is found not entitled to reg-
5 istration, the examiner shall notify the applicant thereof
6 and of the reasons therefor. The applicant may reply or
7 amend the application, which shall then be reexamined.
8 This procedure may be repeated until the examiner finally
9 refuses registration of the mark or the application is aban-
10 doned as described in paragraph (2).

11 “(2) After notification under paragraph (1), the ap-
12 plicant shall have a period of 6 months in which to reply
13 or amend the application, or such shorter time that is not
14 less than 60 days, as prescribed by the Director by regula-
15 tion. If the applicant fails to reply or amend or appeal
16 within the relevant time period, including any extension
17 under paragraph (3), the application shall be deemed to
18 have been abandoned, unless it can be shown to the satis-
19 faction of the Director that the delay in responding was
20 unintentional, in which case the application may be revived
21 and such time may be extended. The Director may pre-
22 scribe a fee to accompany any request to revive.

23 “(3) The Director shall provide, by regulation, for ex-
24 tensions of time to respond to the examiner for any time
25 period under paragraph (2) that is less than 6 months.
26 The Director shall allow the applicant to obtain extensions

1 of time to reply or amend aggregating 6 months from the
2 date of notification under paragraph (1) when the appli-
3 cant so requests. However, the Director may set by regula-
4 tion the time for individual periods of extension, and pre-
5 scribe a fee, by regulation, for any extension request. Any
6 request for extension shall be filed on or before the date
7 on which a reply or amendment is due under paragraph
8 (1).”.

9 **SEC. 225. EX PARTE EXPUNGEMENT; EX PARTE REEXAM-**
10 **INATION; NEW GROUNDS FOR CANCELLA-**
11 **TION.**

12 (a) EX PARTE EXPUNGEMENT.—The Trademark Act
13 of 1946 is amended by inserting after section 16 (15
14 U.S.C. 1066) the following:

15 **“SEC. 16A. EX PARTE EXPUNGEMENT.**

16 “(a) PETITION.—Notwithstanding sections 7(b) and
17 22, and subsections (a) and (b) of section 33, any person
18 may file a petition to expunge a registration of a mark
19 on the basis that the mark has never been used in com-
20 merce on or in connection with some or all of the goods
21 or services recited in the registration.

22 “(b) CONTENTS OF PETITION.—A petition filed
23 under subsection (a), together with any supporting docu-
24 ments, shall—

1 “(1) identify the registration that is the subject
2 of the petition;

3 “(2) identify each good or service recited in the
4 registration for which it is alleged that the mark has
5 never been used in commerce;

6 “(3) include a verified statement that sets
7 forth—

8 “(A) the elements of the reasonable inves-
9 tigation the petitioner conducted to determine
10 that the mark has never been used in commerce
11 on or in connection with the goods and services
12 identified in the petition; and

13 “(B) any additional facts that support the
14 allegation that the mark has never been used in
15 commerce on or in connection with the identi-
16 fied goods and services;

17 “(4) include any supporting evidence on which
18 the petitioner relies; and

19 “(5) be accompanied by the fee prescribed by
20 the Director.

21 “(c) INITIAL DETERMINATION; INSTITUTION.—

22 “(1) PRIMA FACIE CASE DETERMINATION, IN-
23 STITUTION, AND NOTIFICATION.—The Director
24 shall, for each good or service identified under sub-
25 section (b)(2), determine whether the petition sets

1 forth a prima facie case of the mark having never
2 been used in commerce on or in connection with
3 each such good or service, institute an ex parte
4 expungement proceeding for each good or service for
5 which the Director determines that a prima facie
6 case has been set forth, and provide a notice to the
7 registrant and petitioner of the determination of
8 whether or not the proceeding was instituted. Such
9 notice shall include a copy of the petition and any
10 supporting documents and evidence that were in-
11 cluded with the petition.

12 “(2) REASONABLE INVESTIGATION GUID-
13 ANCE.—The Director shall promulgate regulations
14 regarding what constitutes a reasonable investigation
15 under subsection (b)(3) and the general types of evi-
16 dence that could support a prima facie case that a
17 mark has never been used in commerce, but the Di-
18 rector shall retain the discretion to determine wheth-
19 er a prima facie case is set out in a particular pro-
20 ceeding.

21 “(3) DETERMINATION BY DIRECTOR.—Any de-
22 termination by the Director whether or not to insti-
23 tute a proceeding under this section shall be final
24 and non-reviewable, and shall not prejudice any par-
25 ty’s right to raise any issue and rely on any evidence

1 in any other proceeding, except as provided in sub-
2 section (j).

3 “(d) EX PARTE EXPUNGEMENT PROCEDURES.—The
4 procedures for ex parte expungement shall be the same
5 as the procedures for examination under section 12(b), ex-
6 cept that the Director shall promulgate regulations estab-
7 lishing and governing a proceeding under this section,
8 which may include regulations that—

9 “(1) set response and extension times particular
10 to this type of proceeding, which, notwithstanding
11 section 12(b)(3), need not be extendable to 6
12 months;

13 “(2) set limits governing the timing and num-
14 ber of petitions filed for a particular registration or
15 by a particular petitioner or real parties in interest;
16 and

17 “(3) define the relation of a proceeding under
18 this section to other proceedings concerning the
19 mark.

20 “(e) REGISTRANT’S EVIDENCE OF USE.—A reg-
21 istrant’s documentary evidence of use shall be consistent
22 with when a mark shall be deemed to be in use in com-
23 merce under the definition of ‘use in commerce’ in section
24 45, but shall not be limited in form to that of specimens
25 as provided in section 1(a).

1 “(f) **EXCUSABLE NONUSE.**—During an ex parte
2 expungement proceeding, for a mark registered under sec-
3 tion 44(e) or an extension of protection under section 66,
4 the registrant may offer evidence showing that any nonuse
5 is due to special circumstances that excuse such nonuse.
6 In such a case, the examiner shall determine whether the
7 facts and evidence demonstrate excusable nonuse and shall
8 not find that the registration should be cancelled under
9 subsection (g) for any good or service for which excusable
10 nonuse is demonstrated.

11 “(g) **EXAMINER’S DECISION; ORDER TO CANCEL.**—
12 For each good or service for which it is determined that
13 a mark has never been used in commerce, and for which
14 the provisions of subsection (f) do not apply, the examiner
15 shall find that the registration should be cancelled for each
16 such good or service. A mark shall not be found to have
17 never been used in commerce if there is evidence of use
18 in commerce by the registrant that temporally would have
19 supported registration at the time the application was filed
20 or the relevant allegation of use was made, or after reg-
21 istration, but before the petition to expunge was filed
22 under subsection (a), or an ex parte expungement pro-
23 ceeding was instituted by the Director under subsection
24 (h). Unless overturned on review of the examiner’s deci-
25 sion, the Director shall issue an order cancelling the reg-

1 istration, in whole or in part, after the time for appeal
2 has expired or any appeal proceeding has terminated.

3 “(h) EX PARTE EXPUNGEMENT BY THE DIREC-
4 TOR.—

5 “(1) IN GENERAL.—The Director may, on the
6 Director’s own initiative, institute an ex parte
7 expungement proceeding if the Director discovers in-
8 formation that supports a prima facie case of a
9 mark having never been used in commerce on or in
10 connection with any good or service covered by a
11 registration. The Director shall promptly notify the
12 registrant of such determination, at which time the
13 ex parte expungement proceeding shall proceed ac-
14 cording to the same procedures for ex parte
15 expungement established pursuant to subsection (d).
16 If the Director determines, based on the Director’s
17 own initiative, to institute an expungement pro-
18 ceeding, the Director shall transmit or make avail-
19 able the information that formed the basis for that
20 determination as part of the institution notice sent
21 to the registrant.

22 “(2) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed to limit any other
24 authority of the Director.

25 “(i) TIME FOR INSTITUTION.—

1 “(1) WHEN PETITION MAY BE FILED, EX
2 PARTE EXPUNGEMENT PROCEEDING INSTITUTED.—
3 A petition for ex parte expungement of a registra-
4 tion under subsection (a) may be filed, or the Direc-
5 tor may institute on the Director’s own initiative an
6 ex parte expungement proceeding of a registration
7 under subsection (h), at any time following the expi-
8 ration of 3 years after the date of registration and
9 before the expiration of 10 years following the date
10 of registration.

11 “(2) EXCEPTION.—Notwithstanding paragraph
12 (1), for a period of 3 years after the date of enact-
13 ment of this section, a petition for expungement of
14 a registration under subsection (a) may be filed, or
15 the Director may institute on the Director’s own ini-
16 tiative an ex parte expungement proceeding of a reg-
17 istration under subsection (h), at any time following
18 the expiration of 3 years after the date of registra-
19 tion.

20 “(j) LIMITATION ON LATER EX PARTE
21 EXPUNGEMENT PROCEEDINGS.—

22 “(1) NO CO-PENDING PROCEEDINGS.—With re-
23 spect to a particular registration, while an ex parte
24 expungement proceeding is pending, no later ex
25 parte expungement proceeding may be instituted

1 with respect to the same goods or services that are
2 the subject of a pending ex parte expungement pro-
3 ceeding.

4 “(2) ESTOPPEL.—With respect to a particular
5 registration, for goods or services previously subject
6 to an instituted expungement proceeding for which,
7 in that proceeding, it was determined that the reg-
8 istrant had used the mark for particular goods or
9 services, as relevant, and the registration was not
10 cancelled as to those goods or services, no further ex
11 parte expungement proceedings may be initiated as
12 to those goods or services, regardless of the identity
13 of the petitioner.

14 “(k) USE IN COMMERCE REQUIREMENT NOT AL-
15 TERED.—Nothing in this section shall affect the require-
16 ment for use in commerce of a mark registered under sec-
17 tion 1(a) or 23.”.

18 (b) NEW GROUNDS FOR CANCELLATION.—Section 14
19 of the Trademark Act of 1946 (15 U.S.C. 1064) is amend-
20 ed—

21 (1) by striking the colon at the end of para-
22 graph (5) and inserting a period;

23 (2) by inserting after paragraph (5) the fol-
24 lowing:

1 “(6) At any time after the 3-year period fol-
2 lowing the date of registration, if the registered
3 mark has never been used in commerce on or in con-
4 nection with some or all of the goods or services re-
5 cited in the registration.”; and

6 (3) in the flush text following paragraph (6), as
7 added by paragraph (2) of this subsection, by insert-
8 ing “Nothing in paragraph (6) shall be construed to
9 limit the timing applicable to any other ground for
10 cancellation. A registration under section 44(e) or
11 66 shall not be cancelled pursuant to paragraph (6)
12 if the registrant demonstrates that any nonuse is
13 due to special circumstances that excuse such non-
14 use.” after “identical certification mark is applied.”.

15 (c) **EX PARTE REEXAMINATION.**—The Trademark
16 Act of 1946 is amended by inserting after section 16A,
17 as added by subsection (a), the following:

18 **“SEC. 16B. EX PARTE REEXAMINATION.**

19 “(a) **PETITION FOR REEXAMINATION.**—Any person
20 may file a petition to reexamine a registration of a mark
21 on the basis that the mark was not in use in commerce
22 on or in connection with some or all of the goods or serv-
23 ices recited in the registration on or before the relevant
24 date.

1 “(b) RELEVANT DATE.—In this section, the term
2 ‘relevant date’ means, with respect to an application for
3 the registration of a mark with an initial filing basis of—

4 “(1) section 1(a) and not amended at any point
5 to be filed pursuant to section 1(b), the date on
6 which the application was initially filed; or

7 “(2) section 1(b) or amended at any point to be
8 filed pursuant to section 1(b), the date on which—

9 “(A) an amendment to allege use under
10 section 1(c) was filed; or

11 “(B) the period for filing a statement of
12 use under section 1(d) expired, including all ap-
13 proved extensions thereof.

14 “(c) REQUIREMENTS FOR THE PETITION.—A peti-
15 tion filed under subsection (a), together with any sup-
16 porting documents, shall—

17 “(1) identify the registration that is the subject
18 of the petition;

19 “(2) identify each good and service recited in
20 the registration for which it is alleged that the mark
21 was not in use in commerce on or in connection with
22 on or before the relevant date;

23 “(3) include a verified statement that sets
24 forth—

1 “(A) the elements of the reasonable inves-
2 tigation the petitioner conducted to determine
3 that the mark was not in use in commerce on
4 or in connection with the goods and services
5 identified in the petition on or before the rel-
6 evant date; and

7 “(B) any additional facts that support the
8 allegation that the mark was not in use in com-
9 merce on or before the relevant date on or in
10 connection with the identified goods and serv-
11 ices;

12 “(4) include supporting evidence on which the
13 petitioner relies; and

14 “(5) be accompanied by the fee prescribed by
15 the Director.

16 “(d) INITIAL DETERMINATION; INSTITUTION.—

17 “(1) PRIMA FACIE CASE DETERMINATION, IN-
18 STITUTION, AND NOTIFICATION.—The Director
19 shall, for each good or service identified under sub-
20 section (c)(2), determine whether the petition sets
21 forth a prima facie case of the mark having not been
22 in use in commerce on or in connection with each
23 such good or service, institute an ex parte reexam-
24 ination proceeding for each good or service for which
25 the Director determines that the prima facie case

1 has been set forth, and provide a notice to the reg-
2 istrant and petitioner of the determination of wheth-
3 er or not the proceeding was instituted. Such notice
4 shall include a copy of the petition and any sup-
5 porting documents and evidence that were included
6 with the petition.

7 “(2) REASONABLE INVESTIGATION GUID-
8 ANCE.—The Director shall promulgate regulations
9 regarding what constitutes a reasonable investigation
10 under subsection (c)(3) and the general types of evi-
11 dence that could support a prima facie case that the
12 mark was not in use in commerce on or in connec-
13 tion with a good or service on or before the relevant
14 date, but the Director shall retain discretion to de-
15 termine whether a prima facie case is set out in a
16 particular proceeding.

17 “(3) DETERMINATION BY DIRECTOR.—Any de-
18 termination by the Director whether or not to insti-
19 tute a reexamination proceeding under this section
20 shall be final and non-reviewable, and shall not prej-
21 udice any party’s right to raise any issue and rely
22 on any evidence in any other proceeding, except as
23 provided in subsection (j).

24 “(e) REEXAMINATION PROCEDURES.—The proce-
25 dures for reexamination shall be the same as the proce-

1 dures established under section 12(b) except that the Di-
2 rector shall promulgate regulations establishing and gov-
3 erning a proceeding under this section, which may include
4 regulations that—

5 “(1) set response and extension times particular
6 to this type of proceeding, which, notwithstanding
7 section 12(b)(3), need not be extendable to 6
8 months;

9 “(2) set limits governing the timing and num-
10 ber of petitions filed for a particular registration or
11 by a particular petitioner or real parties in interest;
12 and

13 “(3) define the relation of a reexamination pro-
14 ceeding under this section to other proceedings con-
15 cerning the mark.

16 “(f) REGISTRANT’S EVIDENCE OF USE.—A reg-
17 istrant’s documentary evidence of use shall be consistent
18 with when a mark shall be deemed to be in use in com-
19 merce under the definition of ‘use in commerce’ in section
20 45, but shall not be limited in form to that of specimens
21 as provided in section 1(a).

22 “(g) EXAMINER’S DECISION; ORDER TO CANCEL.—
23 For each good or service for which it is determined that
24 the registration should not have issued because the mark
25 was not in use in commerce on or before the relevant date,

1 the examiner shall find that the registration should be
2 cancelled for each such good or service. Unless overturned
3 on review of the examiner's decision, the Director shall
4 issue an order cancelling the registration, in whole or in
5 part, after the time for appeal has expired or any appeal
6 proceeding has terminated.

7 “(h) REEXAMINATION BY DIRECTOR.—

8 “(1) IN GENERAL.—The Director may, on the
9 Director's own initiative, institute an ex parte reex-
10 amination proceeding if the Director discovers infor-
11 mation that supports a prima facie case of the mark
12 having not been used in commerce on or in connec-
13 tion with some or all of the goods or services covered
14 by the registration on or before the relevant date.
15 The Director shall promptly notify the registrant of
16 such determination, at which time reexamination
17 shall proceed according to the same procedures es-
18 tablished pursuant to subsection (e). If the Director
19 determines, based on the Director's own initiative, to
20 institute an ex parte reexamination proceeding, the
21 Director shall transmit or make available the infor-
22 mation that formed the basis for that determination
23 as part of the institution notice.

1 “(2) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall be construed to limit any other
3 authority of the Director.

4 “(i) TIME FOR INSTITUTION.—A petition for ex parte
5 reexamination may be filed, or the Director may institute
6 on the Director’s own initiative an ex parte reexamination
7 proceeding, at any time not later than 5 years after the
8 date of registration of a mark registered based on use in
9 commerce.

10 “(j) LIMITATION ON LATER EX PARTE REEXAMINA-
11 TION PROCEEDINGS.—

12 “(1) NO CO-PENDING PROCEEDINGS.—With re-
13 spect to a particular registration, while an ex parte
14 reexamination proceeding is pending, no later ex
15 parte reexamination proceeding may be instituted
16 with respect to the same goods or services that are
17 the subject of a pending ex parte reexamination pro-
18 ceeding.

19 “(2) ESTOPPEL.—With respect to a particular
20 registration, for any goods or services previously
21 subject to an instituted ex parte reexamination pro-
22 ceeding for which, in that proceeding, it was deter-
23 mined that the registrant had used the mark for
24 particular goods or services before the relevant date,
25 and the registration was not cancelled as to those

1 goods or services, no further ex parte reexamination
2 proceedings may be initiated as to those goods or
3 services, regardless of the identity of the petitioner.

4 “(k) SUPPLEMENTAL REGISTER.—The provisions of
5 subsection (b) apply, as appropriate, to registrations
6 under section 23. Nothing in this section shall be con-
7 strued to limit the timing of a cancellation action under
8 section 24.”.

9 (d) APPEAL.—

10 (1) APPEAL TO TRADEMARK TRIAL AND APPEAL
11 BOARD.—Section 20 of the Trademark Act of 1946
12 (15 U.S.C. 1070) is amended by inserting “or a
13 final decision by an examiner in an ex parte
14 expungement proceeding or ex parte reexamination
15 proceeding” after “registration of marks”.

16 (2) APPEAL TO COURTS.—

17 (A) EXPUNGEMENT OR EX PARTE REEX-
18 AMINATION.—Section 21(a)(1) of the Trade-
19 mark Act of 1946 (15 U.S.C. 1071(a)(1)) is
20 amended by striking “or an applicant for re-
21 newal” and inserting the following: “an appli-
22 cant for renewal, or a registrant subject to an
23 ex parte expungement proceeding or an ex parte
24 reexamination proceeding”.

1 (B) EXCEPTION.—Section 21(b)(1) of the
2 Trademark Act of 1946 (15 U.S.C. 1071(b)(1))
3 is amended by inserting “, except for a reg-
4 istrant subject to an ex parte expungement pro-
5 ceeding or an ex parte reexamination pro-
6 ceeding,” before “is dissatisfied”.

7 (e) TECHNICAL AND CONFORMING AMENDMENTS.—
8 The Trademark Act of 1946 is amended—

9 (1) in section 15 (15 U.S.C. 1065), by striking
10 “paragraphs (3) and (5)” and inserting “paragraphs
11 (3), (5), and (6)”; and

12 (2) in section 26 (15 U.S.C. 1094), by adding
13 at the end the following: “Registrations on the sup-
14 plemental register shall be subject to ex parte
15 expungement and ex parte reexamination under sec-
16 tions 16A and 16B, respectively.”.

17 (f) DEADLINE FOR PROCEDURES.—Not later than 1
18 year after the date of enactment of this Act, the Director
19 shall issue regulations to carry out sections 16A and 16B
20 of the Trademark Act of 1946, as added by subsections
21 (a) and (c).

22 (g) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect upon the expiration of the
24 1-year period beginning on the date of enactment of this

1 Act, and shall apply to any mark registered before, on,
2 or after that effective date.

3 **SEC. 226. REBUTTABLE PRESUMPTION OF IRREPARABLE**
4 **HARM.**

5 (a) AMENDMENT.—Section 34(a) of the Trademark
6 Act of 1946 (15 U.S.C. 1116(a)) is amended by inserting
7 after the first sentence the following: “A plaintiff seeking
8 any such injunction shall be entitled to a rebuttable pre-
9 sumption of irreparable harm upon a finding of a violation
10 identified in this subsection in the case of a motion for
11 a permanent injunction or upon a finding of likelihood of
12 success on the merits for a violation identified in this sub-
13 section in the case of a motion for a preliminary injunction
14 or temporary restraining order.”.

15 (b) RULE OF CONSTRUCTION.—The amendment
16 made by subsection (a) shall not be construed to mean
17 that a plaintiff seeking an injunction was not entitled to
18 a presumption of irreparable harm before the date of en-
19 actment of this Act.

20 **SEC. 227. REPORT ON DECLUTTERING INITIATIVES.**

21 (a) STUDY.—The Comptroller General of the United
22 States shall consult with the Director to conduct a study
23 on the efforts of the Director during the period beginning
24 12 months after the date of enactment of this Act and
25 ending 30 months after the date of enactment of this Act

1 to address inaccurate and false claims of use in trademark
2 applications and registrations. Inaccurate and false claims
3 of use include any declaration of use by a trademark appli-
4 cant or registrant that cannot be supported by use in com-
5 merce as defined in section 45 of the Trademark Act of
6 1946 (15 U.S.C. 1127) or the regulations relevant to the
7 definition of specimens under section 1 of the Trademark
8 Act of 1946 (15 U.S.C. 1051), as applicable.

9 (b) CONTENTS OF STUDY.—In conducting the study
10 under subsection (a), the Comptroller General shall assess
11 the following:

12 (1) With respect to sections 16A and 16B of
13 the Trademark Act of 1946, as added by section
14 225—

15 (A) the number of petitions filed under
16 each such section for which a decision not to in-
17 stitute was issued;

18 (B) the number of petitions filed under
19 each such section for which a decision to insti-
20 tute was issued;

21 (C) the number of in-process and com-
22 pleted proceedings instituted under each such
23 section, including any proceedings instituted by
24 the Director's own initiative;

1 (D) the average time taken to resolve pro-
2 ceedings instituted under each such section, in-
3 cluding the average time between—

4 (i) the filing of a petition under each
5 such section and an examiner's final deci-
6 sion under section 16A(g) and 16B(g), or
7 the last decision issued by the examiner if
8 the registrant failed to respond to the lat-
9 est-in-time decision by the examiner; and

10 (ii) the institution of a proceeding
11 under each such section, including any pro-
12 ceedings instituted by the Director's own
13 initiative, and an examiner's final decision
14 under section 16A(g) and 16B(g), or the
15 last decision issued by the examiner if the
16 registrant failed to respond to the latest-
17 in-time decision by the examiner;

18 (E) the number of appeals of decisions of
19 examiners to the Trademark Trial and Appeal
20 Board and to the courts for each such pro-
21 ceeding; and

22 (F) an accounting of the final outcome of
23 each such proceeding instituted by identifying
24 the number of goods or services for which such
25 proceedings were instituted, and the number of

1 goods or services for each involved registration
2 that were cancelled pursuant to such pro-
3 ceedings.

4 (2) With respect to section 1(f) of the Trade-
5 mark Act of 1946, as added by section 223—

6 (A) the number of third-party submissions
7 filed under such section for which the third-
8 party asserts in the submission that the mark
9 has not been used in commerce; and

10 (B) of the applications identified in sub-
11 paragraph (A), the number of applications in
12 which the third-party submission evidence is in-
13 cluded in the application; and

14 (C) of those applications identified in sub-
15 paragraph (B), the number of applications—

16 (i) refused registration based on an
17 assertion by the examiner that the mark
18 has not been used in commerce; and

19 (ii) for which the examiner requested
20 additional information from the applicant
21 related to claims of use.

22 (3) The effectiveness of—

23 (A) the proceedings under sections 16A
24 and 16B of the Trademark Act of 1946, as
25 added by section 225, in addressing inaccurate

1 and false claims of use in trademark registra-
2 tions; and

3 (B) any additional programs conducted by
4 the Director designed to address inaccurate and
5 false claims of use in trademark applications
6 and registrations, including the post-registra-
7 tion use audit, as implemented as of the date
8 of enactment of this Act under sections
9 2.161(h) and 7.37(h) of title 37, Code of Fed-
10 eral Regulations.

11 (c) REPORT TO CONGRESS.—Not later than 3 years
12 after the date of enactment of this Act, the Comptroller
13 General of the United States shall submit to the Com-
14 mittee on the Judiciary of the Senate and the Committee
15 on the Judiciary of the House of Representatives a re-
16 port—

17 (1) on the results of the study conducted under
18 this section; and

19 (2) that includes any recommendations, based
20 on the results of the study, for any changes to laws
21 or regulations that will improve the integrity of the
22 trademark register or reduce inaccurate or false
23 claims of use.

1 **SEC. 228. AMENDMENTS TO CONFIRM AUTHORITY OF THE**
2 **DIRECTOR.**

3 (a) AMENDMENTS.—

4 (1) Section 18 of the Trademark Act of 1946
5 (15 U.S.C. 1068) is amended by inserting after “es-
6 tablished in the proceedings” the following: “. The
7 authority of the Director under this section includes
8 the authority to reconsider, and modify or set aside,
9 a decision of the Trademark Trial and Appeal
10 Board”.

11 (2) Section 20 of the Trademark Act of 1946
12 (15 U.S.C. 1070) is amended by adding at the end
13 the following: “The Director may reconsider, and
14 modify or set aside, a decision of the Trademark
15 Trial and Appeal Board under this section.”.

16 (3) Section 24 of the Trademark Act of 1946
17 (15 U.S.C. 1092) is amended by inserting after
18 “shall be canceled by the Director” the following: “,
19 unless the Director reconsiders the decision of the
20 Board, and modifies or sets aside, such decision”.

21 (b) RULES OF CONSTRUCTION.—

22 (1) AUTHORITY BEFORE DATE OF ENACT-
23 MENT.—The amendments made by subsection (a)
24 shall not be construed to mean that the Director
25 lacked the authority to reconsider, and modify or set

1 aside, a decision of the Trademark Trial and Appeal
2 Board before the date of enactment of this Act.

3 (2) AUTHORITY WITH RESPECT TO PARTICULAR
4 DECISIONS.—The amendments made by subsection
5 (a) shall not be construed to require the Director to
6 reconsider, modify, or set aside any particular deci-
7 sion of the Trademark Trial and Appeal Board.

1 **DIVISION R—PROTECTING OUR**
 2 **INFRASTRUCTURE OF PIPE-**
 3 **LINES AND ENHANCING SAFE-**
 4 **TY ACT OF 2020**

5 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

6 (a) **SHORT TITLE.**—This division may be cited as the
 7 “Protecting our Infrastructure of Pipelines and Enhanc-
 8 ing Safety Act of 2020” or the “PIPES Act of 2020”.

9 (b) **TABLE OF CONTENTS.**—The table of contents for
 10 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

Sec. 101. Authorization of appropriations.

Sec. 102. Pipeline workforce development.

Sec. 103. Cost recovery and fees for facility reviews.

Sec. 104. Advancement of new pipeline safety technologies and approaches.

Sec. 105. Pipeline safety testing enhancement study.

Sec. 106. Regulatory updates.

Sec. 107. Self-disclosure of violations.

Sec. 108. Due process protections in enforcement proceedings.

Sec. 109. Pipeline operating status.

Sec. 110. Updates to standards for liquefied natural gas facilities.

Sec. 111. National Center of Excellence for Liquefied Natural Gas Safety.

Sec. 112. Prioritization of rulemaking.

Sec. 113. Leak detection and repair.

Sec. 114. Inspection and maintenance plans.

Sec. 115. Consideration of pipeline class location changes.

Sec. 116. Protection of employees providing pipeline safety information.

Sec. 117. Interstate drug and alcohol oversight.

Sec. 118. Purpose and general authority.

Sec. 119. National Academy of Sciences study on automatic and remote-con-
 trolled shut-off valves on existing pipelines.

Sec. 120. Unusually sensitive areas.

Sec. 121. Safety-related condition reports.

Sec. 122. Risk analysis and integrity management programs.

Sec. 123. Rule of construction.

TITLE II—LEONEL RONDON PIPELINE SAFETY ACT

Sec. 201. Short title.

Sec. 202. Distribution integrity management plans.

Sec. 203. Emergency response plans.
Sec. 204. Operations and maintenance manuals.
Sec. 205. Pipeline safety management systems.
Sec. 206. Pipeline safety practices.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATION.—The term “Administra-
4 tion” means the Pipeline and Hazardous Materials
5 Safety Administration.

6 (2) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Administra-
8 tion.

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of Transportation.

11 **TITLE I—IMPROVING PIPELINE**
12 **SAFETY AND INFRASTRUCTURE**

13 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) GAS AND HAZARDOUS LIQUID.—Section 60125
15 of title 49, United States Code, is amended by striking
16 subsection (a) and inserting the following:

17 “(a) GAS AND HAZARDOUS LIQUID.—

18 “(1) IN GENERAL.—From fees collected under
19 section 60301, there are authorized to be appro-
20 priated to the Secretary to carry out section 12 of
21 the Pipeline Safety Improvement Act of 2002 (49
22 U.S.C. 60101 note; Public Law 107–355) and the

1 provisions of this chapter relating to gas and haz-
2 ardous liquid—

3 “(A) \$156,400,000 for fiscal year 2021, of
4 which—

5 “(i) \$9,000,000 shall be used to carry
6 out section 12 of the Pipeline Safety Im-
7 provement Act of 2002 (49 U.S.C. 60101
8 note; Public Law 107–355); and

9 “(ii) \$63,000,000 shall be used for
10 making grants;

11 “(B) \$158,500,000 for fiscal year 2022, of
12 which—

13 “(i) \$9,000,000 shall be used to carry
14 out section 12 of the Pipeline Safety Im-
15 provement Act of 2002 (49 U.S.C. 60101
16 note; Public Law 107–355); and

17 “(ii) \$66,000,000 shall be used for
18 making grants; and

19 “(C) \$162,700,000 for fiscal year 2023, of
20 which—

21 “(i) \$9,000,000 shall be used to carry
22 out section 12 of the Pipeline Safety Im-
23 provement Act of 2002 (49 U.S.C. 60101
24 note; Public Law 107–355); and

1 “(ii) \$69,000,000 shall be used for
2 making grants.

3 “(2) TRUST FUND AMOUNTS.—In addition to
4 the amounts authorized to be appropriated under
5 paragraph (1), there are authorized to be appro-
6 priated from the Oil Spill Liability Trust Fund es-
7 tablished by section 9509(a) of the Internal Revenue
8 Code of 1986 to carry out section 12 of the Pipeline
9 Safety Improvement Act of 2002 (49 U.S.C. 60101
10 note; Public Law 107–355) and the provisions of
11 this chapter relating to hazardous liquid—

12 “(A) \$27,000,000 for fiscal year 2021, of
13 which—

14 “(i) \$3,000,000 shall be used to carry
15 out section 12 of the Pipeline Safety Im-
16 provement Act of 2002 (49 U.S.C. 60101
17 note; Public Law 107–355); and

18 “(ii) \$11,000,000 shall be used for
19 making grants;

20 “(B) \$27,650,000 for fiscal year 2022, of
21 which—

22 “(i) \$3,000,000 shall be used to carry
23 out section 12 of the Pipeline Safety Im-
24 provement Act of 2002 (49 U.S.C. 60101
25 note; Public Law 107–355); and

1 “(ii) \$12,000,000 shall be used for
2 making grants; and

3 “(C) \$28,700,000 for fiscal year 2023, of
4 which—

5 “(i) \$3,000,000 shall be used to carry
6 out section 12 of the Pipeline Safety Im-
7 provement Act of 2002 (49 U.S.C. 60101
8 note; Public Law 107–355); and

9 “(ii) \$13,000,000 shall be used for
10 making grants.

11 “(3) UNDERGROUND NATURAL GAS STORAGE
12 FACILITY SAFETY ACCOUNT.—From fees collected
13 under section 60302, there is authorized to be ap-
14 propriated to the Secretary to carry out section
15 60141 \$8,000,000 for each of fiscal years 2021
16 through 2023.

17 “(4) RECRUITMENT AND RETENTION.—From
18 amounts made available to the Secretary under
19 paragraphs (1) and (2), the Secretary shall use—

20 “(A) \$ 1,520,000 to carry out section
21 102(b)(1) of the PIPES Act of 2020, of
22 which—

23 “(i) \$1,292,000 shall be from
24 amounts made available under paragraph
25 (1)(A); and

1 “(ii) \$228,000 shall be from amounts
2 made available under paragraph (2)(A);

3 “(B) \$2,300,000 to carry out section
4 102(b)(2)(A) of the PIPES Act of 2020, of
5 which—

6 “(i) \$1,955,000 shall be from
7 amounts made available under paragraph
8 (1)(A); and

9 “(ii) \$345,000 shall be from amounts
10 made available under paragraph (2)(A);

11 “(C) \$1,600,000 to carry out section
12 102(b)(2)(B) of the PIPES Act of 2020, of
13 which—

14 “(i) \$1,360,000 shall be from
15 amounts made available under paragraph
16 (1)(B); and

17 “(ii) \$240,000 shall be from amounts
18 made available under paragraph (2)(B);

19 “(D) \$1,800,000 to carry out section
20 102(b)(2)(C) of the PIPES Act of 2020, of
21 which—

22 “(i) \$ 1,530,000 shall be from
23 amounts made available under paragraph
24 (1)(C); and

1 “(ii) \$270,000 shall be from amounts
2 made available under paragraph (2)(C);

3 “(E) \$2,455,000 to carry out section
4 102(c) of the PIPES Act of 2020 in fiscal year
5 2021, of which—

6 “(i) \$2,086,750 shall be from
7 amounts made available under paragraph
8 (1)(A); and

9 “(ii) \$368,250 shall be from amounts
10 made available under paragraph (2)(A);

11 “(F) \$2,455,000 to carry out section
12 102(c) of the PIPES Act of 2020 in fiscal year
13 2022, of which—

14 “(i) \$2,086,750 shall be from
15 amounts made available under paragraph
16 (1)(B); and

17 “(ii) \$368,250 shall be from amounts
18 made available under paragraph (2)(B);
19 and

20 “(G) \$2,455,000 to carry out section
21 102(c) of the PIPES Act of 2020 in fiscal year
22 2023, of which—

23 “(i) \$2,086,750 shall be from
24 amounts made available under paragraph
25 (1)(C); and

1 “(ii) \$368,250 shall be from amounts
2 made available under paragraph (2)(C).”.

3 (b) OPERATIONAL EXPENSES.—Section 2(b) of the
4 PIPES Act of 2016 (Public Law 114–183; 130 Stat. 515)
5 is amended by striking paragraphs (1) through (4) and
6 inserting the following:

7 “(1) \$25,000,000 for fiscal year 2021.

8 “(2) \$26,000,000 for fiscal year 2022.

9 “(3) \$27,000,000 for fiscal year 2023.”.

10 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
11 6107 of title 49, United States Code, is amended by strik-
12 ing “ \$1,058,000 for each of fiscal years 2016 through
13 2019” and inserting “ \$1,058,000 for each of fiscal years
14 2021 through 2023”.

15 (d) EMERGENCY RESPONSE GRANTS.—Section
16 60125(b)(2) of title 49, United States Code, is amended
17 by striking “fiscal years 2012 through 2015” and insert-
18 ing “fiscal years 2021 through 2023”.

19 (e) PIPELINE SAFETY INFORMATION GRANTS TO
20 COMMUNITIES.—Section 60130 of title 49, United States
21 Code, is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) in the first sentence, by striking

25 “to local communities and groups of indi-

1 viduals (not including for-profit entities)”
2 and inserting “to local communities, In-
3 dian Tribes, and groups of individuals (not
4 including for-profit entities)”;

5 (ii) in the third sentence, by striking
6 “The amount” and inserting “Except as
7 provided in subsection (c)(2), the amount”;
8 and

9 (B) by striking paragraph (4);

10 (2) by striking subsection (c) and inserting the
11 following:

12 “(c) FUNDING.—

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 out of amounts made available under section 2(b) of
15 the PIPES Act of 2016 (Public Law 114–183; 130
16 Stat. 515), the Secretary shall use \$2,000,000 for
17 each of fiscal years 2021 through 2023 to carry out
18 this section.

19 “(2) IMPROVING TECHNICAL ASSISTANCE.—
20 From the amounts used to carry out this section
21 under paragraph (1) each fiscal year, the Secretary
22 shall award \$1,000,000 to an eligible applicant
23 through a competitive selection process for the pur-
24 pose of improving the quality of technical assistance

1 provided to communities or individuals under this
2 section.

3 “(3) LIMITATION.—Any amounts used to carry
4 out this section shall not be derived from user fees
5 collected under section 60301.”; and

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

7 “(d) DEFINITIONS.—In this section:

8 “(1) TECHNICAL ASSISTANCE.—The term ‘tech-
9 nical assistance’ means engineering, research, and
10 other scientific analysis of pipeline safety issues, in-
11 cluding the promotion of public participation on
12 technical pipeline safety issues in proceedings related
13 to this chapter.

14 “(2) ELIGIBLE APPLICANT.—The term ‘eligible
15 applicant’ means a nonprofit entity that—

16 “(A) is a public safety advocate;

17 “(B) has pipeline safety expertise;

18 “(C) is able to provide individuals and
19 communities with technical assistance; and

20 “(D) was established with funds des-
21 ignated for the purpose of community service
22 through the implementation of section 3553 of
23 title 18 relating to violations of this chapter.”.

24 (f) DAMAGE PREVENTION PROGRAMS.—Section
25 60134(i) of title 49, United States Code, is amended in

1 the first sentence by striking “fiscal years 2012 through
2 2015” and inserting “fiscal years 2021 through 2023”.

3 (g) PIPELINE INTEGRITY PROGRAM.—Section 12(f)
4 of the Pipeline Safety Improvement Act of 2002 (49
5 U.S.C. 60101 note; Public Law 107–355) is amended by
6 striking “2016 through 2019” and inserting “2021
7 through 2023”.

8 **SEC. 102. PIPELINE WORKFORCE DEVELOPMENT.**

9 (a) INSPECTOR TRAINING.—Not later than 1 year
10 after the date of enactment of this Act, the Administrator
11 shall—

12 (1) review the inspector training programs pro-
13 vided at the Inspector Training and Qualifications
14 Division of the Administration in Oklahoma City,
15 Oklahoma; and

16 (2) determine whether any of the programs re-
17 ferred to in paragraph (1), or any portions of the
18 programs, could be provided online through tele-
19 training or another type of distance learning.

20 (b) STAFFING.—

21 (1) IN GENERAL.—The Secretary shall increase
22 the number of full-time equivalent employees (as
23 compared to the number of positions on the date of
24 enactment of this Act) by 8 full-time employees with
25 subject matter expertise in pipeline safety, pipeline

1 facilities, and pipeline systems to finalize out-
2 standing rulemakings and fulfill congressional man-
3 dates.

4 (2) PIPELINE INSPECTION AND ENFORCEMENT
5 PERSONNEL.—The Secretary shall ensure that the
6 number of full-time positions for pipeline inspection
7 and enforcement personnel in the Office of Pipeline
8 Safety of the Administration does not fall below the
9 following:

10 (A) 224 for fiscal year 2021.

11 (B) 235 for fiscal year 2022.

12 (C) 247 for fiscal year 2023.

13 (c) RECRUITMENT AND RETENTION INCENTIVES.—

14 (1) IN GENERAL.—The Secretary shall use in-
15 centives, as necessary, to recruit and retain a quali-
16 fied workforce, including inspection and enforcement
17 personnel and attorneys and subject matter experts
18 at the Office of Pipeline Safety of the Administra-
19 tion, including—

20 (A) special pay rates permitted under sec-
21 tion 5305 of title 5, United States Code;

22 (B) repayment of student loans permitted
23 under section 5379 of that title;

24 (C) tuition assistance permitted under
25 chapter 41 of that title;

1 (D) recruitment incentives permitted under
2 section 5753 of that title; and

3 (E) retention incentives permitted under
4 section 5754 of that title.

5 (2) CONTINUED SERVICE AGREEMENT.—The
6 Secretary shall ensure that the incentives described
7 in paragraph (1) are accompanied by a continued
8 service agreement.

9 (3) APPROVAL.—The Secretary shall request,
10 as necessary, the approval of the Office of Personnel
11 Management to use the incentives described in para-
12 graph (1).

13 **SEC. 103. COST RECOVERY AND FEES FOR FACILITY RE-**
14 **VIEWS.**

15 (a) FEES FOR COMPLIANCE REVIEWS OF LIQUEFIED
16 NATURAL GAS FACILITIES.—Chapter 603 of title 49,
17 United States Code, is amended by inserting after section
18 60302 the following:

19 **“§ 60303. Fees for compliance reviews of liquefied**
20 **natural gas facilities**

21 **“(a) IMPOSITION OF FEE.—**

22 **“(1) IN GENERAL.—**The Secretary of Transpor-
23 tation (referred to in this section as the ‘Secretary’)
24 shall impose on a person who files with the Federal
25 Energy Regulatory Commission an application for a

1 liquefied natural gas facility that has design and
2 construction costs totaling not less than
3 \$2,500,000,000 a fee for the necessary expenses of
4 a review, if any, that the Secretary conducts, in con-
5 nection with that application, to determine compli-
6 ance with subpart B of part 193 of title 49, Code
7 of Federal Regulations (or successor regulations).

8 “(2) RELATION TO OTHER REVIEW.—The Sec-
9 retary may not impose fees under paragraph (1) and
10 section 60117(o) or 60301(b) for the same compli-
11 ance review described in paragraph (1).

12 “(b) MEANS OF COLLECTION.—

13 “(1) IN GENERAL.—The Secretary shall pre-
14 scribe procedures to collect fees under this section.

15 “(2) USE OF GOVERNMENT ENTITIES.—The
16 Secretary may—

17 “(A) use a department, agency, or instru-
18 mentality of the Federal Government or of a
19 State or local government to collect fees under
20 this section; and

21 “(B) reimburse that department, agency,
22 or instrumentality a reasonable amount for the
23 services provided.

24 “(c) ACCOUNT.—There is established an account, to
25 be known as the ‘Liquefied Natural Gas Siting Account’,

1 in the Pipeline Safety Fund established in the Treasury
2 of the United States under section 60301.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 603 of title 49, United States Code, is amend-
5 ed by inserting after the item relating to section 60302
6 the following:

“60303. Fees for compliance reviews of liquefied natural gas facilities.”.

7 **SEC. 104. ADVANCEMENT OF NEW PIPELINE SAFETY TECH-**
8 **NOLOGIES AND APPROACHES.**

9 (a) IN GENERAL.—Chapter 601 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 60142. Pipeline safety enhancement programs**

13 “(a) IN GENERAL.—The Secretary may establish and
14 carry out limited safety-enhancing testing programs to
15 evaluate innovative technologies and operational practices
16 testing the safe operation of—

17 “(1) a natural gas pipeline facility; or

18 “(2) a hazardous liquid pipeline facility.

19 “(b) LIMITATIONS.—

20 “(1) IN GENERAL.—Testing programs estab-
21 lished under subsection (a) may not exceed—

22 “(A) 5 percent of the total miles of haz-
23 arduous liquid pipelines in the United States
24 that are regulated by—

1 “(i) the Pipeline and Hazardous Ma-
2 terials Safety Administration; or

3 “(ii) a State authority under section
4 60105 or 60106; and

5 “(B) 5 percent of the total miles of natural
6 gas pipelines in the United States that are reg-
7 ulated by—

8 “(i) the Pipeline and Hazardous Ma-
9 terials Safety Administration; or

10 “(ii) a State authority under section
11 60105 or 60106.

12 “(2) OPERATOR MILEAGE LIMITATION.—The
13 Secretary shall limit the miles of pipelines that each
14 operator can test under each program established
15 under subsection (a) to the lesser of—

16 “(A) 38 percent of the total miles of pipe-
17 lines in the system of the operator that are reg-
18 ulated by—

19 “(i) the Pipeline and Hazardous Ma-
20 terials Safety Administration; or

21 “(ii) a State authority under section
22 60105 or 60106; or

23 “(B) 1,000 miles.

24 “(3) PROHIBITED AREAS.—Any program estab-
25 lished under subsection (a) shall not be located in—

1 “(A) a high population area (as defined in
2 section 195.450 of title 49, Code of Federal
3 Regulations (or a successor regulation));

4 “(B) a high consequence area (as defined
5 in section 192.903 of title 49, Code of Federal
6 Regulations (or a successor regulation)); or

7 “(C) an unusually sensitive area (as de-
8 scribed under subsection (a)(1)(B)(ii) of section
9 60109 in accordance with subsection (b) of that
10 section).

11 “(4) HIGH CONSEQUENCE AREAS FOR HAZ-
12 ARDOUS LIQUID PIPELINES.—

13 “(A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this section, the
15 Secretary shall submit to Congress a report ex-
16 amining the benefits and costs of prohibiting
17 the testing of hazardous liquid pipelines in high
18 consequence areas (as defined in section
19 195.450 of title 49, Code of Federal Regula-
20 tions (or a successor regulation)).

21 “(B) CONTENTS OF REPORT.—The report
22 described in subparagraph (A) shall examine—

23 “(i) the safety benefits of allowing the
24 testing of hazardous liquid pipelines in
25 high consequence areas (as defined in sec-

1 tion 195.450 of title 49, Code of Federal
2 Regulations (or a successor regulation));
3 and

4 “(ii) whether additional testing condi-
5 tions are required to protect those areas
6 while conducting a testing program estab-
7 lished under subsection (a) in those areas.

8 “(c) DURATION.—

9 “(1) IN GENERAL.—The term of a testing pro-
10 gram established under subsection (a) shall be not
11 more than a period of 3 years beginning on the date
12 of approval of the program.

13 “(2) REQUIREMENT.—The Secretary shall not
14 establish any additional safety-enhancing testing
15 programs under subsection (a) after the date that is
16 3 years after the date of enactment of this section.

17 “(d) SAFETY STANDARDS.—

18 “(1) IN GENERAL.—The Secretary shall re-
19 quire, as a condition of approval of a testing pro-
20 gram under subsection (a), that the safety measures
21 in the testing program are designed to achieve a
22 level of safety that is greater than the level of safety
23 required by this chapter.

24 “(2) DETERMINATION.—

1 “(A) IN GENERAL.—The Secretary may
2 issue an order under subparagraph (A) of sec-
3 tion 60118(c)(1) to accomplish the purpose of
4 a testing program for a term not to exceed the
5 time period described in subsection (c) if the
6 condition described in paragraph (1) is met, as
7 determined by the Secretary.

8 “(B) LIMITATION.—An order under sub-
9 paragraph (A) shall pertain only to those regu-
10 lations that would otherwise prevent the use of
11 the safety technology to be tested under the
12 testing program.

13 “(3) INCREASED SAFETY CAPABILITIES.—For
14 purposes of paragraph (1), improvement in the reli-
15 ability, accuracy, durability, or certainty of pipeline
16 safety technologies, techniques, or methods shall
17 constitute an appropriate means of meeting the safe-
18 ty measure requirement described in that paragraph.

19 “(e) CONSIDERATIONS.—In establishing a testing
20 program under subsection (a), the Secretary shall con-
21 sider—

22 “(1) the accident and incident record of the
23 owners or operators participating in the program;

1 “(2)(A) whether the owners or operators par-
2 ticipating in the program have a safety management
3 system in place; and

4 “(B) how the application of that system pro-
5 poses to eliminate or mitigate potential safety and
6 environmental risks throughout the duration of the
7 program; and

8 “(3) whether the proposed safety technology
9 has been tested through a research and development
10 program carried out by—

11 “(A) the Secretary;

12 “(B) collaborative research development
13 organizations; or

14 “(C) other institutions.

15 “(f) DATA AND FINDINGS.—

16 “(1) IN GENERAL.—As a participant in a test-
17 ing program established under subsection (a), an
18 owner or operator shall submit to the Secretary de-
19 tailed findings and a summary of data collected as
20 a result of participation in the testing program.

21 “(2) PUBLIC REPORT.—The Secretary shall
22 make publicly available on the website of the De-
23 partment of Transportation an annual report for
24 any ongoing testing program established under sub-

1 section (a) summarizing the progress of the pro-
2 gram.

3 “(g) AUTHORITY TO REVOKE PARTICIPATION.—The
4 Secretary shall immediately revoke participation in a test-
5 ing program under subsection (a) if—

6 “(1)(A) the participant has an accident or inci-
7 dent involving death or personal injury necessitating
8 in-patient hospitalization; and

9 “(B) the testing program is determined to be
10 the cause of, or a contributing factor to, that acci-
11 dent or incident;

12 “(2) the participant fails to comply with the
13 terms and conditions of the testing program; or

14 “(3) in the determination of the Secretary, con-
15 tinued participation in the testing program by the
16 participant would be unsafe or would not be con-
17 sistent with the goals and objectives of this chapter.

18 “(h) AUTHORITY TO TERMINATE PROGRAM.—The
19 Secretary shall immediately terminate a testing program
20 under subsection (a) if continuation of the testing pro-
21 gram would not be consistent with the goals and objectives
22 of this chapter.

23 “(i) STATE RIGHTS.—

24 “(1) EXEMPTION.—Except as provided in para-
25 graph (2), if a State submits to the Secretary notice

1 that the State requests an exemption from any test-
2 ing program considered for establishment under this
3 section, the State shall be exempt.

4 “(2) LIMITATIONS.—

5 “(A) IN GENERAL.—The Secretary shall
6 not grant a requested exemption under para-
7 graph (1) after a testing program is estab-
8 lished.

9 “(B) LATE NOTICE.—The Secretary shall
10 not grant a requested exemption under para-
11 graph (1) if the notice submitted under that
12 paragraph is submitted to the Secretary more
13 than 30 days after the date on which the Sec-
14 retary issues an order providing an effective
15 date for the testing program in accordance with
16 subsection (j).

17 “(3) EFFECT.—If a State has not submitted a
18 notice requesting an exemption under paragraph (1),
19 the State shall not enforce any law (including regu-
20 lations) that is inconsistent with a testing program
21 in effect in the State under this section.

22 “(j) PROGRAM REVIEW PROCESS AND PUBLIC NO-
23 TICE.—

24 “(1) IN GENERAL.—The Secretary shall publish
25 in the Federal Register and send directly to each rel-

1 evant State and each appropriate State authority
2 with a certification in effect under section 60105 a
3 notice of each proposed testing program under sub-
4 section (a), including the order to be considered, and
5 provide an opportunity for public comment for not
6 less than 90 days.

7 “(2) RESPONSE FROM SECRETARY.—Not later
8 than the date on which the Secretary issues an order
9 providing an effective date of a testing program no-
10 ticed under paragraph (1), the Secretary shall—

11 “(A) publish the order in the Federal Reg-
12 ister; and

13 “(B) respond to each comment submitted
14 under paragraph (1).

15 “(k) REPORT TO CONGRESS.—At the conclusion of
16 each testing program, the Secretary shall make publicly
17 available on the website of the Department of Transpor-
18 tation a report containing—

19 “(1) the findings and conclusions of the Sec-
20 retary with respect to the testing program; and

21 “(2) any recommendations of the Secretary
22 with respect to the testing program, including any
23 recommendations for amendments to laws (including
24 regulations) and the establishment of standards,
25 that—

1 “(A) would enhance the safe operation of
2 interstate gas or hazardous liquid pipeline fa-
3 cilities; and

4 “(B) are technically, operationally, and
5 economically feasible.

6 “(l) STANDARDS.—If a report under subsection (k)
7 indicates that it is practicable to establish technically,
8 operationally, and economically feasible standards for the
9 use of a safety-enhancing technology and any cor-
10 responding operational practices tested by the testing pro-
11 gram described in the report, the Secretary, as soon as
12 practicable after submission of the report, may promulgate
13 regulations consistent with chapter 5 of title 5 (commonly
14 known as the ‘Administrative Procedure Act’) that—

15 “(1) allow operators of interstate gas or haz-
16 arduous liquid pipeline facilities to use the relevant
17 technology or practice to the extent practicable; and

18 “(2) establish technically, operationally, and
19 economically feasible standards for the capability
20 and deployment of the technology or practice.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for chapter 601 of title 49, United States Code, is amend-
23 ed by inserting after the item relating to section 60141
24 the following:

“60142. Pipeline safety enhancement programs.”.

1 **SEC. 105. PIPELINE SAFETY TESTING ENHANCEMENT**
2 **STUDY.**

3 Not later than 2 years after the date of enactment
4 of this Act, the Secretary shall submit to the Committees
5 on Commerce, Science, and Transportation and Appro-
6 priations of the Senate and the Committees on Transpor-
7 tation and Infrastructure, Energy and Commerce, and Ap-
8 propriations of the House of Representatives a report re-
9 lating to—

10 (1) the research and development capabilities of
11 the Administration, in accordance with section 12 of
12 the Pipeline Safety Improvement Act of 2002 (49
13 U.S.C. 60101 note; Public Law 107–355);

14 (2)(A) the development of additional testing
15 and research capabilities through the establishment
16 of an independent pipeline safety testing facility
17 under the Department of Transportation;

18 (B) whether an independent pipeline safety
19 testing facility would be critical to the work of the
20 Administration;

21 (C) the costs and benefits of developing an
22 independent pipeline safety testing facility under the
23 Department of Transportation; and

24 (D) the costs and benefits of collocating an inde-
25 pendent pipeline safety testing facility at an existing
26 training center of the Administration; and

1 (3) the ability of the Administration to use the
2 testing facilities of the Department of Transpor-
3 tation, other Federal agencies, or federally funded
4 research and development centers.

5 **SEC. 106. REGULATORY UPDATES.**

6 (a) DEFINITION OF OUTSTANDING MANDATE.—In
7 this section, the term “outstanding mandate” means—

8 (1) a final rule required to be issued under the
9 Pipeline Safety, Regulatory Certainty, and Job Cre-
10 ation Act of 2011 (Public Law 112–90; 125 Stat.
11 1904) that has not been published in the Federal
12 Register;

13 (2) a final rule required to be issued under the
14 PIPES Act of 2016 (Public Law 114–183; 130
15 Stat. 514) that has not been published in the Fed-
16 eral Register; and

17 (3) any other final rule regarding gas or haz-
18 ardous liquid pipeline facilities required to be issued
19 under this Act or an Act enacted prior to the date
20 of enactment of this Act that has not been published
21 in the Federal Register.

22 (b) REQUIREMENTS.—

23 (1) PERIODIC UPDATES.—Not later than 30
24 days after the date of enactment of this Act, and
25 every 30 days thereafter until a final rule referred

1 to in paragraphs (1) through (3) of subsection (a)
2 is published in the Federal Register, the Secretary
3 shall publish on a publicly available website of the
4 Department of Transportation an update regarding
5 the status of each outstanding mandate in accord-
6 ance with subsection (c).

7 (2) NOTIFICATION OF CONGRESS.—On publica-
8 tion of a final rule in the Federal Register for an
9 outstanding mandate, the Secretary shall submit to
10 the Committee on Commerce, Science, and Trans-
11 portation of the Senate and the Committees on
12 Transportation and Infrastructure and Energy and
13 Commerce of the House of Representatives a notifi-
14 cation in accordance with subsection (c).

15 (c) CONTENTS.—An update published or a notifica-
16 tion submitted under paragraph (1) or (2) of subsection
17 (b) shall contain, as applicable—

18 (1) with respect to information relating to the
19 Administration—

20 (A) a description of the work plan for each
21 outstanding mandate;

22 (B) an updated rulemaking timeline for
23 each outstanding mandate;

24 (C) the staff allocations with respect to
25 each outstanding mandate;

1 (D) any resource constraints affecting the
2 rulemaking process for each outstanding man-
3 date;

4 (E) any other details associated with the
5 development of each outstanding mandate that
6 affect the progress of the rulemaking process
7 with respect to that outstanding mandate; and

8 (F) a description of all rulemakings re-
9 garding gas or hazardous liquid pipeline facili-
10 ties published in the Federal Register that are
11 not identified under subsection (b)(2); and

12 (2) with respect to information relating to the
13 Office of the Secretary—

14 (A) the date that the outstanding mandate
15 was submitted to the Office of the Secretary for
16 review;

17 (B) the reason that the outstanding man-
18 date is under review beyond 45 days;

19 (C) the staff allocations within the Office
20 of the Secretary with respect to each the out-
21 standing mandate;

22 (D) any resource constraints affecting re-
23 view of the outstanding mandate;

1 (E) an estimated timeline of when review
2 of the outstanding mandate will be complete, as
3 of the date of the update;

4 (F) if applicable, the date that the out-
5 standing mandate was returned to the Adminis-
6 tration for revision and the anticipated date for
7 resubmission to the Office of the Secretary;

8 (G) the date that the outstanding mandate
9 was submitted to the Office of Management and
10 Budget for review; and

11 (H) a statement of whether the out-
12 standing mandate remains under review by the
13 Office of Management and Budget.

14 **SEC. 107. SELF-DISCLOSURE OF VIOLATIONS.**

15 Section 60122(b)(1) of title 49, United States Code,
16 is amended—

17 (1) in subparagraph (B), by striking “and” at
18 the end; and

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

20 “(D) self-disclosure and correction of viola-
21 tions, or actions to correct a violation, prior to
22 discovery by the Pipeline and Hazardous Mate-
23 rials Safety Administration; and”.

1 **SEC. 108. DUE PROCESS PROTECTIONS IN ENFORCEMENT**
2 **PROCEEDINGS.**

3 (a) IN GENERAL.—Section 60117 of title 49, United
4 States Code, is amended—

5 (1) by redesignating subsections (b) through (o)
6 as subsections (c) through (p), respectively; and

7 (2) by inserting after subsection (a) the fol-
8 lowing:

9 “(b) ENFORCEMENT PROCEDURES.—

10 “(1) PROCESS.—In implementing enforcement
11 procedures under this chapter and part 190 of title
12 49, Code of Federal Regulations (or successor regu-
13 lations), the Secretary shall—

14 “(A) allow the respondent to request the
15 use of a consent agreement and consent order
16 to resolve any matter of fact or law asserted;

17 “(B) allow the respondent and the agency
18 to convene 1 or more meetings—

19 “(i) for settlement or simplification of
20 the issues; or

21 “(ii) to aid in the disposition of issues;

22 “(C) require that the case file in an en-
23 forcement proceeding include all agency records
24 pertinent to the matters of fact and law as-
25 serted;

1 “(D) allow the respondent to reply to each
2 post-hearing submission of the agency;

3 “(E) allow the respondent to request that
4 a hearing be held, and an order be issued, on
5 an expedited basis;

6 “(F) require that the agency have the bur-
7 den of proof, presentation, and persuasion in
8 any enforcement matter;

9 “(G) require that any order contain find-
10 ings of relevant fact and conclusions of law;

11 “(H) require the Office of Pipeline Safety
12 to file a post-hearing recommendation not later
13 than 30 days after the deadline for any post-
14 hearing submission of a respondent;

15 “(I) require an order on a petition for re-
16 consideration to be issued not later than 120
17 days after the date on which the petition is
18 filed; and

19 “(J) allow an operator to request that an
20 issue of controversy or uncertainty be addressed
21 through a declaratory order in accordance with
22 section 554(e) of title 5.

23 “(2) OPEN TO THE PUBLIC.—A hearing under
24 this section shall be—

1 “(A) noticed to the public on the website
2 of the Pipeline and Hazardous Materials Safety
3 Administration; and

4 “(B) in the case of a formal hearing (as
5 defined in section 190.3 of title 49, Code of
6 Federal Regulations (or a successor regula-
7 tion)), open to the public.

8 “(3) TRANSPARENCY.—

9 “(A) AGREEMENTS, ORDERS, AND JUDG-
10 MENTS OPEN TO THE PUBLIC.—With respect to
11 each enforcement proceeding under this chap-
12 ter, the Administrator of the Pipeline and Haz-
13 arduous Materials Safety Administration shall
14 make publicly available on the website of the
15 Administration—

16 “(i) the charging documents;

17 “(ii) the written response of the re-
18 spondent, if filed; and

19 “(iii) any consent agreement, consent
20 order, order, or judgment resulting from a
21 hearing under this chapter.

22 “(B) GAO REPORT ON PIPELINE SAFETY
23 PROGRAM COLLECTION AND TRANSPARENCY OF
24 ENFORCEMENT PROCEEDINGS.—

1 “(i) IN GENERAL.—Not later than 2
2 years after the date of enactment of the
3 PIPES Act of 2020, the Comptroller Gen-
4 eral of the United States shall—

5 “(I) review information on pipe-
6 line enforcement actions that the
7 Pipeline and Hazardous Materials
8 Safety Administration makes publicly
9 available on the internet; and

10 “(II) submit to the Committee on
11 Commerce, Science, and Transpor-
12 tation of the Senate and the Commit-
13 tees on Transportation and Infra-
14 structure and Energy and Commerce
15 of the House of Representatives a re-
16 port on that review, including any rec-
17 ommendations under clause (iii).

18 “(ii) CONTENTS.—The report under
19 clause (i)(II) shall include—

20 “(I) a description of the process
21 that the Pipeline and Hazardous Ma-
22 terials Safety Administration uses to
23 collect and record enforcement infor-
24 mation;

1 “(II) an assessment of whether
2 and, if so, how the Pipeline and Haz-
3 ardous Materials Safety Administra-
4 tion ensures that enforcement infor-
5 mation is made available to the public
6 in an accessible manner; and

7 “(III) an assessment of the infor-
8 mation described in clause (i)(I).

9 “(iii) RECOMMENDATIONS.—The re-
10 port under clause (i)(II) may include rec-
11 ommendations regarding—

12 “(I) any improvements that could
13 be made to the accessibility of the in-
14 formation described in clause (i)(I);

15 “(II) whether and, if so, how the
16 information described in clause (i)(I)
17 could be made more transparent; and

18 “(III) any other recommenda-
19 tions that the Comptroller General of
20 the United States considers appro-
21 priate.

22 “(4) SAVINGS CLAUSE.—Nothing in this sub-
23 section alters the procedures applicable to—

24 “(A) an emergency order under subsection
25 (p);

1 “(B) a safety order under subsection (m);
2 or
3 “(C) a corrective action order under sec-
4 tion 60112.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 60109(g)(4) of title 49, United
7 States Code, is amended by striking “section
8 60117(c)” and inserting “section 60117(d)”.

9 (2) Section 60117(p) of title 49, United States
10 Code (as redesignated by subsection (a)(1)), is
11 amended, in paragraph (3)(E), by striking
12 “60117(l)” and inserting “subsection (m)”.

13 (3) Section 60118(a)(3) of title 49, United
14 States Code, is amended by striking “section
15 60117(a)–(d)” and inserting “subsections (a)
16 through (e) of section 60117”.

17 **SEC. 109. PIPELINE OPERATING STATUS.**

18 (a) IN GENERAL.—Chapter 601 of title 49, United
19 States Code (as amended by section 104(a)), is amended
20 by adding at the end the following:

21 **“§ 60143. Idled pipelines**

22 “(a) DEFINITION OF IDLED.—In this section, the
23 term ‘idled’, with respect to a pipeline, means that the
24 pipeline—

25 “(1)(A) has ceased normal operations; and

1 “(B) will not resume service for a period of not
2 less than 180 days;

3 “(2) has been isolated from all sources of haz-
4 ardous liquid, natural gas, or other gas; and

5 “(3)(A) has been purged of combustibles and
6 hazardous materials and maintains a blanket of
7 inert, nonflammable gas at low pressure; or

8 “(B) has not been purged as described in sub-
9 paragraph (A), but the volume of gas is so small
10 that there is no potential hazard, as determined by
11 the Secretary pursuant to a rule.

12 “(b) RULEMAKING.—

13 “(1) IN GENERAL.—Not later than 2 years
14 after the date of enactment of the PIPES Act of
15 2020, the Secretary shall promulgate regulations
16 prescribing the applicability of the pipeline safety re-
17 quirements to idled natural or other gas trans-
18 mission and hazardous liquid pipelines.

19 “(2) REQUIREMENTS.—

20 “(A) IN GENERAL.—The applicability of
21 the regulations under paragraph (1) shall be
22 based on the risk that idled natural or other
23 gas transmission and hazardous liquid pipelines
24 pose to the public, property, and the environ-

1 ment, and shall include requirements to resume
2 operation.

3 “(B) INSPECTION.—The Secretary or an
4 appropriate State agency shall inspect each
5 idled pipeline and verify that the pipeline has
6 been purged of combustibles and hazardous ma-
7 terials, if required under subsection (a).

8 “(C) REQUIREMENTS FOR REINSPEC-
9 TION.—The Secretary shall determine the re-
10 quirements for periodic reinspection of idled
11 natural or other gas transmission and haz-
12 ardous liquid pipelines.

13 “(D) RESUMPTION OF OPERATIONS.—As a
14 condition to allowing an idled pipeline to re-
15 sume operations, the Secretary shall require
16 that, prior to resuming operations, the pipeline
17 shall be—

18 “(i) inspected with—

19 “(I) hydrostatic pressure testing;

20 “(II) an internal inspection de-
21 vice; or

22 “(III) if the use of hydrostatic
23 pressure testing or an internal inspec-
24 tion device is not technologically fea-

1 sible, another comparable technology
2 or practice; and
3 “(ii) in compliance with regulations
4 promulgated under this chapter, including
5 any regulations that became effective while
6 the pipeline was idled.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for chapter 601 of title 49, United States Code (as amend-
9 ed by section 104(b)), is amended by inserting after the
10 item relating to section 60142 the following:

“60143. Idled pipelines.”.

11 **SEC. 110. UPDATES TO STANDARDS FOR LIQUEFIED NAT-**
12 **URAL GAS FACILITIES.**

13 (a) IN GENERAL.—Not later than 3 years after the
14 date of enactment of this Act, the Secretary shall—

15 (1) review the minimum operating and mainte-
16 nance standards prescribed under section 60103(d)
17 of title 49, United States Code; and

18 (2) based on the review under paragraph (1),
19 update the standards described in that paragraph
20 applicable to large-scale liquefied natural gas facili-
21 ties (other than peak shaving facilities) to provide
22 for a risk-based regulatory approach for such facili-
23 ties, consistent with this section.

24 (b) SCOPE.—In updating the minimum operating and
25 maintenance standards under subsection (a)(2), the Sec-

1 retary shall ensure that all regulations, guidance, and in-
2 ternal documents—

3 (1) are developed and applied in a manner con-
4 sistent with this section; and

5 (2) achieve a level of safety that is equivalent
6 to, or greater than, the level of safety required by
7 the standards prescribed as of the date of enactment
8 of this Act under—

9 (A) section 60103(d) of title 49, United
10 States Code; and

11 (B) part 193 of title 49, Code of Federal
12 Regulations (as in effect on the date of enact-
13 ment of this Act).

14 (c) REQUIREMENTS.—The updates to the operating
15 and maintenance standards required under subsection
16 (a)(2) shall, at a minimum, require operators—

17 (1) to develop and maintain written safety in-
18 formation identifying hazards associated with—

19 (A) the processes of liquefied natural gas
20 conversion, storage, and transport;

21 (B) equipment used in the processes; and

22 (C) technology used in the processes;

23 (2) to conduct a hazard assessment, including
24 the identification of potential sources of accidental
25 releases;

1 (3)(A) to consult with employees and represent-
2 atives of employees on the development and execu-
3 tion of hazard assessments under paragraph (2);
4 and

5 (B) to provide employees access to the records
6 of the hazard assessments and any other records re-
7 quired under the updated standards;

8 (4) to establish a system to respond to the find-
9 ings of a hazard assessment conducted under para-
10 graph (2) that addresses prevention, mitigation, and
11 emergency responses;

12 (5) to review, when a design change occurs, the
13 most recent hazard assessment conducted under
14 paragraph (2) and the response system established
15 under paragraph (4);

16 (6) to develop and implement written operating
17 procedures for the processes of liquefied natural gas
18 conversion, storage, and transport;

19 (7)(A) to provide written safety and operating
20 information to employees; and

21 (B) to train employees in operating procedures
22 with an emphasis on addressing hazards and using
23 safe practices;

1 (8) to ensure contractors and contract employ-
2 ees are provided appropriate information and train-
3 ing;

4 (9) to train and educate employees and contrac-
5 tors in emergency response;

6 (10) to establish a quality assurance program
7 to ensure that equipment, maintenance materials,
8 and spare parts relating to the operations and main-
9 tenance of liquefied natural gas facilities are fab-
10 ricated and installed consistent with design specifica-
11 tions;

12 (11) to establish maintenance systems for crit-
13 ical process-related equipment, including written
14 procedures, employee training, appropriate inspec-
15 tions, and testing of that equipment to ensure ongo-
16 ing mechanical integrity;

17 (12) to conduct pre-start-up safety reviews of
18 all newly installed or modified equipment;

19 (13) to establish and implement written proce-
20 dures to manage change to processes of liquefied
21 natural gas conversion, storage, and transport, tech-
22 nology, equipment, and facilities; and

23 (14)(A) to investigate each incident that results
24 in, or could have resulted in—

25 (i) loss of life;

1 (ii) destruction of private property; or

2 (iii) a major accident; and

3 (B) to have operating personnel—

4 (i) review any findings of an investigation
5 under subparagraph (A); and

6 (ii) if appropriate, take responsive meas-
7 ures.

8 (d) SUBMISSION AND APPROVAL.—

9 (1) IN GENERAL.—The Secretary shall require
10 that operators that are subject to the regulations
11 under subsection (a)(2) submit to the Secretary for
12 approval a plan for the implementation of the re-
13 quirements described in subsection (c).

14 (2) REQUIREMENT.—The implementation plan
15 described in paragraph (1) shall include—

16 (A) an anticipated schedule for the imple-
17 mentation of the requirements described in sub-
18 section (c); and

19 (B) an overview of the process for imple-
20 mentation.

21 (e) INSPECTION AND COMPLIANCE ASSURANCE.—

22 (1) DETERMINATION OF INADEQUATE PRO-
23 GRAMS.—If the Secretary determines during an in-
24 spection carried out under chapter 601 of title 49,
25 United States Code, that an operator's implementa-

1 tion of the requirements described in subsection (c)
2 does not comply with the requirements of that chap-
3 ter (including any regulations promulgated under
4 that chapter), has not been adequately implemented,
5 is inadequate for the safe operation of a large-scale
6 liquefied natural gas facility, or is otherwise inad-
7 equate, the Secretary may conduct enforcement pro-
8 ceedings under that chapter.

9 (2) SAVINGS CLAUSE.—Nothing in this section
10 shall affect the authority of the Secretary to carry
11 out inspections or conduct enforcement proceedings
12 under chapter 601 of title 49, United States Code.

13 (f) EMERGENCIES AND COMPLIANCE.—Nothing in
14 this section may be construed to diminish or modify—

15 (1) the authority of the Secretary under this
16 title to act in the case of an emergency; or

17 (2) the authority of the Secretary under sec-
18 tions 60118 through 60123 of title 49, United
19 States Code.

20 (g) CIVIL PENALTIES.—A person violating the stand-
21 ards prescribed under this section, including any revisions
22 to the minimum operating and maintenance standards
23 prescribed under 60103 of title 49, United States Code,
24 shall be liable for a civil penalty that may not exceed

1 \$200,000 for each violation pursuant to section
2 60122(a)(1) of that title.

3 **SEC. 111. NATIONAL CENTER OF EXCELLENCE FOR LIQUE-**
4 **FIED NATURAL GAS SAFETY.**

5 (a) DEFINITIONS.—In this section:

6 (1) CENTER.—The term “Center” means the
7 National Center of Excellence for Liquefied Natural
8 Gas Safety that may be established under subsection
9 (b).

10 (2) LNG.—The term “LNG” means liquefied
11 natural gas.

12 (3) LNG SECTOR STAKEHOLDER.—The term
13 “LNG sector stakeholder” means a representative
14 of—

15 (A) LNG facilities that represent the broad
16 array of LNG facilities operating in the United
17 States;

18 (B) States, Indian Tribes, and units of
19 local government;

20 (C) postsecondary education;

21 (D) labor organizations;

22 (E) safety organizations; or

23 (F) Federal regulatory agencies of jurisdic-
24 tion, which may include—

25 (i) the Administration;

- 1 (ii) the Federal Energy Regulatory
2 Commission;
3 (iii) the Department of Energy;
4 (iv) the Occupational Safety and
5 Health Administration;
6 (v) the Coast Guard; and
7 (vi) the Maritime Administration.

8 (b) ESTABLISHMENT.—Only after submitting the re-
9 port under subsection (c) to the committees of Congress
10 described in that subsection, and subject to the availability
11 of funds appropriated by Congress for the applicable pur-
12 pose, the Secretary, in consultation with LNG sector
13 stakeholders, may establish a center, to be known as the
14 “National Center of Excellence for Liquefied Natural Gas
15 Safety”.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 18 months
18 after the date of enactment of this Act, the Sec-
19 retary shall submit to the Committees on Commerce,
20 Science, and Transportation and Appropriations of
21 the Senate and the Committees on Transportation
22 and Infrastructure, Energy and Commerce, and Ap-
23 propriations of the House of Representatives a re-
24 port on—

1 (A) the resources necessary to establish the
2 Center; and

3 (B) the manner in which the Center will
4 carry out the functions described in subsection
5 (d).

6 (2) REQUIREMENT.—The report under para-
7 graph (1) shall include an estimate of all potential
8 costs and appropriations necessary to carry out the
9 functions described in subsection (d).

10 (d) FUNCTIONS.—The Center shall, for activities reg-
11 ulated under section 60103 of title 49, United States
12 Code, enhance the United States as the leader and fore-
13 most expert in LNG operations by—

14 (1) furthering the expertise of the Federal Gov-
15 ernment in the operations, management, and regu-
16 latory practices of LNG facilities through—

17 (A) the use of performance-based prin-
18 ciples;

19 (B) experience and familiarity with LNG
20 operational facilities; and

21 (C) increased communication with LNG
22 experts to learn and support state-of-the-art
23 operational practices;

1 (2) acting as a repository of information on
2 best practices for the operation of LNG facilities;
3 and

4 (3) facilitating collaboration among LNG sector
5 stakeholders.

6 (e) LOCATION.—

7 (1) IN GENERAL.—The Center shall be located
8 in close proximity to critical LNG transportation in-
9 frastructure on, and connecting to, the Gulf of Mex-
10 ico, as determined by the Secretary.

11 (2) CONSIDERATIONS.—In determining the lo-
12 cation of the Center, the Secretary shall—

13 (A) take into account the strategic value of
14 locating resources in close proximity to LNG fa-
15 cilities; and

16 (B) locate the Center in the State with the
17 largest LNG production capacity, as determined
18 by the total capacity (in billion cubic feet per
19 day) of LNG production authorized by the Fed-
20 eral Energy Regulatory Commission under sec-
21 tion 3 of the Natural Gas Act (15 U.S.C. 717b)
22 as of the date of enactment of this Act.

23 (f) COORDINATION WITH TQ TRAINING CENTER.—

24 In carrying out the functions described in subsection (d),
25 the Center shall coordinate with the Training and Quali-

1 fications Training Center of the Administration in Okla-
2 homa City, Oklahoma, to facilitate knowledge sharing
3 among, and enhanced training opportunities for, Federal
4 and State pipeline safety inspectors and investigators.

5 (g) JOINT OPERATION WITH EDUCATIONAL INSTI-
6 TUTION.—The Secretary may enter into an agreement
7 with an appropriate official of an institution of higher edu-
8 cation—

9 (1) to provide for joint operation of the Center;
10 and

11 (2) to provide necessary administrative services
12 for the Center.

13 **SEC. 112. PRIORITIZATION OF RULEMAKING.**

14 (a) RULEMAKING.—Not later than 90 days after the
15 date of enactment of this Act, the Secretary shall issue
16 a final rule with respect to the portion of the proposed
17 rule issued on April 8, 2016, entitled “Pipeline Safety:
18 Safety of Gas Transmission and Gathering Pipelines” (81
19 Fed. Reg. 20722; Docket No. PHMSA–2011–0023) that
20 relates to the consideration of gathering pipelines.

21 (b) STUDY.—Not later than 1 year after the date of
22 enactment of this Act, the Comptroller General of the
23 United States shall—

1 (1) review the extent to which geospatial and
2 technical data is collected by operators of gathering
3 lines, including design and material specifications;

4 (2) analyze information collected by operators
5 of gathering lines when the mapping information de-
6 scribed in paragraph (1) is not available for a gath-
7 ering line; and

8 (3) assess any plans and timelines of operators
9 of gathering lines to develop the mapping informa-
10 tion described in paragraph (1) or otherwise collect
11 information described in paragraph (2).

12 (c) REPORT.—The Comptroller General of the United
13 States shall submit to the Committee on Commerce,
14 Science, and Transportation of the Senate and the Com-
15 mittees on Transportation and Infrastructure and Energy
16 and Commerce of the House of Representatives a report
17 on the review required under subsection (b), including any
18 recommendations that the Comptroller General of the
19 United States may have as a result of the review.

20 **SEC. 113. LEAK DETECTION AND REPAIR.**

21 Section 60102 of title 49, United States Code, is
22 amended by adding at the end the following:

23 “(q) GAS PIPELINE LEAK DETECTION AND RE-
24 PAIR.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this subsection, the Sec-
3 retary shall promulgate final regulations that require
4 operators of regulated gathering lines (as defined
5 pursuant to subsection (b) of section 60101 for pur-
6 poses of subsection (a)(21) of that section) in a
7 Class 2 location, Class 3 location, or Class 4 loca-
8 tion, as determined under section 192.5 of title 49,
9 Code of Federal Regulations, operators of new and
10 existing gas transmission pipeline facilities, and op-
11 erators of new and existing gas distribution pipeline
12 facilities to conduct leak detection and repair pro-
13 grams—

14 “(A) to meet the need for gas pipeline
15 safety, as determined by the Secretary; and

16 “(B) to protect the environment.

17 “(2) LEAK DETECTION AND REPAIR PRO-
18 GRAMS.—

19 “(A) MINIMUM PERFORMANCE STAND-
20 ARDS.—The final regulations promulgated
21 under paragraph (1) shall include, for the leak
22 detection and repair programs described in that
23 paragraph, minimum performance standards
24 that reflect the capabilities of commercially
25 available advanced technologies that, with re-

1 spect to each pipeline covered by the programs,
2 are appropriate for—

3 “(i) the type of pipeline;

4 “(ii) the location of the pipeline;

5 “(iii) the material of which the pipe-
6 line is constructed; and

7 “(iv) the materials transported by the
8 pipeline.

9 “(B) REQUIREMENT.—The leak detection
10 and repair programs described in paragraph (1)
11 shall be able to identify, locate, and categorize
12 all leaks that—

13 “(i) are hazardous to human safety or
14 the environment; or

15 “(ii) have the potential to become ex-
16 plosive or otherwise hazardous to human
17 safety.

18 “(3) ADVANCED LEAK DETECTION TECH-
19 NOLOGIES AND PRACTICES.—

20 “(A) IN GENERAL.—The final regulations
21 promulgated under paragraph (1) shall—

22 “(i) require the use of advanced leak
23 detection technologies and practices de-
24 scribed in subparagraph (B);

1 “(ii) identify any scenarios where op-
2 erators may use leak detection practices
3 that depend on human senses; and

4 “(iii) include a schedule for repairing
5 or replacing each leaking pipe, except a
6 pipe with a leak so small that it poses no
7 potential hazard, with appropriate dead-
8 lines.

9 “(B) ADVANCED LEAK DETECTION TECH-
10 NOLOGIES AND PRACTICES DESCRIBED.—The
11 advanced leak detection technologies and prac-
12 tices referred to in subparagraph (A)(i) in-
13 clude—

14 “(i) for new and existing gas distribu-
15 tion pipeline facilities, technologies and
16 practices to detect pipeline leaks—

17 “(I) through continuous moni-
18 toring on or along the pipeline; or

19 “(II) through periodic surveys
20 with handheld equipment, equipment
21 mounted on mobile platforms, or other
22 means using commercially available
23 technology;

1 “(ii) for new and existing gas trans-
2 mission pipeline facilities, technologies and
3 practices to detect pipeline leaks through—

4 “(I) equipment that is capable of
5 continuous monitoring; or

6 “(II) periodic surveys with
7 handheld equipment, equipment
8 mounted on mobile platforms, or other
9 means using commercially available
10 technology; and

11 “(iii) for regulated gathering lines in
12 Class 2 locations, Class 3 locations, or
13 Class 4 locations, technologies and prac-
14 tices to detect pipeline leaks through—

15 “(I) equipment that is capable of
16 continuous monitoring; or

17 “(II) periodic surveys with
18 handheld equipment, equipment
19 mounted on mobile platforms, or other
20 means using commercially available
21 technology.

22 “(4) RULES OF CONSTRUCTION.—

23 “(A) SURVEYS AND TIMELINES.—In pro-
24 mulgating regulations under this subsection, the
25 Secretary—

1 “(i) may not reduce the frequency of
2 surveys required under any other provision
3 of this chapter or stipulated by regulation
4 as of the date of enactment of this sub-
5 section; and

6 “(ii) may not extend the duration of
7 any timelines for the repair or remediation
8 of leaks that are stipulated by regulation
9 as of the date of enactment of this sub-
10 section.

11 “(B) APPLICATION.—The limitations in
12 this paragraph do not restrict the Secretary’s
13 ability to modify any regulations through pro-
14 ceedings separate from or subsequent to the
15 final regulations required under paragraph (1).

16 “(C) EXISTING AUTHORITY.—Nothing in
17 this subsection may be construed to alter the
18 authority of the Secretary to regulate gathering
19 lines as defined pursuant to section 60101.”.

20 **SEC. 114. INSPECTION AND MAINTENANCE PLANS.**

21 (a) IN GENERAL.—Section 60108 of title 49, United
22 States Code, is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, must meet the
3 requirements of any regulations promul-
4 gated under section 60102(q),” after “the
5 need for pipeline safety”;

6 (ii) in subparagraph (C), by striking
7 “and” at the end; and

8 (iii) by striking subparagraph (D) and
9 inserting the following:

10 “(D) the extent to which the plan will con-
11 tribute to—

12 “(i) public safety;

13 “(ii) eliminating hazardous leaks and
14 minimizing releases of natural gas from
15 pipeline facilities; and

16 “(iii) the protection of the environ-
17 ment; and

18 “(E) the extent to which the plan address-
19 es the replacement or remediation of pipelines
20 that are known to leak based on the material
21 (including cast iron, unprotected steel, wrought
22 iron, and historic plastics with known issues),
23 design, or past operating and maintenance his-
24 tory of the pipeline.”; and

1 (B) by striking paragraph (3) and insert-
2 ing the following:

3 “(3) REVIEW OF PLANS.—

4 “(A) IN GENERAL.—Not later than 2 years
5 after the date of enactment of this subpara-
6 graph, and not less frequently than once every
7 5 years thereafter, the Secretary or relevant
8 State authority with a certification in effect
9 under section 60105 shall review each plan de-
10 scribed in this subsection.

11 “(B) CONTEXT OF REVIEW.—The Sec-
12 retary may conduct a review under this para-
13 graph as an element of the inspection of the op-
14 erator carried out by the Secretary under sub-
15 section (b).

16 “(C) INADEQUATE PROGRAMS.—If the Sec-
17 retary determines that a plan reviewed under
18 this paragraph does not comply with the re-
19 quirements of this chapter (including any regu-
20 lations promulgated under this chapter), has
21 not been adequately implemented, is inadequate
22 for the safe operation of a pipeline facility, or
23 is otherwise inadequate, the Secretary may con-
24 duct enforcement proceedings under this chap-
25 ter.”; and

1 (2) in subsection (b)(1)(B), by inserting “con-
2 struction material,” after “method of construction,”.

3 (b) DEADLINE.—Not later than 1 year after the date
4 of enactment of this Act, each pipeline operator shall up-
5 date the inspection and maintenance plan prepared by the
6 operator under section 60108(a) of title 49, United States
7 Code, to address the elements described in the amend-
8 ments to that section made by subsection (a).

9 (c) INSPECTION AND MAINTENANCE PLAN OVER-
10 SIGHT.—

11 (1) STUDY.—The Comptroller General of the
12 United States shall conduct a study to evaluate the
13 procedures used by the Secretary and States in re-
14 viewing plans prepared by pipeline operators under
15 section 60108(a) of title 49, United States Code,
16 pursuant to subsection (b) in minimizing releases of
17 natural gas from pipeline facilities.

18 (2) REPORT OF THE COMPTROLLER GENERAL
19 OF THE UNITED STATES.—Not later than 1 year
20 after the Secretary’s review of the operator plans
21 prepared under section 60108(a) of title 49, United
22 States Code, the Comptroller General of the United
23 States shall submit to the Secretary, the Committee
24 on Commerce, Science, and Transportation of the
25 Senate, and the Committees on Transportation and

1 Infrastructure and Energy and Commerce of the
2 House of Representatives a report that—

3 (A) describes the results of the study con-
4 ducted under paragraph (1), including an eval-
5 uation of the procedures used by the Secretary
6 and States in reviewing the effectiveness of the
7 plans prepared by pipeline operators under sec-
8 tion 60108(a) of title 49, United States Code,
9 pursuant to subsection (b) in minimizing re-
10 leases of natural gas from pipeline facilities;
11 and

12 (B) provides recommendations for how to
13 further minimize releases of natural gas from
14 pipeline facilities without compromising pipeline
15 safety based on observations and information
16 obtained through the study conducted under
17 paragraph (1).

18 (3) RESPONSE OF THE SECRETARY.—Not later
19 than 90 days after the date on which the report
20 under paragraph (2) is published, the Secretary
21 shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the
23 Committees on Transportation and Infrastructure
24 and Energy and Commerce of the House of Rep-
25 resentatives a report that includes a response to the

1 results of the study conducted under paragraph (1)
2 and the recommendations contained in the report
3 submitted under paragraph (2).

4 (d) BEST AVAILABLE TECHNOLOGIES OR PRAC-
5 TICES.—

6 (1) REPORT OF THE SECRETARY.—Not later
7 than 18 months after the date of enactment of this
8 Act, the Secretary shall submit to the Committee on
9 Commerce, Science, and Transportation of the Sen-
10 ate and the Committees on Transportation and In-
11 frastructure and Energy and Commerce of the
12 House of Representatives a report—

13 (A) discussing—

14 (i) the best available technologies or
15 practices to prevent or minimize, without
16 compromising pipeline safety, the release
17 of natural gas when making planned re-
18 pairs, replacements, or maintenance to a
19 pipeline facility;

20 (ii) the best available technologies or
21 practices to prevent or minimize, without
22 compromising pipeline safety, the release
23 of natural gas when the operator inten-
24 tionally vents or releases natural gas, in-
25 cluding blowdowns; and

1 (iii) pipeline facility designs that,
2 without compromising pipeline safety, miti-
3 gate the need to intentionally vent natural
4 gas; and

5 (B) recommending a timeline for updating
6 pipeline safety regulations, as the Secretary de-
7 termines to be appropriate, to address the mat-
8 ters described in subparagraph (A).

9 (2) RULEMAKING.—Not later than 180 days
10 after the date on which the Secretary submits the
11 report under this subsection, the Secretary shall up-
12 date pipeline safety regulations that the Secretary
13 has determined are necessary to protect the environ-
14 ment without compromising pipeline safety.

15 **SEC. 115. CONSIDERATION OF PIPELINE CLASS LOCATION**
16 **CHANGES.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator of the
19 Pipeline and Hazardous Materials Safety Administration
20 shall—

21 (1) review all comments submitted in response
22 to the advance notice of proposed rulemaking enti-
23 tled “Pipeline Safety: Class Location Change Re-
24 quirements” (83 Fed. Reg. 36861 (July 31, 2018));

1 (2) complete any other activities or procedures
2 necessary—

3 (A) to make a determination whether to
4 publish a notice of proposed rulemaking; and

5 (B) if a positive determination is made
6 under subparagraph (A), to advance in the rule-
7 making process, including by taking any actions
8 required under section 60115 of title 49, United
9 State Code; and

10 (3) consider the issues raised in the report to
11 Congress entitled “Evaluation of Expanding Pipeline
12 Integrity Management Beyond High-Consequence
13 Areas and Whether Such Expansion Would Mitigate
14 the Need for Gas Pipeline Class Location Require-
15 ments” prepared by the Pipeline and Hazardous
16 Materials Safety Administration and submitted to
17 Congress on June 8, 2016, including the adequacy
18 of existing integrity management programs.

19 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
20 tion may be construed to require the Administrator of the
21 Pipeline and Hazardous Materials Safety Administration
22 to publish a notice of proposed rulemaking or otherwise
23 continue the rulemaking process with respect to the ad-
24 vance notice of proposed rulemaking described in sub-
25 section (a)(1).

1 (c) REPORTING.—For purposes of this section, the
2 requirements of section 106 shall apply during the period
3 beginning on the date that is 180 days after the date of
4 enactment of this Act and ending on the date on which
5 the requirements of subsection (a) are completed.

6 **SEC. 116. PROTECTION OF EMPLOYEES PROVIDING PIPE-**
7 **LINE SAFETY INFORMATION.**

8 Section 60129 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a)(1), in the matter pre-
11 ceding subparagraph (A), by striking “employee
12 with” and inserting “current or former employee
13 with”;

14 (2) in subsection (b)(3), by adding at the end
15 the following:

16 “(D) DE NOVO REVIEW.—

17 “(i) IN GENERAL.—With respect to a
18 complaint under paragraph (1), if the Sec-
19 retary of Labor has not issued a final deci-
20 sion by the date that is 210 days after the
21 date on which the complaint was filed, and
22 if the delay is not due to the bad faith of
23 the employee who filed the complaint, that
24 employee may bring an original action at
25 law or equity for de novo review in the ap-

1 appropriate district court of the United
2 States, which shall have jurisdiction over
3 such action without regard to the amount
4 in controversy, and which action shall, at
5 the request of either party to the action, be
6 tried by the court with a jury.

7 “(ii) BURDENS OF PROOF.—An origi-
8 nal action described in clause (i) shall be
9 governed by the same legal burdens of
10 proof specified in paragraph (2)(B) for re-
11 view by the Secretary of Labor.”; and

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

13 “(e) NONENFORCEABILITY OF CERTAIN PROVISIONS
14 WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBI-
15 TRATION OF DISPUTES.—

16 “(1) WAIVER OF RIGHTS AND REMEDIES.—The
17 rights and remedies provided under this section may
18 not be waived by any agreement, policy, form, or
19 condition of employment, including by a predispute
20 arbitration agreement.

21 “(2) PREDISPUTE ARBITRATION AGREE-
22 MENTS.—No provision of a predispute arbitration
23 agreement shall be valid or enforceable if the provi-
24 sion requires arbitration of a dispute arising under
25 subsection (a)(1).”.

1 **SEC. 117. INTERSTATE DRUG AND ALCOHOL OVERSIGHT.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Secretary shall
4 amend the auditing program for the drug and alcohol reg-
5 ulations in part 199 of title 49, Code of Federal Regula-
6 tions, to improve the efficiency and processes of those reg-
7 ulations as applied to—

8 (1) operators; and

9 (2) pipeline contractors working for multiple
10 operators in multiple States.

11 (b) REQUIREMENT.—In carrying out subsection (a),
12 the Secretary shall minimize duplicative audits of the
13 same operators, and the contractors working for those op-
14 erators, by the Administration and multiple State agen-
15 cies.

16 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to require modification of the in-
18 spection or enforcement authority of any Federal agency
19 or State.

20 **SEC. 118. PURPOSE AND GENERAL AUTHORITY.**

21 Section 60102(b)(5) of title 49, United States Code,
22 is amended—

23 (1) by striking “Chapter” and inserting “chap-
24 ter”; and

25 (2) by inserting “, including safety and environ-
26 mental benefits,” after “benefits”.

1 **SEC. 119. NATIONAL ACADEMY OF SCIENCES STUDY ON**
2 **AUTOMATIC AND REMOTE-CONTROLLED**
3 **SHUT-OFF VALVES ON EXISTING PIPELINES.**

4 (a) STUDY.—The Secretary shall enter into an ar-
5 rangement with the National Academy of Sciences under
6 which the National Academy of Sciences shall conduct a
7 study of potential methodologies or standards for the in-
8 stallation of automatic or remote-controlled shut-off valves
9 on an existing pipeline in—

10 (1) a high consequence area (as defined in sec-
11 tion 192.903 of title 49, Code of Federal Regula-
12 tions (or a successor regulation)) for a gas trans-
13 mission pipeline facility; or

14 (2) for a hazardous liquid pipeline facility—

15 (A) a commercially navigable waterway (as
16 defined in section 195.450 of that title (or a
17 successor regulation)); or

18 (B) an unusually sensitive area (as defined
19 in section 195.6 of that title (or a successor
20 regulation)).

21 (b) FACTORS FOR CONSIDERATION.—In conducting
22 the study under subsection (a), the National Academy of
23 Sciences shall take into consideration, as applicable—

24 (1) methodologies that conform to the rec-
25 ommendations submitted by the National Transpor-
26 tation Safety Board to the Pipeline and Hazardous

1 Materials Safety Administration and Congress re-
2 garding automatic and remote-controlled shut-off
3 valves;

4 (2) to the extent practicable, compatibility with
5 existing regulations of the Administration, including
6 any regulations promulgated pursuant to docket
7 number PHMSA–2013–0255, relating to the instal-
8 lation of automatic and remote-controlled shutoff
9 valves;

10 (3) methodologies that maximize safety and en-
11 vironmental benefits; and

12 (4) the economic, technical, and operational fea-
13 sibility of installing automatic or remote-controlled
14 shut-off valves on existing pipelines by employing
15 such methodologies or standards.

16 (c) REPORT.—Not later than 2 years after the date
17 of enactment of this Act, the National Academy of
18 Sciences shall submit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittees on Transportation and Infrastructure and Energy
21 and Commerce of the House of Representatives a report
22 describing the results of the study under subsection (a).

1 **SEC. 120. UNUSUALLY SENSITIVE AREAS.**

2 (a) CERTAIN COASTAL WATERS; COASTAL BEACH-
3 ES.—Section 19(b) of the PIPES Act of 2016 (49 U.S.C.
4 60109 note; Public Law 114–183) is amended—

5 (1) by striking “The Secretary” and inserting
6 the following: “

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) CERTAIN COASTAL WATERS.—The
9 term ‘certain coastal waters’ means—

10 “(i) the territorial sea of the United
11 States;

12 “(ii) the Great Lakes and their con-
13 necting waters; and

14 “(iii) the marine and estuarine waters
15 of the United States up to the head of
16 tidal influence.

17 “(B) COASTAL BEACH.—The term ‘coastal
18 beach’ means any land between the high- and
19 low-water marks of certain coastal waters.

20 “(2) REVISION.—The Secretary”; and

21 (2) in paragraph (2) (as so designated), by
22 striking “marine coastal waters” and inserting “cer-
23 tain coastal waters”.

24 (b) CERTAIN COASTAL WATERS.—Section
25 60109(b)(2) of title 49, United States Code, is amended

1 by striking “marine coastal waters” and inserting “certain
2 coastal waters”.

3 (c) UPDATE TO REGULATIONS.—The Secretary shall
4 complete the revision to regulations required under section
5 19(b) of the PIPES Act of 2016 (49 U.S.C. 60109 note;
6 Public Law 114–183) (as amended by subsection (a)) by
7 not later than 90 days after the date of enactment of this
8 Act.

9 (d) HAZARDOUS LIQUID PIPELINE FACILITIES LO-
10 CATED IN CERTAIN AREAS.—Section 60109(g) of title 49,
11 United States Code, is amended—

12 (1) in paragraph (1)(B), by inserting “, but not
13 less often than once every 12 months” before the pe-
14 riod at the end; and

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

16 “(5) CONSIDERATIONS.—In carrying out this
17 subsection, each operator shall implement proce-
18 dures that assess potential impacts by maritime
19 equipment or other vessels, including anchors, an-
20 chor chains, or any other attached equipment.”.

21 **SEC. 121. SAFETY-RELATED CONDITION REPORTS.**

22 Section 60102(h) of title 49, United States Code, is
23 amended by striking paragraph (2) and inserting the fol-
24 lowing:

1 “(2) SUBMISSION OF REPORT.—As soon as
2 practicable, but not later than 5 business days, after
3 a representative of a person to whom this section ap-
4 plies first establishes that a condition described in
5 paragraph (1) exists, the operator shall submit the
6 report required under that paragraph to—

7 “(A) the Secretary;

8 “(B) the appropriate State authority or,
9 where no appropriate State authority exists, to
10 the Governor of a State where the subject of
11 the Safety Related Condition report occurred;
12 and

13 “(C) the appropriate Tribe where the sub-
14 ject of the Safety Related Condition report oc-
15 curred.

16 “(3) SUBMISSION OF REPORT TO OTHER ENTI-
17 TIES.—Upon request, a State authority or a Gov-
18 ernor that receives a report submitted under this
19 subsection may submit the report to any relevant
20 emergency response or planning entity, including
21 any—

22 “(A) State emergency response commission
23 established pursuant to section 301 of the
24 Emergency Planning and Community Right-To-
25 Know Act of 1986 (42 U.S.C. 11001);

1 “(B) Tribal emergency response commis-
2 sion or emergency planning committee (as de-
3 fined in part 355 of title 40, Code of Federal
4 Regulations (or a successor regulation));

5 “(C) local emergency planning committee
6 established pursuant to section 301 of the
7 Emergency Planning and Community Right-To-
8 Know Act of 1986 (42 U.S.C. 11001); or

9 “(D) other public agency responsible for
10 emergency response.”.

11 **SEC. 122. RISK ANALYSIS AND INTEGRITY MANAGEMENT**
12 **PROGRAMS.**

13 Section 60109(c) of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(12) DISTRIBUTION PIPELINES.—

16 “(A) STUDY.—The Secretary shall conduct
17 a study of methods that may be used under
18 paragraph (3), other than direct assessment, to
19 assess distribution pipelines to determine
20 whether any such method—

21 “(i) would provide a greater level of
22 safety than direct assessment of the pipe-
23 lines; and

24 “(ii) is feasible.

1 “(B) REPORT.—Not later than 2 years
2 after the date of enactment of this paragraph,
3 the Secretary shall submit to the Committee on
4 Commerce, Science, and Transportation of the
5 Senate and the Committees on Energy and
6 Commerce and Transportation and Infrastruc-
7 ture of the House of Representatives a report
8 describing—

9 “(i) the results of the study under
10 subparagraph (A); and

11 “(ii) recommendations based on that
12 study, if any.”.

13 **SEC. 123. RULE OF CONSTRUCTION.**

14 Nothing in this title or an amendment made by this
15 title may be construed to affect the authority of the Ad-
16 ministrator of the Environmental Protection Agency under
17 the Clean Air Act (42 U.S.C. 7401 et seq.), the authority
18 of the Secretary of the Interior under the Mineral Leasing
19 Act (30 U.S.C. 181 et seq.), or the authority of any State,
20 to regulate a release of pollutants or hazardous substances
21 to air, water, or land, including through the establishment
22 and enforcement of requirements relating to such release.

1 **TITLE II—LEONEL RONDON**
2 **PIPELINE SAFETY ACT**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Leonel Rondon Pipe-
5 line Safety Act”.

6 **SEC. 202. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.**

7 (a) IN GENERAL.—Section 60109(e) of title 49,
8 United States Code, is amended by adding at the end the
9 following:

10 “(7) EVALUATION OF RISK.—

11 “(A) IN GENERAL.—Not later than 2 years
12 after the date of enactment of this paragraph,
13 the Secretary shall promulgate regulations to
14 ensure that each distribution integrity manage-
15 ment plan developed by an operator of a dis-
16 tribution system includes an evaluation of—

17 “(i) the risks resulting from the pres-
18 ence of cast iron pipes and mains in the
19 distribution system; and

20 “(ii) the risks that could lead to or re-
21 sult from the operation of a low-pressure
22 distribution system at a pressure that
23 makes the operation of any connected and
24 properly adjusted low-pressure gas burning

1 equipment unsafe, as determined by the
2 Secretary.

3 “(B) CONSIDERATION.—In carrying out
4 subparagraph (A)(ii), the Secretary shall ensure
5 that an operator of a distribution system—

6 “(i) considers factors other than past
7 observed abnormal operating conditions (as
8 defined in section 192.803 of title 49, Code
9 of Federal Regulations (or a successor reg-
10 ulation)) in ranking risks and identifying
11 measures to mitigate those risks; and

12 “(ii) may not determine that there are
13 no potential consequences associated with
14 low probability events unless that deter-
15 mination is otherwise supported by engi-
16 neering analysis or operational knowledge.

17 “(C) DEADLINES.—

18 “(i) IN GENERAL.—Not later than 2
19 years after the date of enactment of this
20 paragraph, each operator of a distribution
21 system shall make available to the Sec-
22 retary or the relevant State authority with
23 a certification in effect under section
24 60105, as applicable, a copy of—

1 “(I) the distribution integrity
2 management plan of the operator;

3 “(II) the emergency response
4 plan under section 60102(d)(5); and

5 “(III) the procedural manual for
6 operations, maintenance, and emer-
7 gencies under section 60102(d)(4).

8 “(ii) UPDATES.—Each operator of a
9 distribution system shall make available to
10 the Secretary or make available for inspec-
11 tion to the relevant State authority de-
12 scribed in clause (i), if applicable, an up-
13 dated plan or manual described in that
14 clause by not later than 60 days after the
15 date of a significant update, as determined
16 by the Secretary.

17 “(iii) APPLICABILITY OF FOIA.—Noth-
18 ing in this subsection shall be construed to
19 authorize the disclosure of any information
20 that is exempt from disclosure under sec-
21 tion 552(b) of title 5.

22 “(D) REVIEW OF PLANS AND DOCU-
23 MENTS.—

24 “(i) TIMING.—

1 “(I) IN GENERAL.—Not later
2 than 2 years after the date of promul-
3 gation of the regulations under sub-
4 paragraph (A), and not less frequently
5 than once every 5 years thereafter,
6 the Secretary or relevant State au-
7 thority with a certification in effect
8 under section 60105 shall review the
9 distribution integrity management
10 plan, the emergency response plan,
11 and the procedural manual for oper-
12 ations, maintenance, and emergencies
13 of each operator of a distribution sys-
14 tem and record the results of that re-
15 view for use in the next review of the
16 program of that operator.

17 “(II) GRACE PERIOD.—For the
18 third, fourth, and fifth years after the
19 date of promulgation of the regula-
20 tions under subparagraph (A), the
21 Secretary—

22 “(aa) shall not use subclause
23 (I) as justification to reduce
24 funding, decertify, or penalize in
25 any way under section 60105,

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1 60106, or 60107 a State author-
2 ity that has in effect a certifi-
3 cation under section 60105 or an
4 agreement under section 60106;
5 and

6 “(bb) shall—

7 “(AA) submit to the
8 Committee on Commerce,
9 Science, and Transportation
10 of the Senate and the Com-
11 mittees on Transportation
12 and Infrastructure and En-
13 ergy and Commerce of the
14 House of Representatives a
15 list of States found to be
16 noncompliant with subclause
17 (I) during the annual pro-
18 gram evaluation; and

19 “(BB) provide a writ-
20 ten notice to each State au-
21 thority described in item
22 (aa) that is not in compli-
23 ance with the requirements
24 of subclause (I).

1 “(ii) REVIEW.—Each plan or proce-
2 dural manual made available under sub-
3 paragraph (C)(i) shall be reexamined—

4 “(I) on significant change to the
5 plans or procedural manual, as appli-
6 cable;

7 “(II) on significant change to the
8 gas distribution system of the oper-
9 ator, as applicable; and

10 “(III) not less frequently than
11 once every 5 years.

12 “(iii) CONTEXT OF REVIEW.—The
13 Secretary may conduct a review under
14 clause (i) or (ii) as an element of the in-
15 spection of the operator carried out by the
16 Secretary.

17 “(iv) INADEQUATE PROGRAMS.—If the
18 Secretary determines that the documents
19 reviewed under clause (i) or (ii) do not
20 comply with the requirements of this chap-
21 ter (including regulations to implement
22 this chapter), have not been adequately im-
23 plemented, or are inadequate for the safe
24 operation of a pipeline facility, the Sec-

1 retary may conduct proceedings under this
2 chapter.”.

3 (b) CONTENTS OF STATE PIPELINE SAFETY PRO-
4 GRAM CERTIFICATIONS.—

5 (1) IN GENERAL.—Section 60105(b) of title 49,
6 United States Code, is amended—

7 (A) in paragraph (6), by striking “and” at
8 the end;

9 (B) in paragraph (7), by striking the pe-
10 riod at the end and inserting a semicolon; and

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

12 “(8) has the capability to sufficiently review
13 and evaluate the adequacy of the plans and manuals
14 described in section 60109(e)(7)(C)(i); and

15 “(9) has a sufficient number of employees de-
16 scribed in paragraph (3) to ensure safe operations of
17 pipeline facilities, updating the State Inspection Cal-
18 culation Tool to take into account factors includ-
19 ing—

20 “(A) the number of miles of natural gas
21 and hazardous liquid pipelines in the State, in-
22 cluding the number of miles of cast iron and
23 bare steel pipelines;

24 “(B) the number of services in the State;

1 “(C) the age of the gas distribution system
2 in the State; and

3 “(D) environmental factors that could im-
4 pact the integrity of the pipeline, including rel-
5 evant geological issues.”.

6 (2) **RULEMAKING.**—The Secretary shall pro-
7 mulgate regulations to require that a State authority
8 with a certification in effect under section 60105 of
9 title 49, United States Code, has a sufficient num-
10 ber of qualified inspectors to ensure safe operations,
11 as determined by the State Inspection Calculation
12 Tool and other factors determined to be appropriate
13 by the Secretary.

14 (3) **DEADLINE.**—Not later than 2 years after
15 the date of enactment of this Act, the Secretary
16 shall promulgate regulations to implement the
17 amendments made by this subsection.

18 **SEC. 203. EMERGENCY RESPONSE PLANS.**

19 Section 60102 of title 49, United States Code (as
20 amended by section 113), is amended by adding at the
21 end the following:

22 “(r) **EMERGENCY RESPONSE PLANS.**—Not later than
23 2 years after the date of enactment of this subsection, the
24 Secretary shall update regulations to ensure that each
25 emergency response plan developed by an operator of a

1 distribution system under subsection (d)(5), includes writ-
2 ten procedures for—

3 “(1) establishing communication with first re-
4 sponders and other relevant public officials, as soon
5 as practicable, beginning from the time of confirmed
6 discovery, as determined by the Secretary, by the op-
7 erator of a gas pipeline emergency involving a re-
8 lease of gas from a distribution system of that oper-
9 ator that results in—

10 “(A) a fire related to an unintended re-
11 lease of gas;

12 “(B) an explosion;

13 “(C) 1 or more fatalities; or

14 “(D) the unscheduled release of gas and
15 shutdown of gas service to a significant number
16 of customers, as determined by the Secretary;

17 “(2) establishing general public communication
18 through an appropriate channel—

19 “(A) as soon as practicable, as determined
20 by the Secretary, after a gas pipeline emergency
21 described in paragraph (1); and

22 “(B) that provides information regard-
23 ing—

24 “(i) the emergency described in sub-
25 paragraph (A); and

1 “(ii) the status of public safety; and

2 “(3) the development and implementation of a
3 voluntary, opt-in system that would allow operators
4 of distribution systems to rapidly communicate with
5 customers in the event of an emergency.”.

6 **SEC. 204. OPERATIONS AND MAINTENANCE MANUALS.**

7 Section 60102 of title 49, United States Code (as
8 amended by section 203), is amended by adding at the
9 end the following:

10 “(s) OPERATIONS AND MAINTENANCE MANUALS.—

11 Not later than 2 years after the date of enactment of this
12 subsection, the Secretary shall update regulations to en-
13 sure that each procedural manual for operations, mainte-
14 nance, and emergencies developed by an operator of a dis-
15 tribution pipeline under subsection (d)(4), includes written
16 procedures for—

17 “(1) responding to overpressurization indica-
18 tions, including specific actions and an order of op-
19 erations for immediately reducing pressure in or
20 shutting down portions of the gas distribution sys-
21 tem, if necessary; and

22 “(2) a detailed procedure for the management
23 of the change process, which shall—

1 “(A) be applied to significant technology,
2 equipment, procedural, and organizational
3 changes to the distribution system; and

4 “(B) ensure that relevant qualified per-
5 sonnel, such as an engineer with a professional
6 engineer licensure, subject matter expert, or
7 other employee who possesses the necessary
8 knowledge, experience, and skills regarding nat-
9 ural gas distribution systems, review and certify
10 construction plans for accuracy, completeness,
11 and correctness.”.

12 **SEC. 205. PIPELINE SAFETY MANAGEMENT SYSTEMS.**

13 (a) IN GENERAL.—Not later than 3 years after the
14 date of enactment of this Act, the Secretary shall submit
15 to the Committee on Commerce, Science, and Transpor-
16 tation of the Senate and the Committees on Transpor-
17 tation and Infrastructure and Energy and Commerce of
18 the House of Representatives a report describing—

19 (1) the number of operators of natural gas dis-
20 tribution systems who have implemented a pipeline
21 safety management system in accordance with the
22 standard established by the American Petroleum In-
23 stitute entitled “Pipeline Safety Management Sys-
24 tem Requirements” and numbered American Petro-
25 leum Institute Recommended Practice 1173;

1 (2) the progress made by operators of natural
2 gas distribution systems who have implemented, or
3 are in the process of implementing, a pipeline safety
4 management system described in paragraph (1); and

5 (3) the feasibility of an operator of a natural
6 gas distribution system implementing a pipeline
7 safety management system described in paragraph
8 (1) based on the size of the operator as measured
9 by—

10 (A) the number of customers the operator
11 has; and

12 (B) the amount of natural gas the operator
13 transports.

14 (b) REQUIREMENTS.—As part of the report required
15 under subsection (a), the Secretary shall provide guidance
16 or recommendations that would further the adoption of
17 safety management systems in accordance with the stand-
18 ard established by the American Petroleum Institute enti-
19 tled “Pipeline Safety Management System Requirements”
20 and numbered American Petroleum Institute Rec-
21 ommended Practice 1173.

22 (c) EVALUATION AND PROMOTION OF SAFETY MAN-
23 AGEMENT SYSTEMS.—The Secretary and the relevant
24 State authority with a certification in effect under section

1 60105 of title 49, United States Code, as applicable,
2 shall—

3 (1) promote and assess pipeline safety manage-
4 ment systems frameworks developed by operators of
5 natural gas distribution systems and described in
6 the report under subsection (a), including—

7 (A) if necessary, using independent third-
8 party evaluators; and

9 (B) through a system that promotes self-
10 disclosure of—

11 (i) errors; and

12 (ii) deviations from regulatory stand-
13 ards; and

14 (2) if a deviation from a regulatory standard is
15 identified during the development and application of
16 a pipeline safety management system, certify that—

17 (A) due consideration will be given to fac-
18 tors such as flawed procedures, honest mis-
19 takes, or lack of understanding; and

20 (B) the operators and regulators use the
21 most appropriate tools to fix the deviation, re-
22 turn to compliance, and prevent the recurrence
23 of the deviation, including—

24 (i) root cause analysis; and

1 (ii) training, education, or other ap-
2 propriate improvements to procedures or
3 training programs.

4 **SEC. 206. PIPELINE SAFETY PRACTICES.**

5 Section 60102 of title 49, United States Code (as
6 amended by section 204), is amended by adding at the
7 end the following:

8 “(t) OTHER PIPELINE SAFETY PRACTICES.—

9 “(1) RECORDS.—Not later than 2 years after
10 the date of enactment of this subsection, the Sec-
11 retary shall promulgate regulations to require an op-
12 erator of a distribution system—

13 “(A) to identify and manage traceable, re-
14 liable, and complete records, including maps
15 and other drawings, critical to ensuring proper
16 pressure controls for a gas distribution system,
17 and updating these records as needed, while col-
18 lecting and identifying other records necessary
19 for risk analysis on an opportunistic basis; and

20 “(B) to ensure that the records required
21 under subparagraph (A) are—

22 “(i) accessible to all personnel respon-
23 sible for performing or overseeing relevant
24 construction or engineering work; and

1 “(ii) submitted to, or made available
2 for inspection by, the Secretary or the rel-
3 evant State authority with a certification
4 in effect under section 60105.

5 “(2) PRESENCE OF QUALIFIED EMPLOYEES.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this sub-
8 section, the Secretary shall promulgate regula-
9 tions to require that not less than 1 agent of
10 an operator of a distribution system who is
11 qualified to perform relevant covered tasks, as
12 determined by the Secretary, shall monitor gas
13 pressure at the district regulator station or at
14 an alternative site with equipment capable of
15 ensuring proper pressure controls and have the
16 capability to promptly shut down the flow of
17 gas or control over pressurization at a district
18 regulator station during any construction
19 project that has the potential to cause a haz-
20 ardous overpressurization at that station, in-
21 cluding tie-ins and abandonment of distribution
22 lines and mains, based on an evaluation, con-
23 ducted by the operator, of threats that could re-
24 sult in unsafe operation.

1 “(B) EXCLUSION.—In promulgating regu-
2 lations under subparagraph (A), the Secretary
3 shall ensure that those regulations do not apply
4 to a district regulating station that has a moni-
5 toring system and the capability for remote or
6 automatic shutoff.

7 “(3) DISTRICT REGULATOR STATIONS.—

8 “(A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this subsection,
10 the Secretary shall promulgate regulations to
11 require that each operator of a distribution sys-
12 tem assesses and upgrades, as appropriate,
13 each district regulator station of the operator to
14 ensure that—

15 “(i) the risk of the gas pressure in the
16 distribution system exceeding, by a com-
17 mon mode of failure, the maximum allow-
18 able operating pressure (as described in
19 section 192.623 of title 49, Code of Fed-
20 eral Regulations (or a successor regula-
21 tion)) allowed under Federal law (including
22 regulations) is minimized;

23 “(ii) the gas pressure of a low-pres-
24 sure distribution system is monitored, par-

1 ticularly at or near the location of critical
2 pressure-control equipment;

3 “(iii) the regulator station has sec-
4 ondary or backup pressure-relieving or
5 overpressure-protection safety technology,
6 such as a relief valve or automatic shutoff
7 valve, or other pressure-limiting devices ap-
8 propriate for the configuration and siting
9 of the station and, in the case of a regu-
10 lator station that employs the primary and
11 monitor regulator design, the operator
12 shall eliminate the common mode of failure
13 or provide backup protection capable of ei-
14 ther shutting the flow of gas, relieving gas
15 to the atmosphere to fully protect the dis-
16 tribution system from overpressurization
17 events, or there must be technology in
18 place to eliminate a common mode of fail-
19 ure; and

20 “(iv) if the Secretary determines that
21 it is not operationally possible for an oper-
22 ator to implement the requirements under
23 clause (iii), the Secretary shall require
24 such operator to identify actions in their

1 plan that minimize the risk of an over-
2 pressurization event.”.

1 **DIVISION S—INNOVATION FOR**
2 **THE ENVIRONMENT**

3 **SEC. 101. REAUTHORIZATION OF DIESEL EMISSIONS RE-**
4 **DUCTION PROGRAM.**

5 Section 797(a) of the Energy Policy Act of 2005 (42
6 U.S.C. 16137(a)) is amended by striking “2016” and in-
7 serting “2024”.

8 **SEC. 102. ENCOURAGING PROJECTS TO REDUCE EMIS-**
9 **SIONS.**

10 (a) **SHORT TITLE.**—This section may be cited as the
11 “Utilizing Significant Emissions with Innovative Tech-
12 nologies Act” or the “USE IT Act”.

13 (b) **RESEARCH, INVESTIGATION, TRAINING, AND**
14 **OTHER ACTIVITIES.**—Section 103 of the Clean Air Act
15 (42 U.S.C. 7403) is amended—

16 (1) in subsection (c)(3), in the first sentence of
17 the matter preceding subparagraph (A), by striking
18 “precursors” and inserting “precursors”; and

19 (2) in subsection (g)—

20 (A) by redesignating paragraphs (1)
21 through (4) as subparagraphs (A) through (D),
22 respectively, and indenting appropriately;

23 (B) in the undesignated matter following
24 subparagraph (D) (as so redesignated)—

1 (i) in the second sentence, by striking
2 “The Administrator” and inserting the fol-
3 lowing:

4 “(5) COORDINATION AND AVOIDANCE OF DU-
5 PPLICATION.—The Administrator”; and

6 (ii) in the first sentence, by striking
7 “Nothing” and inserting the following:

8 “(4) EFFECT OF SUBSECTION.—Nothing”;

9 (C) in the matter preceding subparagraph
10 (A) (as so redesignated)—

11 (i) in the third sentence, by striking
12 “Such program” and inserting the fol-
13 lowing:

14 “(3) PROGRAM INCLUSIONS.—The program
15 under this subsection”;

16 (ii) in the second sentence—

17 (I) by inserting “States, institu-
18 tions of higher education,” after “sci-
19 entists,”; and

20 (II) by striking “Such strategies
21 and technologies shall be developed”
22 and inserting the following:

23 “(2) PARTICIPATION REQUIREMENT.—Such
24 strategies and technologies described in paragraph
25 (1) shall be developed”; and

1 (iii) in the first sentence, by striking
2 “In carrying out” and inserting the fol-
3 lowing:

4 “(1) IN GENERAL.—In carrying out”; and
5 (D) by adding at the end the following:

6 “(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

7 “(A) IN GENERAL.—In carrying out para-
8 graph (3)(A) with respect to carbon dioxide, the
9 Administrator—

10 “(i) is authorized to carry out the ac-
11 tivities described in subparagraph (B); and

12 “(ii) shall carry out the activities de-
13 scribed in subparagraph (C).

14 “(B) DIRECT AIR CAPTURE RESEARCH.—

15 “(i) DEFINITIONS.—In this subpara-
16 graph:

17 “(I) BOARD.—The term ‘Board’
18 means the Direct Air Capture Tech-
19 nology Advisory Board established by
20 clause (iii)(I).

21 “(II) DILUTE.—The term ‘dilute’
22 means a concentration of less than 1
23 percent by volume.

24 “(III) DIRECT AIR CAPTURE.—

1 “(aa) IN GENERAL.—The
2 term ‘direct air capture’, with re-
3 spect to a facility, technology, or
4 system, means that the facility,
5 technology, or system uses car-
6 bon capture equipment to cap-
7 ture carbon dioxide directly from
8 the air.

9 “(bb) EXCLUSION.—The
10 term ‘direct air capture’ does not
11 include any facility, technology,
12 or system that captures carbon
13 dioxide—

14 “(AA) that is delib-
15 erately released from a natu-
16 rally occurring subsurface
17 spring; or

18 “(BB) using natural
19 photosynthesis.

20 “(IV) INTELLECTUAL PROP-
21 erty.—The term ‘intellectual prop-
22 erty’ means—

23 “(aa) an invention that is
24 patentable under title 35, United
25 States Code; and

1 “(bb) any patent on an in-
2 vention described in item (aa).

3 “(ii) TECHNOLOGY PRIZES.—

4 “(I) IN GENERAL.—Not later
5 than 1 year after the date of enact-
6 ment of the Utilizing Significant
7 Emissions with Innovative Tech-
8 nologies Act, the Administrator, in
9 consultation with the Secretary of En-
10 ergy, is authorized to establish a pro-
11 gram to provide financial awards on a
12 competitive basis for direct air cap-
13 ture from media in which the con-
14 centration of carbon dioxide is dilute.

15 “(II) DUTIES.—In carrying out
16 this clause, the Administrator shall—

17 “(aa) subject to subclause
18 (III), develop specific require-
19 ments for—

20 “(AA) the competition
21 process; and

22 “(BB) the demonstra-
23 tion of performance of ap-
24 proved projects;

1 “(bb) offer financial awards
2 for a project designed—

3 “(AA) to the maximum
4 extent practicable, to cap-
5 ture more than 10,000 tons
6 of carbon dioxide per year;

7 “(BB) to operate in a
8 manner that would be com-
9 mercially viable in the fore-
10 seeable future (as deter-
11 mined by the Board); and

12 “(CC) to improve the
13 technologies or information
14 systems that enable moni-
15 toring and verification meth-
16 ods for direct air capture
17 projects; and

18 “(cc) to the maximum ex-
19 tent practicable, make financial
20 awards to geographically diverse
21 projects, including at least—

22 “(AA) 1 project in a
23 coastal State; and

24 “(BB) 1 project in a
25 rural State.

1 “(III) PUBLIC PARTICIPATION.—

2 In carrying out subclause (II)(aa), the
3 Administrator shall—

4 “(aa) provide notice of and,
5 for a period of not less than 60
6 days, an opportunity for public
7 comment on, any draft or pro-
8 posed version of the requirements
9 described in subclause (II)(aa);
10 and

11 “(bb) take into account pub-
12 lic comments received in devel-
13 oping the final version of those
14 requirements.

15 “(iii) DIRECT AIR CAPTURE TECH-
16 NOLOGY ADVISORY BOARD.—

17 “(I) ESTABLISHMENT.—The Ad-
18 ministrator may establish an advisory
19 board to be known as the ‘Direct Air
20 Capture Technology Advisory Board’.

21 “(II) COMPOSITION.—The
22 Board, on the establishment of the
23 Board, shall be composed of 9 mem-
24 bers appointed by the Administrator,
25 who shall provide expertise in—

1 “(aa) climate science;
2 “(bb) physics;
3 “(cc) chemistry;
4 “(dd) biology;
5 “(ee) engineering;
6 “(ff) economics;
7 “(gg) business management;

8 and

9 “(hh) such other disciplines
10 as the Administrator determines
11 to be necessary to achieve the
12 purposes of this subparagraph.

13 “(III) TERM; VACANCIES.—

14 “(aa) TERM.—A member of
15 the Board shall serve for a term
16 of 6 years.

17 “(bb) VACANCIES.—A va-
18 cancy on the Board—

19 “(AA) shall not affect
20 the powers of the Board;
21 and

22 “(BB) shall be filled in
23 the same manner as the
24 original appointment was
25 made.

1 “(IV) INITIAL MEETING.—Not
2 later than 30 days after the date on
3 which all members of the Board have
4 been appointed, the Board shall hold
5 the initial meeting of the Board.

6 “(V) MEETINGS.—The Board
7 shall meet at the call of the Chair-
8 person or on the request of the Ad-
9 ministrator.

10 “(VI) QUORUM.—A majority of
11 the members of the Board shall con-
12 stitute a quorum, but a lesser number
13 of members may hold hearings.

14 “(VII) CHAIRPERSON AND VICE
15 CHAIRPERSON.—The Board shall se-
16 lect a Chairperson and Vice Chair-
17 person from among the members of
18 the Board.

19 “(VIII) COMPENSATION.—Each
20 member of the Board may be com-
21 pensated at not to exceed the daily
22 equivalent of the annual rate of basic
23 pay in effect for a position at level V
24 of the Executive Schedule under sec-
25 tion 5316 of title 5, United States

1 Code, for each day during which the
2 member is engaged in the actual per-
3 formance of the duties of the Board.

4 “(IX) DUTIES.—The Board
5 shall—

6 “(aa) advise the Adminis-
7 trator on carrying out the duties
8 of the Administrator under this
9 subparagraph; and

10 “(bb) provide other assist-
11 ance and advice as requested by
12 the Administrator.

13 “(iv) INTELLECTUAL PROPERTY.—

14 “(I) IN GENERAL.—As a condi-
15 tion of receiving a financial award
16 under this subparagraph, an applicant
17 shall agree to vest the intellectual
18 property of the applicant derived from
19 the technology in 1 or more entities
20 that are incorporated in the United
21 States.

22 “(II) RESERVATION OF LI-
23 CENSE.—The United States—

24 “(aa) may reserve a non-
25 exclusive, nontransferable, irrev-

1 ocable, paid-up license, to have
2 practiced for or on behalf of the
3 United States, in connection with
4 any intellectual property de-
5 scribed in subclause (I); but

6 “(bb) shall not, in the exer-
7 cise of a license reserved under
8 item (aa), publicly disclose pro-
9 prietary information relating to
10 the license.

11 “(III) TRANSFER OF TITLE.—
12 Title to any intellectual property de-
13 scribed in subclause (I) shall not be
14 transferred or passed, except to an
15 entity that is incorporated in the
16 United States, until the expiration of
17 the first patent obtained in connection
18 with the intellectual property.

19 “(v) AUTHORIZATION OF APPROPRIA-
20 TIONS.—There is authorized to be appro-
21 priated to carry out this subparagraph
22 \$35,000,000, to remain available until ex-
23 pended.

24 “(vi) TERMINATION OF AUTHORITY.—
25 Notwithstanding section 14 of the Federal

1 Advisory Committee Act (5 U.S.C. App.),
2 the Board and all authority provided under
3 this subparagraph shall terminate not later
4 than 12 years after the date of enactment
5 of the Utilizing Significant Emissions with
6 Innovative Technologies Act.

7 “(C) DEEP SALINE FORMATION REPORT.—

8 “(i) DEFINITION OF DEEP SALINE
9 FORMATION.—

10 “(I) IN GENERAL.—In this sub-
11 paragraph, the term ‘deep saline for-
12 mation’ means a formation of sub-
13 surface geographically extensive sedi-
14 mentary rock layers saturated with
15 waters or brines that have a high total
16 dissolved solids content and that are
17 below the depth where carbon dioxide
18 can exist in the formation as a super-
19 critical fluid.

20 “(II) CLARIFICATION.—In this
21 subparagraph, the term ‘deep saline
22 formation’ does not include oil and
23 gas reservoirs.

24 “(ii) REPORT.—In consultation with
25 the Secretary of Energy, and, as appro-

1 priate, with the head of any other relevant
2 Federal agency and relevant stakeholders,
3 not later than 1 year after the date of en-
4 actment of the Utilizing Significant Emis-
5 sions with Innovative Technologies Act, the
6 Administrator shall prepare, submit to
7 Congress, and make publicly available a re-
8 port that includes—

9 “(I) a comprehensive identifica-
10 tion of potential risks and benefits to
11 project developers associated with in-
12 creased storage of carbon dioxide cap-
13 tured from stationary sources in deep
14 saline formations, using existing re-
15 search;

16 “(II) recommendations for man-
17 aging the potential risks identified
18 under subclause (I), including poten-
19 tial risks unique to public land; and

20 “(III) recommendations for Fed-
21 eral legislation or other policy changes
22 to mitigate any potential risks identi-
23 fied under subclause (I).

24 “(D) GAO REPORT.—Not later than 5
25 years after the date of enactment of the Uti-

1 lizing Significant Emissions with Innovative
2 Technologies Act, the Comptroller General of
3 the United States shall submit to Congress a
4 report that—

5 “(i) identifies all Federal grant pro-
6 grams in which a purpose of a grant under
7 the program is to perform research on car-
8 bon capture and utilization technologies,
9 including direct air capture technologies;
10 and

11 “(ii) examines the extent to which the
12 Federal grant programs identified pursu-
13 ant to clause (i) overlap or are duplica-
14 tive.”.

15 (c) CARBON UTILIZATION PROGRAM.—

16 (1) IN GENERAL.—Subtitle F of title IX of the
17 Energy Policy Act of 2005 (42 U.S.C. 16291 et
18 seq.) is amended by inserting after section 968 the
19 following:

20 **“SEC. 969. CARBON UTILIZATION PROGRAM.**

21 “(a) IN GENERAL.—The Secretary, in consultation
22 with the Administrator of the Environmental Protection
23 Agency, shall carry out a program of research, develop-
24 ment, demonstration, and commercialization relating to
25 carbon utilization.

1 “(b) ACTIVITIES.—Under the program described in
2 subsection (a), the Secretary shall—

3 “(1) assess and monitor—

4 “(A) potential changes in lifecycle carbon
5 dioxide and other greenhouse gas emissions;
6 and

7 “(B) other environmental safety indicators
8 of new technologies, practices, processes, or
9 methods used in enhanced hydrocarbon recovery
10 as part of the activities authorized under sec-
11 tion 963;

12 “(2) identify and evaluate novel uses for carbon
13 (including conversion of carbon oxides) that, on a
14 full lifecycle basis, achieve a permanent reduction, or
15 avoidance of a net increase, in carbon dioxide in the
16 atmosphere, for use in commercial and industrial
17 products such as—

18 “(A) chemicals;

19 “(B) plastics;

20 “(C) building materials;

21 “(D) fuels;

22 “(E) cement;

23 “(F) products of coal utilization in power
24 systems or in other applications; and

1 “(G) other products with demonstrated
2 market value;

3 “(3) identify and assess carbon capture tech-
4 nologies for industrial systems; and

5 “(4) identify and assess alternative uses for
6 coal that result in zero net emissions of carbon diox-
7 ide or other pollutants, including products derived
8 from carbon engineering, carbon fiber, and coal con-
9 version methods.

10 “(c) PRIORITIZATION.—In supporting demonstration
11 and commercialization research under the program de-
12 scribed in subsection (a), the Secretary shall prioritize
13 consideration of projects that—

14 “(1) have access to a carbon dioxide emissions
15 stream generated by a stationary source in the
16 United States that is capable of supplying not less
17 than 250 metric tons per day of carbon dioxide for
18 research;

19 “(2) have access to equipment for testing small-
20 scale carbon dioxide utilization technologies, with on-
21 site access to larger test bays for scale-up; and

22 “(3) have 1 or more existing partnerships with
23 a National Laboratory, an institution of higher edu-
24 cation, a private company, or a State or other gov-
25 ernment entity.

1 “(d) COORDINATION.—The Secretary shall coordi-
2 nate the activities authorized under this section with the
3 activities authorized in section 969A as part of a single
4 consolidated program of the Department.

5 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to the Secretary to carry
7 out this section \$50,000,000, to remain available until ex-
8 pended.”.

9 (2) STUDY.—

10 (A) IN GENERAL.—The Secretary of En-
11 ergy, in consultation with the Administrator of
12 the Environmental Protection Agency, shall
13 seek to enter into an agreement with the Na-
14 tional Academies of Sciences, Engineering, and
15 Medicine to conduct a study that assesses the
16 barriers and opportunities relating to the com-
17 mercial application of carbon dioxide in the
18 United States.

19 (B) CONTENTS.—The study under sub-
20 paragraph (A) shall—

21 (i) analyze the technical feasibility, re-
22 lated challenges, and impacts of—

23 (I) commercializing carbon diox-
24 ide; and

1 (II) as part of that commer-
2 cialization—

3 (aa) creating a national sys-
4 tem of carbon dioxide pipelines
5 and geologic sequestration sites;

6 (bb) mitigating environ-
7 mental and landowner impacts;
8 and

9 (cc) regional economic chal-
10 lenges and regional economic op-
11 portunities;

12 (ii) identify potential markets, indus-
13 tries, or sectors that may benefit from
14 greater access to commercial carbon diox-
15 ide;

16 (iii) assess the current state of infra-
17 structure and any necessary updates to
18 that infrastructure to allow for the integra-
19 tion of safe and reliable carbon dioxide
20 transportation, utilization, and storage;

21 (iv)(I) estimate the economic, climate,
22 and environmental impacts of any well-in-
23 tegrated national carbon dioxide pipeline
24 system; and

1 (II) suggest policies that could im-
2 prove the economic impact of that system;

3 (v) assess the global status and
4 progress of existing chemical and biological
5 carbon utilization technologies that utilize
6 waste carbon (including carbon dioxide,
7 carbon monoxide, methane, and biogas)
8 from power generation, biofuels produc-
9 tion, and other industrial processes rel-
10 evant to minimizing net greenhouse gas
11 emissions;

12 (vi) identify emerging technologies for
13 and approaches to carbon utilization that
14 show promise for scale-up, demonstration,
15 deployment, and commercialization rel-
16 evant to minimizing net greenhouse gas
17 emissions;

18 (vii) analyze the factors associated
19 with making carbon utilization technologies
20 relevant to minimizing net greenhouse gas
21 emissions viable at a commercial scale, in-
22 cluding carbon waste stream availability,
23 economics, market capacity, and energy
24 and lifecycle requirements;

1 (viii)(I) assess the major technical
2 challenges associated with increasing the
3 commercial viability of carbon reuse tech-
4 nologies; and

5 (II) identify the research and develop-
6 ment questions that will address those
7 challenges;

8 (ix)(I) assess current research efforts,
9 including engineering and computational
10 research, that address the challenges de-
11 scribed in clause (viii)(I); and

12 (II) identify any gaps in the current
13 research portfolio; and

14 (x) develop a comprehensive research
15 agenda that addresses both long- and
16 short-term research needs and opportuni-
17 ties for carbon capture utilization and stor-
18 age technologies relevant to minimizing net
19 greenhouse gas emissions.

20 (3) TECHNICAL AMENDMENT.—The table of
21 contents for the Energy Policy Act of 2005 (Public
22 Law 109–58; 119 Stat. 600) is amended by insert-
23 ing after the item relating to section 968 the fol-
24 lowing:

“Sec. 969. Carbon utilization program.”.

1 (d) IMPROVEMENT OF PERMITTING PROCESS FOR
2 CARBON DIOXIDE CAPTURE AND INFRASTRUCTURE
3 PROJECTS.—

4 (1) INCLUSION OF CARBON CAPTURE INFRA-
5 STRUCTURE PROJECTS.—Section 41001(6) of the
6 FAST Act (42 U.S.C. 4370m(6)) is amended—

7 (A) in subparagraph (A)—

8 (i) in the matter preceding clause (i),
9 by inserting “carbon capture,” after “man-
10 ufacturing,”;

11 (ii) in clause (i)(III), by striking “or”
12 at the end;

13 (iii) by redesignating clause (ii) as
14 clause (iii); and

15 (iv) by inserting after clause (i) the
16 following:

17 “(ii) is covered by a programmatic
18 plan or environmental review developed for
19 the primary purpose of facilitating develop-
20 ment of carbon dioxide pipelines; or”;

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

22 “(C) INCLUSION.—For purposes of sub-
23 paragraph (A), construction of infrastructure
24 for carbon capture includes construction of—

1 “(i) any facility, technology, or system
2 that captures, utilizes, or sequesters car-
3 bon dioxide emissions, including projects
4 for direct air capture (as defined in para-
5 graph (6)(B)(i) of section 103(g) of the
6 Clean Air Act (42 U.S.C. 7403(g)); and

7 “(ii) carbon dioxide pipelines.”.

8 (2) DEVELOPMENT OF CARBON CAPTURE, UTI-
9 LIZATION, AND SEQUESTRATION REPORT, PERMIT-
10 TING GUIDANCE, AND REGIONAL PERMITTING TASK
11 FORCE.—

12 (A) DEFINITIONS.—In this paragraph:

13 (i) CARBON CAPTURE, UTILIZATION,
14 AND SEQUESTRATION PROJECTS.—The
15 term “carbon capture, utilization, and se-
16 questration projects” includes projects for
17 direct air capture (as defined in paragraph
18 (6)(B)(i) of section 103(g) of the Clean Air
19 Act (42 U.S.C. 7403(g))).

20 (ii) EFFICIENT, ORDERLY, AND RE-
21 SPONSIBLE.—The term “efficient, orderly,
22 and responsible” means, with respect to
23 development or the permitting process for
24 carbon capture, utilization, and sequestra-
25 tion projects and carbon dioxide pipelines,

1 a process that promotes environmental,
2 health, and safety protections while main-
3 taining a process that is completed in an
4 expeditious manner.

5 (B) REPORT.—

6 (i) IN GENERAL.—Not later than 180
7 days after the date of enactment of this
8 Act, the Chair of the Council on Environ-
9 mental Quality (referred to in this section
10 as the “Chair”), in consultation with the
11 Administrator of the Environmental Pro-
12 tection Agency, the Secretary of Energy,
13 the Secretary of the Interior, the Secretary
14 of Transportation, the Executive Director
15 of the Federal Permitting Improvement
16 Council, and the head of any other relevant
17 Federal agency (as determined by the
18 President), shall prepare a report that—

19 (I) compiles all existing relevant
20 Federal permitting and review infor-
21 mation and resources for project ap-
22 plicants, agencies, and other stake-
23 holders interested in the deployment
24 and impact of carbon capture, utiliza-

1 tion, and sequestration projects and
2 carbon dioxide pipelines, including—

3 (aa) the appropriate points
4 of interaction with Federal agen-
5 cies;

6 (bb) clarification of the per-
7 mitting responsibilities and au-
8 thorities among Federal agencies;
9 and

10 (cc) best practices and tem-
11 plates for permitting in an effi-
12 cient, orderly, and responsible
13 manner, including through im-
14 proved staff capacity and train-
15 ing at Federal permitting agen-
16 cies;

17 (II) inventories current or emerg-
18 ing activities that transform captured
19 carbon dioxide into a product of com-
20 mercial value, or as an input to prod-
21 ucts of commercial value;

22 (III) inventories existing initia-
23 tives and recent publications that ana-
24 lyze or identify priority carbon dioxide
25 pipelines needed to enable efficient,

1 orderly, and responsible development
2 of carbon capture, utilization, and se-
3 questration projects at increased
4 scale;

5 (IV) identifies gaps in the cur-
6 rent Federal regulatory framework for
7 the deployment of carbon capture, uti-
8 lization, and sequestration projects
9 and carbon dioxide pipelines;

10 (V) identifies Federal financing
11 mechanisms available to project devel-
12 opers; and

13 (VI) identifies public engagement
14 opportunities through existing laws,
15 including under the National Environ-
16 mental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.).

18 (ii) SUBMISSION; PUBLICATION.—The
19 Chair shall—

20 (I) submit the report under
21 clause (i) to the Committee on Envi-
22 ronment and Public Works of the
23 Senate and the Committee on Energy
24 and Commerce, the Committee on
25 Natural Resources, and the Com-

1 mittee on Transportation and Infra-
2 structure of the House of Representa-
3 tives; and

4 (II) as soon as practicable, make
5 the report publicly available.

6 (C) GUIDANCE.—

7 (i) IN GENERAL.—After submission of
8 the report under subparagraph (B)(ii), but
9 not later than 1 year after the date of en-
10 actment of this Act, the Chair shall submit
11 guidance consistent with that report to all
12 relevant Federal agencies that—

13 (I) facilitates reviews associated
14 with the deployment of carbon cap-
15 ture, utilization, and sequestration
16 projects and carbon dioxide pipelines;
17 and

18 (II) supports the efficient, or-
19 derly, and responsible development of
20 carbon capture, utilization, and se-
21 questration projects and carbon diox-
22 ide pipelines.

23 (ii) REQUIREMENTS.—

1 (I) IN GENERAL.—The guidance
2 under clause (i) shall address applica-
3 ble requirements under—

4 (aa) the National Environ-
5 mental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.);

7 (bb) the Federal Water Pol-
8 lution Control Act (33 U.S.C.
9 1251 et seq.);

10 (cc) the Clean Air Act (42
11 U.S.C. 7401 et seq.);

12 (dd) the Safe Drinking
13 Water Act (42 U.S.C. 300f et
14 seq.);

15 (ee) the Endangered Species
16 Act of 1973 (16 U.S.C. 1531 et
17 seq.);

18 (ff) division A of subtitle III
19 of title 54, United States Code
20 (formerly known as the “Na-
21 tional Historic Preservation
22 Act”);

23 (gg) the Migratory Bird
24 Treaty Act (16 U.S.C. 703 et
25 seq.);

1 (hh) the Act of June 8,
2 1940 (16 U.S.C. 668 et seq.)
3 (commonly known as the “Bald
4 and Golden Eagle Protection
5 Act”);

6 (ii) chapter 601 of title 49,
7 United States Code (including
8 those provisions formerly cited as
9 the Natural Gas Pipeline Safety
10 Act of 1968 (Public Law 90–481;
11 82 Stat. 720) and the Hazardous
12 Liquid Pipeline Safety Act of
13 1979 (Public Law 96–129; 93
14 Stat. 1003)); and

15 (jj) any other Federal law
16 that the Chair determines to be
17 appropriate.

18 (II) ENVIRONMENTAL RE-
19 VIEWS.—The guidance under clause
20 (i) shall include direction to States
21 and other interested parties for the
22 development of programmatic environ-
23 mental reviews under the National
24 Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.) for carbon cap-

1 ture, utilization, and sequestration
2 projects and carbon dioxide pipelines.

3 (III) PUBLIC INVOLVEMENT.—

4 The guidance under clause (i) shall be
5 subject to the public notice, comment,
6 and solicitation of information proce-
7 dures under section 1506.6 of title 40,
8 Code of Federal Regulations (or a
9 successor regulation).

10 (iii) SUBMISSION; PUBLICATION.—The
11 Chair shall—

12 (I) submit the guidance under
13 clause (i) to the Committee on Envi-
14 ronment and Public Works of the
15 Senate and the Committee on Energy
16 and Commerce, the Committee on
17 Natural Resources, and the Com-
18 mittee on Transportation and Infra-
19 structure of the House of Representa-
20 tives; and

21 (II) as soon as practicable, make
22 the guidance publicly available.

23 (iv) EVALUATION.—The Chair shall—

24 (I) periodically evaluate the re-
25 ports of the task forces under sub-

1 paragraph (D)(v) and, as necessary,
2 revise the guidance under clause (i);
3 and

4 (II) each year, submit to the
5 Committee on Environment and Pub-
6 lic Works of the Senate, the Com-
7 mittee on Energy and Commerce, the
8 Committee on Natural Resources, and
9 the Committee on Transportation and
10 Infrastructure of the House of Rep-
11 resentatives, and relevant Federal
12 agencies a report that describes any
13 recommendations for rules, revisions
14 to rules, or other policies that would
15 address the issues identified by the
16 task forces under subparagraph
17 (D)(v).

18 (D) TASK FORCES.—

19 (i) ESTABLISHMENT.—Not later than
20 18 months after the date of enactment of
21 this Act, the Chair shall establish not less
22 than 2 task forces, which shall each cover
23 a different geographical area with differing
24 demographic, land use, or geological
25 issues—

1 (I) to identify permitting and
2 other challenges and successes that
3 permitting authorities and project de-
4 velopers and operators face in permit-
5 ting projects in an efficient, orderly,
6 and responsible manner; and

7 (II) to improve the performance
8 of the permitting process and regional
9 coordination for the purpose of pro-
10 moting the efficient, orderly, and re-
11 sponsible development of carbon cap-
12 ture, utilization, and sequestration
13 projects and carbon dioxide pipelines.

14 (ii) MEMBERS AND SELECTION.—

15 (I) IN GENERAL.—The Chair
16 shall—

17 (aa) develop criteria for the
18 selection of members to each task
19 force; and

20 (bb) select members for each
21 task force in accordance with
22 item (aa) and subclause (II).

23 (II) MEMBERS.—Each task
24 force—

1 (aa) shall include not less
2 than 1 representative of each
3 of—

4 (AA) the Environ-
5 mental Protection Agency;

6 (BB) the Department
7 of Energy;

8 (CC) the Department of
9 the Interior;

10 (DD) the Pipeline and
11 Hazardous Materials Safety
12 Administration;

13 (EE) any other Federal
14 agency the Chair determines
15 to be appropriate;

16 (FF) any State that re-
17 quests participation in the
18 geographical area covered by
19 the task force;

20 (GG) developers or op-
21 erators of carbon capture,
22 utilization, and sequestra-
23 tion projects or carbon diox-
24 ide pipelines; and

1 (HH) nongovernmental
2 membership organizations,
3 the primary mission of
4 which concerns protection of
5 the environment;

6 (bb) at the request of a
7 Tribal or local government, may
8 include a representative of—

9 (AA) not less than 1
10 local government in the geo-
11 graphical area covered by
12 the task force; and

13 (BB) not less than 1
14 Tribal government in the
15 geographical area covered by
16 the task force; and

17 (cc) shall include 1 expert in
18 each of the following fields—

19 (AA) health and envi-
20 ronmental effects, including
21 exposure evaluation; and

22 (BB) pipeline safety.

23 (iii) MEETINGS.—

1 (I) IN GENERAL.—Each task
2 force shall meet not less than twice
3 each year.

4 (II) JOINT MEETING.—To the
5 maximum extent practicable, the task
6 forces shall meet collectively not less
7 than once each year.

8 (iv) DUTIES.—Each task force shall—

9 (I) inventory existing or potential
10 Federal and State approaches to fa-
11 cilitate reviews associated with the de-
12 ployment of carbon capture, utiliza-
13 tion, and sequestration projects and
14 carbon dioxide pipelines, including
15 best practices that—

16 (aa) avoid duplicative re-
17 views to the extent permitted by
18 law;

19 (bb) engage stakeholders
20 early in the permitting process;
21 and

22 (cc) make the permitting
23 process efficient, orderly, and re-
24 sponsible;

1 (II) develop common models for
2 State-level carbon dioxide pipeline reg-
3 ulation and oversight guidelines that
4 can be shared with States in the geo-
5 graphical area covered by the task
6 force;

7 (III) provide technical assistance
8 to States in the geographical area cov-
9 ered by the task force in imple-
10 menting regulatory requirements and
11 any models developed under subclause
12 (II);

13 (IV) inventory current or emerg-
14 ing activities that transform captured
15 carbon dioxide into a product of com-
16 mercial value, or as an input to prod-
17 ucts of commercial value;

18 (V) identify any priority carbon
19 dioxide pipelines needed to enable effi-
20 cient, orderly, and responsible devel-
21 opment of carbon capture, utilization,
22 and sequestration projects at in-
23 creased scale;

24 (VI) identify gaps in the current
25 Federal and State regulatory frame-

1 work and in existing data for the de-
2 ployment of carbon capture, utiliza-
3 tion, and sequestration projects and
4 carbon dioxide pipelines;

5 (VII) identify Federal and State
6 financing mechanisms available to
7 project developers; and

8 (VIII) develop recommendations
9 for relevant Federal agencies on how
10 to develop and research technologies
11 that—

12 (aa) can capture carbon di-
13 oxide; and

14 (bb) would be able to be de-
15 ployed within the region covered
16 by the task force, including any
17 projects that have received tech-
18 nical or financial assistance for
19 research under paragraph (6) of
20 section 103(g) of the Clean Air
21 Act (42 U.S.C. 7403(g)).

22 (v) REPORT.—Each year, each task
23 force shall prepare and submit to the Chair
24 and to the other task forces a report that
25 includes—

1 (I) any recommendations for im-
2 provements in efficient, orderly, and
3 responsible issuance or administration
4 of Federal permits and other Federal
5 authorizations required under a law
6 described in subparagraph (C)(ii)(I);
7 and

8 (II) any other nationally relevant
9 information that the task force has
10 collected in carrying out the duties
11 under clause (iv).

12 (vi) EVALUATION.—Not later than 5
13 years after the date of enactment of this
14 Act, the Chair shall—

15 (I) reevaluate the need for the
16 task forces; and

17 (II) submit to Congress a rec-
18 ommendation as to whether the task
19 forces should continue.

20 **SEC. 103. AMERICAN INNOVATION AND MANUFACTURING.**

21 (a) SHORT TITLE.—This section may be cited as the
22 “American Innovation and Manufacturing Act of 2020”.

23 (b) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) ALLOWANCE.—The term “allowance”
5 means a limited authorization for the production or
6 consumption of a regulated substance established
7 under subsection (e).

8 (3) CONSUMPTION.—The term “consumption”,
9 with respect to a regulated substance, means a
10 quantity equal to the difference between—

11 (A) a quantity equal to the sum of—

12 (i) the quantity of that regulated sub-
13 stance produced in the United States; and

14 (ii) the quantity of the regulated sub-
15 stance imported into the United States;

16 and

17 (B) the quantity of the regulated substance
18 exported from the United States.

19 (4) CONSUMPTION BASELINE.—The term “con-
20 sumption baseline” means the baseline established
21 for the consumption of regulated substances under
22 subsection (e)(1)(C).

23 (5) EXCHANGE VALUE.—The term “exchange
24 value” means the value assigned to a regulated sub-

1 stance in accordance with subsections (c) and (e), as
2 applicable.

3 (6) IMPORT.—The term “import” means to
4 land on, bring into, or introduce into, or attempt to
5 land on, bring into, or introduce into, any place sub-
6 ject to the jurisdiction of the United States, regard-
7 less of whether that landing, bringing, or introduc-
8 tion constitutes an importation within the meaning
9 of the customs laws of the United States.

10 (7) PRODUCE.—

11 (A) IN GENERAL.—The term “produce”
12 means the manufacture of a regulated sub-
13 stance from a raw material or feedstock chem-
14 ical (but not including the destruction of a reg-
15 ulated substance by a technology approved by
16 the Administrator).

17 (B) EXCLUSIONS.—The term “produce”
18 does not include—

19 (i) the manufacture of a regulated
20 substance that is used and entirely con-
21 sumed (except for trace quantities) in the
22 manufacture of another chemical; or

23 (ii) the reclamation, reuse, or recy-
24 cling of a regulated substance.

1 (8) PRODUCTION BASELINE.—The term “pro-
2 duction baseline” means the baseline established for
3 the production of regulated substances under sub-
4 section (e)(1)(B).

5 (9) RECLAIM; RECLAMATION.—The terms “re-
6 claim” and “reclamation” mean—

7 (A) the reprocessing of a recovered regu-
8 lated substance to at least the purity described
9 in standard 700–2016 of the Air-Conditioning,
10 Heating, and Refrigeration Institute (or an ap-
11 propriate successor standard adopted by the
12 Administrator); and

13 (B) the verification of the purity of that
14 regulated substance using, at a minimum, the
15 analytical methodology described in the stand-
16 ard referred to in subparagraph (A).

17 (10) RECOVER.—The term “recover” means the
18 process by which a regulated substance is—

19 (A) removed, in any condition, from equip-
20 ment; and

21 (B) stored in an external container, with
22 or without testing or processing the regulated
23 substance.

24 (11) REGULATED SUBSTANCE.—The term “reg-
25 ulated substance” means—

1 (A) a substance listed in the table con-
 2 tained in subsection (c)(1); and

3 (B) a substance included as a regulated
 4 substance by the Administrator under sub-
 5 section (c)(3).

6 (c) LISTING OF REGULATED SUBSTANCES.—

7 (1) LIST OF REGULATED SUBSTANCES.—Each
 8 of the following substances, and any isomers of such
 9 a substance, shall be a regulated substance:

Chemical Name	Common Name	Exchange Value
CHF ₂ CHF ₂	HFC-134	1100
CH ₂ FCF ₃	HFC-134a	1430
CH ₂ FCHF ₂	HFC-143	353
CHF ₂ CH ₂ CF ₃	HFC-245fa	1030
CF ₃ CH ₂ CF ₂ CH ₃	HFC-365mfc	794
CF ₃ CHF ₂ CF ₃	HFC-227ea	3220
CH ₂ FCF ₂ CF ₃	HFC-236eb	1340
CHF ₂ CHF ₂ CF ₃	HFC-236ea	1370
CF ₃ CH ₂ CF ₃	HFC-236fa	9810
CH ₂ FCF ₂ CHF ₂	HFC-245ca	693
CF ₃ CHF ₂ CHF ₂ CF ₃	HFC-43-10mee	1640
CH ₂ F ₂	HFC-32	675
CHF ₂ CF ₃	HFC-125	3500
CH ₃ CF ₃	HFC-143a	4470
CH ₃ F	HFC-41	92
CH ₂ FCH ₂ F	HFC-152	53
CH ₃ CHF ₂	HFC-152a	124
CHF ₃	HFC-23	14800.

10 (2) REVIEW.—The Administrator may—

1 (A) review the exchange values listed in
2 the table contained in paragraph (1) on a peri-
3 odic basis; and

4 (B) subject to notice and opportunity for
5 public comment, adjust the exchange values
6 solely on the basis of—

7 (i) the best available science; and

8 (ii) other information consistent with
9 widely used or commonly accepted existing
10 exchange values.

11 (3) OTHER REGULATED SUBSTANCES.—

12 (A) IN GENERAL.—Subject to notice and
13 opportunity for public comment, the Adminis-
14 trator may designate a substance not included
15 in the table contained in paragraph (1) as a
16 regulated substance if—

17 (i) the substance—

18 (I) is a chemical substance that
19 is a saturated hydrofluorocarbon; and

20 (II) has an exchange value, as
21 determined by the Administrator in
22 accordance with the basis described in
23 paragraph (2)(B), of greater than 53;
24 and

1 (ii) the designation of the substance
2 as a regulated substance would be con-
3 sistent with the purposes of this section.

4 (B) SAVINGS PROVISION.—

5 (i) IN GENERAL.—Nothing in this
6 paragraph authorizes the Administrator to
7 designate as a regulated substance a blend
8 of substances that includes a saturated
9 hydrofluorocarbon for purposes of phasing
10 down production or consumption of regu-
11 lated substances under subsection (e), even
12 if the saturated hydrofluorocarbon is, or
13 may be, designated as a regulated sub-
14 stance.

15 (ii) AUTHORITY OF ADMINIS-
16 TRATOR.—Clause (i) does not affect the
17 authority of the Administrator to regulate
18 under this Act a regulated substance with-
19 in a blend of substances.

20 (d) MONITORING AND REPORTING REQUIRE-
21 MENTS.—

22 (1) PRODUCTION, IMPORT, AND EXPORT LEVEL
23 REPORTS.—

24 (A) IN GENERAL.—On a periodic basis, to
25 be determined by the Administrator, but not

1 less frequently than annually, each person who,
2 within the applicable reporting period, produces,
3 imports, exports, destroys, transforms, uses as
4 a process agent, or reclaims a regulated sub-
5 stance shall submit to the Administrator a re-
6 port that describes, as applicable, the quantity
7 of the regulated substance that the person—

8 (i) produced, imported, and exported;

9 (ii) reclaimed;

10 (iii) destroyed by a technology ap-
11 proved by the Administrator;

12 (iv) used and entirely consumed (ex-
13 cept for trace quantities) in the manufac-
14 ture of another chemical; or

15 (v) used as a process agent.

16 (B) REQUIREMENTS.—

17 (i) SIGNED AND ATTESTED.—The re-
18 port under subparagraph (A) shall be
19 signed and attested by a responsible officer
20 (within the meaning of the Clean Air Act
21 (42 U.S.C. 7401 et seq.)).

22 (ii) NO FURTHER REPORTS RE-
23 QUIRED.—A report under subparagraph
24 (A) shall not be required from a person if
25 the person—

1 (I) permanently ceases produc-
2 tion, importation, exportation, de-
3 struction, transformation, use as a
4 process agent, or reclamation of all
5 regulated substances; and

6 (II) notifies the Administrator in
7 writing that the requirement under
8 subclause (I) has been met.

9 (iii) BASELINE PERIOD.—Each report
10 under subparagraph (A) shall include, as
11 applicable, the information described in
12 that subparagraph for the baseline period
13 of calendar years 2011 through 2013.

14 (2) COORDINATION.—The Administrator may
15 allow any person subject to the requirements of
16 paragraph (1)(A) to combine and include the infor-
17 mation required to be reported under that paragraph
18 with any other related information that the person
19 is required to report to the Administrator.

20 (e) PHASE-DOWN OF PRODUCTION AND CONSUMP-
21 TION OF REGULATED SUBSTANCES.—

22 (1) BASELINES.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (D), the Administrator shall establish for
25 the phase-down of regulated substances—

1 (i) a production baseline for the pro-
2 duction of all regulated substances in the
3 United States, as described in subpara-
4 graph (B); and

5 (ii) a consumption baseline for the
6 consumption of all regulated substances in
7 the United States, as described in subpara-
8 graph (C).

9 (B) PRODUCTION BASELINE DESCRIBED.—

10 The production baseline referred to in subpara-
11 graph (A)(i) is the quantity equal to the sum
12 of—

13 (i) the average annual quantity of all
14 regulated substances produced in the
15 United States during the period—

16 (I) beginning on January 1,
17 2011; and

18 (II) ending on December 31,
19 2013; and

20 (ii) the quantity equal to the sum of—

21 (I) 15 percent of the production
22 level of hydrochlorofluorocarbons in
23 calendar year 1989; and

1 (II) 0.42 percent of the produc-
2 tion level of chlorofluorocarbons in
3 calendar year 1989.

4 (C) CONSUMPTION BASELINE DE-
5 SCRIBED.—The consumption baseline referred
6 to in subparagraph (A)(ii) is the quantity equal
7 to the sum of—

8 (i) the average annual quantity of all
9 regulated substances consumed in the
10 United States during the period—

11 (I) beginning on January 1,
12 2011; and

13 (II) ending on December 31,
14 2013; and

15 (ii) the quantity equal to the sum of—

16 (I) 15 percent of the consump-
17 tion level of hydrochlorofluorocarbons
18 in calendar year 1989; and

19 (II) 0.42 percent of the consump-
20 tion level of chlorofluorocarbons in
21 calendar year 1989.

22 (D) EXCHANGE VALUES.—

23 (i) IN GENERAL.—For purposes of es-
24 tablishing the baselines pursuant to sub-
25 paragraphs (B) and (C), the Administrator

1 shall use the exchange values listed in the
 2 table contained in subsection (c)(1) for
 3 regulated substances and the following ex-
 4 change values for hydrochlorofluorocarbons
 5 and chlorofluorocarbons:

Table 2		
Chemical Name	Common Name	Exchange Value
CHFCl ₂	HCFC-21	151
CHF ₂ Cl	HCFC-22	1810
C ₂ HF ₃ Cl ₂	HCFC-123	77
C ₂ HF ₄ Cl	HCFC-124	609
CH ₃ CFC1 ₂	HCFC-141b	725
CH ₃ CF ₂ Cl	HCFC-142b	2310
CF ₃ CF ₂ CHCl ₂	HCFC-225ca	122
CF ₂ ClCF ₂ CHClF	HCFC-225cb	595

Table 3		
Chemical Name	Common Name	Exchange Value
CFC1 ₃	CFC-11	4750
CF ₂ Cl ₂	CFC-12	10900
C ₂ F ₃ Cl ₃	CFC-113	6130
C ₂ F ₄ Cl ₂	CFC-114	10000
C ₂ F ₅ Cl	CFC-115	7370

6 (ii) REVIEW.—The Administrator
 7 may—
 8 (I) review the exchange values
 9 listed in the tables contained in clause
 10 (i) on a periodic basis; and

1 (II) subject to notice and oppor-
2 tunity for public comment, adjust the
3 exchange values solely on the basis
4 of—

5 (aa) the best available
6 science; and

7 (bb) other information con-
8 sistent with widely used or com-
9 monly accepted existing exchange
10 values.

11 (2) PRODUCTION AND CONSUMPTION PHASE-
12 DOWN.—

13 (A) IN GENERAL.—During the period be-
14 ginning on January 1 of each year listed in the
15 table contained in subparagraph (C) and ending
16 on December 31 of the year before the next
17 year listed on that table, except as otherwise
18 permitted under this section, no person shall—

19 (i) produce a quantity of a regulated
20 substance without a corresponding quan-
21 tity of production allowances, except as
22 provided in paragraph (5);

23 (ii) consume a quantity of a regulated
24 substance without a corresponding quan-
25 tity of consumption allowances; or

1 (iii) hold, use, or transfer any produc-
 2 tion allowance or consumption allowance
 3 allocated under this section except in ac-
 4 cordance with regulations promulgated by
 5 the Administrator pursuant to subsection
 6 (g).

7 (B) COMPLIANCE.—For each year listed on
 8 the table contained in subparagraph (C), the
 9 Administrator shall ensure that the annual
 10 quantity of all regulated substances produced or
 11 consumed in the United States does not exceed
 12 the product obtained by multiplying—

13 (i) the production baseline or con-
 14 sumption baseline, as applicable; and

15 (ii) the applicable percentage listed on
 16 the table contained in subparagraph (C).

17 (C) RELATION TO BASELINE.—On Janu-
 18 ary 1 of each year listed in the following table,
 19 the Administrator shall apply the applicable
 20 percentage, as described in subparagraph (A):

Date	Percentage of Production Baseline	Percentage of Consumption Baseline
2020–2023	90 percent	90 percent
2024–2028	60 percent	60 percent
2029–2033	30 percent	30 percent

Date	Percentage of Production Baseline	Percentage of Consumption Baseline
2034–2035	20 percent	20 percent
2036 and thereafter	15 percent	15 percent

1 (D) ALLOWANCES.—

2 (i) QUANTITY.—Not later than Octo-
3 ber 1 of each calendar year, the Adminis-
4 trator shall use the quantity calculated
5 under subparagraph (B) to determine the
6 quantity of allowances for the production
7 and consumption of regulated substances
8 that may be used for the following cal-
9 endar year.

10 (ii) NATURE OF ALLOWANCES.—

11 (I) IN GENERAL.—An allowance
12 allocated under this section—

13 (aa) does not constitute a
14 property right; and

15 (bb) is a limited authoriza-
16 tion for the production or con-
17 sumption of a regulated sub-
18 stance under this section.

19 (II) SAVINGS PROVISION.—Noth-
20 ing in this section or in any other pro-
21 vision of law limits the authority of

1 the United States to terminate or
2 limit an authorization described in
3 subclause (I)(bb).

4 (3) REGULATIONS REGARDING PRODUCTION
5 AND CONSUMPTION OF REGULATED SUBSTANCES.—

6 Not later than 270 days after the date of enactment
7 of this Act, which shall include a period of notice
8 and opportunity for public comment, the Adminis-
9 trator shall issue a final rule—

10 (A) phasing down the production of regu-
11 lated substances in the United States through
12 an allowance allocation and trading program in
13 accordance with this section; and

14 (B) phasing down the consumption of reg-
15 ulated substances in the United States through
16 an allowance allocation and trading program in
17 accordance with the schedule under paragraph
18 (2)(C) (subject to the same exceptions and
19 other requirements as are applicable to the
20 phase-down of production of regulated sub-
21 stances under this section).

22 (4) EXCEPTIONS; ESSENTIAL USES.—

23 (A) FEEDSTOCKS AND PROCESS
24 AGENTS.—Except for the reporting require-

1 ments described in subsection (d)(1), this sec-
2 tion does not apply to—

3 (i) a regulated substance that is used
4 and entirely consumed (except for trace
5 quantities) in the manufacture of another
6 chemical; or

7 (ii) a regulated substance that is used
8 and not entirely consumed in the manufac-
9 ture of another chemical, if the remaining
10 amounts of the regulated substance are
11 subsequently destroyed.

12 (B) ESSENTIAL USES.—

13 (i) IN GENERAL.—Beginning on the
14 date of enactment of this Act and subject
15 to paragraphs (2) and (3) and clauses (ii)
16 and (iii), the Administrator may, by rule,
17 after considering technical achievability,
18 commercial demands, affordability for resi-
19 dential and small business consumers,
20 safety, and other relevant factors, includ-
21 ing overall economic costs and environ-
22 mental impacts compared to historical
23 trends, allocate a quantity of allowances
24 for a period of not more than 5 years for
25 the production and consumption of a regu-

1 lated substance exclusively for the use of
2 the regulated substance in an application,
3 if—

4 (I) no safe or technically achiev-
5 able substitute will be available during
6 the applicable period for that applica-
7 tion; and

8 (II) the supply of the regulated
9 substance that manufacturers or users
10 of the regulated substance for that
11 application are capable of securing
12 from chemical manufacturers, as au-
13 thorized under paragraph (2)(A), in-
14 cluding any quantities of a regulated
15 substance available from production
16 or import, is insufficient to accommo-
17 date the application.

18 (ii) PETITION.—If the Administrator
19 receives a petition requesting the designa-
20 tion of an application as an essential use
21 under clause (i), the Administrator shall—

22 (I) not later than 180 days after
23 the date on which the Administrator
24 receives the petition—

1 (aa) make the complete peti-
2 tion available to the public; and

3 (bb) when making the peti-
4 tion available to the public under
5 item (aa), propose and seek pub-
6 lic comment on—

7 (AA) a determination of
8 whether to designate the ap-
9 plication as an essential use;
10 and

11 (BB) if the Adminis-
12 trator proposes to designate
13 the application as an essen-
14 tial use, making the req-
15 uisite allocation of allow-
16 ances; and

17 (II) not later than 270 days after
18 the date on which the Administrator
19 receives the petition, take final action
20 on the petition.

21 (iii) LIMITATION.—A person receiving
22 an allocation under clause (i) or (iv) or as
23 a result of a petition granted under clause
24 (ii) may not produce or consume a pro-
25 duced quantity of regulated substances

1 that, considering the respective exchange
2 values of the regulated substances, exceeds
3 the number of allowances issued under
4 paragraphs (2) and (3) that are held by
5 that person.

6 (iv) MANDATORY ALLOCATIONS.—

7 (I) IN GENERAL.—Notwith-
8 standing clause (i) and subject to
9 clause (iii) and paragraphs (2) and
10 (3), for the 5-year period beginning
11 on the date of enactment of this Act,
12 the Administrator shall allocate the
13 full quantity of allowances necessary,
14 based on projected, current, and his-
15 torical trends, for the production or
16 consumption of a regulated substance
17 for the exclusive use of the regulated
18 substance in an application solely
19 for—

20 (aa) a propellant in metered-
21 dose inhalers;

22 (bb) defense sprays;

23 (cc) structural composite
24 preformed polyurethane foam for
25 marine use and trailer use;

1 (dd) the etching of semicon-
2 ductor material or wafers and the
3 cleaning of chemical vapor depo-
4 sition chambers within the semi-
5 conductor manufacturing sector;

6 (ee) mission-critical military
7 end uses, such as armored vehicle
8 engine and shipboard fire sup-
9 pression systems and systems
10 used in deployable and expedi-
11 tionary applications; and

12 (ff) onboard aerospace fire
13 suppression.

14 (II) REQUIREMENT.—The alloca-
15 tion of allowances under subclause (I)
16 shall be determined through a rule-
17 making.

18 (v) REVIEW.—

19 (I) IN GENERAL.—For each es-
20 sential use application receiving an al-
21 location of allowances under clause (i)
22 or (iv), the Administrator shall review
23 the availability of substitutes, includ-
24 ing any quantities of the regulated
25 substance available from reclaiming or

1 prior production, not less frequently
2 than once every 5 years.

3 (II) EXTENSION.—If, pursuant
4 to a review under subclause (I), the
5 Administrator determines, subject to
6 notice and opportunity for public com-
7 ment, that the requirements described
8 in subclauses (I) and (II) of clause (i)
9 are met, the Administrator shall au-
10 thorize the production or consump-
11 tion, as applicable, of any regulated
12 substance used in the application for
13 renewable periods of not more than 5
14 years for exclusive use in the applica-
15 tion.

16 (5) DOMESTIC MANUFACTURING.—Notwith-
17 standing paragraph (2)(A)(i), the Administrator
18 may, by rule, authorize a person to produce a regu-
19 lated substance in excess of the number of produc-
20 tion allowances held by that person, subject to the
21 conditions that—

22 (A) the authorization is—

23 (i) for a renewable period of not more
24 than 5 years; and

- 1 (ii) subject to notice and opportunity
2 for public comment; and
3 (B) the production—
4 (i) is at a facility located in the
5 United States;
6 (ii) is solely for export to, and use in,
7 a foreign country that is not subject to the
8 prohibition in subsection (j)(1); and
9 (iii) would not violate paragraph
10 (2)(B).

11 (f) ACCELERATED SCHEDULE.—

12 (1) IN GENERAL.—Subject to paragraph (4),
13 the Administrator may, only in response to a peti-
14 tion submitted to the Administrator in accordance
15 with paragraph (3) and after notice and opportunity
16 for public comment, promulgate regulations that es-
17 tablish a schedule for phasing down the production
18 or consumption of regulated substances that is more
19 stringent than the production and consumption lev-
20 els of regulated substances required under sub-
21 section (e)(2)(C).

22 (2) REQUIREMENTS.—Any regulations promul-
23 gated under this subsection—

24 (A) shall—

1 (i) apply uniformly to the allocation of
2 production and consumption allowances for
3 regulated substances, in accordance with
4 subsection (e)(3);

5 (ii) ensure that there will be sufficient
6 quantities of regulated substances, includ-
7 ing substances available from reclaiming,
8 prior production, or prior import, to meet
9 the needs for—

10 (I) applications that receive an
11 allocation under clause (i) of sub-
12 section (e)(4)(B); and

13 (II) all applications that receive a
14 mandatory allocation under items (aa)
15 through (ff) of clause (iv)(I) of that
16 subsection; and

17 (iii) foster continued reclamation of
18 and transition from regulated substances;
19 and

20 (B) shall not set the level of production al-
21 lowances or consumption allowances below the
22 percentage of the consumption baseline that is
23 actually consumed during the calendar year
24 prior to the year during which the Adminis-
25 trator makes a final determination with respect

1 to the applicable proposal described in para-
2 graph (3)(C)(iii)(I).

3 (3) PETITION.—

4 (A) IN GENERAL.—A person may petition
5 the Administrator to promulgate regulations for
6 an accelerated schedule for the phase-down of
7 production or consumption of regulated sub-
8 stances under paragraph (1).

9 (B) REQUIREMENT.—A petition submitted
10 under subparagraph (A) shall—

11 (i) be made at such time, in such
12 manner, and containing such information
13 as the Administrator shall require; and

14 (ii) include a showing by the peti-
15 tioner that there are data to support the
16 petition.

17 (C) TIMELINES.—

18 (i) IN GENERAL.—If the Adminis-
19 trator receives a petition under subpara-
20 graph (A), the Administrator shall—

21 (I) not later than 180 days after
22 the date on which the Administrator
23 receives the petition—

24 (aa) make the complete peti-
25 tion available to the public; and

1 (bb) when making the peti-
2 tion available to the public under
3 item (aa), propose and seek pub-
4 lic comment on the proposal of
5 the Administrator to grant or
6 deny the petition; and

7 (II) not later than 270 days after
8 the date on which the Administrator
9 receives the petition, take final action
10 on the petition.

11 (ii) FACTORS FOR DETERMINATION.—

12 In making a determination to grant or
13 deny a petition submitted under subpara-
14 graph (A), the Administrator shall, to the
15 extent practicable, factor in—

16 (I) the best available data;

17 (II) the availability of substitutes
18 for uses of the regulated substance
19 that is the subject of the petition, tak-
20 ing into account technological
21 achievability, commercial demands, af-
22 fordability for residential and small
23 business consumers, safety, consumer
24 costs, building codes, appliance effi-
25 ciency standards, contractor training

1 costs, and other relevant factors, in-
2 cluding the quantities of regulated
3 substances available from reclaiming,
4 prior production, or prior import;

5 (III) overall economic costs and
6 environmental impacts, as compared
7 to historical trends; and

8 (IV) the remaining phase-down
9 period for regulated substances under
10 the final rule issued under subsection
11 (e)(3), if applicable.

12 (iii) REGULATIONS.—After receiving
13 public comment with respect to the pro-
14 posal under clause (i)(I)(bb), if the Admin-
15 istrator makes a final determination to
16 grant a petition under subparagraph (A),
17 the final regulations with respect to the pe-
18 tition shall—

19 (I) be promulgated by not later
20 than 1 year after the date on which
21 the Administrator makes the proposal
22 to grant the petition under that
23 clause; and

24 (II) meet the requirements of
25 paragraph (2).

1 (D) PUBLICATION.—When the Adminis-
2 trator makes a final determination to grant or
3 deny a petition under subparagraph (A), the
4 Administrator shall publish a description of the
5 reasons for that grant or denial, including a de-
6 scription of the information considered under
7 subclauses (I) through (IV) of subparagraph
8 (C)(ii).

9 (E) INSUFFICIENT INFORMATION.—If the
10 Administrator determines that the data in-
11 cluded under subparagraph (B)(ii) in a petition
12 are not sufficient to make a determination
13 under this paragraph, the Administrator shall
14 use any authority available to the Administrator
15 to acquire the necessary data.

16 (4) DATE OF EFFECTIVENESS.—The Adminis-
17 trator may not promulgate under paragraph (1) a
18 regulation for the production or consumption of reg-
19 ulated substances that is more stringent than the
20 production or consumption levels required under
21 subsection (e)(2)(C) that takes effect before January
22 1, 2025.

23 (5) REVIEW.—

24 (A) IN GENERAL.—The Administrator
25 shall review the availability of substitutes for

1 regulated substances subject to an accelerated
2 schedule established under paragraph (1) in
3 each sector and subsector in which the regu-
4 lated substance is used, taking into account
5 technological achievability, commercial de-
6 mands, safety, and other relevant factors, in-
7 cluding the quantities of regulated substances
8 available from reclaiming, prior production, or
9 prior import, by January 1, 2026 (for the first
10 review), by January 1, 2031 (for the second re-
11 view), and at least once every 5 years there-
12 after.

13 (B) PUBLIC AVAILABILITY.—The Adminis-
14 trator shall make the results of a review con-
15 ducted under subparagraph (A) publicly avail-
16 able.

17 (6) SAVINGS PROVISION.—Nothing in this sub-
18 section authorizes the Administrator to promulgate
19 regulations pursuant to this subsection that estab-
20 lish a schedule for phasing down the production or
21 consumption of regulated substances that is less
22 stringent than the production and consumption lev-
23 els of regulated substances required under sub-
24 section (e)(2)(C).

25 (g) EXCHANGE AUTHORITY.—

1 (1) TRANSFERS.—Not later than 270 days
2 after the date of enactment of this Act, which shall
3 include a period of notice and opportunity for public
4 comment, the Administrator shall promulgate a final
5 regulation that governs the transfer of allowances
6 for the production of regulated substances under
7 subsection (e)(3)(A) that uses—

8 (A) the applicable exchange values de-
9 scribed in the table contained in subsection
10 (c)(1); or

11 (B) the exchange value described in the
12 rule designating the substance as a regulated
13 substance under subsection (c)(3).

14 (2) REQUIREMENTS.—The final rule promul-
15 gated pursuant to paragraph (1) shall—

16 (A) ensure that the transfers under this
17 subsection will result in greater total reductions
18 in the production of regulated substances in
19 each year than would occur during the year in
20 the absence of the transfers;

21 (B) permit 2 or more persons to transfer
22 production allowances if the transferor of the
23 allowances will be subject, under the final rule,
24 to an enforceable and quantifiable reduction in
25 annual production that—

1 (i) exceeds the reduction otherwise ap-
2 plicable to the transferor under this sec-
3 tion;

4 (ii) exceeds the quantity of production
5 represented by the production allowances
6 transferred to the transferee; and

7 (iii) would not have occurred in the
8 absence of the transaction; and

9 (C) provide for the trading of consumption
10 allowances in the same manner as is applicable
11 under this subsection to the trading of produc-
12 tion allowances.

13 (h) MANAGEMENT OF REGULATED SUBSTANCES.—

14 (1) IN GENERAL.—For purposes of maximizing
15 reclaiming and minimizing the release of a regulated
16 substance from equipment and ensuring the safety
17 of technicians and consumers, the Administrator
18 shall promulgate regulations to control, where appro-
19 priate, any practice, process, or activity regarding
20 the servicing, repair, disposal, or installation of
21 equipment (including requiring, where appropriate,
22 that any such servicing, repair, disposal, or installa-
23 tion be performed by a trained technician meeting
24 minimum standards, as determined by the Adminis-
25 trator) that involves—

1 (A) a regulated substance;

2 (B) a substitute for a regulated substance;

3 (C) the reclaiming of a regulated substance
4 used as a refrigerant; or

5 (D) the reclaiming of a substitute for a
6 regulated substance used as a refrigerant.

7 (2) RECLAIMING.—

8 (A) IN GENERAL.—In carrying out this
9 section, the Administrator shall consider the
10 use of authority available to the Administrator
11 under this section to increase opportunities for
12 the reclaiming of regulated substances used as
13 refrigerants.

14 (B) RECOVERY.—A regulated substance
15 used as a refrigerant that is recovered shall be
16 reclaimed before the regulated substance is sold
17 or transferred to a new owner, except where the
18 recovered regulated substance is sold or trans-
19 ferred to a new owner solely for the purposes of
20 being reclaimed or destroyed.

21 (3) COORDINATION.—In promulgating regula-
22 tions to carry out this subsection, the Administrator
23 may coordinate those regulations with any other reg-
24 ulations promulgated by the Administrator that in-
25 volve—

1 (A) the same or a similar practice, process,
2 or activity regarding the servicing, repair, dis-
3 posal, or installation of equipment; or

4 (B) reclaiming.

5 (4) INAPPLICABILITY.—No regulation promul-
6 gated pursuant to this subsection shall apply to a
7 regulated substance or a substitute for a regulated
8 substance that is contained in a foam.

9 (5) SMALL BUSINESS GRANTS.—

10 (A) DEFINITION OF SMALL BUSINESS CON-
11 CERN.—In this paragraph, the term “small
12 business concern” has the same meaning as in
13 section 3 of the Small Business Act (15 U.S.C.
14 632).

15 (B) ESTABLISHMENT.—Subject to the
16 availability of appropriations, the Administrator
17 shall establish a grant program to award grants
18 to small business concerns for the purchase of
19 new specialized equipment for the recycling, re-
20 covery, or reclamation of a substitute for a reg-
21 ulated substance, including the purchase of ap-
22 proved refrigerant recycling equipment (as de-
23 fined in section 609(b) of the Clean Air Act (42
24 U.S.C. 7671h(b))) for recycling, recovery, or

1 reclamation in the service or repair of motor ve-
2 hicle air conditioning systems.

3 (C) MATCHING FUNDS.—The non-Federal
4 share of a project carried out with a grant
5 under this paragraph shall be not less than 25
6 percent.

7 (D) AUTHORIZATION OF APPROPRIA-
8 TIONS.—There is authorized to be appropriated
9 to carry out this paragraph \$5,000,000 for each
10 of fiscal years 2021 through 2023.

11 (i) TECHNOLOGY TRANSITIONS.—

12 (1) AUTHORITY.—Subject to the provisions of
13 this subsection, the Administrator may by rule re-
14 strict, fully, partially, or on a graduated schedule,
15 the use of a regulated substance in the sector or
16 subsector in which the regulated substance is used.

17 (2) NEGOTIATED RULEMAKING.—

18 (A) CONSIDERATION REQUIRED.—Before
19 proposing a rule for the use of a regulated sub-
20 stance for a sector or subsector under para-
21 graph (1), the Administrator shall consider ne-
22 gotiating with stakeholders in the sector or sub-
23 sector subject to the potential rule in accord-
24 ance with the negotiated rulemaking procedure
25 provided for under subchapter III of chapter 5

1 of title 5, United States Code (commonly known
2 as the “Negotiated Rulemaking Act of 1990”).

3 (B) NEGOTIATED RULEMAKINGS.—If the
4 Administrator negotiates a rulemaking with
5 stakeholders using the procedure described in
6 subparagraph (A), the Administrator shall, to
7 the extent practicable, give priority to com-
8 pleting that rulemaking over completing
9 rulemakings under this subsection that were not
10 negotiated using that procedure.

11 (C) NO NEGOTIATED RULEMAKING.—If
12 the Administrator does not negotiate a rule-
13 making with stakeholders using the procedure
14 described in subparagraph (A), the Adminis-
15 trator shall, before commencement of the rule-
16 making process for a rule under paragraph (1),
17 publish an explanation of the decision of the
18 Administrator to not use that procedure.

19 (3) PETITIONS.—

20 (A) IN GENERAL.—A person may petition
21 the Administrator to promulgate a rule under
22 paragraph (1) for the restriction on use of a
23 regulated substance in a sector or subsector,
24 which shall include a request that the Adminis-

1 trator negotiate with stakeholders in accordance
2 with paragraph (2)(A).

3 (B) RESPONSE.—The Administrator shall
4 grant or deny a petition under subparagraph
5 (A) not later than 180 days after the date of
6 receipt of the petition.

7 (C) REQUIREMENTS.—

8 (i) EXPLANATION.—If the Adminis-
9 trator denies a petition under subpara-
10 graph (B), the Administrator shall publish
11 in the Federal Register an explanation of
12 the denial.

13 (ii) FINAL RULE.—If the Adminis-
14 trator grants a petition under subpara-
15 graph (B), the Administrator shall promul-
16 gate a final rule not later than 2 years
17 after the date on which the Administrator
18 grants the petition.

19 (iii) PUBLICATION OF PETITIONS.—
20 Not later than 30 days after the date on
21 which the Administrator receives a petition
22 under subparagraph (A), the Adminis-
23 trator shall make that petition available to
24 the public in full.

1 (4) FACTORS FOR DETERMINATION.—In car-
2 rying out a rulemaking using the procedure de-
3 scribed in paragraph (2) or making a determination
4 to grant or deny a petition submitted under para-
5 graph (3), the Administrator shall, to the extent
6 practicable, factor in—

7 (A) the best available data;

8 (B) the availability of substitutes for use of
9 the regulated substance that is the subject of
10 the rulemaking or petition, as applicable, in a
11 sector or subsector, taking into account techno-
12 logical achievability, commercial demands, af-
13 fordability for residential and small business
14 consumers, safety, consumer costs , building
15 codes, appliance efficiency standards, contractor
16 training costs, and other relevant factors, in-
17 cluding the quantities of regulated substances
18 available from reclaiming, prior production, or
19 prior import;

20 (C) overall economic costs and environ-
21 mental impacts, as compared to historical
22 trends; and

23 (D) the remaining phase-down period for
24 regulated substances under the final rule issued
25 under subsection (e)(3), if applicable.

1 (5) EVALUATION.—In carrying out this sub-
2 section, the Administrator shall—

3 (A) evaluate substitutes for regulated sub-
4 stances in a sector or subsector, taking into ac-
5 count technological achievability, commercial
6 demands, safety, overall economic costs and en-
7 vironmental impacts, and other relevant factors;
8 and

9 (B) make the evaluation under subpara-
10 graph (A) available to the public, including the
11 factors associated with the safety of those sub-
12 stitutes.

13 (6) EFFECTIVE DATE OF RULES.—No rule
14 under this subsection may take effect before the date
15 that is 1 year after the date on which the Adminis-
16 trator promulgates the applicable rule under this
17 subsection.

18 (7) APPLICABILITY.—

19 (A) DEFINITION OF RETROFIT.—In this
20 paragraph, the term “retrofit” means to up-
21 grade existing equipment where the regulated
22 substance is changed, which—

23 (i) includes the conversion of equip-
24 ment to achieve system compatibility; and

1 (ii) may include changes in lubricants,
2 gaskets, filters, driers, valves, o-rings, or
3 equipment components for that purpose.

4 (B) APPLICABILITY OF RULES.—A rule
5 promulgated under this subsection shall not
6 apply to—

7 (i) an essential use under clause (i) or
8 (iv) of subsection (e)(4)(B), including any
9 use for which the production or consump-
10 tion of the regulated substance is extended
11 under clause (v)(II) of that subsection; or

12 (ii) except for a retrofit application,
13 equipment in existence in a sector or sub-
14 sector before the date of enactment of this
15 Act.

16 (j) INTERNATIONAL COOPERATION.—

17 (1) IN GENERAL.—Subject to paragraph (2), no
18 person subject to the requirements of this section
19 shall trade or transfer a production allowance or,
20 after January 1, 2033, export a regulated substance
21 to a person in a foreign country that, as determined
22 by the Administrator, has not enacted or otherwise
23 established within a reasonable timeframe after the
24 date of enactment of this Act the same or similar re-
25 quirements or otherwise undertaken commitments

1 regarding the production and consumption of regu-
2 lated substances as are contained in this section.

3 (2) TRANSFERS.—Pursuant to paragraph (1), a
4 person in the United States may engage in a trade
5 or transfer of a production allowance—

6 (A) to a person in a foreign country if, at
7 the time of the transfer, the Administrator re-
8 vises the number of allowances for production
9 under subsection (e)(2), as applicable, for the
10 United States such that the aggregate national
11 production of the regulated substance to be
12 traded under the revised production limits is
13 equal to the least of—

14 (i) the maximum production level per-
15 mitted for the applicable regulated sub-
16 stance in the year of the transfer under
17 this section, less the production allowances
18 transferred;

19 (ii) the maximum production level per-
20 mitted for the applicable regulated sub-
21 stances in the transfer year under applica-
22 ble law, less the production allowances
23 transferred; and

24 (iii) the average of the actual national
25 production level of the applicable regulated

1 substances for the 3-year period ending on
2 the date of the transfer, less the produc-
3 tion allowances transferred; or

4 (B) from a person in a foreign country if,
5 at the time of the trade or transfer, the Admin-
6 istrator finds that the foreign country has re-
7 vised the domestic production limits of the reg-
8 ulated substance in the same manner as pro-
9 vided with respect to transfers by a person in
10 United States under this subsection.

11 (3) EFFECT OF TRANSFERS ON PRODUCTION
12 LIMITS.—The Administrator may—

13 (A) reduce the production limits estab-
14 lished under subsection (e)(2)(B) as required as
15 a prerequisite to a transfer described in para-
16 graph (2)(A); or

17 (B) increase the production limits estab-
18 lished under subsection (e)(2)(B) to reflect pro-
19 duction allowances acquired under a trade or
20 transfer described in paragraph (2)(B).

21 (4) REGULATIONS.—The Administrator shall—

22 (A) not later than 1 year after the date of
23 enactment of this Act, promulgate a final rule
24 to carry out this subsection; and

1 (B) not less frequently than annually, re-
2 view and, if necessary, revise the final rule pro-
3 mulgated pursuant to subparagraph (A).

4 (k) RELATIONSHIP TO OTHER LAW.—

5 (1) IMPLEMENTATION.—

6 (A) RULEMAKINGS.—The Administrator
7 may promulgate such regulations as are nec-
8 essary to carry out the functions of the Admin-
9 istrator under this section.

10 (B) DELEGATION.—The Administrator
11 may delegate to any officer or employee of the
12 Environmental Protection Agency such of the
13 powers and duties of the Administrator under
14 this section as the Administrator determines to
15 be appropriate.

16 (C) CLEAN AIR ACT.—Sections 113, 114,
17 304, and 307 of the Clean Air Act (42 U.S.C.
18 7413, 7414, 7604, 7607) shall apply to this
19 section and any rule, rulemaking, or regulation
20 promulgated by the Administrator pursuant to
21 this section as though this section were ex-
22 pressly included in title VI of that Act (42
23 U.S.C. 7671 et seq.).

24 (2) PREEMPTION.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), during the 5-year period beginning
3 on the date of enactment of this Act, and with
4 respect to an exclusive use for which a manda-
5 tory allocation of allowances is provided under
6 subsection (e)(4)(B)(iv)(I), no State or political
7 subdivision of a State may enforce a statute or
8 administrative action restricting the manage-
9 ment or use of a regulated substance within
10 that exclusive use.

11 (B) EXTENSION.—

12 (i) IN GENERAL.—Subject to clause
13 (ii), if, pursuant to subclause (I) of sub-
14 section (e)(4)(B)(v), the Administrator au-
15 thORIZES an additional period under sub-
16 clause (II) of that subsection for the pro-
17 duction or consumption of a regulated sub-
18 stance for an exclusive use described in
19 subparagraph (A), no State or political
20 subdivision of a State may enforce a stat-
21 ute or administrative action restricting the
22 management or use of the regulated sub-
23 stance within that exclusive use for the du-
24 ration of that additional period.

1 (ii) LIMITATION.—The period for
2 which the limitation under clause (i) ap-
3 plies shall not exceed 5 years from the date
4 on which the period described in subpara-
5 graph (A) ends.

1 **DIVISION T—SMITHSONIAN**
2 **AMERICAN WOMEN’S HIS-**
3 **TORY MUSEUM ACT AND NA-**
4 **TIONAL MUSEUM OF THE**
5 **AMERICAN LATINO**
6 **TITLE I—SMITHSONIAN AMER-**
7 **ICAN WOMEN’S HISTORY MU-**
8 **SEUM ACT**

9 **SEC. 101. SHORT TITLE.**

10 This title may be cited as the “Smithsonian American
11 Women’s History Museum Act”.

12 **SEC. 102. FINDINGS.**

13 Congress finds the following:

14 (1) Since its founding, the United States has
15 greatly benefitted from the contributions of women.

16 (2) Historical accounts, monuments, memorials,
17 and museums disproportionately represent men’s
18 achievements and contributions and often neglect
19 those of women. For example—

20 (A) a study of 18 United States history
21 textbooks concluded that 10 percent of the ma-
22 terial documented contributions of women;

23 (B) 9 statues out of 91 in the United
24 States Capitol’s National Statuary Hall depict
25 women; and

1 (C) only one of the 44 monuments oper-
2 ated by the National Park Service specifically
3 honors the achievements of women after the
4 2016 designation of the Belmont-Paul Women's
5 Equality National Monument.

6 (3) There exists no national museum in the
7 United States that is devoted to the documentation
8 of women's contributions throughout the Nation's
9 history.

10 (4) On December 19, 2014, Congress created a
11 Congressional Commission to study the potential for
12 an American museum of women's history. The bi-
13 partisan Commission unanimously concluded that
14 the United States needs and deserves a physical na-
15 tional museum dedicated to showcasing the historical
16 experiences and impact of women in the United
17 States.

18 (5) A comprehensive women's history museum
19 would document the full spectrum of the experiences
20 of women in the United States, represent a diverse
21 range of viewpoints, experiences, and backgrounds,
22 more accurately depict the history of the United
23 States, and add value to the Smithsonian Institu-
24 tion.

1 (6) The collections, exhibits, historical narrative
2 materials, and museum programming of the wom-
3 en’s history museum should be inclusive, comprehen-
4 sive, and innovative. Such collections, exhibits, mate-
5 rials, and programming should present the diverse
6 range of experiences and viewpoints of all women in
7 the United States, reflecting upon the things that
8 set women apart from one another while also high-
9 lighting the experiences that many of these women
10 share.

11 **SEC. 103. ESTABLISHMENT OF MUSEUM.**

12 (a) **ESTABLISHMENT.**—There is established within
13 the Smithsonian Institution a comprehensive women’s his-
14 tory museum, to be named by the Board of Regents in
15 consultation with the council established under section
16 104 (referred to in this Act as the “Museum”).

17 (b) **PURPOSE.**—The purpose of the Museum estab-
18 lished under this section shall be to provide for—

19 (1) the collection and study of, and the estab-
20 lishment of programs relating to, women’s contribu-
21 tions to various fields and throughout different peri-
22 ods of history that have influenced the direction of
23 the United States;

1 (2) collaboration with other Smithsonian Insti-
2 tution museums and facilities, outside museums, and
3 educational institutions; and

4 (3) the creation of exhibitions and programs
5 that recognize diverse perspectives on women's his-
6 tory and contributions.

7 **SEC. 104. COUNCIL.**

8 (a) **ESTABLISHMENT.**—There is established within
9 the Smithsonian Institution a council to carry out the du-
10 ties set forth under subsection (b) and other provisions
11 of this Act (referred to in this section as the “Council”).

12 (b) **DUTIES.**—

13 (1) **IN GENERAL.**—The Council established
14 under this section shall—

15 (A) make recommendations to the Board
16 of Regents concerning the planning, design, and
17 construction of the Museum;

18 (B) advise and assist the Board of Regents
19 on all matters relating to the administration,
20 operation, maintenance, and preservation of the
21 Museum;

22 (C) recommend annual operating budgets
23 for the Museum to the Board of Regents;

24 (D) report annually to the Board of Re-
25 gents on the acquisition, disposition, and dis-

1 play of objects relating to women's art, history,
2 and culture; and

3 (E) adopt bylaws for the operation of the
4 Council.

5 (2) PRINCIPAL RESPONSIBILITIES.—The Coun-
6 cil, subject to the general policies of the Board of
7 Regents, shall have sole authority to—

8 (A) purchase, accept, borrow, and other-
9 wise acquire artifacts for addition to the collec-
10 tions of the Museum;

11 (B) loan, exchange, sell, and otherwise dis-
12 pose of any part of the collections of the Mu-
13 seum, but only if the funds generated by that
14 disposition are used for additions to the collec-
15 tions of the Museum; or

16 (C) specify criteria with respect to the use
17 of the collections and resources of the Museum,
18 including policies on programming, education,
19 exhibitions, and research with respect to—

20 (i) the life, art, history, and culture of
21 women;

22 (ii) the role of women in the history of
23 the United States; and

24 (iii) the contributions of women to so-
25 ciety.

1 (3) OTHER RESPONSIBILITIES.—The Council,
2 subject to the general policies of the Board of Re-
3 gents, shall have authority—

4 (A) to provide for preservation, restoration,
5 and maintenance of the collections of the Mu-
6 seum; and

7 (B) to solicit, accept, use, and dispose of
8 gifts, bequests, and devises of personal property
9 for the purpose of aiding and facilitating the
10 work of the Museum.

11 (4) ENSURING DIVERSITY OF POLITICAL VIEW-
12 POINTS IN EXHIBITS AND PROGRAMS.—In carrying
13 out its duties, the Council shall ensure that the ex-
14 hibits and programs of the Museum reflect, to the
15 extent practicable, an equal representation of the di-
16 versity of the political viewpoints held by women of
17 the United States on the events and issues relating
18 to the history of women in the United States.

19 (c) COMPOSITION AND APPOINTMENT.—

20 (1) IN GENERAL.—The Council shall be com-
21 posed of 25 voting members as provided under para-
22 graph (2).

23 (2) VOTING MEMBERS.—The Council shall in-
24 clude the following voting members:

1 (A) One member appointed by the majority
2 leader of the Senate.

3 (B) One member appointed by the minor-
4 ity leader of the Senate.

5 (C) One member appointed by the Speaker
6 of the House of Representatives.

7 (D) One member appointed by the minor-
8 ity leader of the House of Representatives.

9 (E) The Secretary of the Smithsonian In-
10 stitution.

11 (F) One member of the Board of Regents,
12 appointed by the Board of Regents.

13 (G) Nineteen individuals appointed by the
14 Board of Regents. In appointing members
15 under this subparagraph, the Board of Regents
16 should give special consideration to appoint-
17 ing—

18 (i) members of the Congressional
19 Commission;

20 (ii) board members of the National
21 Women's History Museum, a nonprofit,
22 educational organization described in sec-
23 tion 501(c)(3) of the Internal Revenue
24 Code of 1986 that was incorporated in
25 1996 in the District of Columbia and that

1 is dedicated for the purpose of establishing
2 a women's history museum; and

3 (iii) scholars and representatives of
4 organizations that are committed to the
5 study of women's history.

6 (3) INITIAL APPOINTMENTS.—The Board of
7 Regents shall make initial appointments to the
8 Council under paragraph (2) not later than 180
9 days after the date of the enactment of this Act.

10 (d) TERMS.—

11 (1) IN GENERAL.—Except as provided in this
12 subsection, each appointed member of the Council
13 shall be appointed for a term of 3 years.

14 (2) INITIAL APPOINTEES.—As designated by
15 the Board of Regents at the time of appointment, of
16 the voting members first appointed under subpara-
17 graph (G) of subsection (c)(2)—

18 (A) 7 members shall be appointed for a
19 term of 1 year;

20 (B) 6 members shall be appointed for a
21 term of 2 years; and

22 (C) 6 members shall be appointed for a
23 term of 3 years.

24 (3) REAPPOINTMENT.—A member of the Coun-
25 cil may be reappointed, except that no individual

1 may serve on the Council for a total of more than
2 2 terms. For purposes of this paragraph, the num-
3 ber of terms an individual serves on the Council
4 shall not include any portion of a term for which an
5 individual is appointed to fill a vacancy under para-
6 graph (4)(B).

7 (4) VACANCIES.—

8 (A) IN GENERAL.—A vacancy on the
9 Council—

10 (i) shall not affect the powers of the
11 Council; and

12 (ii) shall be filled in the same manner
13 as the original appointment was made.

14 (B) TERM.—Any member of the Council
15 appointed to fill a vacancy occurring before the
16 expiration of the term for which the member's
17 predecessor was appointed shall be appointed
18 for the remainder of that term.

19 (e) COMPENSATION.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), a member of the Council shall serve with-
22 out pay.

23 (2) TRAVEL EXPENSES.—A member of the
24 Council shall be allowed travel expenses, including
25 per diem in lieu of subsistence, at rates authorized

1 for an employee of an agency under subchapter I of
2 chapter 57 of title 5, United States Code, while
3 away from the home or regular place of business of
4 the member in the performance of the duties of the
5 Council.

6 (f) CHAIRPERSON.—By a majority vote of its voting
7 members, the Council shall elect a chairperson from its
8 members.

9 (g) MEETINGS.—

10 (1) IN GENERAL.—The Council shall meet at
11 the call of the chairperson or on the written request
12 of a majority of the voting members of the Council,
13 but not fewer than twice each year.

14 (2) INITIAL MEETINGS.—During the 1-year pe-
15 riod beginning on the date of the first meeting of the
16 Council, the Council shall meet not fewer than 4
17 times for the purpose of carrying out the duties of
18 the Council under this Act.

19 (h) QUORUM.—A majority of the voting members of
20 the Council holding office shall constitute a quorum for
21 the purpose of conducting business, but a lesser number
22 may receive information on behalf of the Council.

23 **SEC. 105. DIRECTOR AND STAFF OF THE MUSEUM.**

24 (a) DIRECTOR.—

1 (1) IN GENERAL.—The Museum shall have a
2 Director who shall be appointed by the Secretary,
3 taking into consideration individuals recommended
4 by the council established under section 104.

5 (2) DUTIES.—The Director shall manage the
6 Museum subject to the policies of the Board of Re-
7 gents.

8 (b) STAFF.—The Secretary may appoint 2 additional
9 employees to serve under the Director, except that such
10 additional employees may be appointed without regard to
11 the provisions of title 5, United States Code, governing
12 appointments in the competitive service.

13 (c) PAY.—The employees appointed by the Secretary
14 under subsection (b) may be paid without regard to the
15 provisions of chapter 51 and subchapter III of chapter 53
16 of title 5, United States Code, relating to classification
17 of positions and General Schedule pay rates.

18 **SEC. 106. EDUCATIONAL AND LIAISON PROGRAMS.**

19 (a) PROGRAMS AUTHORIZED.—The Director of the
20 Museum may carry out educational and liaison programs
21 in support of the goals of the Museum.

22 (b) COLLABORATION WITH SCHOOLS.—In carrying
23 out this section, the Director shall carry out educational
24 programs in collaboration with elementary schools, sec-
25 ondary schools, and postsecondary schools.

1 **SEC. 107. BUILDING.**

2 (a) LOCATION.—

3 (1) IN GENERAL.—Not later than 2 years after
4 the date of the enactment of this Act, the Board of
5 Regents shall designate a site for the Museum.

6 (2) SITES FOR CONSIDERATION.—In design-
7 nating a site under paragraph (1), the Board of Re-
8 gents shall—

9 (A) select a site in the District of Colum-
10 bia; and

11 (B) include the consideration of the fol-
12 lowing sites:

13 (i) The site known as the “South
14 Monument site”, located on the National
15 Mall and bordered by 14th Street North-
16 west, Jefferson Drive Southwest, Raoul
17 Wallenberg Place Southwest, and Inde-
18 pendence Ave Southwest.

19 (ii) The Northwest United States
20 Capitol site, bordered by 3rd Street North-
21 west, Constitution Avenue Northwest, 1st
22 Street Northwest, and Pennsylvania Ave
23 Northwest.

24 (3) FACTORS CONSIDERED.—In designating a
25 site under paragraph (1), the Board of Regents shall
26 take into consideration each of the following factors:

1 (A) An estimate of the costs associated
2 with each potential site.

3 (B) An assessment of the suitability of the
4 space of each potential site, including size,
5 proximity to other buildings and transportation,
6 and other external environmental conditions, as
7 appropriate.

8 (C) The recommendations of the Congres-
9 sional Commission.

10 (4) CONSULTATION.—The Board of Regents
11 shall carry out its duties under this subsection in
12 consultation with each of the following:

13 (A) The Chair of the National Capital
14 Planning Commission.

15 (B) The Director of the National Park
16 Service.

17 (C) The Chair of the National Capital Me-
18 morial Advisory Commission.

19 (D) The Chair of the Commission on Fine
20 Arts.

21 (E) The Chair of the Congressional Com-
22 mission.

23 (F) The Architect of the Capitol.

24 (G) The chair and ranking member of each
25 of the following committees:

1 (i) The Committee on Rules and Ad-
2 ministration of the Senate.

3 (ii) The Committee on House Admin-
4 istration of the House of Representatives.

5 (iii) The Committee on Energy and
6 Natural Resources of the Senate.

7 (iv) The Committee on Natural Re-
8 sources of the House of Representatives.

9 (v) The Committee on Transportation
10 and Infrastructure of the House of Rep-
11 resentatives.

12 (vi) The Committee on Appropriations
13 of the House of Representatives.

14 (vii) The Committee on Appropria-
15 tions of the Senate.

16 (5) INTENT OF CONGRESS.—It is the intent of
17 Congress that the Museum be located on or near the
18 National Mall, to the maximum extent practicable,
19 in accordance with this section.

20 (b) SITE UNDER THE JURISDICTION OF ANOTHER
21 FEDERAL AGENCY.—

22 (1) WRITTEN NOTIFICATION OF AGREEMENT.—
23 The Board of Regents shall not designate a site for
24 the Museum that is under the administrative juris-
25 diction of another Federal agency or entity unless

1 the head of the Federal agency or entity submits to
2 each of the committees described in subsection
3 (a)(4)(G) written notification stating that the head
4 of the Federal agency or entity concurs with locating
5 the Museum on the land or in the structure that is
6 under the administrative jurisdiction of the Federal
7 agency or entity.

8 (2) TRANSFER.—As soon as practicable after
9 the date on which Congress receives the written noti-
10 fication described in paragraph (1), the head of the
11 Federal agency or entity shall transfer to the Smith-
12 sonian Institution its administrative jurisdiction over
13 the land or structure that has been designated as
14 the site for the Museum.

15 (c) CONSTRUCTION OF BUILDING.—The Board of
16 Regents, in consultation with the council established under
17 section 104, may plan, design, and construct a building
18 for the Museum, which shall be located at the site des-
19 igned by the Board of Regents under subsection (a), in
20 accordance with this section.

21 (d) COMMEMORATIVE WORKS ACT.—Chapter 89 of
22 title 40, United States Code, shall not apply with respect
23 to the Museum, except that the Museum shall not be lo-
24 cated in the Reserve (as defined in section 8902(a) of that
25 title).

1 (e) COST SHARING.—The Board of Regents shall
2 pay—

3 (1) 50 percent of the costs of carrying out this
4 section from Federal funds; and

5 (2) 50 percent of the costs of carrying out this
6 section from non-Federal sources.

7 **SEC. 108. DEFINITIONS.**

8 In this Act, the following definitions apply:

9 (1) The term “Board of Regents” means the
10 Board of Regents of the Smithsonian Institution.

11 (2) The term “Congressional Commission”
12 means the Commission to Study the Potential Cre-
13 ation of a National Women’s History Museum, es-
14 tablished under section 3056 of the Military Con-
15 struction Authorization Act for Fiscal Year 2015
16 (Public Law 113–291; 128 Stat. 3810).

17 (3) The term “Secretary” means the Secretary
18 of the Smithsonian Institution.

19 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-
21 priated to the Smithsonian Institution to carry out this
22 Act, including the planning, design, construction, and op-
23 eration of the Museum established under section 103, such
24 sums as may be necessary for fiscal year 2020 and each
25 succeeding fiscal year.

1 (b) AVAILABILITY.—Amounts appropriated pursuant
2 to the authorization under this section shall remain avail-
3 able until expended.

4 (c) USE OF FUNDS FOR FUNDRAISING.—Amounts
5 appropriated pursuant to the authorization under this sec-
6 tion may be used to conduct fundraising in support of the
7 Museum from private sources.

8 **TITLE II—NATIONAL MUSEUM**
9 **OF THE AMERICAN LATINO**

10 **SEC. 201. NATIONAL MUSEUM OF THE AMERICAN LATINO.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) The United States is a symbol of democ-
13 racy, freedom, and economic opportunity around the
14 world, and the legacy of Latinos is deeply rooted in
15 the very fabric of the history, democracy, freedom,
16 and economic opportunity of the United States.

17 (2) There exists no national museum within the
18 Smithsonian Institution that is devoted to the docu-
19 mentation and explication of Latino life, art, history,
20 and culture.

21 (3) The establishment of the National Museum
22 of the American Latino will be consistent with the
23 purposes of the Smithsonian Institution, created by
24 Congress in 1846, “for the increase and diffusion of
25 knowledge”.

1 (4) The National Museum of the American
2 Latino—

3 (A) will be the keystone for people in the
4 United States and other Smithsonian Institu-
5 tion visitors to learn about Latino contributions
6 to life, art, history, and culture in the United
7 States at its signature location on the National
8 Mall; and

9 (B) will serve as a gateway for visitors to
10 view other Latino exhibitions, collections, and
11 programming at other Smithsonian Institution
12 facilities and museums throughout the United
13 States and the territories of the United States.

14 (b) DEFINITIONS.—In this section:

15 (1) BOARD OF REGENTS.—The term “Board of
16 Regents” means the Board of Regents of the Smith-
17 sonian Institution.

18 (2) BOARD OF TRUSTEES.—The term “Board
19 of Trustees” means the Board of Trustees of the
20 National Museum of the American Latino as estab-
21 lished by subsection (d).

22 (3) DIRECTOR.—The term “Director” means
23 the Director of the National Museum of the Amer-
24 ican Latino.

1 (4) MUSEUM.—The term “Museum” means the
2 National Museum of the American Latino estab-
3 lished by subsection (c).

4 (5) SECRETARY.—The term “Secretary” means
5 the Secretary of the Smithsonian Institution.

6 (c) ESTABLISHMENT OF MUSEUM.—

7 (1) ESTABLISHMENT.—There is established
8 within the Smithsonian Institution a museum to be
9 known as the “National Museum of the American
10 Latino”.

11 (2) PURPOSES.—The purposes of the Museum
12 are—

13 (A) to illuminate the story of the United
14 States for the benefit of all by featuring Latino
15 contributions; and

16 (B) to provide for—

17 (i) the collection, study, research, pub-
18 lication, and establishment of exhibitions
19 and programs relating to Latino life, art,
20 history, and culture that encompass—

21 (I) Latino contributions to the
22 early history of what now encom-
23 passes the United States of America
24 and its territories;

1 (II) Latino contributions in the
2 armed services from the earliest days
3 of the American Revolution to current
4 military activities in defense of our
5 freedoms;

6 (III) Latino contributions to the
7 freedom, well-being, and economic
8 prosperity of all people in the United
9 States through historical movements;

10 (IV) entrepreneurial and chari-
11 table activities of Latinos;

12 (V) contributions by Latinos to—

13 (aa) the social, natural, and
14 physical sciences; and

15 (bb) art, history, and cul-
16 ture, including food, music,
17 dance, film, theater, sports, and
18 other forms of popular culture in
19 the United States; and

20 (ii) collaboration between the Mu-
21 seum, other museums and research centers
22 of the Smithsonian Institution, and other
23 museums and educational institutions
24 throughout the United States and abroad,
25 to promote the study and appreciation of

1 Latino life, art, history, culture, and its
2 impact on society in the United States, in-
3 cluding collaboration concerning joint re-
4 search projects, programs, exhibitions, col-
5 lection management, and training of mu-
6 seum staff.

7 (d) BOARD OF TRUSTEES.—

8 (1) ESTABLISHMENT.—There is established
9 within the Smithsonian Institution a Board of
10 Trustees of the Museum with the duties, powers,
11 and authority specified in this subsection.

12 (2) DUTIES.—

13 (A) IN GENERAL.—The Board of Trust-
14 ees—

15 (i) shall—

16 (I) make recommendations to the
17 Board of Regents concerning the loca-
18 tion, planning, design, and construc-
19 tion of the Museum;

20 (II) recommend annual operating
21 budgets for the Museum to the Board
22 of Regents;

23 (III) adopt bylaws for the Board
24 of Trustees;

1 (IV) report annually to the
2 Board of Regents on the acquisition,
3 disposition, and display of Latino col-
4 lections, objects and artifacts, and on
5 other appropriate matters; and

6 (V) advise and assist the Board
7 of Regents on all matters relating to
8 the administration, operation, mainte-
9 nance, and preservation of the Mu-
10 seum, including long-term mainte-
11 nance; and

12 (ii) may delegate the duties described
13 in subclauses (I) through (IV) of clause (i)
14 to the Director.

15 (B) PRINCIPAL RESPONSIBILITIES.—Sub-
16 ject to the general policies of the Board of Re-
17 gents, the Board of Trustees shall have the sole
18 authority to—

19 (i) purchase, accept, borrow, or other-
20 wise acquire artifacts and other objects for
21 addition to the collections of the Museum;

22 (ii) loan, exchange, sell, or otherwise
23 dispose of any part of the collections of the
24 Museum, with the proceeds of such trans-

1 actions to be used for additions to the col-
2 lections of the Museum; and

3 (iii) specify criteria with respect to the
4 use of the collections and resources of the
5 Museum, including policies on program-
6 ming, education, exhibitions, and research
7 with respect to—

8 (I) the life, art, history, culture,
9 and other aspects of Latinos in the
10 United States and the territories of
11 the United States;

12 (II) the role of Latinos in the
13 history of the United States from the
14 arrival of the first explorers to the
15 Americas to the present;

16 (III) the contributions of Latinos
17 to society and culture in the United
18 States, and exploring what it means
19 to be an American; and

20 (IV) sharing how values in the
21 United States such as resiliency, opti-
22 mism, and spirituality are reflected in
23 Latino history and culture.

1 (C) OTHER RESPONSIBILITIES.—Subject
2 to the general policies of the Board of Regents,
3 the Board of Trustees shall have authority to—

4 (i) provide for preservation, restora-
5 tion, and maintenance of the collections of
6 the Museum; and

7 (ii) solicit, accept, use, and dispose of
8 gifts, bequests, and devises of personal and
9 real property for the purpose of aiding and
10 facilitating the work of the Museum.

11 (D) ENSURING DIVERSITY OF POLITICAL
12 VIEWPOINTS IN EXHIBITS AND PROGRAMS.—In
13 carrying out its duties, the Board of Trustees
14 shall ensure that the exhibits and programs of
15 the Museum reflect the diversity of the political
16 viewpoints held by Latinos of the United States
17 on the events and issues relating to the history
18 of Latinos in the United States.

19 (3) COMPOSITION AND APPOINTMENT.—

20 (A) IN GENERAL.—The Board of Trustees
21 shall be composed of not more than 19 voting
22 members as provided under subparagraph (B).

23 (B) VOTING MEMBERS.—The Board of
24 Trustees shall include the following voting
25 members:

1 (i) The Secretary of the Smithsonian
2 Institution.

3 (ii) The Under Secretary of Museums
4 and Research of the Smithsonian Institu-
5 tion.

6 (iii) The chair of the Smithsonian Na-
7 tional Latino Board.

8 (iv) One member of the Board of Re-
9 gents, appointed by the Board of Regents.

10 (v) Two Members of Congress, one
11 from each political party, designated by the
12 Congressional Hispanic Caucus and the
13 Congressional Hispanic Conference.

14 (vi) Thirteen individuals who shall be
15 appointed by the Board of Regents after
16 taking into consideration—

17 (I) efforts to have a politically
18 and geographically diverse representa-
19 tion on the Board of Trustees reflect-
20 ing States and territories with signifi-
21 cant Latino populations;

22 (II) individuals recommended by
23 members of the Board of Trustees;
24 and

1 (III) individuals recommended by
2 organizations and entities that are
3 committed to the advancement of
4 knowledge of Latino life, art, history,
5 and culture.

6 (C) INITIAL APPOINTMENTS.—The Board
7 of Regents shall make initial appointments to
8 the Board of Trustees under subparagraph (B)
9 not later than 180 days after the date of enact-
10 ment of this Act.

11 (4) TERMS OF SERVICE.—

12 (A) IN GENERAL.—Except as provided in
13 this paragraph, each appointed member of the
14 Board of Trustees shall be appointed for a term
15 of 3 years.

16 (B) INITIAL APPOINTEES.—As designated
17 by the Board of Regents at the time of appoint-
18 ment, of the voting members first appointed
19 under clause (vi) of paragraph (3)(B)—

20 (i) Five members shall be appointed
21 for a term of 1 year;

22 (ii) Four members shall be appointed
23 for a term of 2 years; and

24 (iii) Four members shall be appointed
25 for a term of 3 years.

1 (C) REAPPOINTMENT.—A member of the
2 Board of Trustees may be reappointed, except
3 that no individual may serve on the Board of
4 Trustees for a total of more than 2 full terms.
5 For purposes of this subparagraph, the number
6 of terms an individual serves on the Board of
7 Trustees shall not include any portion of a term
8 for which an individual is appointed to fill a va-
9 cancy under subparagraph (D)(ii).

10 (D) VACANCIES.—

11 (i) IN GENERAL.—A vacancy on the
12 Board of Trustees—

13 (I) shall not affect the powers of
14 the Board of Trustees; and

15 (II) shall be filled in the same
16 manner as the original appointment
17 was made.

18 (ii) TERM.—Any member of the
19 Board of Trustees appointed to fill a va-
20 cancy occurring before the expiration of
21 the term for which the member's prede-
22 cessor was appointed shall be appointed for
23 the remainder of that term.

24 (5) COMPENSATION.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), a member of the Board of
3 Trustees shall serve without pay.

4 (B) TRAVEL EXPENSES.—A member of the
5 Board of Trustees shall be allowed travel ex-
6 penses, including per diem in lieu of subsist-
7 ence, at rates authorized for an employee of an
8 agency under subchapter I of chapter 57 of title
9 5, United States Code, while away from the
10 home or regular place of business of the mem-
11 ber in the performance of the duties of the
12 Board of Trustees.

13 (6) CHAIRPERSON.—By a majority vote of its
14 voting members, the Board of Trustees shall elect a
15 chairperson from its members.

16 (7) MEETINGS.—

17 (A) IN GENERAL.—The Board of Trustees
18 shall meet at the call of the chairperson or on
19 the written request of a majority of the voting
20 members of the Board of Trustees, but not
21 fewer than twice each year.

22 (B) MEETING FORMAT.—Regularly sched-
23 uled meetings and special meetings may be con-
24 ducted in-person, telephonically, electronically,

1 or by any means appropriate as determined by
2 the chairperson.

3 (8) QUORUM.—A majority of the voting mem-
4 bers of the Board of Trustees holding office shall
5 constitute a quorum for the purpose of conducting
6 business, but a lesser number may receive informa-
7 tion on behalf of the Board of Trustees.

8 (e) DIRECTOR AND STAFF OF MUSEUM.—

9 (1) DIRECTOR.—

10 (A) IN GENERAL.—The Museum shall have
11 a Director who shall be appointed by the Sec-
12 retary in consultation with Board of Trustees.
13 The Secretary may appoint an interim Director
14 to oversee the initial activity of establishing the
15 Museum until a permanent Director is selected.

16 (B) DUTIES.—The Director shall manage
17 the Museum subject to the policies of the Board
18 of Regents and the Board of Trustees.

19 (2) STAFF.—The Secretary may appoint two
20 additional employees to serve under the Director, ex-
21 cept that such additional employees may be ap-
22 pointed without regard to the provisions of title 5,
23 United States Code, governing appointments in the
24 competitive service.

1 (3) PAY.—The employees appointed by the Sec-
2 retary under paragraph (2) may be paid without re-
3 gard to the provisions of chapter 51 and subchapter
4 III of chapter 53 of title 5, United States Code, re-
5 lating to classification of positions and General
6 Schedule pay rates.

7 (f) EDUCATIONAL AND LIAISON PROGRAMS.—

8 (1) IN GENERAL.—

9 (A) PROGRAMS AUTHORIZED.—The Direc-
10 tor of the Museum may carry out educational
11 and liaison programs in support of the goals of
12 the Museum.

13 (B) SPECIFIC ACTIVITIES.—In carrying
14 out this subsection, the Director shall—

15 (i) carry out educational programs re-
16 lating to Latino life, art, history, and cul-
17 ture, including—

18 (I) programs using digital, elec-
19 tronic, and interactive technologies;
20 and

21 (II) programs carried out in col-
22 laboration with elementary schools,
23 secondary schools, and postsecondary
24 schools; and

1 (ii) consult with the Director of the
2 Institute of Museum and Library Services
3 concerning the grant programs carried out
4 under paragraph (2).

5 (2) GRANT PROGRAMS.—

6 (A) IN GENERAL.—The Director of the In-
7 stitute of Museum and Library Services, in con-
8 sultation with the Board of Trustees and the
9 Director of the Museum, shall establish and
10 carry out—

11 (i) a grant program with the purpose
12 of improving operations, care of collections,
13 culturally appropriate public outreach, and
14 development of professional management
15 at American Latino museums;

16 (ii) a grant program with the purpose
17 of providing internship and fellowship op-
18 portunities at American Latino museums;

19 (iii) a scholarship program, in part-
20 nership with Hispanic-serving institutions,
21 minority-serving institutions, historically
22 black colleges and universities, and other
23 institutions of higher education, with the
24 purpose of assisting individuals who are
25 pursuing careers or carrying out studies in

1 the arts, humanities, and sciences in the
2 study of American Latino life, art, history,
3 and culture;

4 (iv) in cooperation with other muse-
5 ums, historical societies, and educational
6 institutions, a grant program with the pur-
7 pose of promoting the understanding of the
8 Latin American diaspora in the United
9 States; and

10 (v) a grant program under which an
11 American Latino museum (including a
12 nonprofit education organization the pri-
13 mary mission of which is to promote the
14 study of the Latin American diaspora in
15 the United States) may use funds provided
16 under the grant to increase an endowment
17 fund established by the museum (or orga-
18 nization) as of October 1, 2020, for the
19 purposes of enhancing educational pro-
20 gramming, and maintaining and operating
21 traveling educational exhibits.

22 (B) CLARIFICATION OF TREATMENT OF
23 MUSEUM.—In this paragraph, the term “Amer-
24 ican Latino museum” does not include the Mu-
25 seum.

1 (C) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There are authorized to be appro-
3 priated to the Institute of Museum and Library
4 Services to carry out this paragraph—

5 (i) \$15,000,000 for fiscal year 2021;

6 and

7 (ii) such sums as may be necessary
8 for fiscal year 2022 and each succeeding
9 fiscal year.

10 (g) NATIONAL MUSEUM OF THE AMERICAN LATINO
11 BUILDING AND SUPPORT FACILITIES.—

12 (1) IN GENERAL.—

13 (A) LOCATION.—

14 (i) IN GENERAL.—Not later than 2
15 years after the date of enactment of this
16 Act, the Board of Regents shall designate
17 a site for the Museum.

18 (ii) SITES FOR CONSIDERATION.—In
19 designating a site under clause (i), the
20 Board of Regents shall—

21 (I) select a site in the District of
22 Columbia; and

23 (II) include the consideration of
24 the following sites:

1 (aa) The Arts and Indus-
2 tries Building of the Smithsonian
3 Institution, located on the Na-
4 tional Mall at 900 Jefferson
5 Drive, Southwest, Washington,
6 District of Columbia.

7 (bb) A vacant area bounded
8 by Independence Avenue, Jeffer-
9 son Drive, Raoul Wallenberg
10 Place, and 14th Street South-
11 west, currently under the juris-
12 diction of the National Park
13 Service.

14 (cc) The area bounded by
15 3rd Street and 1st Street, North-
16 west and Constitution Avenue
17 and Pennsylvania Avenue, North-
18 west, as measured from curb to
19 curb, currently under the juris-
20 diction of the Architect of the
21 Capitol.

22 (dd) The facility and
23 grounds on the National Mall be-
24 tween 12th and 14th Streets,
25 Southwest, and Jefferson Drive

1 and Independence Avenue,
2 Southwest, currently under the
3 jurisdiction of the Department of
4 Agriculture.

5 (iii) FACTORS CONSIDERED.—In des-
6 ignating a site under clause (i), the Board
7 of Regents shall take into consideration
8 each of the following factors:

9 (I) An estimate of the costs asso-
10 ciated with each potential site.

11 (II) An assessment of the suit-
12 ability of the space of each potential
13 site, including size, proximity to other
14 buildings and transportation, and
15 other external environmental condi-
16 tions, as appropriate.

17 (III) The recommendations of the
18 Commission referred to in subsection
19 (h).

20 (iv) CONSULTATION.—The Board of
21 Regents shall carry out its duties under
22 this subparagraph in consultation with the
23 following:

24 (I) The Chair of the National
25 Capital Planning Commission.

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1 (II) The Director of the National
2 Park Service.

3 (III) The Chair of the National
4 Capital Memorial Advisory Commis-
5 sion.

6 (IV) The Chair of the Commis-
7 sion of Fine Arts.

8 (V) The Chair and Vice Chair of
9 the Commission referred to in sub-
10 section (h).

11 (VI) The Chair of the Building
12 and Site Subcommittee of the Com-
13 mission referred to in subsection (h).

14 (VII) The Architect of the Cap-
15 itol.

16 (VIII) The Chair and ranking
17 minority member of each of the fol-
18 lowing committees:

19 (aa) The Committee on
20 Rules and Administration of the
21 Senate.

22 (bb) The Committee on
23 House Administration of the
24 House of Representatives.

1 (cc) The Committee on En-
2 ergy and Natural Resources of
3 the Senate.

4 (dd) The Committee on Nat-
5 ural Resources of the House of
6 Representatives.

7 (ee) The Committee on
8 Transportation and Infrastruc-
9 ture of the House of Representa-
10 tives.

11 (ff) The Committee on Ap-
12 propriations of the House of Rep-
13 resentatives.

14 (gg) The Committee on Ap-
15 propriations of the Senate.

16 (v) INTENT OF CONGRESS.—It is the
17 intent of Congress that the Museum be lo-
18 cated on or near the National Mall, to the
19 maximum extent practicable, in accordance
20 with this subsection.

21 (B) SIZE OF BUILDING.—The building
22 constructed or modified to serve as the Museum
23 shall occupy no less than the recommended
24 square footage set forth in the report submitted
25 by the Commission to Study the Potential Cre-

1 ation of a National Museum of the American
2 Latino established under section 333 of the
3 Consolidated Natural Resources Act of 2008
4 (Public Law 110–229; 122 Stat. 784).

5 (C) CONSTRUCTION OF BUILDING.—The
6 Board of Regents, in consultation with the
7 Board of Trustees and other appropriate Fed-
8 eral and local agencies is authorized to prepare
9 plans, design, and construct a building or mod-
10 ify an existing building for the Museum, which
11 shall be located at the site selected by the
12 Board of Regents, in accordance with this sub-
13 section.

14 (2) SITE UNDER THE JURISDICTION OF AN-
15 OTHER FEDERAL AGENCY.—

16 (A) IN GENERAL.—The Board of Regents
17 shall not designate a site for the Museum that
18 is under the administrative jurisdiction of an-
19 other Federal agency or entity unless the head
20 of the Federal agency or entity submits to each
21 of the committees described in paragraph
22 (1)(A)(iv)(VIII) written notification stating that
23 the head of the Federal agency or entity con-
24 curs with locating the Museum on the land or

1 in the structure that is under the administrative
2 jurisdiction of the Federal agency or entity.

3 (B) TRANSFER.—As soon as practicable
4 after the date on which the committees receive
5 the written notification described in subpara-
6 graph (A), the head of the Federal agency or
7 entity shall transfer to the Smithsonian Institu-
8 tion administrative jurisdiction over the land or
9 structure that has been designated as the site
10 for the Museum.

11 (3) COST SHARING.—The Board of Regents
12 shall pay—

13 (A) 50 percent of the costs of carrying out
14 this subsection from Federal funds; and

15 (B) 50 percent of the costs of carrying out
16 this subsection from non-Federal sources.

17 (4) COMMEMORATIVE WORKS ACT.—Chapter 89
18 of title 40, United States Code, shall not apply with
19 respect to the Museum, except that the Museum
20 shall not be located in the Reserve (as defined in
21 section 8902(a) of that title).

22 (5) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated such sums
24 as are necessary to carry out this subsection.

1 (h) CONSIDERATION OF RECOMMENDATIONS OF
2 COMMISSION.—In carrying out their duties under this sec-
3 tion, the Board of Trustees and the Board of Regents
4 shall take into consideration the reports and plans sub-
5 mitted by the Commission to Study the Potential Creation
6 of a National Museum of the American Latino established
7 under section 333 of the Consolidated Natural Resources
8 Act of 2008 (Public Law 110–229; 122 Stat. 784).

9 (i) CONGRESSIONAL BUDGET ACT COMPLIANCE.—
10 Authority under this section to enter into contracts or to
11 make payments shall be effective in any fiscal year only
12 to the extent provided in advance in an appropriations
13 Act.

14 (j) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There are authorized to be
16 appropriated to the Smithsonian Institution to carry
17 out this section, other than subsections (f)(2) and
18 (g)—

19 (A) \$20,000,000 for fiscal year 2021; and

20 (B) such sums as are necessary for each
21 fiscal year thereafter.

22 (2) AVAILABILITY.—Amounts appropriated pur-
23 suant to the authorization of appropriations under
24 paragraph (1) shall remain available until expended.

1 (3) USE OF FUNDS FOR FUNDRAISING.—
2 Amounts appropriated pursuant to the authorization
3 under this subsection may be used to conduct fund-
4 raising in support of the Museum from private
5 sources.

1 **DIVISION U—HOMELAND SECU-**
2 **RITY AND GOVERNMENTAL**
3 **AFFAIRS PROVISIONS**
4 **TITLE I—AI IN GOVERNMENT**
5 **ACT OF 2020**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “AI in Government Act
8 of 2020”.

9 **SEC. 102. DEFINITIONS.**

10 In this Act—

11 (1) the term “Administrator” means the Ad-
12 ministrator of General Services;

13 (2) the term “agency” has the meaning given
14 the term in section 3502 of title 44, United States
15 Code;

16 (3) the term “AI CoE” means the AI Center of
17 Excellence described in section 103;

18 (4) the term “artificial intelligence” has the
19 meaning given the term in section 238(g) of the
20 John S. McCain National Defense Authorization Act
21 for Fiscal Year 2019 (10 U.S.C. 2358 note);

22 (5) the term “Director” means the Director of
23 the Office of Management and Budget;

24 (6) the term “institution of higher education”
25 has the meaning given the term in section 101 of the

1 Higher Education Act of 1965 (20 U.S.C. 1001);
2 and

3 (7) the term “nonprofit organization” means an
4 organization described in section 501(c)(3) of the In-
5 ternal Revenue Code of 1986 and exempt from tax-
6 ation under section 501(a) of that Code.

7 **SEC. 103. AI CENTER OF EXCELLENCE.**

8 (a) IN GENERAL.—There is created within the Gen-
9 eral Services Administration a program to be known as
10 the “AI Center of Excellence”, which shall—

11 (1) facilitate the adoption of artificial intel-
12 ligence technologies in the Federal Government;

13 (2) improve cohesion and competency in the
14 adoption and use of artificial intelligence within the
15 Federal Government; and

16 (3) carry out paragraphs (1) and (2) for the
17 purposes of benefitting the public and enhancing the
18 productivity and efficiency of Federal Government
19 operations.

20 (b) DUTIES.—The duties of the AI CoE shall in-
21 clude—

22 (1) regularly convening individuals from agen-
23 cies, industry, Federal laboratories, nonprofit organi-
24 zations, institutions of higher education, and other
25 entities to discuss recent developments in artificial

1 intelligence, including the dissemination of informa-
2 tion regarding programs, pilots, and other initiatives
3 at agencies, as well as recent trends and relevant in-
4 formation on the understanding, adoption, and use
5 of artificial intelligence;

6 (2) collecting, aggregating, and publishing on a
7 publicly available website information regarding pro-
8 grams, pilots, and other initiatives led by other
9 agencies and any other information determined ap-
10 propriate by the Administrator;

11 (3) advising the Administrator, the Director,
12 and agencies on the acquisition and use of artificial
13 intelligence through technical insight and expertise,
14 as needed;

15 (4) assist agencies in applying Federal policies
16 regarding the management and use of data in appli-
17 cations of artificial intelligence;

18 (5) consulting with agencies, including the De-
19 partment of Defense, the Department of Commerce,
20 the Department of Energy, the Department of
21 Homeland Security, the Office of Management and
22 Budget, the Office of the Director of National Intel-
23 ligence, and the National Science Foundation, that
24 operate programs, create standards and guidelines,
25 or otherwise fund internal projects or coordinate be-

1 tween the public and private sectors relating to arti-
2 ficial intelligence;

3 (6) advising the Director on developing policy
4 related to the use of artificial intelligence by agen-
5 cies; and

6 (7) advising the Director of the Office of
7 Science and Technology Policy on developing policy
8 related to research and national investment in artifi-
9 cial intelligence.

10 (c) STAFF.—

11 (1) IN GENERAL.—The Administrator shall pro-
12 vide necessary staff, resources, and administrative
13 support for the AI CoE.

14 (2) SHARED STAFF.—To the maximum extent
15 practicable, the Administrator shall meet the re-
16 quirements described under paragraph (1) by using
17 staff of the General Services Administration, includ-
18 ing those from other agency centers of excellence,
19 and detailees, on a reimbursable or nonreimbursable
20 basis, from other agencies.

21 (3) FELLOWS.—The Administrator may, to the
22 maximum extent practicable, appoint fellows to par-
23 ticipate in the AI CoE from nonprofit organizations,
24 think tanks, institutions of higher education, and in-
25 dustry.

1 (d) SUNSET.—This section shall cease to be effective
2 on the date that is 5 years after the date of enactment
3 of this Act.

4 **SEC. 104. GUIDANCE FOR AGENCY USE OF ARTIFICIAL IN-**
5 **TELLIGENCE.**

6 (a) GUIDANCE.—Not later than 270 days after the
7 date of enactment of this Act, the Director, in coordina-
8 tion with the Director of the Office of Science and Tech-
9 nology Policy in consultation with the Administrator and
10 any other relevant agencies and key stakeholders as deter-
11 mined by the Director, shall issue a memorandum to the
12 head of each agency that shall—

13 (1) inform the development of policies regarding
14 Federal acquisition and use by agencies regarding
15 technologies that are empowered or enabled by arti-
16 ficial intelligence, including an identification of the
17 responsibilities of agency officials managing the use
18 of such technology;

19 (2) recommend approaches to remove barriers
20 for use by agencies of artificial intelligence tech-
21 nologies in order to promote the innovative applica-
22 tion of those technologies while protecting civil lib-
23 erties, civil rights, and economic and national secu-
24 rity;

1 (3) identify best practices for identifying, as-
2 sessing, and mitigating any discriminatory impact or
3 bias on the basis of any classification protected
4 under Federal nondiscrimination laws, or any unin-
5 tended consequence of the use of artificial intel-
6 ligence, including policies to identify data used to
7 train artificial intelligence algorithms as well as the
8 data analyzed by artificial intelligence used by the
9 agencies; and

10 (4) provide a template of the required contents
11 of the agency plans described in subsection (c).

12 (b) PUBLIC COMMENT.—To help ensure public trust
13 in the applications of artificial intelligence technologies,
14 the Director shall issue a draft version of the memo-
15 randum required under subsection (a) for public comment
16 not later than 180 days after date of enactment of this
17 Act.

18 (c) PLANS.—Not later than 180 days after the date
19 on which the Director issues the memorandum required
20 under subsection (a) or an update to the memorandum
21 required under subsection (d), the head of each agency
22 shall submit to the Director and post on a publicly avail-
23 able page on the website of the agency—

24 (1) a plan to achieve consistency with the
25 memorandum; or

1 (2) a written determination that the agency
2 does not use and does not anticipate using artificial
3 intelligence.

4 (d) UPDATES.—Not later than 2 years after the date
5 on which the Director issues the memorandum required
6 under subsection (a), and every 2 years thereafter for 10
7 years, the Director shall issue updates to the memo-
8 randum.

9 **SEC. 105. UPDATE OF OCCUPATIONAL SERIES FOR ARTIFI-**
10 **CIAL INTELLIGENCE.**

11 (a) IN GENERAL.—Not later than 18 months after
12 the date of enactment of this Act, and in accordance with
13 chapter 51 of title 5, United States Code, the Director
14 of the Office of Personnel Management shall—

15 (1) identify key skills and competencies needed
16 for positions related to artificial intelligence;

17 (2) establish an occupational series, or update
18 and improve an existing occupational job series, to
19 include positions the primary duties of which relate
20 to artificial intelligence;

21 (3) to the extent appropriate, establish an esti-
22 mate of the number of Federal employees in posi-
23 tions related to artificial intelligence, by each agen-
24 cy; and

1 (4) using the estimate established in paragraph
2 (3), prepare a 2-year and 5-year forecast of the
3 number of Federal employees in positions related to
4 artificial intelligence that each agency will need to
5 employ.

6 (b) PLAN.—Not later than 120 days after the date
7 of enactment of this Act, the Director of the Office of Per-
8 sonnel Management shall submit to the Committee on
9 Homeland Security and Governmental Affairs of the Sen-
10 ate and the Committee on Oversight and Reform of the
11 House of Representatives a comprehensive plan with a
12 timeline to complete requirements described in subsection
13 (a).

14 **TITLE II—DHS OVERSEAS PER-**
15 **SONNEL ENHANCEMENT ACT**
16 **OF 2019**

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as the “DHS Overseas Per-
19 sonnel Enhancement Act of 2019”.

20 **SEC. 202. OVERSEAS PERSONNEL BRIEFING.**

21 (a) IN GENERAL.—Not later than 90 days after sub-
22 mission of the comprehensive 3-year strategy required
23 under section 1910 of the National Defense Authorization
24 Act for Fiscal Year 2017 (Public Law 114–328) and an-
25 nually thereafter, the Secretary shall brief the Committee

1 on Homeland Security of the House of Representatives
2 and the Committee on Homeland Security and Govern-
3 mental Affairs of the Senate regarding Department per-
4 sonnel with primary duties that take place outside of the
5 United States.

6 (b) REQUIREMENTS.—The briefings required under
7 subsection (a) shall include the following:

8 (1) A detailed summary of, and deployment
9 schedule for, each type of personnel position with
10 primary duties that take place outside of the United
11 States and how each such position contributes to the
12 Department’s mission.

13 (2) Information related to how the geographic
14 and regional placement of such positions contributes
15 to the Department’s mission.

16 (3) Information related to any risk mitigation
17 plans for each geographic and regional placement,
18 including to address counter-intelligence risks.

19 (4) Information regarding the costs of deploy-
20 ing or maintaining personnel at each geographic and
21 regional placement, including information on any
22 cost-sharing agreement with foreign partners to
23 cover a portion or all the costs relating to such de-
24 ployment or maintenance.

1 (5) Information on guidance and practices to
2 guard against counter-espionage and counter-intel-
3 ligence threats, including cyber threats, associated
4 with Department personnel.

5 (6) Information regarding trends in foreign ef-
6 forts to influence such personnel while deployed
7 overseas to contribute to the Department's mission.

8 (7) Information related to the position-specific
9 training received by such personnel before and dur-
10 ing placement at a foreign location.

11 (8) Challenges that may impede the commu-
12 nication of counterterrorism information between
13 Department personnel at foreign locations and De-
14 partment entities in the United States, including
15 technical, resource, and administrative challenges.

16 (9) The status of efforts to implement the
17 strategy referred to in subsection (a).

18 (10) The status of efforts (beginning with the
19 second briefing required under this section) to imple-
20 ment the enhancement plan under section 203.

21 **SEC. 203. OVERSEAS PERSONNEL ENHANCEMENT PLAN.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 first briefing required under section 202, the Secretary
24 shall submit to the Committee on Homeland Security of
25 the House of Representatives and the Committee on

1 Homeland Security and Governmental Affairs of the Sen-
2 ate a plan to enhance the effectiveness of Department per-
3 sonnel at foreign locations.

4 (b) PLAN REQUIREMENTS.—The plan required under
5 subsection (a) shall include proposals to—

6 (1) improve efforts of Department personnel at
7 foreign locations, as necessary, for purposes of pro-
8 viding foreign partner capacity development and fur-
9 thering the Department’s mission;

10 (2) as appropriate, redeploy Department per-
11 sonnel to respond to changing threats to the United
12 States, consistent with the limits on the resources of
13 the Department;

14 (3) enhance collaboration among Department
15 personnel at foreign locations, other Federal per-
16 sonnel at foreign locations, and foreign partners;

17 (4) improve the communication of information
18 between Department personnel at foreign locations
19 and Department entities in the United States, in-
20 cluding to address technical, resource, and adminis-
21 trative challenges; and

22 (5) maintain practices to guard against
23 counter-espionage threats associated with Depart-
24 ment personnel.

1 **SEC. 204. TERMINATION.**

2 The briefing requirement under section 202 shall ter-
3 minate on the date that is 4 years after the submission
4 of the strategy referred to in subsection (a) of such sec-
5 tion.

6 **SEC. 205. DEFINITIONS.**

7 In this Act—

8 (1) the term “Department” means the Depart-
9 ment of Homeland Security; and

10 (2) the term “Secretary” means the Secretary
11 of Homeland Security.

12 **TITLE III—SYNTHETIC OPIOID**
13 **EXPOSURE PREVENTION AND**
14 **TRAINING ACT**

15 **SEC. 301. SHORT TITLE.**

16 This title may be cited as the “Synthetic Opioid Ex-
17 posure Prevention and Training Act”.

18 **SEC. 302. PROTECTION AGAINST POTENTIAL SYNTHETIC**
19 **OPIOID EXPOSURE WITHIN U.S. CUSTOMS**
20 **AND BORDER PROTECTION.**

21 (a) **IN GENERAL.**—Subtitle B of title IV of the
22 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)
23 is amended by inserting after section 415 the following
24 new section:

1 **“SEC. 416. PROTECTION AGAINST POTENTIAL SYNTHETIC**
2 **OPIOID EXPOSURE.**

3 “(a) IN GENERAL.—The Commissioner of U.S. Cus-
4 toms and Border Protection shall issue a policy that speci-
5 fies effective protocols and procedures for the safe han-
6 dling of potential synthetic opioids, including fentanyl, by
7 U.S. Customs and Border Protection officers, agents,
8 other personnel, and canines, and to reduce the risk of
9 injury or death resulting from accidental exposure and en-
10 hance post-exposure management.

11 “(b) TRAINING.—

12 “(1) IN GENERAL.—Together with the issuance
13 of the policy described in subsection (a), the Com-
14 missioner of U.S. Customs and Border Protection
15 shall require mandatory and recurrent training on
16 the following:

17 “(A) The potential risk of opioid exposure
18 and safe handling procedures for potential syn-
19 thetic opioids, including precautionary measures
20 such as the use of personal protective equip-
21 ment during such handling.

22 “(B) How to access and administer opioid
23 receptor antagonists, including naloxone, post-
24 exposure to potential synthetic opioids.

25 “(2) INTEGRATION.—The training described in
26 paragraph (1) may be integrated into existing train-

1 ing under section 411(l) for U.S. Customs and Bor-
2 der Protection officers, agents, and other personnel.

3 “(c) PERSONAL PROTECTIVE EQUIPMENT AND
4 OPIOID RECEPTOR ANTAGONISTS.—Together with the
5 issuance of the policy described in subsection (a), the
6 Commissioner of U.S. Customs and Border Protection
7 shall ensure the availability of personal protective equip-
8 ment and opioid receptor antagonists, including naloxone,
9 to all U.S. Customs and Border Protection officers,
10 agents, other personnel, and canines at risk of accidental
11 exposure to synthetic opioids.

12 “(d) OVERSIGHT.—To ensure effectiveness of the pol-
13 icy described in subsection (a)—

14 “(1) the Commissioner of U.S. Customs and
15 Border Protection shall regularly monitor the effi-
16 cacy of the implementation of such policy and adjust
17 protocols and procedures, as necessary; and

18 “(2) the Inspector General of the Department
19 shall audit compliance with the requirements of this
20 section not less than once during the 3-year period
21 after the date of the enactment of this section.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002 is
24 amended by inserting after the item relating to section
25 415 the following new item:

“Sec. 416. Protection against potential synthetic opioid exposure.”.

1 **TITLE IV—CONSTRUCTION CON-**
2 **SENSUS PROCUREMENT IM-**
3 **PROVEMENT ACT OF 2020**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Construction Con-
6 sensus Procurement Improvement Act of 2020”.

7 **SEC. 402. PROHIBITION ON USE OF A REVERSE AUCTION**
8 **FOR THE AWARD OF A CONTRACT FOR DE-**
9 **SIGN AND CONSTRUCTION SERVICES.**

10 (a) FINDING.—Congress finds that, in contrast to a
11 traditional auction in which the buyers bid up the price,
12 sellers bid down the price in a reverse auction.

13 (b) PROHIBITION.—Not later than 180 days after the
14 date of the enactment of this Act, the Federal Acquisition
15 Regulation shall be amended to prohibit the use of reverse
16 auctions for awarding contracts for design and construc-
17 tion services.

18 (c) DEFINITIONS.—In this section:

19 (1) The term “design and construction serv-
20 ices” means—

21 (A) site planning and landscape design;

22 (B) architectural and engineering services

23 (as defined in section 1102 of title 40, United
24 States Code);

25 (C) interior design;

1 (D) performance of substantial construc-
2 tion work for facility, infrastructure, and envi-
3 ronmental restoration projects;

4 (E) delivery and supply of construction
5 materials to construction sites; or

6 (F) construction or substantial alteration
7 of public buildings or public works.

8 (2) The term “reverse auction” means, with re-
9 spect to any procurement by an executive agency—

10 (A) a real-time auction conducted through
11 an electronic medium among 2 or more offerors
12 who compete by submitting bids for a supply or
13 service contract, or a delivery order, task order,
14 or purchase order under the contract, with the
15 ability to submit revised lower bids at any time
16 before the closing of the auction; and

17 (B) the award of the contract, delivery
18 order, task order, or purchase order to the of-
19 feror is solely based on the price obtained
20 through the auction process.

TITLE V—OVERSIGHT.GOV**SEC. 501. ESTABLISHMENT AND MAINTENANCE OF OVERSIGHT.GOV; AUTHORIZATION OF FUNDS.**

(a) IN GENERAL.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(e) OVERSIGHT.GOV.—

“(1) DEFINITION.—In this subsection, the term ‘Office of Inspector General’ means the Office of—

“(A) an Inspector General described in subparagraph (A), (B), or (I) of subsection (b)(1);

“(B) the Special Inspector General for Afghanistan Reconstruction established under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379);

“(C) the Special Inspector General for the Troubled Asset Relief Plan established under section 121 of title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231); and

“(D) the Special Inspector General for Pandemic Recovery established under section 4018 of the CARES Act (15 U.S.C. 9053).

1 “(2) ESTABLISHMENT.—The Council shall es-
2 tablish and maintain a website entitled ‘over-
3 sight.gov’—

4 “(A) to consolidate all public reports from
5 each Office of Inspector General to improve the
6 access of the public to any audit report, inspec-
7 tion report, or evaluation report (or portion of
8 any such report) made by an Office of Inspector
9 General; and

10 “(B) that shall include any additional re-
11 sources, information, and enhancements as the
12 Council determines are necessary or desirable.

13 “(3) PARTICIPATION OF OFFICES OF INSPEC-
14 TORS GENERAL.—Each Office of Inspector General
15 that publishes an audit report, inspection report, or
16 evaluation report (or portion of any such report) on
17 the website of the Office of Inspector General shall,
18 or in the case of the office of an Inspector General
19 described in subparagraph (I) of subsection (b)(1)
20 may, contemporaneously publish the report or por-
21 tion thereof on oversight.gov in a manner prescribed
22 by the Council.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
24 purposes of carrying out the mission of the Council of the
25 Inspectors General on Integrity and Efficiency under sec-

1 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
2 App.), as amended by subsection (a), there are authorized
3 to be appropriated into the revolving fund described in
4 subsection (c)(3)(B) of such section \$3,500,000 for fiscal
5 year 2021, to remain available until expended, to carry
6 out the duties and functions of the Council.

7 (c) EFFECTIVE DATE.—This Act and the amend-
8 ments made by this Act shall take effect on the date that
9 is 30 days after the date of receipt by the Council of the
10 Inspectors General on Integrity and Efficiency of an ap-
11 propriation for the implementation of this Act.

12 **TITLE VI—COUNTER THREATS**
13 **ADVISORY BOARD ACT OF 2019**

14 **SEC. 601. SHORT TITLE.**

15 This title may be cited as the “Counter Threats Advi-
16 sory Board Act of 2019”.

17 **SEC. 602. DEPARTMENT OF HOMELAND SECURITY**
18 **COUNTER THREATS ADVISORY BOARD.**

19 (a) IN GENERAL.—Subtitle A of title II of the Home-
20 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
21 ed by inserting after section 210E the following:

22 **“SEC. 210F. DEPARTMENTAL COORDINATION ON COUNTER**
23 **THREATS.**

24 “(a) ESTABLISHMENT.—There is authorized in the
25 Department, for a period of 2 years beginning after the

1 date of enactment of this section, a Counter Threats Advi-
2 sory Board (in this section referred to as the ‘Board’)
3 which shall—

4 “(1) be composed of senior representatives of
5 departmental operational components and head-
6 quarters elements; and

7 “(2) coordinate departmental intelligence activi-
8 ties and policy and information related to the mis-
9 sion and functions of the Department that counter
10 threats.

11 “(b) CHARTER.—There shall be a charter to govern
12 the structure and mission of the Board, which shall—

13 “(1) direct the Board to focus on the current
14 threat environment and the importance of aligning
15 departmental activities to counter threats under the
16 guidance of the Secretary; and

17 “(2) be reviewed and updated as appropriate.

18 “(c) MEMBERS.—

19 “(1) IN GENERAL.—The Board shall be com-
20 posed of senior representatives of departmental oper-
21 ational components and headquarters elements.

22 “(2) CHAIR.—The Under Secretary for Intel-
23 ligence and Analysis shall serve as the Chair of the
24 Board.

1 “(3) MEMBERS.—The Secretary shall appoint
2 additional members of the Board from among the
3 following:

4 “(A) The Transportation Security Admin-
5 istration.

6 “(B) U.S. Customs and Border Protection.

7 “(C) U.S. Immigration and Customs En-
8 forcement.

9 “(D) The Federal Emergency Management
10 Agency.

11 “(E) The Coast Guard.

12 “(F) U.S. Citizenship and Immigration
13 Services.

14 “(G) The United States Secret Service.

15 “(H) The Cybersecurity and Infrastructure
16 Security Agency.

17 “(I) The Office of Operations Coordina-
18 tion.

19 “(J) The Office of the General Counsel.

20 “(K) The Office of Intelligence and Anal-
21 ysis.

22 “(L) The Office of Strategy, Policy, and
23 Plans.

24 “(M) The Science and Technology Direc-
25 torate.

1 “(N) The Office for State and Local Law
2 Enforcement.

3 “(O) The Privacy Office.

4 “(P) The Office for Civil Rights and Civil
5 Liberties.

6 “(Q) Other departmental offices and pro-
7 grams as determined appropriate by the Sec-
8 retary.

9 “(d) MEETINGS.—The Board shall—

10 “(1) meet on a regular basis to discuss intel-
11 ligence and coordinate ongoing threat mitigation ef-
12 forts and departmental activities, including coordina-
13 tion with other Federal, State, local, tribal, terri-
14 torial, and private sector partners; and

15 “(2) make recommendations to the Secretary.

16 “(e) TERRORISM ALERTS.—The Board shall advise
17 the Secretary on the issuance of terrorism alerts under
18 section 203.

19 “(f) PROHIBITION ON ADDITIONAL FUNDS.—No ad-
20 ditional funds are authorized to carry out this section.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 The table of contents in section 1(b) of the Homeland Se-
23 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)
24 is amended by inserting after the item relating to section
25 210E the following:

 “Sec. 210F. Departmental coordination on counter threats.”.

1 (c) REPORT.—Not later than 90 days after the date
2 of enactment of this Act, the Secretary of Homeland Secu-
3 rity, acting through the Chair of the Counter Threats Ad-
4 visory Board established under section 210F of the Home-
5 land Security Act of 2002, as added by subsection (a),
6 shall submit to the Committee on Homeland Security and
7 Governmental Affairs of the Senate and the Committee
8 on Homeland Security of the House of Representatives a
9 report on the status and activities of the Counter Threats
10 Advisory Board.

11 (d) NOTICE.—The Secretary of Homeland Security
12 shall provide written notification to and brief the Com-
13 mittee on Homeland Security and Governmental Affairs
14 of the Senate and the Committee on Homeland Security
15 of the House of Representatives on any changes to or in-
16 troductions of new mechanisms to coordinate threats
17 across the Department of Homeland Security.

18 **TITLE VII—DHS COUNTERING**
19 **UNMANNED AIRCRAFT SYS-**
20 **TEMS COORDINATOR ACT**

21 **SEC. 701. DHS COUNTERING UNMANNED AIRCRAFT SYS-**
22 **TEMS COORDINATOR ACT.**

23 (a) SHORT TITLE.—This title may be cited as the
24 “DHS Countering Unmanned Aircraft Systems Coordi-
25 nator Act”.

1 (b) COUNTERING UNMANNED AIRCRAFT SYSTEMS
2 COORDINATOR.—

3 (1) IN GENERAL.—Title III of the Homeland
4 Security Act of 2002 (6 U.S.C. 181 et seq.) is
5 amended by adding at the end the following new sec-
6 tion:

7 **“SEC. 321. COUNTERING UNMANNED AIRCRAFT SYSTEMS**
8 **COORDINATOR.**

9 “(a) COORDINATOR.—

10 “(1) IN GENERAL.—The Secretary shall des-
11 ignate an individual in a Senior Executive Service
12 position (as defined in section 3132 of title 5,
13 United States Code) of the Department within the
14 Office of Strategy, Policy, and Plans as the Coun-
15 tering Unmanned Aircraft Systems Coordinator (in
16 this section referred to as the ‘Coordinator’) and
17 provide appropriate staff to carry out the respon-
18 sibilities of the Coordinator.

19 “(2) RESPONSIBILITIES.—The Coordinator
20 shall—

21 “(A) oversee and coordinate with relevant
22 Department offices and components, including
23 the Office of Civil Rights and Civil Liberties
24 and the Privacy Office, on the development of
25 guidance and regulations to counter threats as-

1 sociated with unmanned aircraft systems (in
2 this section referred to as ‘UAS’) as described
3 in section 210G;

4 “(B) promote research and development of
5 counter UAS technologies in coordination with-
6 in the Science and Technology Directorate;

7 “(C) coordinate with the relevant compo-
8 nents and offices of the Department, including
9 the Office of Intelligence and Analysis, to en-
10 sure the sharing of information, guidance, and
11 intelligence relating to countering UAS threats,
12 counter UAS threat assessments, and counter
13 UAS technology, including the retention of
14 UAS and counter UAS incidents within the De-
15 partment;

16 “(D) serve as the Department liaison, in
17 coordination with relevant components and of-
18 fices of the Department, to the Department of
19 Defense, Federal, State, local, and Tribal law
20 enforcement entities, and the private sector re-
21 garding the activities of the Department relat-
22 ing to countering UAS;

23 “(E) maintain the information required
24 under section 210G(g)(3); and

1 “(F) carry out other related counter UAS
2 authorities and activities under section 210G,
3 as directed by the Secretary.

4 “(b) COORDINATION WITH APPLICABLE FEDERAL
5 LAWS.—The Coordinator shall, in addition to other as-
6 signed duties, coordinate with relevant Department com-
7 ponents and offices to ensure testing, evaluation, or de-
8 ployment of a system used to identify, assess, or defeat
9 a UAS is carried out in accordance with applicable Fed-
10 eral laws.

11 “(c) COORDINATION WITH PRIVATE SECTOR.—The
12 Coordinator shall, among other assigned duties, working
13 with the Office of Partnership and Engagement and other
14 relevant Department offices and components, or other
15 Federal agencies, as appropriate, serve as the principal
16 Department official responsible for sharing to the private
17 sector information regarding counter UAS technology,
18 particularly information regarding instances in which
19 counter UAS technology may impact lawful private sector
20 services or systems.”.

21 (2) TECHNICAL AND CONFORMING AMEND-
22 MENT.—The table of contents in section 1(b) of the
23 Homeland Security Act of 2002 (Public Law 107–
24 296; 116 Stat. 2135) is amended by inserting after
25 the item relating to section 320 the following:

“Sec. 321. Countering Unmanned Aircraft Systems Coordinator.”.

1 **TITLE VIII—WHISTLEBLOWER**
2 **PROTECTION**

3 **SEC. 801. PROTECTION AGAINST REPRISAL FOR FEDERAL**
4 **SUBGRANTEE EMPLOYEES.**

5 Section 4712 of title 41, United States Code, is
6 amended—

7 (1) in subsection (a)(2)(G), by striking “or
8 grantee” and inserting “grantee, or subgrantee”;

9 (2) in subsection (a)(3)(A), by striking “con-
10 tractor, subcontractor, or grantee” and inserting
11 “contractor, subcontractor, grantee, or subgrantee”;

12 (3) in subsection (b)(1), by striking “contractor
13 or grantee” and inserting “contractor, subcon-
14 tractor, grantee, or subgrantee”;

15 (4) in subsection (c), by striking “contractor or
16 grantee” each place it appears and inserting “con-
17 tractor, subcontractor, grantee, or subgrantee”;

18 (5) in subsection (d), by striking “and grant-
19 ees” and inserting “grantees, and subgrantees”; and

20 (6) in subsection (f), by striking “or grantee”
21 each place it appears and inserting “grantee, or sub-
22 grantee”.

1 **TITLE IX—DOTGOV ACT OF 2020**

2 **SEC. 901. SHORT TITLE.**

3 This title may be cited as the “DOTGOV Online
4 Trust in Government Act of 2020” or the “DOTGOV Act
5 of 2020”.

6 **SEC. 902. FINDINGS.**

7 Congress finds that—

8 (1) the .gov internet domain reflects the work
9 of United States innovators in inventing the internet
10 and the role that the Federal Government played in
11 guiding the development and success of the early
12 internet;

13 (2) the .gov internet domain is a unique re-
14 source of the United States that reflects the history
15 of innovation and global leadership of the United
16 States;

17 (3) when online public services and official com-
18 munications from any level and branch of govern-
19 ment use the .gov internet domain, they are easily
20 recognized as official and difficult to impersonate;

21 (4) the citizens of the United States deserve on-
22 line public services that are safe, recognizable, and
23 trustworthy;

24 (5) the .gov internet domain should be available
25 at no cost or a negligible cost to any Federal, State,

1 local, or territorial government-operated or publicly
2 controlled entity, including any Tribal government
3 recognized by the Federal Government or a State
4 government, for use in their official services, oper-
5 ations, and communications;

6 (6) the .gov internet domain provides a critical
7 service to those Federal, State, local, Tribal, and
8 territorial governments; and

9 (7) the .gov internet domain should be operated
10 transparently and in the spirit of public accessibility,
11 privacy, and security.

12 **SEC. 903. DEFINITIONS.**

13 In this Act—

14 (1) the term “Administrator” means the Ad-
15 ministrator of General Services;

16 (2) the term “agency” has the meaning given
17 the term in section 3502 of title 44, United States
18 Code;

19 (3) the term “Director” means the Director of
20 the Cybersecurity and Infrastructure Security Agen-
21 cy;

22 (4) the term “online service” means any inter-
23 net-facing service, including a website, email, a vir-
24 tual private network, or a custom application; and

1 (5) the term “State” means any State of the
2 United States, the District of Columbia, the Com-
3 monwealth of Puerto Rico, the Virgin Islands,
4 Guam, American Samoa, the Commonwealth of the
5 Northern Mariana Islands, and any possession of the
6 United States.

7 **SEC. 904. DUTIES OF DEPARTMENT OF HOMELAND SECUR-**
8 **RITY.**

9 (a) **PURPOSE.**—The purpose of the .gov internet do-
10 main program is to—

11 (1) legitimize and enhance public trust in gov-
12 ernment entities and their online services;

13 (2) facilitate trusted electronic communication
14 and connections to and from government entities;

15 (3) provide simple and secure registration of
16 .gov internet domains;

17 (4) improve the security of the services hosted
18 within these .gov internet domains, and of the .gov
19 namespace in general; and

20 (5) enable the discoverability of government
21 services to the public and to domain registrants.

22 (b) **DUTIES AND AUTHORITIES RELATING TO THE**
23 **.GOV INTERNET DOMAIN.**—

1 (1) IN GENERAL.—Subtitle A of title XXII of
2 the Homeland Security Act (6 U.S.C. 651 et seq.)
3 is amended—

4 (A) in section 2202(c) (6 U.S.C. 652(c))—

5 (i) in paragraph (10), by striking
6 “and” at the end;

7 (ii) by redesignating paragraph (11)
8 as paragraph (12); and

9 (iii) by inserting after paragraph (10)
10 the following:

11 “(11) carry out the duties and authorities relat-
12 ing to the .gov internet domain, as described in sec-
13 tion 2215; and”;

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

15 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
16 **INTERNET DOMAIN.**

17 “(a) DEFINITION.—In this section, the term ‘agency’
18 has the meaning given the term in section 3502 of title
19 44, United States Code.

20 “(b) AVAILABILITY OF .GOV INTERNET DOMAIN.—
21 The Director shall make .gov internet domain name reg-
22 istration services, as well as any supporting services de-
23 scribed in subsection (e), generally available—

24 “(1) to any Federal, State, local, or territorial
25 government entity, or other publicly controlled enti-

1 ty, including any Tribal government recognized by
2 the Federal Government or a State government, that
3 complies with the requirements for registration de-
4 veloped by the Director as described in subsection
5 (c);

6 “(2) without conditioning registration on the
7 sharing of any information with the Director or any
8 other Federal entity, other than the information re-
9 quired to meet the requirements described in sub-
10 section (c); and

11 “(3) without conditioning registration on par-
12 ticipation in any separate service offered by the Di-
13 rector or any other Federal entity.

14 “(c) REQUIREMENTS.—The Director, with the ap-
15 proval of the Director of the Office of Management and
16 Budget for agency .gov internet domain requirements and
17 in consultation with the Director of the Office of Manage-
18 ment and Budget for .gov internet domain requirements
19 for entities that are not agencies, shall establish and pub-
20 lish on a publicly available website requirements for the
21 registration and operation of .gov internet domains suffi-
22 cient to—

23 “(1) minimize the risk of .gov internet domains
24 whose names could mislead or confuse users;

1 “(2) establish that .gov internet domains may
2 not be used for commercial or political campaign
3 purposes;

4 “(3) ensure that domains are registered and
5 maintained only by authorized individuals; and

6 “(4) limit the sharing or use of any information
7 obtained through the administration of the .gov
8 internet domain with any other Department compo-
9 nent or any other agency for any purpose other than
10 the administration of the .gov internet domain, the
11 services described in subsection (e), and the require-
12 ments for establishing a .gov inventory described in
13 subsection (h).

14 “(d) EXECUTIVE BRANCH.—

15 “(1) IN GENERAL.—The Director of the Office
16 of Management and Budget shall establish applica-
17 ble processes and guidelines for the registration and
18 acceptable use of .gov internet domains by agencies.

19 “(2) APPROVAL REQUIRED.—The Director shall
20 obtain the approval of the Director of the Office of
21 Management and Budget before registering a .gov
22 internet domain name for an agency.

23 “(3) COMPLIANCE.—Each agency shall ensure
24 that any website or digital service of the agency that
25 uses a .gov internet domain is in compliance with

1 the 21st Century IDEA Act (44 U.S.C. 3501 note)
2 and implementation guidance issued pursuant to
3 that Act.

4 “(e) SUPPORTING SERVICES.—

5 “(1) IN GENERAL.—The Director may provide
6 services to the entities described in subsection (b)(1)
7 specifically intended to support the security, privacy,
8 reliability, accessibility, and speed of registered .gov
9 internet domains.

10 “(2) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (1) shall be construed to—

12 “(A) limit other authorities of the Director
13 to provide services or technical assistance to an
14 entity described in subsection (b)(1); or

15 “(B) establish new authority for services
16 other than those the purpose of which expressly
17 supports the operation of .gov internet domains
18 and the needs of .gov internet domain reg-
19 istrants.

20 “(f) FEES.—

21 “(1) IN GENERAL.—The Director may provide
22 any service relating to the availability of the .gov
23 internet domain program, including .gov internet do-
24 main name registration services described in sub-
25 section (b) and supporting services described in sub-

1 section (e), to entities described in subsection (b)(1)
2 with or without reimbursement, including variable
3 pricing.

4 “(2) LIMITATION.—The total fees collected for
5 new .gov internet domain registrants or annual re-
6 newals of .gov internet domains shall not exceed the
7 direct operational expenses of improving, maintain-
8 ing, and operating the .gov internet domain, .gov
9 internet domain services, and .gov internet domain
10 supporting services.

11 “(g) CONSULTATION.—The Director shall consult
12 with the Director of the Office of Management and Budg-
13 et, the Administrator of General Services, other civilian
14 Federal agencies as appropriate, and entities representing
15 State, local, Tribal, or territorial governments in devel-
16 oping the strategic direction of the .gov internet domain
17 and in establishing requirements under subsection (c), in
18 particular on matters of privacy, accessibility, trans-
19 parency, and technology modernization.

20 “(h) .GOV INVENTORY.—

21 “(1) IN GENERAL.—The Director shall, on a
22 continuous basis—

23 “(A) inventory all hostnames and services
24 in active use within the .gov internet domain;
25 and

1 “(B) provide the data described in sub-
2 paragraph (A) to domain registrants at no cost.

3 “(2) REQUIREMENTS.—In carrying out para-
4 graph (1)—

5 “(A) data may be collected through anal-
6 ysis of public and non-public sources, including
7 commercial data sets;

8 “(B) the Director shall share with Federal
9 and non-Federal domain registrants all unique
10 hostnames and services discovered within the
11 zone of their registered domain;

12 “(C) the Director shall share any data or
13 information collected or used in the manage-
14 ment of the .gov internet domain name registra-
15 tion services relating to Federal executive
16 branch registrants with the Director of the Of-
17 fice of Management and Budget for the purpose
18 of fulfilling the duties of the Director of the Of-
19 fice of Management and Budget under section
20 3553 of title 44, United States Code;

21 “(D) the Director shall publish on a pub-
22 licly available website discovered hostnames that
23 describe publicly accessible agency websites, to
24 the extent consistent with the security of Fed-

1 eral information systems but with the presump-
2 tion of disclosure;

3 “(E) the Director may publish on a pub-
4 licly available website any analysis conducted
5 and data collected relating to compliance with
6 Federal mandates and industry best practices,
7 to the extent consistent with the security of
8 Federal information systems but with the pre-
9 sumption of disclosure; and

10 “(F) the Director shall—

11 “(i) collect information on the use of
12 non-.gov internet domain suffixes by agen-
13 cies for their official online services;

14 “(ii) collect information on the use of
15 non-.gov internet domain suffixes by State,
16 local, Tribal, and territorial governments;
17 and

18 “(iii) publish the information collected
19 under clause (i) on a publicly available
20 website to the extent consistent with the
21 security of the Federal information sys-
22 tems, but with the presumption of disclo-
23 sure.

24 “(3) NATIONAL SECURITY COORDINATION.—

1 “(A) IN GENERAL.—In carrying out this
2 subsection, the Director shall inventory, collect,
3 and publish hostnames and services in a man-
4 ner consistent with the protection of national
5 security information.

6 “(B) LIMITATION.—The Director may not
7 inventory, collect, or publish hostnames or serv-
8 ices under this subsection if the Director, in co-
9 ordination with other heads of agencies, as ap-
10 propriate, determines that the collection or pub-
11 lication would—

12 “(i) disrupt a law enforcement inves-
13 tigation;

14 “(ii) endanger national security or in-
15 telligence activities;

16 “(iii) impede national defense activi-
17 ties or military operations; or

18 “(iv) hamper security remediation ac-
19 tions.

20 “(4) STRATEGY.—Not later than 180 days after
21 the date of enactment of this section, the Director
22 shall develop and submit to the Committee on
23 Homeland Security and Governmental Affairs and
24 the Committee on Rules and Administration of the
25 Senate and the Committee on Homeland Security,

1 the Committee on Oversight and Reform, and the
2 Committee on House Administration of the House of
3 Representatives a strategy to utilize the information
4 collected under this subsection for countering mali-
5 cious cyber activity.”.

6 (2) ADDITIONAL DUTIES.—

7 (A) OUTREACH STRATEGY.—Not later
8 than 1 year after the date of enactment of this
9 Act, the Director, in consultation with the Ad-
10 ministrator and entities representing State,
11 local, Tribal, or territorial governments, shall
12 develop and submit to the Committee on Home-
13 land Security and Governmental Affairs and the
14 Committee on Rules and Administration of the
15 Senate and the Committee on Homeland Secu-
16 rity, the Committee on Oversight and Reform,
17 and the Committee on House Administration of
18 the House of Representatives an outreach strat-
19 egy to local, Tribal, and territorial governments
20 and other publicly controlled entities as deter-
21 mined by the Director to inform and support
22 migration to the .gov internet domain, which
23 shall include—

24 (i) stakeholder engagement plans; and

1 (ii) information on how migrating in-
2 formation technology systems to the .gov
3 internet domain is beneficial to that entity,
4 including benefits relating to cybersecurity
5 and the supporting services offered by the
6 Federal Government.

7 (B) REFERENCE GUIDE.—Not later than 1
8 year after the date of enactment of this Act, the
9 Director, in consultation with the Administrator
10 and entities representing State, local, Tribal, or
11 territorial governments, shall develop and pub-
12 lish on a publicly available website a reference
13 guide for migrating online services to the .gov
14 internet domain, which shall include—

15 (i) process and technical information
16 on how to carry out a migration of com-
17 mon categories of online services, such as
18 web and email services;

19 (ii) best practices for cybersecurity
20 pertaining to registration and operation of
21 a .gov internet domain; and

22 (iii) references to contract vehicles
23 and other private sector resources vetted
24 by the Director that may assist in per-
25 forming the migration.

1 (C) SECURITY ENHANCEMENT PLAN.—Not
2 later than 1 year after the date of enactment of
3 this Act, the Director shall develop and submit
4 to the Committee on Homeland Security and
5 Governmental Affairs and the Committee on
6 Rules and Administration of the Senate and the
7 Committee on Homeland Security, the Com-
8 mittee on Oversight and Reform, and the Com-
9 mittee on House Administration of the House
10 of Representatives a .gov internet domain secu-
11 rity enhancement strategy and implementation
12 plan on how to improve the cybersecurity bene-
13 fits of the .gov internet domain during the 5-
14 year period following the date of enactment of
15 this Act, which shall include—

16 (i) a modernization plan for the infor-
17 mation systems that support operation of
18 the .gov top-level internet domain, such as
19 the registrar portal, and how these infor-
20 mation systems will remain current with
21 evolving security trends;

22 (ii) a modernization plan for the
23 structure of the .gov program and any sup-
24 porting contracts, and how the program
25 and contracts can remain flexible over time

1 so as to take advantage of emerging tech-
2 nology and cybersecurity developments;
3 and

4 (iii) an outline of specific security en-
5 hancements the .gov program intends to
6 provide to users during that 5-year period.

7 (3) TECHNICAL AND CONFORMING AMEND-
8 MENT.—The table of contents in section 1(b) of the
9 Homeland Security Act of 2002 (Public Law 107–
10 196; 116 Stat. 2135) is amended by inserting after
11 the item relating to section 2214 the following:

 “Sec. 2215. Duties and authorities relating to .gov internet domain.”.

12 (c) HOMELAND SECURITY GRANTS.—Section
13 2008(a) of the Homeland Security Act of 2002 (6 U.S.C.
14 609(a)) is amended—

15 (1) in paragraph (13), by striking “and” at the
16 end;

17 (2) by redesignating paragraph (14) as para-
18 graph (15); and

19 (3) by inserting after paragraph (13) the fol-
20 lowing:

21 “(14) migrating any online service (as defined
22 in section 3 of the DOTGOV Online Trust in Gov-
23 ernment Act of 2020) to the .gov internet domain;
24 and”.

1 **SEC. 905. REPORT.**

2 Not later than 1 year after the date of enactment
3 of this Act, and every 2 years thereafter for 4 years, the
4 Director shall submit a report to or conduct a detailed
5 briefing for the Committee on Homeland Security and
6 Governmental Affairs and the Committee on Rules and
7 Administration of the Senate and the Committee on
8 Homeland Security, the Committee on Oversight and Re-
9 form, and the Committee on House Administration of the
10 House of Representatives on the status of—

11 (1) the outreach strategy described in section
12 904(b)(2)(A);

13 (2) the security enhancement strategy and im-
14 plementation plan described in section 904(b)(2)(C);

15 (3) the inventory described in 2215(f) of the
16 Homeland Security Act of 2002, as added by section
17 904(b) of this Act;

18 (4) the supporting services described in section
19 2215(e)(1) of the Homeland Security Act of 2002,
20 as added by section 904(b) of this Act; and

21 (5) the development, assessment, and deter-
22 mination of the amount of any fees imposed on new
23 .gov internet domain registrants or annual renewals
24 of .gov internet domains in accordance with section
25 2215(d) of the Homeland Security Act of 2002, as
26 added by section 904(b) of this Act.

1 **SEC. 906. RESEARCH AND DEVELOPMENT.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Under Secretary for Science and Tech-
4 nology of the Department shall conduct a study and sub-
5 mit to the Director a report on mechanisms for improving
6 the cybersecurity benefits of the .gov internet domain, in-
7 cluding—

8 (1) how information systems support operation
9 of the .gov top-level internet domain, such as the
10 registrar portal, and how these information systems
11 can remain current with evolving security trends;

12 (2) how the structure of the .gov internet do-
13 main program can take advantage of emerging tech-
14 nology and cybersecurity developments; and

15 (3) additional mechanisms to improve the cy-
16 bersecurity of the .gov internet domain.

17 **SEC. 907. TRANSITION.**

18 (a) There shall be transferred to the Director the .gov
19 internet domain program, as operated by the General
20 Services Administration under title 41, Code of Federal
21 Regulations, on the date on which the Director begins
22 operational administration of the .gov internet domain
23 program, in accordance with subsection (c).

24 (b) Not later than 30 days after the date of enact-
25 ment of this Act, the Director shall submit a plan for the
26 operational and contractual transition of the .gov internet

1 domain program to the Committee on Homeland Security
2 and Governmental Affairs and the Committee on Rules
3 and Administration of the Senate and the Committee on
4 Homeland Security, the Committee on Oversight and Re-
5 form, and the Committee on House Administration of the
6 House of Representatives.

7 (c) Not later than 120 days after the date of enact-
8 ment of this Act, the Director shall begin operationally
9 administering the .gov internet domain program, and shall
10 publish on a publicly available website the requirements
11 for domain registrants as described in section 2215(b) of
12 the Homeland Security Act of 2002, as added by section
13 904(b) of this Act.

14 (d) On the date on which the Director begins oper-
15 ational administration of the .gov internet domain pro-
16 gram, in accordance with subsection (c), the Adminis-
17 trator shall rescind the requirements in part 102–173 of
18 title 41, Code of Federal Regulations.

19 (e) During the 5-year period beginning on the date
20 of enactment of this Act, any fee charged to entities that
21 are not agencies for new .gov internet domain registrants
22 or annual renewals of .gov internet domains shall be not
23 more than the amount of the fee charged for such registra-
24 tion or renewal as of October 1, 2019.

1 **TITLE X—REAL ID**
2 **MODERNIZATION ACT**

3 **SEC. 1001. REAL ID MODERNIZATION.**

4 (a) **SHORT TITLE.**—This title may be cited as the
5 “REAL ID Modernization Act”.

6 (b) **REAL ID ACT AMENDMENTS.**—

7 (1) **DEFINITIONS.**—Section 201 of the REAL
8 ID Act of 2005 (division B of Public Law 109–13;
9 49 U.S.C. 30301 note) is amended—

10 (A) in paragraph (1)—

11 (i) by striking “The term ‘driver’s li-
12 cense’ means” and inserting the following:

13 “‘The term ‘driver’s license’—

14 “(A) means”; and

15 (ii) by striking “Code.” and inserting
16 the following: “Code; and

17 “(B) includes driver’s licenses stored or
18 accessed via electronic means, such as mobile or
19 digital driver’s licenses, which have been issued
20 in accordance with regulations prescribed by the
21 Secretary.”; and

22 (B) in paragraph (2)—

23 (i) by striking “The term ‘identifica-
24 tion card’ means” and inserting the fol-
25 lowing: “The term ‘identification card’—

1 “(A) means”; and

2 (ii) by striking “State.” and inserting
3 the following: “State; and

4 “(B) includes identification cards stored or
5 accessed via electronic means, such as mobile or
6 digital identification cards, which have been
7 issued in accordance with regulations prescribed
8 by the Secretary.”.

9 (2) MINIMUM REQUIREMENTS FOR FEDERAL
10 RECOGNITION.—Section 202 of the REAL ID Act of
11 2005 (division B of Public Law 109–13; 49 U.S.C.
12 30301 note) is amended—

13 (A) in the section heading, by striking
14 “**DOCUMENT**”;

15 (B) in subsection (a)—

16 (i) in paragraph (2), by striking “, in
17 consultation with the Secretary of Trans-
18 portation,”; and

19 (ii) by adding at the end the fol-
20 lowing:

21 “(3) LIMITATION.—The presentation of digital
22 information from a mobile or digital driver’s license
23 or identification card to an official of a Federal
24 agency for an official purpose may not be construed
25 to grant consent for such Federal agency to seize

1 the electronic device on which the license or card is
2 stored or to examine any other information con-
3 tained on such device.”;

4 (C) in subsection (b)—

5 (i) in the subsection heading, by strik-
6 ing “DOCUMENT” and inserting “DRIVER’S
7 LICENSE AND IDENTIFICATION CARD”;

8 (ii) in the matter preceding paragraph
9 (1), by inserting “, or as part of,” after
10 “features on”;

11 (iii) in paragraph (5), by inserting “,
12 which may be the photograph taken by the
13 State at the time the person applies for a
14 driver’s license or identification card or
15 may be a digital photograph of the person
16 that is already on file with the State” be-
17 fore the period at the end;

18 (iv) in paragraph (6), by striking
19 “principle” and inserting “principal”; and

20 (v) in paragraph (8)—

21 (I) by striking “Physical secu-
22 rity” and inserting “Security”; and

23 (II) by striking “document” and
24 inserting “driver’s license or identi-
25 fication card”;

- 1 (D) in subsection (c)—
- 2 (i) in paragraph (1)(C), by striking
- 3 “Proof of the” and inserting “The”;
- 4 (ii) by redesignating paragraph (3) as
- 5 paragraph (4);
- 6 (iii) by inserting after paragraph (2)
- 7 the following:
- 8 “(3) ELECTRONIC PRESENTATION OF IDENTITY
- 9 AND LAWFUL STATUS INFORMATION.—A State may
- 10 accept information required under paragraphs (1)
- 11 and (2) through the use of electronic transmission
- 12 methods if—
- 13 “(A) the Secretary issues regulations re-
- 14 garding such electronic transmission that—
- 15 “(i) describe the categories of infor-
- 16 mation eligible for electronic transmission;
- 17 and
- 18 “(ii) include measures—
- 19 “(I) to ensure the authenticity of
- 20 the information transmitted;
- 21 “(II) to protect personally identi-
- 22 fiable information; and
- 23 “(III) to detect and prevent iden-
- 24 tity fraud; and

1 “(B) the State certifies to the Department
2 of Homeland Security that its use of such elec-
3 tronic methods complies with regulations issued
4 by the Secretary.”; and

5 (iv) in paragraph (4)(A), as redesign-
6 nated, by striking “each document” and
7 inserting “the information and documenta-
8 tion”; and

9 (E) in subsection (d)—

10 (i) in paragraph (7), by striking “doc-
11 ument materials and papers” and inserting
12 “materials, records, and data”;

13 (ii) in paragraph (8), by striking “se-
14 curity clearance requirements” and insert-
15 ing “background checks”; and

16 (iii) in paragraph (9), by striking
17 “fraudulent document recognition” and in-
18 serting “fraud detection and prevention”.

19 (3) REPEAL OF GRANTS TO STATES.—The
20 REAL ID Act of 2005 (division B of Public Law
21 109–13; 49 U.S.C. 30301 note) is amended by strik-
22 ing section 204.

23 (4) NOTIFICATION OF REAL ID ACT OF 2005 RE-
24 QUIREMENTS.—The REAL ID Act of 2005 (division

1 B of Public Law 109–13; 49 U.S.C. 30301 note) is
2 amended by adding at the end the following:

3 **“SEC. 208. NOTIFICATION OF REQUIREMENTS AND DEAD-**
4 **LINES.**

5 “During the 15-month period beginning 90 days be-
6 fore the date on which Federal agencies will no longer ac-
7 cept, for official purposes, driver’s licenses and identifica-
8 tion cards that do not comply with the requirements under
9 section 202, aircraft operators and third party reservation
10 entities shall notify passengers about the requirements
11 and enforcement deadlines under this Act.”.

12 (c) IMMEDIATE BURDEN REDUCTION MEASURES.—
13 Notwithstanding any other provision of law (including reg-
14 ulations), beginning on the date of the enactment of this
15 Act, a State does not need to require an applicant for a
16 driver’s license or identification card to provide separate
17 documentation of the applicant’s Social Security account
18 number in order to comply with the requirements of the
19 REAL ID Act of 2005 (division B of Public Law 109–
20 13; 49 U.S.C. 30301 note).

1 **TITLE XI—SOUTHWEST BORDER**
2 **SECURITY TECHNOLOGY IM-**
3 **PROVEMENT ACT OF 2020**

4 **SEC. 1101. SHORT TITLE.**

5 This title may be cited as the “Southwest Border Se-
6 curity Technology Improvement Act of 2020”.

7 **SEC. 1102. DEFINITIONS.**

8 In this Act:

9 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
10 **TEES.**—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Homeland Security
13 and Governmental Affairs of the Senate; and

14 (B) the Committee on Homeland Security
15 of the House of Representatives.

16 (2) **DEPARTMENT.**—The term “Department”
17 means the Department of Homeland Security.

18 (3) **SECRETARY.**—The term “Secretary” means
19 the Secretary of Homeland Security.

20 (4) **SOUTHWEST BORDER.**—The term “South-
21 west border” means the international land border
22 between the United States and Mexico, including the
23 ports of entry along such border.

1 **SEC. 1103. SOUTHERN BORDER TECHNOLOGY NEEDS ANAL-**
2 **YSIS AND UPDATES.**

3 (a) TECHNOLOGY NEEDS ANALYSIS.—Not later than
4 1 year after the date of the enactment of this Act, the
5 Secretary shall submit, to the appropriate congressional
6 committees, a technology needs analysis for border secu-
7 rity technology along the Southwest border.

8 (b) CONTENTS.—The analysis required under sub-
9 section (a) shall include an assessment of—

10 (1) the technology needs and gaps along the
11 Southwest border—

12 (A) to prevent terrorists and instruments
13 of terror from entering the United States;

14 (B) to combat and reduce cross-border
15 criminal activity, including, but not limited to—

16 (i) the transport of illegal goods, such
17 as illicit drugs; and

18 (ii) human smuggling and human
19 trafficking; and

20 (C) to facilitate the flow of legal trade
21 across the Southwest border;

22 (2) recent technological advancements in—

23 (A) manned aircraft sensor, communica-
24 tion, and common operating picture technology;

1 (B) unmanned aerial systems and related
2 technology, including counter-unmanned aerial
3 system technology;

4 (C) surveillance technology, including—

5 (i) mobile surveillance vehicles;

6 (ii) associated electronics, including
7 cameras, sensor technology, and radar;

8 (iii) tower-based surveillance tech-
9 nology;

10 (iv) advanced unattended surveillance
11 sensors; and

12 (v) deployable, lighter-than-air,
13 ground surveillance equipment;

14 (D) nonintrusive inspection technology, in-
15 cluding non-X-ray devices utilizing muon to-
16 mography and other advanced detection tech-
17 nology;

18 (E) tunnel detection technology; and

19 (F) communications equipment, includ-
20 ing—

21 (i) radios;

22 (ii) long-term evolution broadband;

23 and

24 (iii) miniature satellites;

1 (3) any other technological advancements that
2 the Secretary determines to be critical to the De-
3 partment's mission along the Southwest border;

4 (4) whether the use of the technological ad-
5 vances described in paragraphs (2) and (3) will—

6 (A) improve border security;

7 (B) improve the capability of the Depart-
8 ment to accomplish its mission along the South-
9 west border;

10 (C) reduce technology gaps along the
11 Southwest border; and

12 (D) enhance the safety of any officer or
13 agent of the Department or any other Federal
14 agency;

15 (5) the Department's ongoing border security
16 technology development efforts, including efforts
17 by—

18 (A) U.S. Customs and Border Protection;

19 (B) the Science and Technology Direc-
20 torate; and

21 (C) the technology assessment office of any
22 other operational component;

23 (6) the technology needs for improving border
24 security, such as—

1 (A) information technology or other com-
2 puter or computing systems data capture;

3 (B) biometrics;

4 (C) cloud storage; and

5 (D) intelligence data sharing capabilities
6 among agencies within the Department;

7 (7) any other technological needs or factors, in-
8 cluding border security infrastructure, such as phys-
9 ical barriers or dual-purpose infrastructure, that the
10 Secretary determines should be considered; and

11 (8) currently deployed technology or new tech-
12 nology that would improve the Department's abil-
13 ity—

14 (A) to reasonably achieve operational con-
15 trol and situational awareness along the South-
16 west border; and

17 (B) to collect metrics for securing the bor-
18 der at and between ports of entry, as required
19 under subsections (b) and (c) of section 1092 of
20 division A of the National Defense Authoriza-
21 tion Act for Fiscal Year 2017 (6 U.S.C. 223).

22 (c) UPDATES.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the submission of the analysis required under sub-
25 section (a), and biannually thereafter for the fol-

1 lowing 4 years, the Secretary shall submit an update
2 to such analysis to the appropriate congressional
3 committees.

4 (2) CONTENTS.—Each update required under
5 paragraph (1) shall include a plan for utilizing the
6 resources of the Department to meet the border se-
7 curity technology needs and gaps identified pursuant
8 to subsection (b), including developing or acquiring
9 technologies not currently in use by the Department
10 that would allow the Department to bridge existing
11 border technology gaps along the Southwest border.

12 (d) ITEMS TO BE CONSIDERED.—In compiling the
13 technology needs analysis and updates required under this
14 section, the Secretary shall consider and examine—

15 (1) technology that is deployed and is sufficient
16 for the Department’s use along the Southwest bor-
17 der;

18 (2) technology that is deployed, but is insuffi-
19 cient for the Department’s use along the Southwest
20 border; and

21 (3) technology that is not deployed, but is nec-
22 essary for the Department’s use along the Southwest
23 border;

24 (4) current formal departmental requirements
25 documentation examining current border security

1 threats and challenges faced by any component of
2 the Department;

3 (5) trends and forecasts regarding migration
4 across the Southwest border;

5 (6) the impact on projected staffing and deploy-
6 ment needs for the Department, including staffing
7 needs that may be fulfilled through the use of tech-
8 nology;

9 (7) the needs and challenges faced by employees
10 of the Department who are deployed along the
11 Southwest border;

12 (8) the need to improve cooperation among
13 Federal, State, tribal, local, and Mexican law en-
14 forcement entities to enhance security along the
15 Southwest border;

16 (9) the privacy implications of existing tech-
17 nology and the acquisition and deployment of new
18 technologies and supporting infrastructure, with an
19 emphasis on how privacy risks might be mitigated
20 through the use of technology, training, and policy;

21 (10) the impact of any ongoing public health
22 emergency that impacts Department operations
23 along the Southwest border; and

24 (11) the ability of, and the needs for, the De-
25 partment to assist with search and rescue efforts for

1 individuals or groups that may be in physical danger
2 or in need of medical assistance.

3 (e) CLASSIFIED FORM.—To the extent possible, the
4 Secretary shall submit the technology needs analysis and
5 updates required under this section in unclassified form,
6 but may submit such documents, or portions of such docu-
7 ments, in classified form if the Secretary determines that
8 such action is appropriate.

1 **DIVISION V—AIRCRAFT CERTIFI-**
2 **CATION, SAFETY, AND AC-**
3 **COUNTABILITY**

4 **TITLE I—AIRCRAFT CERTIFI-**
5 **CATION, SAFETY, AND AC-**
6 **COUNTABILITY**

7 **SEC. 101. SHORT TITLE; TABLE OF CONTENTS.**

8 (a) **SHORT TITLE.**—This title may be cited as the
9 “Aircraft Certification, Safety, and Accountability Act”.

10 (b) **TABLE OF CONTENTS.**—The table of contents for
11 this title is as follows:

TITLE I—AIRCRAFT CERTIFICATION, SAFETY, AND
ACCOUNTABILITY

- Sec. 101. Short title; table of contents.
- Sec. 102. Safety management systems.
- Sec. 103. Expert review of organization designation authorizations for transport airplanes.
- Sec. 104. Certification oversight staff.
- Sec. 105. Disclosure of safety critical information.
- Sec. 106. Limitation on delegation.
- Sec. 107. Oversight of organization designation authorization unit members.
- Sec. 108. Integrated project teams.
- Sec. 109. Oversight integrity briefing.
- Sec. 110. Appeals of certification decisions.
- Sec. 111. Employment restrictions.
- Sec. 112. Professional development, skills enhancement, continuing education and training.
- Sec. 113. Voluntary safety reporting program.
- Sec. 114. Compensation limitation.
- Sec. 115. System safety assessments and other requirements.
- Sec. 116. Flight crew alerting.
- Sec. 117. Changed product rule.
- Sec. 118. Whistleblower protections.
- Sec. 119. Domestic and international pilot training.
- Sec. 120. Nonconformity with approved type design.
- Sec. 121. Implementation of recommendations.
- Sec. 122. Oversight of FAA compliance program.
- Sec. 123. Settlement agreement.
- Sec. 124. Human factors education program.
- Sec. 125. Best practices for organization designation authorizations.
- Sec. 126. Human factors research.

- Sec. 127. FAA Center of Excellence for automated systems and human factors in aircraft.
- Sec. 128. Pilot operational evaluations.
- Sec. 129. Ensuring appropriate responsibility of aircraft certification and flight standards performance objectives and metrics.
- Sec. 130. Transport airplane risk assessment methodology.
- Sec. 131. National air grant fellowship program.
- Sec. 132. Emerging safety trends in aviation.
- Sec. 133. FAA accountability enhancement.
- Sec. 134. Authorization of appropriations for the advanced materials center of excellence.
- Sec. 135. Promoting Aviation Regulations for Technical Training.
- Sec. 136. Independent study on type certification reform.
- Sec. 137. Definitions.

1 SEC. 102. SAFETY MANAGEMENT SYSTEMS.

2 (a) RULEMAKING PROCEEDING.—

3 (1) IN GENERAL.—Not later than 30 days after
4 the date of enactment of this title, the Administrator
5 shall initiate a rulemaking proceeding to require that
6 manufacturers that hold both a type certificate and
7 a production certificate issued pursuant to section
8 44704 of title 49, United States Code, where the
9 United States is the State of Design and State of
10 Manufacture, have in place a safety management
11 system that is consistent with the standards and rec-
12 ommended practices established by ICAO and con-
13 tained in annex 19 to the Convention on Inter-
14 national Civil Aviation (61 Stat. 1180), for such sys-
15 tems.

16 (2) CONTENTS OF REGULATIONS.—The regula-
17 tions issued under paragraph (1) shall, at a min-
18 imum—

1 (A) ensure safety management systems are
2 consistent with, and complementary to, existing
3 safety management systems;

4 (B) include provisions that would permit
5 operational feedback from operators and pilots
6 qualified on the manufacturers' equipment to
7 ensure that the operational assumptions made
8 during design and certification remain valid;

9 (C) include provisions for the Administra-
10 tor's approval of, and regular oversight of ad-
11 herence to, a certificate holder's safety manage-
12 ment system adopted pursuant to such regula-
13 tions; and

14 (D) require such certificate holder to
15 adopt, not later than 4 years after the date of
16 enactment of this title, a safety management
17 system.

18 (b) FINAL RULE DEADLINE.—Not later than 24
19 months after initiating the rulemaking under subsection
20 (a), the Administrator shall issue a final rule.

21 (c) SURVEILLANCE AND AUDIT REQUIREMENT.—
22 The final rule issued pursuant to subsection (b) shall in-
23 clude a requirement for the Administrator to implement
24 a systems approach to risk-based surveillance by defining
25 and planning inspections, audits, and monitoring activities

1 on a continuous basis, to ensure that design and produc-
2 tion approval holders of aviation products meet and con-
3 tinue to meet safety management system requirements
4 under the rule.

5 (d) ENGAGEMENT WITH ICAO.—The Administrator
6 shall engage with ICAO and foreign civil aviation authori-
7 ties to help encourage the adoption of safety management
8 systems for manufacturers on a global basis, consistent
9 with ICAO standards.

10 (e) SAFETY REPORTING PROGRAM.—The regulations
11 issued under subsection (a) shall require a safety manage-
12 ment system to include a confidential employee reporting
13 system through which employees can report hazards,
14 issues, concerns, occurrences, and incidents. A reporting
15 system under this subsection shall include provisions for
16 reporting, without concern for reprisal for reporting, of
17 such items by employees in a manner consistent with con-
18 fidential employee reporting systems administered by the
19 Administrator. Such regulations shall also require a cer-
20 tificate holder described in subsection (a) to submit a sum-
21 mary of reports received under this subsection to the Ad-
22 ministrator at least twice per year.

23 (f) CODE OF ETHICS.—The regulations issued under
24 subsection (a) shall require a safety management system
25 to include establishment of a code of ethics applicable to

1 all appropriate employees of a certificate holder, including
2 officers (as determined by the FAA), which clarifies that
3 safety is the organization’s highest priority.

4 (g) PROTECTION OF SAFETY INFORMATION.—Sec-
5 tion 44735(a) of title 49, United States Code, is amend-
6 ed—

7 (1) by striking “title 5 if the report” and in-
8 serting the following: “title 5—

9 “(1) if the report”;

10 (2) by striking the period at the end and insert-
11 ing “; or”; and

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

13 “(2) if the report, data, or other information is
14 submitted to the Federal Aviation Administration
15 pursuant to section 102(e) of the Aircraft Certifi-
16 cation, Safety, and Accountability Act.”.

17 **SEC. 103. EXPERT REVIEW OF ORGANIZATION DESIGNA-**
18 **TION AUTHORIZATIONS FOR TRANSPORT AIR-**
19 **PLANES.**

20 (a) EXPERT REVIEW.—

21 (1) ESTABLISHMENT.—Not later than 30 days
22 after the date of enactment of this title, the Admin-
23 istrator shall convene an expert panel (in this section
24 referred to as the “review panel”) to review and

1 make findings and recommendations on the matters
2 listed in paragraph (2).

3 (2) CONTENTS OF REVIEW.—With respect to
4 each holder of an organization designation author-
5 ization for the design and production of transport
6 airplanes, the review panel shall review the following:

7 (A) The extent to which the holder’s safety
8 management processes promote or foster a safe-
9 ty culture consistent with the principles of the
10 International Civil Aviation Organization Safety
11 Management Manual, Fourth Edition (Inter-
12 national Civil Aviation Organization Doc. No.
13 9859) or any similar successor document.

14 (B) The effectiveness of measures insti-
15 tuted by the holder to instill, among employees
16 and contractors of such holder that support or-
17 ganization designation authorization functions,
18 a commitment to safety above all other prior-
19 ities.

20 (C) The holder’s capability, based on the
21 holder’s organizational structures, requirements
22 applicable to officers and employees of such
23 holder, and safety culture, of making reasonable
24 and appropriate decisions regarding functions

1 delegated to the holder pursuant to the organi-
2 zation designation authorization.

3 (D) Any other matter determined by the
4 Administrator for which inclusion in the review
5 would be consistent with the public interest in
6 aviation safety.

7 (3) COMPOSITION OF REVIEW PANEL.—The re-
8 view panel shall consist of—

9 (A) 2 representatives of the National Aero-
10 nautics and Space Administration;

11 (B) 2 employees of the Administration's
12 Aircraft Certification Service with experience
13 conducting oversight of persons not involved in
14 the design or production of transport airplanes;

15 (C) 1 employee of the Administration's
16 Aircraft Certification Service with experience
17 conducting oversight of persons involved in the
18 design or production of transport airplanes;

19 (D) 2 employees of the Administration's
20 Flight Standards Service with experience in
21 oversight of safety management systems;

22 (E) 1 appropriately qualified representa-
23 tive, designated by the applicable represented
24 organization, of each of—

1 (i) a labor union representing airline
2 pilots involved in both passenger and all-
3 cargo operations;

4 (ii) a labor union, not selected under
5 clause (i), representing airline pilots with
6 expertise in the matters described in para-
7 graph (2);

8 (iii) a labor union representing em-
9 ployees engaged in the assembly of trans-
10 port airplanes;

11 (iv) the certified bargaining represent-
12 ative under section 7111 of title 5, United
13 States Code, for field engineers engaged in
14 the audit or oversight of an organization
15 designation authorization within the Air-
16 craft Certification Service of the Adminis-
17 tration;

18 (v) the certified bargaining represent-
19 ative for safety inspectors of the Adminis-
20 tration; and

21 (vi) a labor union representing em-
22 ployees engaged in the design of transport
23 airplanes;

1 (F) 2 independent experts who have not
2 served as a political appointee in the Adminis-
3 tration and—

4 (i) who hold either a baccalaureate or
5 postgraduate degree in the field of aero-
6 space engineering or a related discipline;
7 and

8 (ii) who have a minimum of 20 years
9 of relevant applied experience;

10 (G) 4 air carrier employees whose job re-
11 sponsibilities include administration of a safety
12 management system;

13 (H) 4 individuals representing 4 different
14 holders of organization designation authoriza-
15 tions, with preference given to individuals rep-
16 resenting holders of organization designation
17 authorizations for the design or production of
18 aircraft other than transport airplanes or for
19 the design or production of aircraft engines,
20 propellers, or appliances; and

21 (I) 1 individual holding a law degree and
22 who has expertise in the legal duties of a holder
23 of an organization designation authorization
24 and the interaction with the FAA, except that
25 such individual may not, within the 10-year pe-

1 riod preceding the individual's appointment,
2 have been employed by, or provided legal serv-
3 ices to, the holder of an organization designa-
4 tion authorization referenced in paragraph (2).

5 (4) RECOMMENDATIONS.—The review panel
6 shall make recommendations to the Administrator
7 regarding suggested actions to address any defi-
8 ciencies found after review of the matters listed in
9 paragraph (2).

10 (5) REPORT.—

11 (A) SUBMISSION.—Not later than 270
12 days after the date of the first meeting of the
13 review panel, the review panel shall transmit to
14 the Administrator and the congressional com-
15 mittees of jurisdiction a report containing the
16 findings and recommendations of the review
17 panel regarding the matters listed in paragraph
18 (2), except that such report shall include—

19 (i) only such findings endorsed by 10
20 or more individual members of the review
21 panel; and

22 (ii) only such recommendations de-
23 scribed in paragraph (4) endorsed by 18 or
24 more of the individual members of the re-
25 view panel.

1 (B) DISSENTING VIEWS.—In submitting
2 the report required under this paragraph, the
3 review panel shall append to such report the
4 dissenting views of any individual member or
5 group of members of the review panel regarding
6 the findings or recommendations of the review
7 panel.

8 (C) PUBLICATION.—Not later than 5 days
9 after receiving the report under subparagraph
10 (A), the Administrator shall publish such re-
11 port, including any dissenting views appended
12 to the report, on the website of the Administra-
13 tion.

14 (D) TERMINATION.—The review panel
15 shall terminate upon submission of the report
16 under subparagraph (A).

17 (6) ADMINISTRATIVE PROVISIONS.—

18 (A) ACCESS TO INFORMATION.—The re-
19 view panel shall have authority to perform the
20 following actions if a majority of the total num-
21 ber of review panel members consider each ac-
22 tion necessary and appropriate:

23 (i) Entering onto the premises of a
24 holder of an organization designation au-
25 thorization referenced in paragraph (2) for

1 access to and inspection of records or other
2 purposes.

3 (ii) Notwithstanding any other provi-
4 sion of law, accessing and inspecting
5 unredacted records directly necessary for
6 the completion of the panel's work under
7 this section that are in the possession of
8 such holder of an organization designation
9 authorization or the Administration.

10 (iii) Interviewing employees of such
11 holder of an organization designation au-
12 thorization or the Administration as nec-
13 essary for the panel to complete its work.

14 (B) DISCLOSURE OF FINANCIAL INTER-
15 ESTS.—Each individual serving on the review
16 panel shall disclose to the Administrator any fi-
17 nancial interest held by such individual, or a
18 spouse or dependent of such individual, in a
19 business enterprise engaged in the design or
20 production of transport airplanes, aircraft en-
21 gines designed for transport airplanes, or major
22 systems, components, or parts thereof.

23 (C) PROTECTION OF PROPRIETARY INFOR-
24 MATION; TRADE SECRETS.—

1 (i) MARKING.—The custodian of a
2 record accessed under subparagraph (A)
3 may mark such record as proprietary or
4 containing a trade secret. A marking under
5 this subparagraph shall not be dispositive
6 with respect to whether such record con-
7 tains any information subject to legal pro-
8 tections from public disclosure.

9 (ii) NONDISCLOSURE FOR NON-FED-
10 ERAL GOVERNMENT PARTICIPANTS.—

11 (I) NON-FEDERAL GOVERNMENT
12 PARTICIPANTS.—Prior to partici-
13 pating on the review panel, each indi-
14 vidual serving on the review panel rep-
15 resenting a non-Federal entity, includ-
16 ing a labor union, shall execute an
17 agreement with the Administrator in
18 which the individual shall be prohib-
19 ited from disclosing at any time, ex-
20 cept as required by law, to any per-
21 son, foreign or domestic, any non-pub-
22 lic information made accessible to the
23 panel under subparagraph (A).

24 (II) FEDERAL EMPLOYEE PAR-
25 TICIPANTS.—Federal employees serv-

1 ing on the review panel as representa-
2 tives of the Federal Government and
3 who are required to protect propri-
4 etary information and trade secrets
5 under section 1905 of title 18, United
6 States Code, shall not be required to
7 execute agreements under this sub-
8 paragraph.

9 (iii) PROTECTION OF VOLUNTARILY
10 SUBMITTED SAFETY INFORMATION.—Infor-
11 mation subject to protection from disclo-
12 sure by the Administration in accordance
13 with sections 40123 and 44735 of title 49,
14 United States Code, is deemed voluntarily
15 submitted to the Administration under
16 such sections when shared with the review
17 panel and retains its protection from dis-
18 closure (including protection under section
19 552(b)(3) of title 5, United States Code).
20 The custodian of a record subject to such
21 protection may mark such record as sub-
22 ject to statutory protections. A marking
23 under this subparagraph shall not be dis-
24 positive with respect to whether such
25 record contains any information subject to

1 legal protections from public disclosure.
2 Members of the review panel will protect
3 voluntarily submitted safety information
4 and other otherwise exempt information to
5 the extent permitted under applicable law.

6 (iv) PROTECTION OF PROPRIETARY
7 INFORMATION AND TRADE SECRETS.—
8 Members of the review panel will protect
9 proprietary information, trade secrets, and
10 other otherwise exempt information to the
11 extent permitted under applicable law.

12 (v) RESOLVING CLASSIFICATION OF
13 INFORMATION.—If the review panel and a
14 holder of an organization designation au-
15 thorization subject to review under this
16 section disagree as to the proper classifica-
17 tion of information described in this sub-
18 paragraph, then an employee of the Ad-
19 ministration who is not a political ap-
20 pointee shall determine the proper classi-
21 fication of such information and whether
22 such information will be withheld, in part
23 or in full, from release to the public.

1 (D) APPLICABLE LAW.—Public Law 92–
2 463 shall not apply to the panel established
3 under this subsection.

4 (E) FINANCIAL INTEREST DEFINED.—In
5 this paragraph, the term “financial interest”—

6 (i) excludes securities held in an index
7 fund; and

8 (ii) includes—

9 (I) any current or contingent
10 ownership, equity, or security interest;

11 (II) an indebtedness or com-
12 pensated employment relationship; or

13 (III) any right to purchase or ac-
14 quire any such interest, including a
15 stock option or commodity future.

16 (b) FAA AUTHORITY.—

17 (1) IN GENERAL.—After reviewing the findings
18 of the review panel submitted under subsection
19 (a)(5), the Administrator may limit, suspend, or ter-
20minate an organization designation authorization
21subject to review under this section.

22 (2) REINSTATEMENT.—The Administrator may
23condition reinstatement of a limited, suspended, or
24terminated organization designation authorization on

1 the holder's implementation of any corrective actions
2 determined necessary by the Administrator.

3 (3) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to limit the Adminis-
5 trator's authority to take any action with respect to
6 an organization designation authorization, including
7 limitation, suspension, or termination of such au-
8 thorization.

9 (c) ORGANIZATION DESIGNATION AUTHORIZATION
10 PROCESS IMPROVEMENTS.—Not later than 1 year after
11 receipt of the recommendations submitted under sub-
12 section (a)(5), the Administrator shall report to the con-
13 gressional committees of jurisdiction on—

14 (1) whether the Administrator has concluded
15 that such holder is able to safely and reliably per-
16 form all delegated functions in accordance with all
17 applicable provisions of chapter 447 of title 49,
18 United States Code, title 14, Code of Federal Regu-
19 lations, and other orders or requirements of the Ad-
20 ministrator, and, if not, the Administrator shall out-
21 line—

22 (A) the risk mitigations or other corrective
23 actions, including the implementation timelines
24 of such mitigations or actions, the Adminis-
25 trator has established for or required of such

1 holder as prerequisites for a conclusion by the
2 Administrator under this paragraph; or

3 (B) the status of any ongoing investigatory
4 actions;

5 (2) the status of implementation of each of the
6 recommendations of the review panel, if any, with
7 which the Administrator concurs;

8 (3) the status of procedures under which the
9 Administrator will conduct focused oversight of such
10 holder's processes for performing delegated functions
11 with respect to the design of new and derivative
12 transport airplanes and the production of such air-
13 planes; and

14 (4) the Administrator's efforts, to the maximum
15 extent practicable and subject to appropriations, to
16 increase the number of engineers, inspectors, and
17 other qualified technical experts, as necessary to ful-
18 fill the requirements of this section, in—

19 (A) each office of the Administration re-
20 sponsible for dedicated oversight of such holder;
21 and

22 (B) the System Oversight Division, or any
23 successor division, of the Aircraft Certification
24 Service.

1 (d) NON-CONCURRENCE WITH RECOMMENDA-
2 TIONS.—Not later than 6 months after receipt of the rec-
3 ommendations submitted under subsection (a)(5), with re-
4 spect to each recommendation of the review panel with
5 which the Administrator does not concur, if any, the Ad-
6 ministrator shall publish on the website of the Administra-
7 tion and submit to the congressional committees of jurisdic-
8 tion a detailed explanation as to why, including if the
9 Administrator believes implementation of such rec-
10 ommendation would not improve aviation safety.

11 **SEC. 104. CERTIFICATION OVERSIGHT STAFF.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Administrator
14 \$27,000,000 for each of fiscal years 2021 through 2023
15 to recruit and retain engineers, safety inspectors, human
16 factors specialists, chief scientific and technical advisors,
17 software and cybersecurity experts, and other qualified
18 technical experts who perform duties related to the certifi-
19 cation of aircraft, aircraft engines, propellers, appliances,
20 and new and emerging technologies, and perform other
21 regulatory activities.

22 (b) IN GENERAL.—Not later than 60 days after the
23 date of enactment of this title, and without duplicating
24 any recently completed or ongoing reviews, the Adminis-
25 trator shall initiate a review of—

1 (1) the inspectors, human factors specialists,
2 flight test pilots, engineers, managers, and execu-
3 tives in the FAA who are responsible for the certifi-
4 cation of the design, manufacture, and operation of
5 aircraft intended for air transportation for purposes
6 of determining whether the FAA has the expertise
7 and capability to adequately understand the safety
8 implications of, and oversee the adoption of, new or
9 innovative technologies, materials, and procedures
10 used by designers and manufacturers of such air-
11 craft; and

12 (2) the Senior Technical Experts Program to
13 determine whether the program should be enhanced
14 or expanded to bolster and support the programs of
15 the FAA's Office of Aviation Safety, with particular
16 focus placed on the Aircraft Certification Service
17 and the Flight Standards Service (or any successor
18 organizations), particularly with respect to under-
19 standing the safety implications of new or innovative
20 technologies, materials, aircraft operations, and pro-
21 cedures used by designers and manufacturers of
22 such aircraft.

23 (c) DEADLINE FOR COMPLETION.—Not later than
24 270 days after the date of enactment of this title, the Ad-

1 administrator shall complete the review required by sub-
2 section (b).

3 (d) BRIEFING.—Not later than 30 days after the
4 completion of the review required by subsection (b), the
5 Administrator shall brief the congressional committees of
6 jurisdiction on the results of the review. The briefing shall
7 include the following:

8 (1) An analysis of the Administration’s ability
9 to hire safety inspectors, human factors specialists,
10 flight test pilots, engineers, managers, executives,
11 scientists, and technical advisors, who have the req-
12 uisite expertise to oversee new developments in aero-
13 space design and manufacturing.

14 (2) A plan for the Administration to improve
15 the overall expertise of the FAA’s personnel who are
16 responsible for the oversight of the design and man-
17 ufacture of aircraft.

18 (e) CONSULTATION REQUIREMENT.—In completing
19 the review under subsection (b), the Administrator shall
20 consult and collaborate with appropriate stakeholders, in-
21 cluding labor organizations (including those representing
22 aviation workers, FAA aviation safety engineers, human
23 factors specialists, flight test pilots, and FAA aviation
24 safety inspectors), and aerospace manufacturers.

25 (f) RECRUITMENT AND RETENTION.—

1 (1) BARGAINING UNITS.—Not later than 30
2 days after the date of enactment of this title, the
3 Administrator shall begin collaboration with the ex-
4 clusive bargaining representatives of engineers, safe-
5 ty inspectors, systems safety specialists, and other
6 qualified technical experts certified under section
7 7111 of title 5, United States Code, to improve re-
8 cruitment of employees for, and to implement reten-
9 tion incentives for employees holding, positions with
10 respect to the certification of aircraft, aircraft en-
11 gines, propellers, and appliances. If the Adminis-
12 trator and such representatives are unable to reach
13 an agreement collaboratively, the Administrator and
14 such representatives shall negotiate in accordance
15 with section 40122(a) of title 49, United States
16 Code, to improve recruitment and implement reten-
17 tion incentives for employees described in subsection
18 (a) who are covered under a collective bargaining
19 agreement.

20 (2) OTHER EMPLOYEES.—Notwithstanding any
21 other provision of law, not later than 30 days after
22 the date of enactment of this title, the Administrator
23 shall initiate actions to improve recruitment of, and
24 implement retention incentives for, any individual

1 described in subsection (a) who is not covered under
2 a collective bargaining agreement.

3 (3) **RULE OF CONSTRUCTION.**—Nothing in this
4 section shall be construed to vest in any exclusive
5 bargaining representative any management right of
6 the Administrator, as such right existed on the day
7 before the date of enactment of this title.

8 (4) **AVAILABILITY OF APPROPRIATIONS.**—Any
9 action taken by the Administrator under this section
10 shall be subject to the availability of appropriations
11 authorized under subsection (a).

12 **SEC. 105. DISCLOSURE OF SAFETY CRITICAL INFORMA-**
13 **TION.**

14 (a) **DISCLOSURE.**—Section 44704 of title 49, United
15 States Code, is amended by striking subsection (e) and
16 inserting the following:

17 “(e) **DISCLOSURE OF SAFETY CRITICAL INFORMA-**
18 **TION.**—

19 “(1) **IN GENERAL.**—Notwithstanding a delega-
20 tion described in section 44702(d), the Adminis-
21 trator shall require an applicant for, or holder of, a
22 type certificate for a transport category airplane cov-
23 ered under part 25 of title 14, Code of Federal Reg-
24 ulations, to submit safety critical information with
25 respect to such airplane to the Administrator in such

1 form, manner, or time as the Administrator may re-
2 quire. Such safety critical information shall in-
3 clude—

4 “(A) any design and operational details,
5 intended functions, and failure modes of any
6 system that, without being commanded by the
7 flight crew, commands the operation of any
8 safety critical function or feature required for
9 control of an airplane during flight or that oth-
10 erwise changes the flight path or airspeed of an
11 airplane;

12 “(B) the design and operational details, in-
13 tended functions, failure modes, and mode
14 annunciations of autopilot and autothrottle sys-
15 tems, if applicable;

16 “(C) any failure or operating condition
17 that the applicant or holder anticipates or has
18 concluded would result in an outcome with a se-
19 verity level of hazardous or catastrophic, as de-
20 fined in the appropriate Administration air-
21 worthiness requirements and guidance applica-
22 ble to transport category airplanes defining risk
23 severity;

24 “(D) any adverse handling quality that
25 fails to meet the requirements of applicable reg-

1 ulations without the addition of a software sys-
2 tem to augment the flight controls of the air-
3 plane to produce compliant handling qualities;
4 and

5 “(E) a system safety assessment with re-
6 spect to a system described in subparagraph
7 (A) or (B) or with respect to any component or
8 other system for which failure or erroneous op-
9 eration of such component or system could re-
10 sult in an outcome with a severity level of haz-
11 ardous or catastrophic, as defined in the appro-
12 priate Administration airworthiness require-
13 ments and guidance applicable to transport cat-
14 egory airplanes defining risk severity.

15 “(2) ONGOING COMMUNICATIONS.—

16 “(A) NEWLY DISCOVERED INFORMA-
17 TION.—The Administrator shall require that an
18 applicant for, or holder of, a type certificate
19 disclose to the Administrator, in such form,
20 manner, or time as the Administrator may re-
21 quire, any newly discovered information or de-
22 sign or analysis change that would materially
23 alter any submission to the Administrator
24 under paragraph (1).

1 “(B) SYSTEM DEVELOPMENT CHANGES.—

2 The Administrator shall establish multiple mile-
3 stones throughout the certification process at
4 which a proposed airplane system will be as-
5 sessed to determine whether any change to such
6 system during the certification process is such
7 that such system should be considered novel or
8 unusual by the Administrator.

9 “(3) FLIGHT MANUALS.—The Administrator
10 shall ensure that an airplane flight manual and a
11 flight crew operating manual (as appropriate or ap-
12 plicable) for an airplane contains a description of the
13 operation of a system described in paragraph (1)(A)
14 and flight crew procedures for responding to a fail-
15 ure or aberrant operation of such system.

16 “(4) CIVIL PENALTY.—

17 “(A) AMOUNT.—Notwithstanding section
18 46301, an applicant for, or holder of, a type
19 certificate that knowingly violates paragraph
20 (1), (2), or (3) of this subsection shall be liable
21 to the Administrator for a civil penalty of not
22 more than \$1,000,000 for each violation.

23 “(B) PENALTY CONSIDERATIONS.—In de-
24 termining the amount of a civil penalty under

1 subparagraph (A), the Administrator shall con-
2 sider—

3 “(i) the nature, circumstances, extent,
4 and gravity of the violation, including the
5 length of time that such safety critical in-
6 formation was known but not disclosed;
7 and

8 “(ii) with respect to the violator, the
9 degree of culpability, any history of prior
10 violations, and the size of the business con-
11 cern.

12 “(5) REVOCATION AND CIVIL PENALTY FOR IN-
13 DIVIDUALS.—

14 “(A) IN GENERAL.—The Administrator
15 shall revoke any airline transport pilot certifi-
16 cate issued under section 44703 held by any in-
17 dividual who, while acting on behalf of an appli-
18 cant for, or holder of, a type certificate, know-
19 ingly makes a false statement with respect to
20 any of the matters described in subparagraphs
21 (A) through (E) of paragraph (1).

22 “(B) AUTHORITY TO IMPOSE CIVIL PEN-
23 ALTY.—The Administrator may impose a civil
24 penalty under section 46301 for each violation
25 described in subparagraph (A).

1 “(6) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall be construed to affect or other-
3 wise inhibit the authority of the Administrator to
4 deny an application by an applicant for a type cer-
5 tificate or to revoke or amend a type certificate of
6 a holder of such certificate.

7 “(7) DEFINITION OF TYPE CERTIFICATE.—In
8 this subsection, the term ‘type certificate’—

9 “(A) means a type certificate issued under
10 subsection (a) or an amendment to such certifi-
11 cate; and

12 “(B) does not include a supplemental type
13 certificate issued under subsection (b).”.

14 (b) CIVIL PENALTY AUTHORITY.—Section 44704 of
15 title 49, United States Code, is further amended by adding
16 at the end the following:

17 “(f) HEARING REQUIREMENT.—The Administrator
18 may find that a person has violated subsection (a)(6) or
19 paragraph (1), (2), or (3) of subsection (e) and impose
20 a civil penalty under the applicable subsection only after
21 notice and an opportunity for a hearing. The Adminis-
22 trator shall provide a person—

23 “(1) written notice of the violation and the
24 amount of penalty; and

1 “(2) the opportunity for a hearing under sub-
2 part G of part 13 of title 14, Code of Federal Regu-
3 lations.”.

4 (c) REQUIRED SUBMISSION OF OUTLINE OF SYSTEM
5 CHANGES AT THE BEGINNING OF THE CERTIFICATION
6 PROCESS.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this title, the Admin-
9 istrator shall initiate a process to revise procedures
10 to require an applicant for an amendment to a type
11 certificate for a transport category aircraft to dis-
12 close to the Administrator, in a single document sub-
13 mitted at the beginning of the process for amending
14 such certificate, all new systems and intended
15 changes to existing systems then known to such ap-
16 plicant. The Administrator shall finalize the revision
17 of such procedures not later than 18 months after
18 initiating such process.

19 (2) APPLICATION.—Compliance with the proce-
20 dures revised pursuant to paragraph (1) shall not
21 preclude an applicant from making additional
22 changes to aircraft systems as the design and appli-
23 cation process proceeds.

24 (3) SAVINGS PROVISION.—Nothing in this sub-
25 section may be construed to limit the obligations of

1 an applicant for an amended type certificate for a
2 transport category airplane under section 44704(e)
3 of title 49, United States Code, as amended in this
4 title.

5 **SEC. 106. LIMITATION ON DELEGATION.**

6 Section 44702(d) of title 49, United States Code, is
7 amended by adding at the end the following:

8 “(4)(A) With respect to a critical system design fea-
9 ture of a transport category airplane, the Administrator
10 may not delegate any finding of compliance with applica-
11 ble airworthiness standards or review of any system safety
12 assessment required for the issuance of a certificate, in-
13 cluding a type certificate, or amended or supplemental
14 type certificate, under section 44704, until the Adminis-
15 trator has reviewed and validated any underlying assump-
16 tions related to human factors.

17 “(B) The requirement under subparagraph (A) shall
18 not apply if the Administrator determines the matter in-
19 volved is a routine task.

20 “(C) For purposes of subparagraph (A), the term
21 critical system design feature includes any feature (includ-
22 ing a novel or unusual design feature) for which the failure
23 of such feature, either independently or in combination
24 with other failures, could result in catastrophic or haz-

1 arduous failure conditions, as those terms are defined by
2 the Administrator.”.

3 **SEC. 107. OVERSIGHT OF ORGANIZATION DESIGNATION AU-**
4 **THORIZATION UNIT MEMBERS.**

5 (a) IN GENERAL.—Chapter 447 of title 49, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 44741. Approval of organization designation au-**
9 **thorization unit members**

10 “(a) IN GENERAL.—Beginning January 1, 2022,
11 each individual who is selected on or after such date to
12 become an ODA unit member by an ODA holder engaged
13 in the design of an aircraft, aircraft engine, propeller, or
14 appliance and performs an authorized function pursuant
15 to a delegation by the Administrator of the Federal Avia-
16 tion Administration under section 44702(d)—

17 “(1) shall be—

18 “(A) an employee, a contractor, or a con-
19 sultant of the ODA holder; or

20 “(B) the employee of a supplier of the
21 ODA holder; and

22 “(2) may not become a member of such unit
23 unless approved by the Administrator pursuant to
24 this section.

25 “(b) PROCESS AND TIMELINE.—

1 “(1) IN GENERAL.—The Administrator shall
2 maintain an efficient process for the review and ap-
3 proval of an individual to become an ODA unit
4 member under this section.

5 “(2) PROCESS.—An ODA holder described in
6 subsection (a) may submit to the Administrator an
7 application for an individual to be approved to be-
8 come an ODA unit member under this section. The
9 application shall be submitted in such form and
10 manner as the Administrator determines appro-
11 priate. The Administrator shall require an ODA
12 holder to submit with such an application informa-
13 tion sufficient to demonstrate an individual’s quali-
14 fications under subsection (c).

15 “(3) TIMELINE.—The Administrator shall ap-
16 prove or reject an individual that is selected by an
17 ODA holder to become an ODA unit member under
18 this section not later than 30 days after the receipt
19 of an application by an ODA holder.

20 “(4) DOCUMENTATION OF APPROVAL.—Upon
21 approval of an individual to become an ODA unit
22 member under this section, the Administrator shall
23 provide such individual a letter confirming that such
24 individual has been approved by the Administrator
25 under this section to be an ODA unit member.

1 “(5) REAPPLICATION.—An ODA holder may
2 submit an application under this subsection for an
3 individual to become an ODA unit member under
4 this section regardless of whether an application for
5 such individual was previously rejected by the Ad-
6 ministrator.

7 “(c) QUALIFICATIONS.—

8 “(1) IN GENERAL.—The Administrator shall
9 issue minimum qualifications for an individual to be-
10 come an ODA unit member under this section. In
11 issuing such qualifications, the Administrator shall
12 consider existing qualifications for Administration
13 employees with similar duties and whether such indi-
14 vidual—

15 “(A) is technically proficient and qualified
16 to perform the authorized functions sought;

17 “(B) has no recent record of serious en-
18 forcement action, as determined by the Admin-
19 istrator, taken by the Administrator with re-
20 spect to any certificate, approval, or authoriza-
21 tion held by such individual;

22 “(C) is of good moral character (as such
23 qualification is applied to an applicant for an
24 airline transport pilot certificate issued under
25 section 44703);

1 “(D) possesses the knowledge of applicable
2 design or production requirements in this chap-
3 ter and in title 14, Code of Federal Regula-
4 tions, necessary for performance of the author-
5 ized functions sought;

6 “(E) possesses a high degree of knowledge
7 of applicable design or production principles,
8 system safety principles, or safety risk manage-
9 ment processes appropriate for the authorized
10 functions sought; and

11 “(F) meets such testing, examination,
12 training, or other qualification standards as the
13 Administrator determines are necessary to en-
14 sure the individual is competent and capable of
15 performing the authorized functions sought.

16 “(2) PREVIOUSLY REJECTED APPLICATION.—In
17 reviewing an application for an individual to become
18 an ODA unit member under this section, if an appli-
19 cation for such individual was previously rejected,
20 the Administrator shall ensure that the reasons for
21 the prior rejection have been resolved or mitigated to
22 the Administrator’s satisfaction before making a de-
23 termination on the individual’s reapplication.

24 “(d) RESCISSION OF APPROVAL.—The Administrator
25 may rescind an approval of an individual as an ODA unit

1 member granted pursuant to this section at any time and
2 for any reason the Administrator considers appropriate.
3 The Administrator shall develop procedures to provide for
4 notice and opportunity to appeal rescission decisions made
5 by the Administrator. Such decisions by the Administrator
6 are not subject to judicial review.

7 “(e) **CONDITIONAL SELECTIONS.**—

8 “(1) **IN GENERAL.**—Subject to the require-
9 ments of this subsection, the Administrator may au-
10 thorize an ODA holder to conditionally designate an
11 individual to perform the functions of an ODA unit
12 member for a period of not more than 30 days (be-
13 ginning on the date an application for such indi-
14 vidual is submitted under subsection (b)(2)).

15 “(2) **REQUIRED DETERMINATION.**—The Admin-
16 istrator may not make an authorization under para-
17 graph (1) unless—

18 “(A) the ODA holder has instituted, to the
19 Administrator’s satisfaction, systems and proc-
20 esses to ensure the integrity and reliability of
21 determinations by conditionally-designated ODA
22 unit members; and

23 “(B) the ODA holder has instituted a safe-
24 ty management system in accordance with regu-
25 lations issued by the Administrator under sec-

1 tion 102 of the Aircraft Certification, Safety,
2 and Accountability Act.

3 “(3) FINAL DETERMINATION.—The Adminis-
4 trator shall approve or reject the application for an
5 individual designated under paragraph (1) in accord-
6 ance with the timeline and procedures described in
7 subsection (b).

8 “(4) REJECTION AND REVIEW.—If the Admin-
9 istrator rejects the application submitted under sub-
10 section (b)(2) for an individual conditionally des-
11 ignated under paragraph (1), the Administrator
12 shall review and approve or disapprove any decision
13 pursuant to any authorized function performed by
14 such individual during the period such individual
15 served as a conditional designee.

16 “(5) PROHIBITIONS.—Notwithstanding the re-
17 quirements of paragraph (2), the Administrator may
18 prohibit an ODA holder from making conditional
19 designations of individuals as ODA unit members
20 under this subsection at any time for any reason the
21 Administrator considers appropriate. The Adminis-
22 trator may prohibit any conditionally designated in-
23 dividual from performing an authorized function at
24 any time for any reason the Administrator considers
25 appropriate.

1 “(f) RECORDS AND BRIEFINGS.—

2 “(1) IN GENERAL.—Beginning on the date de-
3 scribed in subsection (a), an ODA holder shall main-
4 tain, for a period to be determined by the Adminis-
5 trator and with proper protections to ensure the se-
6 curity of sensitive and personal information—

7 “(A) any data, applications, records, or
8 manuals required by the ODA holder’s ap-
9 proved procedures manual, as determined by
10 the Administrator;

11 “(B) the names, responsibilities, qualifica-
12 tions, and example signature of each member of
13 the ODA unit who performs an authorized
14 function pursuant to a delegation by the Ad-
15 ministrator under section 44702(d);

16 “(C) training records for ODA unit mem-
17 bers and ODA administrators; and

18 “(D) any other data, applications, records,
19 or manuals determined appropriate by the Ad-
20 ministrator.

21 “(2) CONGRESSIONAL BRIEFING.—Not later
22 than 90 days after the date of enactment of this sec-
23 tion, and every 90 days thereafter through Sep-
24 tember 30, 2023, the Administrator shall provide a
25 briefing to the Committee on Transportation and In-

1 frastructure of the House of Representatives and the
2 Committee on Commerce, Science, and Transpor-
3 tation of the Senate on the implementation and ef-
4 fects of this section, including—

5 “(A) the Administration’s performance in
6 completing reviews of individuals and approving
7 or denying such individuals within the timeline
8 required under subsection (b)(3);

9 “(B) for any individual rejected by the Ad-
10 ministrator under subsection (b) during the
11 preceding 90-day period, the reasoning or basis
12 for such rejection; and

13 “(C) any resource, staffing, or other chal-
14 lenges within the Administration associated
15 with implementation of this section.

16 “(g) SPECIAL REVIEW OF QUALIFICATIONS.—

17 “(1) IN GENERAL.—Not later than 30 days
18 after the issuance of minimum qualifications under
19 subsection (e), the Administrator shall initiate a re-
20 view of the qualifications of each individual who on
21 the date on which such minimum qualifications are
22 issued is an ODA unit member or a holder of a type
23 certificate for a transport airplane to ensure such in-
24 dividual meets the minimum qualifications issued by
25 the Administrator under subsection (e).

1 “(2) UNQUALIFIED INDIVIDUAL.—For any indi-
2 vidual who is determined by the Administrator not
3 to meet such minimum qualifications pursuant to
4 the review conducted under paragraph (1), the Ad-
5 ministrator—

6 “(A) shall determine whether the lack of
7 qualification may be remedied and, if so, pro-
8 vide such individual with an action plan or
9 schedule for such individual to meet such quali-
10 fications; or

11 “(B) may, if the Administrator determines
12 the lack of qualification may not be remedied,
13 take appropriate action, including prohibiting
14 such individual from performing an authorized
15 function.

16 “(3) DEADLINE.—The Administrator shall com-
17 plete the review required under paragraph (1) not
18 later than 18 months after the date on which such
19 review was initiated.

20 “(4) SAVINGS CLAUSE.—An individual approved
21 to become an ODA unit member of a holder of a
22 type certificate for a transport airplane under sub-
23 section (a) shall not be subject to the review under
24 this subsection.

1 “(1) IN GENERAL.—It shall be unlawful for any
2 individual who is a supervisory employee of an ODA
3 holder that manufactures a transport category air-
4 plane to commit an act of interference with an ODA
5 unit member’s performance of authorized functions.

6 “(2) CIVIL PENALTY.—

7 “(A) INDIVIDUALS.—An individual shall be
8 subject to a civil penalty under section
9 46301(a)(1) for each violation under paragraph
10 (1).

11 “(B) SAVINGS CLAUSE.—Nothing in this
12 paragraph shall be construed as limiting or con-
13 stricting any other authority of the Adminis-
14 trator to pursue an enforcement action against
15 an individual or organization for violation of ap-
16 plicable Federal laws or regulations of the Ad-
17 ministration.

18 “(c) REPORTING.—

19 “(1) REPORTS TO ODA HOLDER.—An ODA unit
20 member of an ODA holder that manufactures a
21 transport category airplane shall promptly report
22 any instances of interference to the office of the
23 ODA holder that is designated to receive such re-
24 ports.

25 “(2) REPORTS TO THE FAA.—

1 “(A) IN GENERAL.—The ODA holder of-
2 fice described in paragraph (1) shall investigate
3 reports and submit to the office of the Adminis-
4 tration designated by the Administrator to ac-
5 cept and review such reports any instances of
6 interference reported under paragraph (1).

7 “(B) CONTENTS.—The Administrator shall
8 prescribe parameters for the submission of re-
9 ports to the Administration under this para-
10 graph, including the manner, time, and form of
11 submission. Such report shall include the re-
12 sults of any investigation conducted by the
13 ODA holder in response to a report of inter-
14 ference, a description of any action taken by the
15 ODA holder as a result of the report of inter-
16 ference, and any other information or poten-
17 tially mitigating factors the ODA holder or the
18 Administrator deems appropriate.

19 “(d) DEFINITIONS.—

20 “(1) GENERAL APPLICABILITY.—The defini-
21 tions contained in section 44736(c) shall apply to
22 this section.

23 “(2) INTERFERENCE.—In this section, the term
24 ‘interference’ means—

1 “(A) blatant or egregious statements or be-
2 havior, such as harassment, beratement, or
3 threats, that a reasonable person would con-
4 clude was intended to improperly influence or
5 prejudice an ODA unit member’s performance
6 of his or her duties; or

7 “(B) the presence of non-ODA unit duties
8 or activities that conflict with the performance
9 of authorized functions by ODA unit mem-
10 bers.”.

11 (b) ODA PROGRAM ENHANCEMENTS.—

12 (1) IN GENERAL.—Section 44736 of title 49,
13 United States Code, is amended by adding at the
14 end the following:

15 “(d) AUDITS.—

16 “(1) IN GENERAL.—The Administrator shall
17 perform a periodic audit of each ODA unit and its
18 procedures.

19 “(2) DURATION.—An audit required under
20 paragraph (1) shall be performed with respect to an
21 ODA holder once every 7 years (or more frequently
22 as determined appropriate by the Administrator).

23 “(3) RECORDS.—The ODA holder shall main-
24 tain, for a period to be determined by the Adminis-
25 trator, a record of—

1 “(A) each audit conducted under this sub-
2 section; and

3 “(B) any corrective actions resulting from
4 each such audit.

5 “(e) FEDERAL AVIATION SAFETY ADVISORS.—

6 “(1) IN GENERAL.—In the case of an ODA
7 holder, the Administrator shall assign FAA aviation
8 safety personnel with appropriate expertise to be ad-
9 visors to the ODA unit members that are authorized
10 to make findings of compliance on behalf of the Ad-
11 ministrator. The advisors shall—

12 “(A) communicate with assigned unit
13 members on an ongoing basis to ensure that the
14 assigned unit members are knowledgeable of
15 relevant FAA policies and acceptable methods
16 of compliance; and

17 “(B) monitor the performance of the as-
18 signed unit members to ensure consistency with
19 such policies.

20 “(2) APPLICABILITY.—Paragraph (1) shall only
21 apply to an ODA holder that is—

22 “(A) a manufacturer that holds both a
23 type and a production certificate for—

1 “(i) transport category airplanes with
2 a maximum takeoff gross weight greater
3 than 150,000 pounds; or

4 “(ii) airplanes produced and delivered
5 to operators operating under part 121 of
6 title 14, Code of Federal Regulations, for
7 air carrier service under such part 121; or

8 “(B) a manufacturer of engines for an air-
9 plane described in subparagraph (A).

10 “(f) COMMUNICATION WITH THE FAA.—Neither the
11 Administrator nor an ODA holder may prohibit—

12 “(1) an ODA unit member from communicating
13 with, or seeking the advice of, the Administrator or
14 FAA staff; or

15 “(2) the Administrator or FAA staff from com-
16 municating with an ODA unit member.”.

17 “(2) REPORT.—Not later than September 30,
18 2022, the Administrator shall submit to the congres-
19 sional committees of jurisdiction a report on the im-
20 plementation of subsections (d) and (e) of section
21 44736 of title 49, United States Code, as added by
22 subsection (b).

23 “(c) ADDITIONAL ODA PROGRAM ENHANCEMENTS.—
24 Section 44736 of title 49, United States Code, is amend-
25 ed—

- 1 (1) in subsection (a)—
- 2 (A) in paragraph (1)—
- 3 (i) in subparagraph (A) by striking
- 4 the semicolon and inserting “; and”;
- 5 (ii) by striking subparagraph (B);
- 6 (iii) in subparagraph (C) by striking
- 7 “; and” and inserting a period;
- 8 (iv) by striking subparagraph (D);
- 9 and
- 10 (v) by redesignating subparagraph (C)
- 11 as subparagraph (B); and
- 12 (B) in paragraph (3) by striking “shall—
- 13 ” and all that follows through the end and in-
- 14 serting “shall conduct regular oversight activi-
- 15 ties by inspecting the ODA holder’s delegated
- 16 functions and taking action based on validated
- 17 inspection findings.”; and
- 18 (2) in subsection (b)(3)—
- 19 (A) in subparagraph (A)—
- 20 (i) by striking clause (i) and redesign-
- 21 ating clauses (ii), (iii), and (iv) as clauses
- 22 (i), (ii), and (iii), respectively;
- 23 (ii) in clause (i) as redesignated by in-
- 24 serting “, as appropriate,” after “require”;

1 (iii) in clause (ii) as redesignated by
2 inserting “, as appropriate,” after “re-
3 quire”; and

4 (iv) in clause (iii) as redesignated by
5 inserting “when appropriate,” before
6 “make a reassessment”;

7 (B) by striking subparagraph (B);

8 (C) in subparagraph (F) by inserting “,
9 when appropriate,” before “approve”; and

10 (D) by redesignating subparagraphs (C),
11 (D), (E), and (F) as subparagraphs (B), (C),
12 (D), and (E), respectively.

13 (d) TECHNICAL CORRECTIONS.—

14 (1) SECTION 44737.—Chapter 447 of title 49,
15 United States Code, is further amended by redesign-
16 ating the second section 44737 (as added by sec-
17 tion 581 of the FAA Reauthorization Act of 2018)
18 as section 44740.

19 (2) ANALYSIS.—The analysis for chapter 447 of
20 title 49, United States Code, is amended—

21 (A) by striking the item relating to the
22 second section 44737 (as added by section 581
23 of the FAA Reauthorization Act of 2018); and

24 (B) by inserting after the item relating to
25 section 44739 the following new items:

“44740. Special rule for certain aircraft operations.

“44741. Approval of organization designation authorization unit members.

“44742. Interference with the duties of organization designation authorization unit members.”.

1 (3) SPECIAL RULE FOR CERTAIN AIRCRAFT OP-
2 ERATIONS.—Section 44740 of title 49, United States
3 Code (as redesignated by paragraph (1)), is amend-
4 ed—

5 (A) in the heading by striking the period
6 at the end;

7 (B) in subsection (a)(1) by striking “chap-
8 ter” and inserting “section”;

9 (C) in subsection (b)(1) by striking “(1)”
10 the second time it appears; and

11 (D) in subsection (e)(2) by adding a period
12 at the end.

13 **SEC. 108. INTEGRATED PROJECT TEAMS.**

14 (a) IN GENERAL.—Upon receipt of an application for
15 a type certificate for a transport category airplane, the
16 Administrator shall convene an interdisciplinary inte-
17 grated project team responsible for coordinating review
18 and providing advice and recommendations, as appro-
19 priate, to the Administrator on such application.

20 (b) MEMBERSHIP.—In convening an interdisciplinary
21 integrated project team under subsection (a), the Adminis-
22 trator shall appoint employees of the Administration or
23 other Federal agencies, such as the Air Force, Volpe Na-
24 tional Transportation Systems Center, or the National

1 Aeronautics and Space Administration (with the concur-
2 rence of the head of such other Federal agency), with spe-
3 cialized expertise and experience in the fields of engineer-
4 ing, systems design, human factors, and pilot training, in-
5 cluding, at a minimum—

6 (1) not less than 1 designee of the Associate
7 Administrator for Aviation Safety whose duty sta-
8 tion is in the Administration's headquarters;

9 (2) representatives of the Aircraft Certification
10 Service of the Administration;

11 (3) representatives of the Flight Standards
12 Service of the Administration;

13 (4) experts in the fields of human factors, aero-
14 dynamics, flight controls, software, and systems de-
15 sign; and

16 (5) any other subject matter expert whom the
17 Administrator determines appropriate.

18 (c) AVAILABILITY.—In order to carry out its duties
19 with respect to the areas specified in subsection (d), a
20 project team shall be available to the Administrator, upon
21 request, at any time during the certification process.

22 (d) DUTIES.—A project team shall advise the Admin-
23 istrator and make written recommendations to the Admin-
24 istrator, to be retained in the certification project file, in-
25 cluding recommendations for any plans, analyses, assess-

1 ments, and reports required to support and document the
2 certification project, in the following areas associated with
3 a new technology or novel design:

4 (1) Initial review of design proposals proposed
5 by the applicant and the establishment of the certifi-
6 cation basis.

7 (2) Identification of new technology, novel de-
8 sign, or safety critical design features or systems
9 that are potentially catastrophic, either alone or in
10 combination with another failure.

11 (3) Determination of compliance findings, sys-
12 tem safety assessments, and safety critical functions
13 the Administration should retain in terms of new
14 technology, novel design, or safety critical design
15 features or systems.

16 (4) Evaluation of the Administration's expertise
17 or experience necessary to support the project.

18 (5) Review and evaluation of an applicant's re-
19 quest for exceptions or exemptions from compliance
20 with airworthiness standards codified in title 14 of
21 the Code of Federal Regulations, as in effect on the
22 date of application for the change.

23 (6) Conduct of design reviews, procedure eval-
24 uations, and training evaluations.

1 (7) Review of the applicant’s final design docu-
2 mentation and other data to evaluate compliance
3 with all relevant Administration regulations.

4 (e) DOCUMENTATION OF FAA RESPONSE.—The Ad-
5 ministrators shall provide a written response to each rec-
6 ommendation of each project team and shall retain such
7 response in the certification project file.

8 (f) REPORT.—Not later than 1 year after the date
9 of enactment of this section, and annually thereafter
10 through fiscal year 2023, the Administrator shall submit
11 to the congressional committees of jurisdiction a report
12 on the establishment of each integrated project team in
13 accordance with this section during such fiscal year, in-
14 cluding the role and composition of each such project
15 team.

16 **SEC. 109. OVERSIGHT INTEGRITY BRIEFING.**

17 Not later than 1 year after the date of enactment
18 of this title, the Administrator shall brief the congressional
19 committees of jurisdiction on specific measures the Ad-
20 ministrators have taken to reinforce that each employee of
21 the Administration responsible for overseeing an organiza-
22 tion designation authorization with respect to the certifi-
23 cation of aircraft perform such responsibility in accord-
24 ance with safety management principles and in the public
25 interest of aviation safety.

1 **SEC. 110. APPEALS OF CERTIFICATION DECISIONS.**

2 (a) IN GENERAL.—Section 44704, of title 49, United
3 States Code, as amended by section 105(b), is further
4 amended by adding at the end the following:

5 “(g) CERTIFICATION DISPUTE RESOLUTION.—

6 “(1) DISPUTE RESOLUTION PROCESS AND AP-
7 PEALS.—

8 “(A) IN GENERAL.—Not later than 60
9 days after the date of enactment of this sub-
10 section, the Administrator shall issue an order
11 establishing—

12 “(i) an effective, timely, and mile-
13 stone-based issue resolution process for
14 type certification activities under sub-
15 section (a); and

16 “(ii) a process by which a decision,
17 finding of compliance or noncompliance, or
18 other act of the Administration, with re-
19 spect to compliance with design require-
20 ments, may be appealed by a covered per-
21 son directly involved with the certification
22 activities in dispute on the basis that such
23 decision, finding, or act is erroneous or in-
24 consistent with this chapter, regulations, or
25 guidance materials promulgated by the Ad-
26 ministrator, or other requirements.

1 “(B) ESCALATION.—The order issued
2 under subparagraph (A) shall provide processes
3 for—

4 “(i) resolution of technical issues at
5 pre-established stages of the certification
6 process, as agreed to by the Administrator
7 and the type certificate applicant;

8 “(ii) automatic elevation to appro-
9 priate management personnel of the Ad-
10 ministration and the type certificate appli-
11 cant of any major certification process
12 milestone that is not completed or resolved
13 within a specific period of time agreed to
14 by the Administrator and the type certifi-
15 cate applicant;

16 “(iii) resolution of a major certifi-
17 cation process milestone elevated pursuant
18 to clause (ii) within a specific period of
19 time agreed to by the Administrator and
20 the type certificate applicant;

21 “(iv) initial review by appropriate Ad-
22 ministration employees of any appeal de-
23 scribed in subparagraph (A)(ii); and

24 “(v) subsequent review of any further
25 appeal by appropriate management per-

1 sonnel of the Administration and the Asso-
2 ciate Administrator for Aviation Safety.

3 “(C) DISPOSITION.—

4 “ (i) WRITTEN DECISION.—The Asso-
5 ciate Administrator for Aviation Safety
6 shall issue a written decision that states
7 the grounds for the decision of the Asso-
8 ciate Administrator on—

9 “ (I) each appeal submitted under
10 subparagraph (A)(ii); and

11 “ (II) An appeal to the Associate
12 Administrator submitted under sub-
13 paragraph (B)(v).

14 “(ii) REPORT TO CONGRESS.—Not
15 later than December 31 of each calendar
16 year through calendar year 2025, the Ad-
17 ministrators shall submit to the Committee
18 on Transportation and Infrastructure of
19 the House of Representatives and the
20 Committee on Commerce, Science, and
21 Transportation of the Senate a report
22 summarizing each appeal resolved under
23 this subsection.

24 “(D) FINAL REVIEW.—

1 “(i) IN GENERAL.—A written decision
2 of the Associate Administrator under sub-
3 paragraph (C) may be appealed to the Ad-
4 ministratoꝛ for a final review and deter-
5 mination.

6 “(ii) DECLINE TO REVIEW.—The Ad-
7 ministratoꝛ may decline to review an ap-
8 peal initiated pursuant to clause (i).

9 “(iii) JUDICIAL REVIEW.—No decision
10 under this paragraph (including a decision
11 to decline to review an appeal) shall be
12 subject to judicial review.

13 “(2) PROHIBITED CONTACTS.—

14 “(A) PROHIBITION GENERALLY.—During
15 the course of an appeal under this subsection,
16 no covered official may engage in an ex parte
17 communication (as defined in section 551 of
18 title 5) with an individual representing or act-
19 ing on behalf of an applicant for, or holder of,
20 a certificate under this section in relation to
21 such appeal unless such communication is dis-
22 closed pursuant to subparagraph (B).

23 “(B) DISCLOSURE.—If, during the course
24 of an appeal under this subsection, a covered
25 official engages in, receives, or is otherwise

1 made aware of an ex parte communication, the
2 covered official shall disclose such communica-
3 tion in the public record at the time of the
4 issuance of the written decision under para-
5 graph (1)(C), including the time and date of
6 the communication, subject of communication,
7 and all persons engaged in such communication.

8 “(3) DEFINITIONS.—In this subsection:

9 “(A) COVERED PERSON.—The term ‘cov-
10 ered person’ means either—

11 “(i) an employee of the Administra-
12 tion whose responsibilities relate to the cer-
13 tification of aircraft, engines, propellers, or
14 appliances; or

15 “(ii) an applicant for, or holder of, a
16 type certificate or amended type certificate
17 issued under this section.

18 “(B) COVERED OFFICIAL.—The term ‘cov-
19 ered official’ means the following officials:

20 “(i) The Executive Director or any
21 Deputy Director of the Aircraft Certifi-
22 cation Service.

23 “(ii) The Deputy Executive Director
24 for Regulatory Operations of the Aircraft
25 Certification Service.

1 “(iii) The Director or Deputy Director
2 of the Compliance and Airworthiness Divi-
3 sion of the Aircraft Certification Service.

4 “(iv) The Director or Deputy Director
5 of the System Oversight Division of the
6 Aircraft Certification Service.

7 “(v) The Director or Deputy Director
8 of the Policy and Innovation Division of
9 the Aircraft Certification Service.

10 “(vi) The Executive Director or any
11 Deputy Executive Director of the Flight
12 Standards Service.

13 “(vii) The Associate Administrator or
14 Deputy Associate Administrator for Avia-
15 tion Safety.

16 “(viii) The Deputy Administrator of
17 the Federal Aviation Administration.

18 “(ix) The Administrator of the Fed-
19 eral Aviation Administration.

20 “(x) Any similarly situated or suc-
21 cessor FAA management position to those
22 described in clauses (i) through (ix), as de-
23 termined by the Administrator.

24 “(C) MAJOR CERTIFICATION PROCESS
25 MILESTONE.—The term ‘major certification

1 process milestone’ means a milestone related to
2 the type certification basis, type certification
3 plan, type inspection authorization, issue paper,
4 or other major type certification activity agreed
5 to by the Administrator and the type certificate
6 applicant.

7 “(4) RULE OF CONSTRUCTION.—Nothing in
8 this subsection shall apply to the communication of
9 a good-faith complaint by any individual alleging—

10 “(A) gross misconduct;

11 “(B) a violation of title 18; or

12 “(C) a violation of any of the provisions of
13 part 2635 or 6001 of title 5, Code of Federal
14 Regulations.”.

15 (b) CONFORMING AMENDMENT.—Section 44704(a)
16 of title 49, United States Code, is amended by striking
17 paragraph (6).

18 **SEC. 111. EMPLOYMENT RESTRICTIONS.**

19 (a) DISQUALIFICATION BASED ON PRIOR EMPLOY-
20 MENT.—An employee of the Administration with super-
21 visory responsibility may not direct, conduct, or otherwise
22 participate in oversight of a holder of a certificate issued
23 under section 44704 of title 49, United States Code, that
24 previously employed such employee in the preceding 1-year
25 period.

1 (b) POST-EMPLOYMENT RESTRICTIONS.—Section
2 44711(d) of title 49, United States Code, is amended to
3 read as follows:

4 “(d) POST-EMPLOYMENT RESTRICTIONS FOR IN-
5 SPECTORS AND ENGINEERS.—

6 “(1) PROHIBITION.—A person holding a certifi-
7 cate issued under part 21 or 119 of title 14, Code
8 of Federal Regulations, may not knowingly employ,
9 or make a contractual arrangement that permits, an
10 individual to act as an agent or representative of
11 such person in any matter before the Administration
12 if the individual, in the preceding 2-year period—

13 “(A) served as, or was responsible for over-
14 sight of—

15 “(i) a flight standards inspector of the
16 Administration; or

17 “(ii) an employee of the Administra-
18 tion with responsibility for certification
19 functions with respect to a holder of a cer-
20 tificate issued under section 44704(a); and

21 “(B) had responsibility to inspect, or over-
22 see inspection of, the operations of such person.

23 “(2) WRITTEN AND ORAL COMMUNICATIONS.—

24 For purposes of paragraph (1), an individual shall
25 be considered to be acting as an agent or representa-

1 tive of a certificate holder in a matter before the Ad-
2 ministration if the individual makes any written or
3 oral communication on behalf of the certificate hold-
4 er to the Administration (or any of its officers or
5 employees) in connection with a particular matter,
6 whether or not involving a specific party and without
7 regard to whether the individual has participated in,
8 or had responsibility for, the particular matter while
9 serving as an individual covered under paragraph
10 (1).”.

11 **SEC. 112. PROFESSIONAL DEVELOPMENT, SKILLS EN-**
12 **HANCEMENT, CONTINUING EDUCATION AND**
13 **TRAINING.**

14 (a) IN GENERAL.—Chapter 445 of title 49, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 44519. Certification personnel continuing edu-**
18 **cation and training**

19 “(a) IN GENERAL.—The Administrator of the Fed-
20 eral Aviation Administration shall—

21 “(1) develop a program for regular recurrent
22 training of engineers, inspectors, and other subject-
23 matter experts employed in the Aircraft Certification
24 Service of the Administration in accordance with the
25 training strategy developed pursuant to section 231

1 of the FAA Reauthorization Act of 2018 (Public
2 Law 115–254; 132 Stat. 3256);

3 “(2) to the maximum extent practicable, imple-
4 ment measures, including assignments in multiple
5 divisions of the Aircraft Certification Service, to en-
6 sure that such engineers and other subject-matter
7 experts in the Aircraft Certification Service have ac-
8 cess to diverse professional opportunities that ex-
9 pand their knowledge and skills;

10 “(3) develop a program to provide continuing
11 education and training to Administration personnel
12 who hold positions involving aircraft certification
13 and flight standards, including human factors spe-
14 cialists, engineers, flight test pilots, inspectors, and,
15 as determined appropriate by the Administrator, in-
16 dustry personnel who may be responsible for compli-
17 ance activities including designees; and

18 “(4) in consultation with outside experts, de-
19 velop—

20 “(A) an education and training curriculum
21 on current and new aircraft technologies,
22 human factors, project management, and the
23 roles and responsibilities associated with over-
24 sight of designees; and

1 “(B) recommended practices for compli-
2 ance with Administration regulations.

3 “(b) IMPLEMENTATION.—The Administrator shall, to
4 the maximum extent practicable, ensure that actions taken
5 pursuant to subsection (a)—

6 “(1) permit engineers, inspectors, and other
7 subject matter experts to continue developing knowl-
8 edge of, and expertise in, new and emerging tech-
9 nologies in systems design, flight controls, principles
10 of aviation safety, system oversight, and certification
11 project management;

12 “(2) minimize the likelihood of an individual de-
13 veloping an inappropriate bias toward a designer or
14 manufacturer of aircraft, aircraft engines, propellers,
15 or appliances;

16 “(3) are consistent with any applicable collec-
17 tive bargaining agreements; and

18 “(4) account for gaps in knowledge and skills
19 (as identified by the Administrator in consultation
20 with the exclusive bargaining representatives cer-
21 tified under section 7111 of title 5, United States
22 Code) between Administration employees and pri-
23 vate-sector employees for each group of Administra-
24 tion employees covered under this section.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Administrator,
3 \$10,000,000 for each of fiscal years 2021 through 2023
4 to carry out this section. Amounts appropriated under the
5 preceding sentence for any fiscal year shall remain avail-
6 able until expended.”.

7 (b) TABLE OF CONTENTS.—The analysis for chapter
8 445 of title 49, United States Code, is amended by insert-
9 ing after the item relating to section 44518 the following:
“44519. Certification personnel continuing education and training.”.

10 **SEC. 113. VOLUNTARY SAFETY REPORTING PROGRAM.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this title, the Administrator shall es-
13 tablish a voluntary safety reporting program for engineers,
14 safety inspectors, systems safety specialists, and other
15 subject matter experts certified under section 7111 of title
16 5, United States Code, to confidentially report instances
17 where they have identified safety concerns during certifi-
18 cation or oversight processes.

19 (b) SAFETY REPORTING PROGRAM REQUIRE-
20 MENTS.—In establishing the safety reporting program
21 under subsection (a), the Administrator shall ensure the
22 following:

23 (1) The FAA maintains a reporting culture that
24 encourages human factors specialists, engineers,

1 flight test pilots, inspectors, and other appropriate
2 FAA employees to voluntarily report safety concerns.

3 (2) The safety reporting program is non-puni-
4 tive, confidential, and protects employees from ad-
5 verse employment actions related to their participa-
6 tion in the program.

7 (3) The safety reporting program identifies ex-
8 clusionary criteria for the program.

9 (4) Collaborative development of the program
10 with bargaining representatives of employees under
11 section 7111 of title 5, United States Code, who are
12 employed in the Aircraft Certification Service or
13 Flight Standards Service of the Administration (or,
14 if unable to reach an agreement collaboratively, the
15 Administrator shall negotiate with the representa-
16 tives in accordance with section 40122(a) of title 49,
17 United States Code, regarding the development of
18 the program).

19 (5) Full and collaborative participation in the
20 program by the bargaining representatives of em-
21 ployees described in paragraph (4).

22 (6) The Administrator thoroughly reviews safe-
23 ty reports to determine whether there is a safety
24 issue, including a hazard, defect, noncompliance,
25 nonconformance, or process error.

1 (7) The Administrator thoroughly reviews safe-
2 ty reports to determine whether any aircraft certifi-
3 cation process contributed to the safety concern
4 being raised.

5 (8) The creation of a corrective action process
6 in order to address safety issues that are identified
7 through the program.

8 (c) OUTCOMES.—Results of safety report reviews
9 under this section may be used to—

10 (1) improve—

11 (A) safety systems, hazard control, and
12 risk reduction;

13 (B) certification systems;

14 (C) FAA oversight;

15 (D) compliance and conformance; and

16 (E) any other matter determined necessary
17 by the Administrator; and

18 (2) implement lessons learned.

19 (d) REPORT FILING.—The Administrator shall estab-
20 lish requirements for when in the certification process re-
21 ports may be filed to—

22 (1) ensure that identified issues can be ad-
23 dressed in a timely manner; and

24 (2) foster open dialogue between applicants and
25 FAA employees throughout the certification process.

1 (e) INTEGRATION WITH OTHER SAFETY REPORTING
2 PROGRAMS.—The Administrator shall implement the safe-
3 ty reporting program established under subsection (a) and
4 the reporting requirements established pursuant to sub-
5 section (d) in a manner that is consistent with other vol-
6 untary safety reporting programs administered by the Ad-
7 ministrator.

8 (f) REPORT TO CONGRESS.—Not later than 2 years
9 after the date of enactment of this title, and annually
10 thereafter through fiscal year 2023, the Administrator
11 shall submit to the congressional committees of jurisdic-
12 tion a report on the effectiveness of the safety reporting
13 program established under subsection (a).

14 **SEC. 114. COMPENSATION LIMITATION.**

15 Section 106(l) of title 49, United States Code, is
16 amended by adding at the end the following:

17 “(7) PROHIBITION ON CERTAIN PERFORMANCE-
18 BASED INCENTIVES.—No employee of the Adminis-
19 tration shall be given an award, financial incentive,
20 or other compensation, as a result of actions to meet
21 performance goals related to meeting or exceeding
22 schedules, quotas, or deadlines for certificates issued
23 under section 44704.”.

1 **SEC. 115. SYSTEM SAFETY ASSESSMENTS AND OTHER RE-**
2 **QUIREMENTS.**

3 (a) IN GENERAL.—Not later than 2 years after the
4 date of enactment of this title, the Administrator shall
5 issue such regulations as are necessary to amend part 25
6 of title 14, Code of Federal Regulations, and any associ-
7 ated advisory circular, guidance, or policy of the Adminis-
8 tration, in accordance with this section.

9 (b) SYSTEM SAFETY ASSESSMENTS AND OTHER RE-
10 QUIREMENTS.—In developing regulations under sub-
11 section (a), the Administrator shall—

12 (1) require an applicant for an amended type
13 certificate for a transport airplane to—

14 (A) perform a system safety assessment
15 with respect to each proposed design change
16 that the Administrator determines is signifi-
17 cant, with such assessment considering the air-
18 plane-level effects of individual errors, malfunc-
19 tions, or failures and realistic pilot response
20 times to such errors, malfunctions, or failures;

21 (B) update such assessment to account for
22 each subsequent proposed design change that
23 the Administrator determines is significant;

24 (C) provide appropriate employees of the
25 Administration with the data and assumptions

1 underlying each assessment and amended as-
2 essment; and

3 (D) provide for document traceability and
4 clarity of explanations for changes to aircraft
5 type designs and system safety assessment cer-
6 tification documents; and

7 (2) work with other civil aviation authorities
8 representing states of design to ensure such regula-
9 tions remain harmonized internationally.

10 (c) GUIDANCE.—Guidance or an advisory circular
11 issued under subsection (a) shall, at minimum—

12 (1) emphasize the importance of clear docu-
13 mentation of the technical details and failure modes
14 and effects of a design change described in sub-
15 section (b)(1); and

16 (2) ensure appropriate review of any change
17 that results in a functional hazard assessment classi-
18 fication of major or greater, as such term is defined
19 in FAA Advisory Circular 25.1309-1A (or any suc-
20 cessor or replacement document).

21 (d) FAA REVIEW.—Appropriate employees of the
22 Aircraft Certification Service and the Flight Standards
23 Service of the Administration shall review each system
24 safety assessment required under subsection (b)(1)(A),
25 updated assessment required under subsection (b)(1)(B),

1 and supporting data and assumptions required under sub-
2 section (b)(1)(C), to ensure that each such assessment
3 sufficiently addresses the considerations listed in sub-
4 section (b)(1)(A).

5 **SEC. 116. FLIGHT CREW ALERTING.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this title, the Administrator shall im-
8 plement National Transportation Safety Board rec-
9 ommendations A–19–11 and A–19–12 (as contained in
10 the safety recommendation report adopted on September
11 9, 2019).

12 (b) PROHIBITION.—Beginning on the date that is 2
13 years after the date of enactment of this title, the Admin-
14 istrator may not issue a type certificate for a transport
15 category aircraft unless—

16 (1) in the case of a transport airplane, such air-
17 plane incorporates a flight crew alerting system that,
18 at a minimum, displays and differentiates among
19 warnings, cautions, and advisories, and includes
20 functions to assist the flight crew in prioritizing cor-
21 rective actions and responding to systems failures; or

22 (2) in the case of a transport category aircraft
23 other than a transport airplane, the type certificate
24 applicant provides a means acceptable to the Admin-
25 istrator to assist the flight crew in prioritizing cor-

1 rective actions and responding to systems failures
2 (including by cockpit or flight manual procedures).

3 (c) EXISTING AIRPLANE DESIGNS.—It is the sense
4 of Congress that the FAA shall ensure that any system
5 safety assessment with respect to the Boeing 737-7, 737-
6 8, 737-9, and 737-10 airplanes, as described in National
7 Transportation Safety Board recommendation A-19-10, is
8 conducted in accordance with such recommendation.

9 **SEC. 117. CHANGED PRODUCT RULE.**

10 (a) REVIEW AND REEVALUATION OF AMENDED TYPE
11 CERTIFICATES.—

12 (1) INTERNATIONAL LEADERSHIP.—The Ad-
13 ministrator shall exercise leadership in the creation
14 of international policies and standards relating to
15 the issuance of amended type certificates within the
16 Certification Management Team.

17 (2) REEVALUATION OF AMENDED TYPE CER-
18 TIFICATES.—In carrying out this subsection, the Ad-
19 ministrator shall—

20 (A) encourage Certification Management
21 Team members to examine and address any rel-
22 evant covered recommendations (as defined in
23 section 121(c)) relating to the issuance of
24 amended type certificates;

1 (B) reevaluate existing assumptions and
2 practices inherent in the amended type certifi-
3 cate process and assess whether such assump-
4 tions and practices are valid; and

5 (C) ensure, to the greatest extent prac-
6 ticable, that Federal regulations relating to the
7 issuance of amended type certificates are har-
8 monized with the regulations of other inter-
9 national states of design.

10 (b) AMENDED TYPE CERTIFICATE REPORT AND
11 RULEMAKING.—

12 (1) BRIEFINGS.—Not later than 12 months
13 after the date of enactment of this title, and annu-
14 ally thereafter through fiscal year 2023, the Admin-
15 istrator shall brief the congressional committees of
16 jurisdiction on the work and status of the develop-
17 ment of such recommendations by the Certification
18 Management Team.

19 (2) INITIATION OF ACTION.—Not later than 2
20 years after the date of enactment of this title, the
21 Administrator shall take action to revise and im-
22 prove the process of issuing amended type certifi-
23 cates in accordance with this section. Such action
24 shall include, at minimum—

1 (A) initiation of a rulemaking proceeding;
2 and

3 (B) development or revision of guidance
4 and training materials.

5 (3) CONTENTS.—In taking actions required
6 under paragraph (2), the Administrator shall do the
7 following:

8 (A) Ensure that proposed changes to an
9 aircraft are evaluated from an integrated whole
10 aircraft system perspective that examines the
11 integration of proposed changes with existing
12 systems and associated impacts.

13 (B) Define key terms used for the changed
14 product process under sections 21.19 and
15 21.101 of title 14, Code of Federal Regulations.

16 (C) Consider—

17 (i) the findings and work of the Cer-
18 tification Management Team and other
19 similar international harmonization efforts;

20 (ii) any relevant covered recommenda-
21 tions (as defined in section 121(c)); and

22 (iii) whether a fixed time beyond
23 which a type certificate may not be amend-
24 ed would improve aviation safety.

1 (D) Establish the extent to which the fol-
2 lowing design characteristics should preclude
3 the issuance of an amended type certificate:

4 (i) A new or revised flight control sys-
5 tem.

6 (ii) Any substantial changes to aero-
7 dynamic stability resulting from a physical
8 change that may require a new or modified
9 software system or control law in order to
10 produce positive and acceptable stability
11 and handling qualities.

12 (iii) A flight control system or aug-
13 mented software to maintain aerodynamic
14 stability in any portion of the flight enve-
15 lope that was not required for a previously
16 certified derivative.

17 (iv) A change in structural compo-
18 nents (other than a stretch or shrink of
19 the fuselage) that results in a change in
20 structural load paths or the magnitude of
21 structural loads attributed to flight maneu-
22 vers or cabin pressurization.

23 (v) A novel or unusual system, compo-
24 nent, or other feature whose failure would
25 present a hazardous or catastrophic risk.

1 (E) Develop objective criteria for helping
2 to determine what constitutes a substantial
3 change and a significant change.

4 (F) Implement mandatory aircraft-level re-
5 views throughout the certification process to
6 validate the certification basis and assumptions.

7 (G) Require maintenance of relevant
8 records of agreements between the FAA and an
9 applicant that affect certification documentation
10 and deliverables.

11 (H) Ensure appropriate documentation of
12 any exception or exemption from airworthiness
13 requirements codified in title 14 of the Code of
14 Federal Regulations, as in effect on the date of
15 application for the change.

16 (4) GUIDANCE MATERIALS.—The Administrator
17 shall consider the following when developing orders
18 and regulatory guidance, including advisory circu-
19 lars, where appropriate:

20 (A) Early FAA involvement and feedback
21 paths in the aircraft certification process to en-
22 sure the FAA is aware of changes to design as-
23 sumptions and product design impacting a
24 changed product assessment.

1 (B) Presentation to the FAA of new tech-
2 nology, novel design, or safety critical features
3 or systems, initially and throughout the certifi-
4 cation process, when development and certifi-
5 cation prompt design or compliance method re-
6 vision.

7 (C) Examples of key terms used for the
8 changed product process under sections 21.19
9 and 21.101 of title 14, Code of Federal Regula-
10 tions.

11 (D) Type certificate data sheet improve-
12 ments to accurately state which regulations and
13 amendment level the aircraft complies to and
14 when compliance is limited to a subset of the
15 aircraft.

16 (E) Policies to guide applicants on proper
17 visibility, clarity, and consistency of key design
18 and compliance information that is submitted
19 for certification, particularly with new design
20 features.

21 (F) The creation, validation, and imple-
22 mentation of analytical tools appropriate for the
23 analysis of complex system for the FAA and ap-
24 plicants.

1 (G) Early coordination processes with the
2 FAA for the functional hazard assessments vali-
3 dation and preliminary system safety assess-
4 ments review.

5 (5) TRAINING MATERIALS.—The Administrator
6 shall—

7 (A) develop training materials for estab-
8 lishing the certification basis for changed aero-
9 nautical products pursuant to section 21.101 of
10 title 14, Code of Federal Regulations, applica-
11 tions for a new type certificate pursuant to sec-
12 tion 21.19 of such title, and the regulatory
13 guidance developed as a result of the rule-
14 making conducted pursuant to paragraph (2);
15 and

16 (B) procedures for disseminating such ma-
17 terials to implementing personnel of the FAA,
18 designees, and applicants.

19 (6) CERTIFICATION MANAGEMENT TEAM DE-
20 FINED.—In this section, the term “Certification
21 Management Team” means the team framework
22 under which the FAA, the European Aviation Safety
23 Agency, the Transport Canada Civil Aviation, and
24 the National Civil Aviation Agency of Brazil, man-
25 age the technical, policy, certification, manufac-

1 turing, export, and continued airworthiness issues
2 common among the 4 authorities.

3 (7) DEADLINE.—The Administrator shall final-
4 ize the actions initiated under paragraph (2) not
5 later than 3 years after the date of enactment of
6 this title.

7 (c) INTERNATIONAL LEADERSHIP.—The Adminis-
8 trator shall exercise leadership within the ICAO and
9 among other civil aviation regulators representing states
10 of aircraft design to advocate for the adoption of an
11 amended changed product rule on a global basis, con-
12 sistent with ICAO standards.

13 **SEC. 118. WHISTLEBLOWER PROTECTIONS.**

14 Section 42121 of title 49, United States Code, is
15 amended—

16 (1) by striking subsection (a) and inserting the
17 following:

18 “(a) PROHIBITED DISCRIMINATION.—A holder of a
19 certificate under section 44704 or 44705 of this title, or
20 a contractor, subcontractor, or supplier of such holder,
21 may not discharge an employee or otherwise discriminate
22 against an employee with respect to compensation, terms,
23 conditions, or privileges of employment because the em-
24 ployee (or any person acting pursuant to a request of the
25 employee)—

1 “(1) provided, caused to be provided, or is
2 about to provide (with any knowledge of the em-
3 ployer) or cause to be provided to the employer or
4 Federal Government information relating to any vio-
5 lation or alleged violation of any order, regulation,
6 or standard of the Federal Aviation Administration
7 or any other provision of Federal law relating to
8 aviation safety under this subtitle or any other law
9 of the United States;

10 “(2) has filed, caused to be filed, or is about to
11 file (with any knowledge of the employer) or cause
12 to be filed a proceeding relating to any violation or
13 alleged violation of any order, regulation, or stand-
14 ard of the Federal Aviation Administration or any
15 other provision of Federal law relating to aviation
16 safety under this subtitle or any other law of the
17 United States;

18 “(3) testified or is about to testify in such a
19 proceeding; or

20 “(4) assisted or participated or is about to as-
21 sist or participate in such a proceeding.”;

22 (2) by striking subsection (d) and inserting the
23 following:

24 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
25 TIONS.—Subsection (a) shall not apply with respect to an

1 employee of a holder of a certificate issued under section
2 44704 or 44705, or a contractor or subcontractor thereof,
3 who, acting without direction from such certificate-holder,
4 contractor, or subcontractor (or such person's agent), de-
5 liberately causes a violation of any requirement relating
6 to aviation safety under this subtitle or any other law of
7 the United States.”; and

8 (3) by striking subsection (e) and inserting the
9 following:

10 “(e) CONTRACTOR DEFINED.—In this section, the
11 term ‘contractor’ means—

12 “(1) a person that performs safety-sensitive
13 functions by contract for an air carrier or commer-
14 cial operator; or

15 “(2) a person that performs safety-sensitive
16 functions related to the design or production of an
17 aircraft, aircraft engine, propeller, appliance, or
18 component thereof by contract for a holder of a cer-
19 tificate issued under section 44704.”.

20 **SEC. 119. DOMESTIC AND INTERNATIONAL PILOT TRAIN-**
21 **ING.**

22 (a) IN GENERAL.—Chapter 447 of title 49, United
23 States Code, as amended by section 107, is further amend-
24 ed by adding at the end the following:

1 **“§ 44743. Pilot training requirements**

2 “(a) IN GENERAL.—

3 “(1) ADMINISTRATOR’S DETERMINATION.—In
4 establishing any pilot training requirements with re-
5 spect to a new transport airplane, the Administrator
6 of the Federal Aviation Administration shall inde-
7 pendently review any proposal by the manufacturer
8 of such airplane with respect to the scope, format,
9 or minimum level of training required for operation
10 of such airplane.

11 “(2) ASSURANCES AND MARKETING REPRESENTEN-
12 TATIONS.—Before the Administrator has established
13 applicable training requirements, an applicant for a
14 new or amended type certificate for an airplane de-
15 scribed in paragraph (1) may not, with respect to
16 the scope, format, or magnitude of pilot training for
17 such airplane—

18 “(A) make any assurance or other contrac-
19 tual commitment, whether verbal or in writing,
20 to a potential purchaser of such airplane unless
21 a clear and conspicuous disclaimer (as defined
22 by the Administrator) is included regarding the
23 status of training required for operation of such
24 airplane; or

25 “(B) provide financial incentives (including
26 rebates) to a potential purchaser of such air-

1 plane regarding the scope, format, or mag-
2 nitude of pilot training for such airplane.

3 “(b) PILOT RESPONSE TIME.—Beginning on the day
4 after the date on which regulations are issued under sec-
5 tion 119(e)(6) of the Aircraft Certification, Safety, and
6 Accountability Act, the Administrator may not issue a new
7 or amended type certificate for an airplane described in
8 subsection (a) unless the applicant for such certificate has
9 demonstrated to the Administrator that the applicant has
10 accounted for realistic assumptions regarding the time for
11 pilot responses to non-normal conditions in designing the
12 systems and instrumentation of such airplane. Such as-
13 sumptions shall—

14 “(1) be based on test data, analysis, or other
15 technical validation methods; and

16 “(2) account for generally accepted scientific
17 consensus among experts in human factors regard-
18 ing realistic pilot response time.

19 “(c) DEFINITION.—In this section, the term ‘trans-
20 port airplane’ means a transport category airplane de-
21 signed for operation by an air carrier or foreign air carrier
22 type-certificated with a passenger seating capacity of 30
23 or more or an all-cargo or combi derivative of such an
24 airplane.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 447 of title 49, United States Code, is further
3 amended by adding at the end the following:

“44743. Pilot training requirements.”.

4 (c) EXPERT SAFETY REVIEW.—

5 (1) IN GENERAL.—Not later than 30 days after
6 the date of enactment of this title, the Administrator
7 shall initiate an expert safety review of assumptions
8 relied upon by the Administration and manufactur-
9 ers of transport category aircraft in the design and
10 certification of such aircraft.

11 (2) CONTENTS.—The expert safety review re-
12 quired under paragraph (1) shall include—

13 (A) a review of Administration regulations,
14 guidance, and directives related to pilot re-
15 sponse assumptions relied upon by the FAA
16 and manufacturers of transport category air-
17 craft in the design and certification of such air-
18 craft, and human factors and human system in-
19 tegration, particularly those related to pilot and
20 aircraft interfaces;

21 (B) a focused review of the assumptions
22 relied on regarding the time for pilot responses
23 to non-normal conditions in designing such air-
24 craft’s systems and instrumentation, including
25 responses to safety-significant failure conditions

1 and failure scenarios that trigger multiple, and
2 possibly conflicting, warnings and alerts;

3 (C) a review of human factors assumptions
4 with applicable operational data, human factors
5 research and the input of human factors ex-
6 perts and FAA operational data, and as appro-
7 priate, recommendations for modifications to
8 existing assumptions;

9 (D) a review of revisions made to the air-
10 man certification standards for certificates over
11 the last 4 years, including any possible effects
12 on pilot competency in basic manual flying
13 skills;

14 (E) consideration of the global nature of
15 the aviation marketplace, varying levels of pilot
16 competency, and differences in pilot training
17 programs worldwide;

18 (F) a process for aviation stakeholders, in-
19 cluding pilots, airlines, inspectors, engineers,
20 test pilots, human factors experts, and other
21 aviation safety experts, to provide and discuss
22 any observations, feedback, and best practices;

23 (G) a review of processes currently in place
24 to ensure that when carrying out the certifi-
25 cation of a new aircraft type, or an amended

1 type, the cumulative effects that new tech-
2 nologies, and the interaction between new tech-
3 nologies and unchanged systems for an amend-
4 ed type certificate, may have on pilot inter-
5 actions with aircraft systems are properly as-
6 sessed through system safety assessments or
7 otherwise; and

8 (H) a review of processes currently in
9 place to account for any necessary adjustments
10 to system safety assessments, pilot procedures
11 and training requirements, or design require-
12 ments when there are changes to the assump-
13 tions relied upon by the Administration and
14 manufacturers of transport category aircraft in
15 the design and certification of such aircraft.

16 (3) REPORT AND RECOMMENDATIONS.—Not
17 later than 30 days after the conclusion of the expert
18 safety review pursuant to paragraph (1), the Admin-
19 istrator shall submit to the congressional committees
20 of jurisdiction a report on the results of the review,
21 including any recommendations for actions or best
22 practices to ensure the FAA and the manufacturers
23 of transport category aircraft have accounted for
24 pilot response assumptions to be relied upon in the
25 design and certification of transport category air-

1 craft and tools or methods identified to better inte-
2 grate human factors throughout the process for such
3 certification.

4 (4) INTERNATIONAL ENGAGEMENT.—The Ad-
5 ministrator shall notify other international regu-
6 lators that certify transport category aircraft type
7 designs of the expert panel report and encourage
8 them to review the report and evaluate their regula-
9 tions and processes in light of the recommendations
10 included in the report.

11 (5) TERMINATION.—The expert safety review
12 shall end upon submission of the report required
13 pursuant to paragraph (3).

14 (6) REGULATIONS.—The Administrator shall
15 issue or update such regulations as are necessary to
16 implement the recommendations of the expert safety
17 review that the Administrator determines are nec-
18 essary to improve aviation safety.

19 (d) CALL TO ACTION ON AIRMAN CERTIFICATION
20 STANDARDS.—

21 (1) IN GENERAL.—Not later than 60 days after
22 the date of enactment of this title, the Administrator
23 shall initiate a call to action safety review of pilot
24 certification standards in order to bring stakeholders
25 together to share lessons learned, best practices, and

1 implement actions to address any safety issues iden-
2 tified.

3 (2) CONTENTS.—The call to action safety re-
4 view required under paragraph (1) shall include—

5 (A) a review of Administration regulations,
6 guidance, and directives related to the pilot cer-
7 tification standards, including the oversight of
8 those processes;

9 (B) a review of revisions made to the pilot
10 certification standards for certificates over the
11 last 5 years, including any possible effects on
12 pilot competency in manual flying skills and ef-
13 fectively managing automation to improve safe-
14 ty; and

15 (C) a process for aviation stakeholders, in-
16 cluding aviation students, instructors, des-
17 ignated pilot examiners, pilots, airlines, labor,
18 and aviation safety experts, to provide and dis-
19 cuss any observations, feedback, and best prac-
20 tices.

21 (3) REPORT AND RECOMMENDATIONS.—Not
22 later than 90 days after the conclusion of the call to
23 action safety review pursuant to paragraph (1), the
24 Administrator shall submit to the congressional com-
25 mittees of jurisdiction a report on the results of the

1 review, any recommendations for actions or best
2 practices to ensure pilot competency in basic manual
3 flying skills and in effective management of automa-
4 tion, and actions the Administrator will take in re-
5 sponse to the recommendations.

6 (e) INTERNATIONAL PILOT TRAINING.—

7 (1) IN GENERAL.—The Secretary of Transpor-
8 tation, the Administrator, and other appropriate of-
9 ficials of the Government shall exercise leadership in
10 setting global standards to improve air carrier pilot
11 training and qualifications for—

12 (A) monitoring and managing the behavior
13 and performance of automated systems;

14 (B) controlling the flightpath of aircraft
15 without autoflight systems engaged;

16 (C) effectively utilizing and managing
17 autoflight systems, when appropriate;

18 (D) effectively identifying situations in
19 which the use of autoflight systems is appro-
20 priate and when such use is not appropriate;
21 and

22 (E) recognizing and responding appro-
23 priately to non-normal conditions.

24 (2) INTERNATIONAL LEADERSHIP.—The Sec-
25 retary, the Administrator, and other appropriate of-

1 officials of the Government shall exercise leadership
2 under paragraph (1) by working with—

3 (A) foreign counterparts of the Adminis-
4 trator in the ICAO and its subsidiary organiza-
5 tions;

6 (B) other international organizations and
7 fora; and

8 (C) the private sector.

9 (3) CONSIDERATIONS.—In exercising leadership
10 under paragraph (1), the Secretary, the Adminis-
11 trator, and other appropriate officials of the Govern-
12 ment shall consider—

13 (A) the latest information relating to
14 human factors;

15 (B) aircraft manufacturing trends, includ-
16 ing those relating to increased automation in
17 the cockpit;

18 (C) the extent to which cockpit automation
19 improves aviation safety and introduces novel
20 risks;

21 (D) the availability of opportunities for pi-
22 lots to practice manual flying skills;

23 (E) the need for consistency in maintain-
24 ing and enhancing manual flying skills world-
25 wide;

1 (F) recommended practices of other coun-
2 tries that enhance manual flying skills and au-
3 tomation management; and

4 (G) whether a need exists for initial and
5 recurrent training standards for improve pilots'
6 proficiency in manual flight and in effective
7 management of autoflight systems.

8 (4) CONGRESSIONAL BRIEFING.—The Sec-
9 retary, the Administrator, and other appropriate of-
10 ficials of the Government shall provide to the con-
11 gressional committees of jurisdiction regular brief-
12 ings on the status of efforts undertaken pursuant to
13 this subsection.

14 (f) INTERNATIONAL AVIATION SAFETY.—Section
15 40104(b) of title 49, United States Code, is amended—

16 (1) by striking “The Administrator shall” and
17 inserting the following:

18 “(1) IN GENERAL.—The Administrator shall”;

19 and

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

21 “(2) BILATERAL AND MULTILATERAL ENGAGE-
22 MENT; TECHNICAL ASSISTANCE.—The Administrator
23 shall—

24 “(A) in consultation with the Secretary of
25 State, engage bilaterally and multilaterally, in-

1 including with the International Civil Aviation
2 Organization, on an ongoing basis to bolster
3 international collaboration, data sharing, and
4 harmonization of international aviation safety
5 requirements including through—

6 “(i) sharing of continued operational
7 safety information;

8 “(ii) prioritization of pilot training de-
9 ficiencies, including manual flying skills
10 and flight crew training, to discourage over
11 reliance on automation, further bolstering
12 the components of airmanship;

13 “(iii) encouraging the consideration of
14 the safety advantages of appropriate Fed-
15 eral regulations, which may include rel-
16 evant Federal regulations pertaining to
17 flight crew training requirements; and

18 “(iv) prioritizing any other flight crew
19 training areas that the Administrator be-
20 lieves will enhance all international avia-
21 tion safety; and

22 “(B) seek to expand technical assistance
23 provided by the Federal Aviation Administra-
24 tion in support of enhancing international avia-
25 tion safety, including by—

1 “(i) promoting and enhancing effective oversight systems, including operational safety enhancements identified through data collection and analysis;

2 “(ii) promoting and encouraging compliance with international safety standards by counterpart civil aviation authorities;

3 “(iii) minimizing cybersecurity threats and vulnerabilities across the aviation ecosystem;

4 “(iv) supporting the sharing of safety information, best practices, risk assessments, and mitigations through established international aviation safety groups; and

5 “(v) providing technical assistance on any other aspect of aviation safety that the Administrator determines is likely to enhance international aviation safety.”.

6 (3) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated to the Administrator, \$2,000,000 for each of fiscal years 2021 through 2023, to carry out section 40104(b)(2) of title 49, United States Code (as added by paragraph (2)).

1 (g) ASSISTANCE TO FOREIGN AVIATION AUTHORI-
2 TIES.—

3 (1) IN GENERAL.—Section 40113(e)(1) of title
4 49, United States Code, is amended by inserting
5 “The Administrator may also provide technical as-
6 sistance related to all aviation safety-related training
7 and operational services in connection with bilateral
8 and multilateral agreements, including further bol-
9 stering the components of airmanship.” after the
10 first sentence.

11 (2) AUTHORIZATION OF APPROPRIATIONS.—
12 Section 40113(e) of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(5) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to the Ad-
16 ministrator, \$5,000,000 for each of fiscal years 2021
17 through 2023, to carry out this subsection. Amounts
18 appropriated under the preceding sentence for any
19 fiscal year shall remain available until expended.”.

20 (h) SENSE OF CONGRESS REGARDING INTER-
21 NATIONAL PILOT TRAINING STANDARDS.—

22 (1) FINDINGS.—Congress makes the following
23 findings:

24 (A) Increased reliance on automation in
25 commercial aviation risks a degradation of pilot

1 skills in flight path management using manual
2 flight control.

3 (B) Manual flight skills are essential for
4 pilot confidence and competence.

5 (C) During the 40th Assembly of ICAO,
6 the United States, Canada, Peru, and Trinidad
7 and Tobago presented a working paper titled,
8 “Pilot Training Improvements to Address Auto-
9 mation Dependency”.

10 (D) The working paper outlines rec-
11 ommendations for the Assembly to mitigate the
12 consequences of automation dependency, includ-
13 ing identifying competency requirements for
14 flight path management using manual flight
15 control and assessing the need for new or
16 amended international standards or guidance.

17 (2) SENSE OF CONGRESS.—It is the sense of
18 Congress that, as soon as practicable—

19 (A) the recommendations included in the
20 working paper titled “Pilot Training Improve-
21 ments to Address Automation Dependency” of-
22 fered by the United States at the 40th Assem-
23 bly of ICAO should be made a priority by the
24 Assembly; and

1 (B) the United States should work with
2 ICAO and other international aviation safety
3 groups, further bolstering the components of
4 airmanship.

5 **SEC. 120. NONCONFORMITY WITH APPROVED TYPE DESIGN.**

6 Section 44704(d) of title 49, United States Code, is
7 amended by adding at the end the following:

8 “(3) NONCONFORMITY WITH APPROVED TYPE
9 DESIGN.—

10 “(A) IN GENERAL.—Consistent with the
11 requirements of paragraph (1), a holder of a
12 production certificate for an aircraft may not
13 present a nonconforming aircraft, either directly
14 or through the registered owner of such aircraft
15 or a person described in paragraph (2), to the
16 Administrator for issuance of an initial air-
17 worthiness certificate.

18 “(B) CIVIL PENALTY.—Notwithstanding
19 section 46301, a production certificate holder
20 who knowingly violates subparagraph (A) shall
21 be liable to the Administrator for a civil penalty
22 of not more than \$1,000,000 for each noncon-
23 forming aircraft.

24 “(C) PENALTY CONSIDERATIONS.—In de-
25 termining the amount of a civil penalty under

1 subparagraph (B), the Administrator shall con-
2 sider—

3 “(i) the nature, circumstances, extent,
4 and gravity of the violation, including the
5 length of time the nonconformity was
6 known by the holder of a production cer-
7 tificate but not disclosed; and

8 “(ii) with respect to the violator, the
9 degree of culpability, any history of prior
10 violations, and the size of the business con-
11 cern.

12 “(D) NONCONFORMING AIRCRAFT DE-
13 FINED.—In this paragraph, the term ‘noncon-
14 forming aircraft’ means an aircraft that does
15 not conform to the approved type design for
16 such aircraft type.”.

17 **SEC. 121. IMPLEMENTATION OF RECOMMENDATIONS.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this title, the Administrator shall
20 submit a report to the congressional committees of juris-
21 diction on the status of the Administration’s implementa-
22 tion of covered recommendations.

23 (b) CONTENTS.—The report required under sub-
24 section (a) shall contain, at a minimum—

1 (1) a list and description of all covered rec-
2 ommendations;

3 (2) a determination of whether the Adminis-
4 trator concurs, concurs in part, or does not concur
5 with each covered recommendation;

6 (3) an implementation plan and schedule for all
7 covered recommendations the Administrator concurs
8 or concurs in part with; and

9 (4) for each covered recommendation with
10 which the Administrator does not concur (in whole
11 or in part), a detailed explanation as to why.

12 (c) COVERED RECOMMENDATIONS DEFINED.—In
13 this section, the term “covered recommendations” means
14 recommendations made by the following entities in any re-
15 view initiated in response to the accident of Lion Air flight
16 610 on October 29, 2018, or Ethiopian Airlines flight 302
17 on March 10, 2019, that recommend Administration ac-
18 tion:

19 (1) The National Transportation Safety Board.

20 (2) The Joint Authorities Technical Review.

21 (3) The inspector general of the Department of
22 Transportation.

23 (4) The Safety Oversight and Certification Ad-
24 visory Committee, or any special committee thereof.

1 (5) Any other entity the Administrator may
2 designate.

3 **SEC. 122. OVERSIGHT OF FAA COMPLIANCE PROGRAM.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this title, the Administrator shall es-
6 tablish an Executive Council within the Administration to
7 oversee the use and effectiveness across program offices
8 of the Administration’s Compliance Program, described in
9 Order 8000.373A dated October 31, 2018.

10 (b) COMPLIANCE PROGRAM OVERSIGHT.—The Exec-
11 utive Council established under this section shall—

12 (1) monitor, collect, and analyze data on the
13 use of the Compliance Program across program of-
14 fices of the Administration, including data on en-
15 forcement actions and compliance actions pursued
16 against regulated entities by such program offices;

17 (2) conduct an evaluation of the Compliance
18 Program, not less frequently than annually each cal-
19 endar year through 2023, to assess the functioning
20 and effectiveness of such program in meeting the
21 stated goals and purpose of the program;

22 (3) provide reports to the Administrator con-
23 taining the results of any evaluation conducted
24 under paragraph (2), including identifying in such
25 report any nonconformities or deficiencies in the im-

1 plementation of the program and compliance of reg-
2 ulated entities with safety standards of the Adminis-
3 tration;

4 (4) make recommendations to the Adminis-
5 trator on regulations, guidance, performance stand-
6 ards or metrics, or other controls that should be
7 issued by the Administrator to improve the effective-
8 ness of the Compliance Program in meeting the stat-
9 ed goals and purpose of the program and to ensure
10 the highest levels of aviation safety; and

11 (5) carry out any other oversight duties with re-
12 spect to implementation of the Compliance Program
13 and assigned by the Administrator.

14 (c) EXECUTIVE COUNCIL.—

15 (1) EXECUTIVE COUNCIL MEMBERSHIP.—The
16 Executive Council shall be comprised of representa-
17 tives from each program office with regulatory re-
18 sponsibility as provided in Order 8000.373A.

19 (2) CHAIRPERSON.—The Executive Council
20 shall be chaired by a person, who shall be appointed
21 by the Administrator and shall report directly to the
22 Administrator.

23 (3) INDEPENDENCE.—The Secretary of Trans-
24 portation, the Administrator, or any officer or em-
25 ployee of the Administration may not prevent or pro-

1 hibit the chair of the Executive Council from per-
2 forming the activities described in this section or
3 from reporting to Congress on such activities.

4 (4) DURATION.—The Executive Council shall
5 terminate on October 1, 2023.

6 (d) ANNUAL BRIEFING.—Each calendar year
7 through 2023, the chair of the Executive Council shall
8 provide a briefing to the congressional committees of juris-
9 diction on the effectiveness of the Administration’s Com-
10 pliance Program in meeting the stated goals and purpose
11 of the program and the activities of the office described
12 in subsection (b), including any reports and recommenda-
13 tions made by the office during the preceding calendar
14 year.

15 **SEC. 123. SETTLEMENT AGREEMENT.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Administrator should fully exercise all
18 rights and pursue all remedies available to the Adminis-
19 trator under any settlement agreement between the Ad-
20 ministration and the holder of a type certificate and pro-
21 duction certificate for transport airplanes executed on De-
22 cember 18, 2015, including a demand for full payment of
23 any applicable civil penalties deferred under such agree-
24 ment, if the Administrator concludes that such holder has

1 not fully performed all obligations incurred under such
2 agreement.

3 (b) CONGRESSIONAL BRIEFING.—Not later than 60
4 days after the date of enactment of this title, and every
5 6 months thereafter until a certificate holder described in
6 subsection (a) has fully performed all obligations incurred
7 by such certificate holder under such settlement agree-
8 ment, the Administrator shall brief the congressional com-
9 mittees of jurisdiction on action taken consistent with sub-
10 section (a).

11 **SEC. 124. HUMAN FACTORS EDUCATION PROGRAM.**

12 (a) HUMAN FACTORS EDUCATION PROGRAM.—

13 (1) IN GENERAL.—The Administrator shall de-
14 velop a human factors education program that ad-
15 dresses the effects of modern flight deck systems, in-
16 cluding automated systems, on human performance
17 for transport airplanes and the approaches for better
18 integration of human factors in aircraft design and
19 certification.

20 (2) TARGET AUDIENCE.—The human factors
21 education program shall be integrated into the train-
22 ing protocols (as in existence as of the date of enact-
23 ment of this title) for, and be routinely administered
24 to, the following:

1 (A) Appropriate employees within the
2 Flight Standards Service.

3 (B) Appropriate employees within the Air-
4 craft Certification Service.

5 (C) Other employees or authorized rep-
6 resentatives determined to be necessary by the
7 Administrator.

8 (b) TRANSPORT AIRPLANE MANUFACTURER INFOR-
9 MATION SHARING.—The Administrator shall—

10 (1) require each transport airplane manufac-
11 turer to provide the Administrator with the informa-
12 tion or findings necessary for flight crew to be
13 trained on flight deck systems;

14 (2) ensure the information or findings under
15 paragraph (1) adequately includes consideration of
16 human factors; and

17 (3) ensure that each transport airplane manu-
18 facturer identifies any technical basis, justification
19 or rationale for the information and findings under
20 paragraph (1).

21 **SEC. 125. BEST PRACTICES FOR ORGANIZATION DESIGNA-**
22 **TION AUTHORIZATIONS.**

23 (a) IN GENERAL.—Section 213 of the FAA Reau-
24 thorization Act of 2018 (Public Law 115–254, 132 Stat.
25 3249) is amended—

1 (1) by striking subsection (g);

2 (2) by redesignating subsections (e) through (f)

3 as subsections (d) through (g), respectively;

4 (3) by inserting after subsection (b), the fol-
5 lowing:

6 “(c) BEST PRACTICES REVIEW.—In addition to con-
7 ducting the survey required under subsection (b), the
8 Panel shall conduct a review of a sampling of ODA holders
9 to identify and develop best practices. At a minimum, the
10 best practices shall address preventing and deterring in-
11 stances of undue pressure on or by an ODA unit member,
12 within an ODA, or by an ODA holder, or failures to main-
13 tain independence between the FAA and an ODA holder
14 or an ODA unit member. In carrying out such review, the
15 Panel shall—

16 “(1) examine other government regulated indus-
17 tries to gather lessons learned, procedures, or proc-
18 esses that address undue pressure of employees, per-
19 ceived regulatory coziness, or other failures to main-
20 tain independence;

21 “(2) identify ways to improve communications
22 between an ODA Administrator, ODA unit mem-
23 bers, and FAA engineers and inspectors, consistent
24 with section 44736(g) of title 49, United States
25 Code, in order to enable direct communication of

1 technical concerns that arise during a certification
2 project without fear of reprisal to the ODA Adminis-
3 trator or ODA unit member; and

4 “(3) examine FAA designee programs, includ-
5 ing the assignment of FAA advisors to designees, to
6 determine which components of the program may
7 improve the FAA’s oversight of ODA units, ODA
8 unit members, and the ODA program.”;

9 (4) in subsection (d) (as redesignated by para-
10 graph (2))—

11 (A) by striking paragraph (3) and redesign-
12 ating paragraphs (4) through (6) as para-
13 graphs (3) through (5), respectively;

14 (B) in paragraph (4) (as redesignated by
15 subparagraph (A)), by striking “and” at the
16 end;

17 (C) in paragraph (5) (as so redesignated),
18 by striking the period at the end and inserting
19 “; and”; and

20 (D) by adding at the end the following:

21 “(6) the results of the review conducted under
22 subsection (c).”; and

23 (5) by inserting after subsection (g) (as redesign-
24 ated by paragraph (2)), the following:

25 “(h) BEST PRACTICES ADOPTION.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date on which the Administrator receives
3 the report required under subsection (e), the Admin-
4 istrator shall establish best practices that are gen-
5 erally applicable to all ODA holders and require
6 such practices to be incorporated, as appropriate,
7 into each ODA holder’s approved procedures man-
8 ual.

9 “(2) NOTICE AND COMMENT PERIOD.—The Ad-
10 ministrator shall publish the established best prac-
11 tices for public notice and comment for not fewer
12 than 60 days prior to requiring the practices, as ap-
13 propriate, be incorporated into each ODA holder’s
14 approved procedures manual.

15 “(i) SUNSET.—The Panel shall terminate on the ear-
16 lier of—

17 “(1) the date of submission of the report under
18 subsection (e); or

19 “(2) the date that is 2 years after the date on
20 which the Panel is first convened under subsection
21 (a).”.

22 (b) PROCEDURES MANUAL.—Section 44736(b)(3) of
23 title 49, United States Code, as amended by subsection
24 (c)(2)(D) of section 107), is further amended—

1 (1) in subparagraph (D) (as redesignated by
2 such subsection), by striking “and” after the semi-
3 colon at the end;

4 (2) in subparagraph (E) (as so redesignated),
5 by striking the period at the end and inserting “;
6 and”; and

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

8 “(F) ensure the ODA holders procedures
9 manual contains procedures and policies based
10 on best practices established by the Adminis-
11 trator.”.

12 **SEC. 126. HUMAN FACTORS RESEARCH.**

13 (a) HUMAN FACTORS.—Not later than 180 days
14 after the date of enactment of this title, the Administrator,
15 in consultation with aircraft manufacturers, operators,
16 and pilots, and in coordination with the head of such other
17 Federal agency that the Administrator determines appro-
18 priate, shall develop research requirements to address the
19 integration of human factors in the design and certifi-
20 cation of aircraft that are intended for use in air transpor-
21 tation.

22 (b) REQUIREMENTS.—In developing such research
23 requirements, the Administrator shall—

24 (1) establish goals for research in areas of
25 study relevant to advancing technology, improving

1 design engineering and certification practices, and
2 facilitating better understanding of human factors
3 concepts in the context of the growing development
4 and reliance on automated or complex flight deck
5 systems in aircraft operations, including the develop-
6 ment of tools to validate pilot recognition and re-
7 sponse assumptions and diagnostic tools to improve
8 the clarity of failure indications presented to pilots;

9 (2) take into consideration and leverage any ex-
10 isting or planned research that is conducted by, or
11 conducted in partnership with, the FAA; and

12 (3) focus on—

13 (A) preventing a recurrence of the types of
14 accidents that have involved transport category
15 airplanes designed and manufactured in the
16 United States; and

17 (B) increasingly complex aircraft systems
18 and designs.

19 (c) IMPLEMENTATION.—In implementing the re-
20 search requirements developed under this section, the Ad-
21 ministrator shall work with appropriate organizations and
22 authorities with expertise including, to the maximum ex-
23 tent practicable, the Center of Excellence for Technical
24 Training and Human Performance and the Center of Ex-
25 cellence developed or expanded pursuant to section 127.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Administrator
3 \$7,500,000 for each of fiscal years 2021 through 2023,
4 out of funds made available under section 48102(a) of title
5 49, United States Code, to carry out this section.

6 **SEC. 127. FAA CENTER OF EXCELLENCE FOR AUTOMATED**
7 **SYSTEMS AND HUMAN FACTORS IN AIR-**
8 **CRAFT.**

9 (a) IN GENERAL.—The Administrator shall develop
10 or expand a Center of Excellence focused on automated
11 systems and human factors in transport category aircraft.

12 (b) DUTIES.—The Center of Excellence shall, as ap-
13 propriate—

14 (1) facilitate collaboration among academia, the
15 FAA, and the aircraft and airline industries, includ-
16 ing aircraft, engine, and equipment manufacturers,
17 air carriers, and representatives of the pilot commu-
18 nity;

19 (2) establish goals for research in areas of
20 study relevant to advancing technology, improving
21 engineering practices, and facilitating better under-
22 standing of human factors concepts in the context of
23 the growing development and reliance on automated
24 or complex systems in commercial aircraft, including
25 continuing education and training;

1 (3) examine issues related to human system in-
2 tegration and flight crew and aircraft interfaces, in-
3 cluding tools and methods to support the integration
4 of human factors considerations into the aircraft de-
5 sign and certification process; and

6 (4) review safety reports to identify potential
7 human factors issues for research.

8 (c) AVOIDING DUPLICATION OF WORK.—In devel-
9 oping or expanding the Center of Excellence, the Adminis-
10 trator shall ensure the work of the Center of Excellence
11 does not duplicate or overlap with the work of any other
12 established center of excellence.

13 (d) MEMBER PRIORITIZATION.—

14 (1) IN GENERAL.—The Administrator, when de-
15 veloping or expanding the Center of Excellence, shall
16 prioritize the inclusion of subject-matter experts
17 whose professional experience enables them to be ob-
18 jective and impartial in their contributions to the
19 greatest extent possible.

20 (2) REPRESENTATION.—The Administrator
21 shall require that the membership of the Center of
22 Excellence reflect a balanced viewpoint across broad
23 disciplines in the aviation industry.

24 (3) DISCLOSURE.—Any member of the Center
25 of Excellence who is a Boeing Company or FAA em-

1 ployee who participated in the certification of the
2 Maneuvering Characteristics Augmentation System
3 for the 737 MAX-8 airplane must disclose such in-
4 volvement to the FAA prior to performing any work
5 on behalf of the FAA.

6 (4) TRANSPARENCY.—In developing or expand-
7 ing the Center of Excellence, the Administrator shall
8 develop procedures to facilitate transparency and ap-
9 propriate maintenance of records to the maximum
10 extent practicable.

11 (5) COORDINATION.—Nothing in this section
12 shall preclude coordination and collaboration be-
13 tween the Center of Excellence developed or ex-
14 panded under this section and any other established
15 center of excellence.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Administrator
18 \$2,000,000 for each of fiscal years 2021 through 2023,
19 out of funds made available under section 48102(a) of title
20 49, United States Code, to carry out this section. Amounts
21 appropriated under the preceding sentence for any fiscal
22 year shall remain available until expended.

23 **SEC. 128. PILOT OPERATIONAL EVALUATIONS.**

24 (a) PILOT OPERATIONAL EVALUATIONS.—Not later
25 than 1 year after the date of enactment of this title, the

1 Administrator shall revise existing policies for manufac-
2 turers of transport airplanes to ensure that pilot oper-
3 ational evaluations for airplane types that are submitted
4 for certification utilize pilots from air carriers that are ex-
5 pected to operate such airplanes.

6 (b) REQUIREMENT.—Such manufacturer shall en-
7 sure, to the satisfaction of the Administrator, that the air
8 carrier and foreign air carrier pilots used for such evalua-
9 tions include pilots of varying levels of experience.

10 **SEC. 129. ENSURING APPROPRIATE RESPONSIBILITY OF**
11 **AIRCRAFT CERTIFICATION AND FLIGHT**
12 **STANDARDS PERFORMANCE OBJECTIVES**
13 **AND METRICS.**

14 (a) REPEALS.—Sections 211 and 221 of the FAA Re-
15 authorization Act of 2018 (49 U.S.C. 44701 note) are re-
16 pealed.

17 (b) CONFORMING REPEALS.—Paragraphs (8) and (9)
18 of section 202(c) of the FAA Reauthorization Act of 2018
19 (49 U.S.C. 44701 note) are repealed.

20 **SEC. 130. TRANSPORT AIRPLANE RISK ASSESSMENT METH-**
21 **ODOLOGY.**

22 (a) DEADLINES.—

23 (1) AGREEMENT.—Not later than 15 days after
24 the date of enactment of this title, the Administrator
25 shall enter into an agreement with the National

1 Academies of Sciences to develop a report regarding
2 the methodology and effectiveness of the Transport
3 Airplane Risk Assessment Methodology (TARAM)
4 process used by the FAA.

5 (2) REPORT.—Not later than 180 days after
6 the date of enactment of this title, the National
7 Academies of Sciences shall deliver such report to
8 the congressional committees of jurisdiction.

9 (b) ELEMENTS.—The report under subsection (a)
10 shall include the following elements:

11 (1) An assessment of the TARAM analysis
12 process.

13 (2) An assessment of the effectiveness of the
14 TARAM for the purposes of improving aviation safe-
15 ty.

16 (3) Recommendations to improve the method-
17 ology and effectiveness of the TARAM as an element
18 of aviation safety.

19 (c) REQUIRED NOTICE.—The Administrator shall
20 provide notice to the congressional committees of jurisdic-
21 tion on the findings and recommendations of a TARAM
22 conducted following a transport airplane accident—

23 (1) in which a loss of life occurred; and

24 (2) for which the Administrator determines that
25 the issuance of an airworthiness directive will likely

1 be necessary to correct an unsafe condition associ-
2 ated with the design of the relevant aircraft type.

3 **SEC. 131. NATIONAL AIR GRANT FELLOWSHIP PROGRAM.**

4 (a) PROGRAM.—

5 (1) PROGRAM MAINTENANCE.—The Adminis-
6 trator shall maintain within the FAA a program to
7 be known as the “National Air Grant Fellowship
8 Program”.

9 (2) PROGRAM ELEMENTS.—The National Air
10 Grant Fellowship Program shall provide support for
11 the fellowship program under subsection (b).

12 (3) RESPONSIBILITIES OF ADMINISTRATOR.—

13 (A) GUIDELINES.—The Administrator
14 shall establish guidelines related to the activi-
15 ties and responsibilities of air grant fellowships
16 under subsection (b).

17 (B) QUALIFICATIONS.—The Administrator
18 shall by regulation prescribe the qualifications
19 required for designation of air grant fellowships
20 under subsection (b).

21 (C) AUTHORITY.—In order to carry out
22 the provisions of this section, the Administrator
23 may—

24 (i) appoint, assign the duties, trans-
25 fer, and fix the compensation of such per-

1 sonnel as may be necessary, in accordance
2 with civil service laws;

3 (ii) make appointments with respect
4 to temporary and intermittent services to
5 the extent authorized by section 3109 of
6 title 5, United States Code;

7 (iii) enter into contracts, cooperative
8 agreements, and other transactions without
9 regard to section 6101 of title 41, United
10 States Code;

11 (iv) notwithstanding section 1342 of
12 title 31, United States Code, accept dona-
13 tions and voluntary and uncompensated
14 services;

15 (v) accept funds from other Federal
16 departments and agencies, including agen-
17 cies within the FAA, to pay for and add to
18 activities authorized by this section; and

19 (vi) promulgate such rules and regula-
20 tions as may be necessary and appropriate.

21 (4) DIRECTOR OF NATIONAL AIR GRANT FEL-
22 LOWSHIP PROGRAM.—

23 (A) IN GENERAL.—The Administrator
24 shall appoint, as the Director of the National
25 Air Grant Fellowship Program, a qualified indi-

1 vidual who has appropriate administrative expe-
2 rience and knowledge or expertise in fields re-
3 lated to aerospace. The Director shall be ap-
4 pointed and compensated, without regard to the
5 provisions of title 5 governing appointments in
6 the competitive service, at a rate payable under
7 section 5376 of title 5, United States Code.

8 (B) DUTIES.—Subject to the supervision
9 of the Administrator, the Director shall admin-
10 ister the National Air Grant Fellowship Pro-
11 gram. In addition to any other duty prescribed
12 by law or assigned by the Administrator, the
13 Director shall—

14 (i) cooperate with institutions of high-
15 er education that offer degrees in fields re-
16 lated to aerospace;

17 (ii) encourage the participation of
18 graduate and post-graduate students in the
19 National Air Grant Fellowship Program;
20 and

21 (iii) cooperate and coordinate with
22 other Federal activities in fields related to
23 aerospace.

24 (b) FELLOWSHIPS.—

1 (1) IN GENERAL.—The Administrator shall
2 support a program of fellowships for qualified indi-
3 viduals at the graduate and post-graduate level. The
4 fellowships shall be in fields related to aerospace and
5 awarded pursuant to guidelines established by the
6 Administrator. The Administrator shall strive to en-
7 sure equal access for minority and economically dis-
8 advantaged students to the program carried out
9 under this paragraph.

10 (2) AEROSPACE POLICY FELLOWSHIP.—

11 (A) IN GENERAL.—The Administrator
12 shall award aerospace policy fellowships to sup-
13 port the placement of individuals at the grad-
14 uate level of education in fields related to aero-
15 space in positions with—

16 (i) the executive branch of the United
17 States Government; and

18 (ii) the legislative branch of the
19 United States Government.

20 (B) PLACEMENT PRIORITIES FOR LEGISLA-
21 TIVE FELLOWSHIPS.—

22 (i) IN GENERAL.—In considering the
23 placement of individuals receiving a fellow-
24 ship for a legislative branch position under
25 subparagraph (A)(ii), the Administrator

1 shall give priority to placement of such in-
2 dividuals in the following:

3 (I) Positions in offices of, or with
4 Members on, committees of Congress
5 that have jurisdiction over the FAA.

6 (II) Positions in offices of Mem-
7 bers of Congress that have a dem-
8 onstrated interest in aerospace policy.

9 (ii) **EQUITABLE DISTRIBUTION.**—In
10 placing fellows in positions described under
11 clause (i), the Administrator shall ensure
12 that placements are equally distributed
13 among the political parties.

14 (C) **DURATION.**—A fellowship awarded
15 under this paragraph shall be for a period of
16 not more than 1 year.

17 (3) **RESTRICTION ON USE OF FUNDS.**—
18 Amounts available for fellowships under this sub-
19 section, including amounts accepted under sub-
20 section (a)(3)(C)(v) or appropriated under sub-
21 section (d) to carry out this subsection, shall be used
22 only for award of such fellowships and administra-
23 tive costs of implementing this subsection.

24 (c) **INTERAGENCY COOPERATION.**—Each depart-
25 ment, agency, or other instrumentality of the Federal Gov-

1 ernment that is engaged in or concerned with, or that has
2 authority over, matters relating to aerospace—

3 (1) may, upon a written request from the Ad-
4 ministrator, make available, on a reimbursable basis
5 or otherwise, any personnel (with their consent and
6 without prejudice to their position and rating), serv-
7 ice, or facility that the Administrator deems nec-
8 essary to carry out any provision of this section;

9 (2) shall, upon a written request from the Ad-
10 ministrator, furnish any available data or other in-
11 formation that the Administrator deems necessary to
12 carry out any provision of this section; and

13 (3) shall cooperate with the FAA and duly au-
14 thorized officials thereof.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Administrator
17 \$15,000,000 for each of fiscal years 2021 through 2025
18 to carry out this section. Amounts appropriated under the
19 preceding sentence shall remain available until expended.

20 (e) DEFINITIONS.—In this section:

21 (1) DIRECTOR.—The term “Director” means
22 the Director of the National Air Grant Fellowship
23 Program, appointed pursuant to subsection (a)(4).

24 (2) FIELDS RELATED TO AEROSPACE.—The
25 term “fields related to aerospace” means any dis-

1 cipline or field that is concerned with, or likely to
2 improve, the development, assessment, operation,
3 safety, or repair of aircraft and other airborne ob-
4 jects and systems, including the following:

5 (A) Aerospace engineering.

6 (B) Aerospace physiology.

7 (C) Aeronautical engineering.

8 (D) Airworthiness engineering.

9 (E) Electrical engineering.

10 (F) Human factors.

11 (G) Software engineering.

12 (H) Systems engineering.

13 **SEC. 132. EMERGING SAFETY TRENDS IN AVIATION.**

14 (a) GENERAL.—Not later than 180 days after the
15 date of enactment of this title, the Administrator shall
16 enter into an agreement with the Transportation Research
17 Board for the purposes of developing an annual report
18 identifying, categorizing, and analyzing emerging safety
19 trends in air transportation.

20 (b) FACTORS.—The emerging safety trends report
21 should be based on the following data:

22 (1) The National Transportation Safety
23 Board's investigation of accidents under section
24 1132 of title 49, United States Code.

1 (2) The Administrator’s investigations of acci-
2 dents and incidents under section 40113 of title 49,
3 United States Code.

4 (3) Information provided by air operators pur-
5 suant to safety management systems.

6 (4) International investigations of accidents and
7 incidents, including reports, data, and information
8 from foreign authorities and ICAO.

9 (5) Other sources deemed appropriate for estab-
10 lishing emerging safety trends in the aviation sector,
11 including the FAA’s annual safety culture assess-
12 ment required under subsection (c).

13 (c) SAFETY CULTURE ASSESSMENT.—The Adminis-
14 trator shall conduct an annual safety culture assessment
15 through fiscal year 2031, which shall include surveying all
16 employees in the FAA’s Aviation Safety organization
17 (AVS) to determine the employees’ collective opinion re-
18 garding, and to assess the health of, AVS’ safety culture
19 and implementation of any voluntary safety reporting pro-
20 gram.

21 (d) EXISTING REPORTING SYSTEMS.—The Executive
22 Director of the Transportation Research Board, in con-
23 sultation with the Secretary of Transportation and Admin-
24 istrator, may take into account and, as necessary, har-

1 monize data and sources from existing reporting systems
2 within the Department of Transportation and FAA.

3 (e) BIENNIAL REPORT TO CONGRESS.—One year
4 after the Administrator enters into the agreement with the
5 Transportation Research Board as set forth in subsection
6 (a), and biennially thereafter through fiscal year 2031, the
7 Executive Director, in consultation with the Secretary and
8 Administrator, shall submit to the congressional commit-
9 tees of jurisdiction a report identifying the emerging safe-
10 ty trends in air transportation.

11 **SEC. 133. FAA ACCOUNTABILITY ENHANCEMENT.**

12 (a) ENHANCEMENT OF THE AVIATION SAFETY WHIS-
13 TLEBLOWER INVESTIGATION OFFICE IN THE FEDERAL
14 AVIATION ADMINISTRATION.—

15 (1) RENAMING OF THE OFFICE.—

16 (A) IN GENERAL.—Section 106(t)(1) of
17 title 49, United States Code, is amended by
18 striking “an Aviation Safety Whistleblower In-
19 vestigation Office” and inserting “the Office of
20 Whistleblower Protection and Aviation Safety
21 Investigations”.

22 (B) CONFORMING AMENDMENT.—The
23 heading of subsection (t) of section 106 of title
24 49, United States Code, is amended by striking
25 “AVIATION SAFETY WHISTLEBLOWER INVES-

1 TIGATION OFFICE” and inserting “OFFICE OF
2 WHISTLEBLOWER PROTECTION AND AVIATION
3 SAFETY INVESTIGATIONS”.

4 (2) DUTIES.—

5 (A) IN GENERAL.—Section 106(t)(3)(A) of
6 title 49, United States Code, is amended—

7 (i) in clause (i), by striking “(if the
8 certificate holder does not have a similar
9 in-house whistleblower or safety and regu-
10 latory noncompliance reporting process)”
11 and inserting “(if the certificate holder
12 does not have a similar in-house whistle-
13 blower or safety and regulatory noncompli-
14 ance reporting process established under or
15 pursuant to a safety management sys-
16 tem)”;

17 (ii) in clause (ii), by striking “and” at
18 the end;

19 (iii) in clause (iii), by striking the pe-
20 riod at the end and inserting a semicolon;
21 and

22 (iv) by adding at the end the fol-
23 lowing:

1 “(iv) receive allegations of whistle-
2 blower retaliation by employees of the
3 Agency;

4 “(v) coordinate with and provide all
5 necessary assistance to the Office of Inves-
6 tigations and Professional Responsibility,
7 the inspector general of the Department of
8 Transportation, and the Office of Special
9 Counsel on investigations relating to whis-
10 tleblower retaliation by employees of the
11 Agency; and

12 “(vi) investigate allegations of whistle-
13 blower retaliation by employees of the
14 Agency that have been delegated to the Of-
15 fice by the Office of Investigations and
16 Professional Responsibility, the inspector
17 general of the Department of Transpor-
18 tation, or the Office of Special Counsel.”.

19 (B) LIMITATION.—Section 106(t)(2) of
20 title 49, United States Code, is amended by
21 adding at the end the following:

22 “(E) LIMITATION OF DUTIES.— The Di-
23 rector may only perform duties of the Director
24 described in paragraph (3)(A).”.

1 (C) CONFORMING AMENDMENTS.—Section
2 106(t)(7) of title 49, United States Code, is
3 amended—

4 (i) in the matter preceding subpara-
5 graph (A), by striking “October 1” and in-
6 serting “November 15”; and

7 (ii) in subparagraph (A), by striking
8 “paragraph (3)(A)(i) in the preceding 12-
9 month period” and inserting “paragraph
10 (3)(A)(i) in the preceding fiscal year”.

11 (3) REPORT.—Section 106(t)(7) of title 49,
12 United States Code, as amended by paragraph
13 (2)(C), is further amended—

14 (A) in subparagraph (C)—

15 (i) by inserting “the resolution of
16 those submissions, including any” before
17 “further”; and

18 (ii) by striking “and” after the semi-
19 colon;

20 (B) in subparagraph (D) by striking “rec-
21 ommendations.” and inserting “recommenda-
22 tions; and”; and

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

24 “(E) A summary of the activities of the
25 Whistleblower Ombudsman, including—

1 “(i) the number of employee consulta-
2 tions conducted by the Whistleblower Om-
3 budsman in the preceding 12-month period
4 and a summary of such consultations and
5 their resolution (in a de-identified or
6 anonymized form); and

7 “(ii) the number of reported incidents
8 of retaliation during such period and, if
9 applicable, a description of the disposition
10 of such incidents during such period.”.

11 (b) WHISTLEBLOWER OMBUDSMAN.—Section 106(t)
12 of title 49, United States Code, is further amended by
13 adding at the end the following:

14 “(8) WHISTLEBLOWER OMBUDSMAN.—

15 “(A) IN GENERAL.—Within the Office,
16 there shall be established the position of Whis-
17 tleblower Ombudsman.

18 “(B) OMBUDSMAN QUALIFICATIONS.—The
19 individual selected as Ombudsman shall have
20 knowledge of Federal labor law and dem-
21 onstrated government experience in human re-
22 source management, and conflict resolution.

23 “(C) DUTIES.—The Ombudsman shall
24 carry out the following duties:

1 “(i) Educate Administration employ-
2 ees about prohibitions against materially
3 adverse acts of retaliation and any specific
4 rights or remedies with respect to those re-
5 taliatory actions.

6 “(ii) Serve as an independent con-
7 fidential resource for Administration em-
8 ployees to discuss any specific retaliation
9 allegation and available rights or remedies
10 based on the circumstances, as appro-
11 priate.

12 “(iii) Coordinate with Human Re-
13 source Management, the Office of Account-
14 ability and Whistleblower Protection, the
15 Office of Professional Responsibility, and
16 the Office of the Chief Counsel, as nec-
17 essary.

18 “(iv) Coordinate with the Office of the
19 Inspector General of the Department of
20 Transportation’s Whistleblower Protection
21 Coordinator and the Office of the Special
22 Counsel, as necessary.

23 “(v) Conduct outreach and assist in
24 the development of training within the
25 Agency to mitigate the potential for retal-

1 iation and promote timely and appropriate
2 processing of any protected disclosure or
3 allegation of materially adverse acts of re-
4 taliation.”.

5 (c) OFFICE OF INVESTIGATIONS AND PROFESSIONAL
6 RESPONSIBILITY.—The Administrator shall take such ac-
7 tion as may be necessary to redesignate the Office of In-
8 vestigations of the Administration as the Office of Inves-
9 tigation and Professional Responsibility.

10 (d) MISCONDUCT INVESTIGATIONS.—

11 (1) IN GENERAL.—The Administrator shall re-
12 view and revise the Administration’s existing inves-
13 tigative policies that govern the investigation of mis-
14 conduct by a manager of the Administration con-
15 ducted by the FAA (in this subsection referred to as
16 the “Agency”).

17 (2) PRESERVATION OF COLLECTIVE BAR-
18 GAINING AGREEMENTS.—The investigative policy es-
19 tablished under paragraph (1) shall not apply to, or
20 in the future, be extended by the Administrator to
21 apply to, any employee who is not a manager or is
22 covered by or eligible to be covered by a collective
23 bargaining agreement entered into by the Agency.

1 (3) REQUIREMENTS.—In revising the investiga-
2 tive policies, the Administrator shall ensure such
3 policies require—

4 (A) the utilization of investigative best
5 practices to ensure independent and objective
6 investigation and accurate recording and re-
7 porting of such investigation;

8 (B) the management of case files to ensure
9 the integrity of the information contained in
10 such case files;

11 (C) interviews be conducted in a manner
12 that ensures, to the greatest extent possible,
13 truthful answers and accurate records of such
14 interviews;

15 (D) coordination with the Office of the In-
16 specter General of the Department of Trans-
17 portation, the Office of the Special Counsel,
18 and the Attorney General, as appropriate; and

19 (E) the completion of investigations in a
20 timely manner.

21 (4) DEFINITION.—For purposes of this sub-
22 section, the term “manager” means an employee of
23 the Agency who is a supervisor or management offi-
24 cial, as defined in section 7103(a) of title 5, United
25 States Code.

1 **SEC. 134. AUTHORIZATION OF APPROPRIATIONS FOR THE**
2 **ADVANCED MATERIALS CENTER OF EXCEL-**
3 **LENCE.**

4 Section 44518 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—Out of
7 amounts appropriated under section 48102(a), the Admin-
8 istrator may expend not more than \$10,000,000 for each
9 of fiscal years 2021 through 2023 to carry out this sec-
10 tion. Amounts appropriated under the preceding sentence
11 for each fiscal year shall remain available until ex-
12 pended.”.

13 **SEC. 135. PROMOTING AVIATION REGULATIONS FOR TECH-**
14 **NICAL TRAINING.**

15 (a) NEW REGULATIONS REQUIRED.—

16 (1) INTERIM FINAL REGULATIONS.—Not later
17 than 90 days after the date of enactment of this sec-
18 tion, the Administrator shall issue interim final reg-
19 ulations to establish requirements for issuing avia-
20 tion maintenance technician school certificates and
21 associated ratings and the general operating rules
22 for the holders of those certificates and ratings in
23 accordance with the requirements of this section.

24 (2) REPEAL OF CURRENT REGULATIONS.—

25 Upon the effective date of the interim final regula-
26 tions required under paragraph (1), part 147 of title

1 14, Code of Federal Regulations (as in effect on the
2 date of enactment of this title) and any regulations
3 issued under section 624 of the FAA Reauthoriza-
4 tion Act of 2018 (Public Law 115–254) shall have
5 no force or effect on or after the effective date of
6 such interim final regulations.

7 (b) AVIATION MAINTENANCE TECHNICIAN SCHOOL
8 CERTIFICATION REQUIRED.—No person may operate an
9 aviation maintenance technician school without, or in vio-
10 lation of, an aviation maintenance technician school cer-
11 tificate and the operations specifications issued under the
12 interim final regulations required under subsection (a)(1),
13 the requirements of this section, or in a manner that is
14 inconsistent with information in the school’s operations
15 specifications under subsection (c)(5).

16 (c) CERTIFICATE AND OPERATIONS SPECIFICATIONS
17 REQUIREMENTS.—

18 (1) APPLICATION REQUIREMENTS.—

19 (A) IN GENERAL.—An application for a
20 certificate or rating to operate an aviation
21 maintenance technician school shall include the
22 following:

23 (i) A description of the facilities, in-
24 cluding the physical address of the certifi-
25 cate holder’s primary location for operation

1 of the school, any additional fixed locations
2 where training will be provided, and the
3 equipment and materials to be used at
4 each location.

5 (ii) A description of the manner in
6 which the school's curriculum will ensure
7 the student has the knowledge and skills
8 necessary for attaining a mechanic certifi-
9 cate and associated ratings under subpart
10 D of part 65 of title 14, Code of Federal
11 Regulations (or any successor regulation).

12 (iii) A description of the manner in
13 which the school will ensure it provides the
14 necessary qualified instructors to meet the
15 requirements of subsection (d)(4).

16 (B) DOCUMENTED IN THE SCHOOL'S OP-
17 ERATIONS SPECIFICATIONS.—Upon issuance of
18 the school's certificate or rating, the informa-
19 tion required under subparagraph (A) shall be
20 documented in the school's operations specifica-
21 tions.

22 (2) CHANGE APPLICATIONS.—

23 (A) IN GENERAL.—An application for an
24 additional rating or amended certificate shall
25 include only the information necessary to sub-

1 stantiate the reason for the requested additional
2 rating or change.

3 (B) APPROVED CHANGES.—Any approved
4 changes shall be documented in the school’s op-
5 erations specifications.

6 (3) DURATION.—An aviation maintenance tech-
7 nician school certificate or rating issued under the
8 interim final regulations required under subsection
9 (a)(1) shall be effective from the date of issue until
10 the certificate or rating is surrendered, suspended,
11 or revoked.

12 (4) CERTIFICATE RATINGS.—An aviation main-
13 tenance technician school certificate issued under the
14 interim final regulations required under subsection
15 (a)(1) shall specify which of the following ratings are
16 held by the aviation maintenance technician school:

17 (A) Airframe.

18 (B) Powerplant.

19 (C) Airframe and Powerplant.

20 (5) OPERATIONS SPECIFICATIONS.—A certifi-
21 cated aviation maintenance technician school shall
22 operate in accordance with operations specifications
23 that include the following:

24 (A) The certificate holder’s name.

1 (B) The certificate holder's air agency cer-
2 tificate number.

3 (C) The name and contact information of
4 the certificate holder's primary point of contact.

5 (D) The physical address of the certificate
6 holder's primary location, as provided under
7 paragraph (1)(A).

8 (E) The physical address of any additional
9 location of the certificate holder, as provided
10 under subsection (d)(2).

11 (F) The ratings held, as provided under
12 paragraph (4).

13 (G) Any regulatory exemption granted to
14 the school by the Administrator.

15 (d) OPERATIONS REQUIREMENTS.—

16 (1) FACILITIES, EQUIPMENT, AND MATERIAL
17 REQUIREMENTS.—Each certificated aviation mainte-
18 nance technician school shall provide and maintain
19 the facilities, equipment, and materials that are ap-
20 propriate to the 1 or more ratings held by the school
21 and the number of students taught.

22 (2) TRAINING PROVIDED AT ANOTHER LOCA-
23 TION.—A certificated aviation maintenance techni-
24 cian school may provide training at any additional
25 location that meets the requirements of the interim

1 final regulations required under subsection (a)(1)
2 and is listed in the certificate holder's operations
3 specifications.

4 (3) TRAINING REQUIREMENTS.—Each certifi-
5 cated aviation maintenance technician school shall—

6 (A) establish, maintain, and utilize a cur-
7 riculum designed to continually align with me-
8 chanic airman certification standards as appro-
9 priate for the ratings held;

10 (B) provide training of a quality that
11 meets the requirements of subsection (f)(1);
12 and

13 (C) ensure students have the knowledge
14 and skills necessary to be eligible to test for a
15 mechanic certificate and associated ratings
16 under subpart D of part 65 of title 14, Code of
17 Federal Regulations (or any successor regula-
18 tion).

19 (4) INSTRUCTOR REQUIREMENTS.—Each cer-
20 tificated aviation maintenance technician school
21 shall—

22 (A) provide qualified instructors to teach
23 in a manner that ensures positive educational
24 outcomes are achieved;

1 (B) ensure instructors hold a mechanic
2 certificate with 1 or more appropriate ratings
3 (or, with respect to instructors who are not cer-
4 tified mechanics, ensure instructors are other-
5 wise specifically qualified to teach their as-
6 signed content); and

7 (C) ensure the student-to-instructor ratio
8 does not exceed 25:1 for any shop class.

9 (5) CERTIFICATE OF COMPLETION.—Each cer-
10 tified aviation maintenance technician school shall
11 provide authenticated documentation to each grad-
12 uating student, indicating the student’s date of
13 graduation and curriculum completed, as described
14 in paragraph (3)(A).

15 (e) QUALITY CONTROL SYSTEM.—

16 (1) ACCREDITATION.—Each aviation mainte-
17 nance technician school shall—

18 (A) be accredited as meeting the definition
19 of an institution of higher education provided
20 for in section 101 of the Higher Education Act
21 of 1965 (20 U.S.C. 1001); or

22 (B) establish and maintain a quality con-
23 trol system that meets the requirements speci-
24 fied in paragraph (2) and is approved by the
25 Administrator.

1 (2) FAA-APPROVED SYSTEM REQUIREMENTS.—

2 In the case of an aviation maintenance technician
3 school that is not accredited as set forth in para-
4 graph (1), the Administrator shall approve a quality
5 control system that provides procedures for record-
6 keeping, assessment, issuing credit, issuing of final
7 course grades, attendance, ensuring sufficient num-
8 ber of instructors, granting of graduation docu-
9 mentation, and corrective action for addressing defi-
10 ciencies.

11 (f) ADDITIONAL REQUIREMENTS.—

12 (1) MINIMUM PASSAGE RATE.—A certificated
13 aviation maintenance technician school shall main-
14 tain a pass rate of at least 70 percent of students
15 who took a written, oral, or practical (or any com-
16 bination thereof) FAA mechanic tests within 60 days
17 of graduation for the most recent 3-year period .

18 (2) FAA INSPECTION.—A certificated aviation
19 maintenance technician school shall allow the Ad-
20 ministrator such access as the Administrator deter-
21 mines necessary to inspect the 1 or more locations
22 of the school for purposes of determining the
23 school's compliance with the interim final regula-
24 tions required under subsection (a)(1), the proce-
25 dures and information outlined in the school's oper-

1 ations specifications according to subsection (c)(5),
2 and the aviation maintenance technician school cer-
3 tificate issued for the school.

4 (3) **DISPLAY OF CERTIFICATE.**—A certificated
5 aviation maintenance technician school shall display
6 its aviation maintenance technician school certificate
7 at a location in the school that is visible by and nor-
8 mally accessible to the public.

9 (4) **EARLY TESTING.**—A certificated aviation
10 maintenance technician school may issue authenti-
11 cated documentation demonstrating a student’s sat-
12 isfactory progress, completion of corresponding por-
13 tions of the curriculum, and preparedness to take
14 the aviation mechanic written general knowledge
15 test, even if the student has not met the experience
16 requirements of section 65.77 of title 14, Code of
17 Federal Regulations (or any successor regulation).
18 Any such documentation shall specify the curriculum
19 the student completed and the completion date.

20 **SEC. 136. INDEPENDENT STUDY ON TYPE CERTIFICATION**
21 **REFORM.**

22 (a) **REPORT AND DEADLINES.**—Not later than 30
23 days after the date of enactment of this title, the Adminis-
24 trator shall enter into an agreement with an appropriate
25 Federally-funded research and development center to re-

1 view, develop, and submit a report to the Administrator
2 in accordance with the requirements and elements set
3 forth in this section.

4 (b) ELEMENTS.—The review and report under sub-
5 section (a) shall set forth analyses, assessments, and rec-
6 ommendations addressing the following elements for
7 transport category airplanes:

8 (1) Whether or not aviation safety would im-
9 prove as the result of institution of a fixed time be-
10 yond which a type certificate may not be amended.

11 (2) Requiring the Administrator, when issuing
12 an amended or supplemental type certificate for a
13 design that does not comply with the latest amend-
14 ments to the applicable airworthiness standards, to
15 document any exception from the latest amendment
16 to an applicable regulation, issue an exemption in
17 accordance with section 44701 of title 14, United
18 States Code, or make a finding of an equivalent level
19 of safety in accordance with section 21.21(a)(1) of
20 title 14, Code of Federal Regulations.

21 (3) Safety benefits and costs for certification of
22 transport category airplanes resulting from the im-
23 plementation of paragraphs (1) and (2).

24 (4) Effects on the development and introduction
25 of advancements in new safety enhancing design and

1 technologies, and continued operation and oper-
2 ational safety support of products in service in the
3 United States and worldwide, resulting from the im-
4 plementation of paragraphs (1) and (2).

5 (c) INVESTIGATIONS AND REPORTS.—The review and
6 report under subsection (a) shall take into consideration
7 investigations, reports, and assessments regarding the
8 Boeing 737 MAX, including but not limited to investiga-
9 tions, reports, and assessments by the Joint Authorities
10 Technical Review, the National Transportation Safety
11 Board, the Department of Transportation Office of the In-
12 spector General, the Department of Transportation Spe-
13 cial Committee, the congressional committees of jurisdic-
14 tion and other congressional committees, and foreign au-
15 thorities. The review and report under subsection (a) also
16 shall consider the impact of changes made by this title
17 and the amendments made by this title.

18 (d) REPORT TO CONGRESS.—Not later than 270 days
19 after the report developed under subsection (a) is sub-
20 mitted to the Administrator, the Administrator shall sub-
21 mit a report to the congressional committees of jurisdic-
22 tion regarding the FAA's response to the findings and rec-
23 ommendations of the report, what actions the FAA will
24 take as a result of such findings and recommendations,

1 and the FAA rationale for not taking action on any spe-
2 cific recommendation

3 **SEC. 137. DEFINITIONS.**

4 In this title:

5 (1) ADMINISTRATION; FAA.—The terms “Ad-
6 ministration” and “FAA” mean the Federal Avia-
7 tion Administration.

8 (2) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the FAA.

10 (3) CONGRESSIONAL COMMITTEES OF JURISDIC-
11 TION.—The term “congressional committees of juris-
12 diction” means the Committee on Transportation
13 and Infrastructure of the House of Representatives
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate.

16 (4) ICAO.—The term “ICAO” means the
17 International Civil Aviation Organization.

18 (5) ORGANIZATION DESIGNATION AUTHORIZA-
19 TION.—The term “organization designation author-
20 ization” has the same meaning given such term in
21 section 44736(c) of title 49, United States Code.

22 (6) TRANSPORT AIRPLANE.—The term “trans-
23 port airplane” means a transport category airplane
24 designed for operation by an air carrier or foreign
25 air carrier type-certificated with a passenger seating

1 capacity of 30 or more or an all-cargo or combi de-
2 rivative of such an airplane.

3 (7) TYPE CERTIFICATE.—The term “type cer-
4 tificate”—

5 (A) means a type certificate issued pursu-
6 ant to section 44704(a) of title 49, United
7 States Code, or an amendment to such certifi-
8 cate; and

9 (B) does not include a supplemental type
10 certificate issued under section 44704(b) of
11 such section.

1 **DIVISION W—INTELLIGENCE AU-**
2 **THORIZATION ACT FOR FIS-**
3 **CAL YEAR 2021**

4 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) **SHORT TITLE.**—This division may be cited as the
6 “Intelligence Authorization Act for Fiscal Year 2021”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this division is as follows:

DIVISION W—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
YEAR 2021

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Explanatory statement.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified Schedule of Authorizations.
- Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

- Sec. 301. Restriction on conduct of intelligence activities.
- Sec. 302. Increase in employee compensation and benefits authorized by law.
- Sec. 303. Continuity of operations plans for certain elements of the intelligence community in the case of a national emergency.
- Sec. 304. Application of Executive Schedule level III to position of Director of National Reconnaissance Office.
- Sec. 305. National Intelligence University.
- Sec. 306. Data collection on attrition in intelligence community.
- Sec. 307. Limitation on delegation of responsibility for program management of information-sharing environment.
- Sec. 308. Requirement to buy certain satellite component from American sources.
- Sec. 309. Limitation on construction of facilities to be used primarily by intelligence community.
- Sec. 310. Intelligence community student loan repayment programs.

Subtitle B—Reports and Assessments Pertaining to the Intelligence
Community

- Sec. 321. Assessment by the Comptroller General of the United States on efforts of the intelligence community and the Department of Defense to identify and mitigate risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.
- Sec. 322. Report on use by intelligence community of hiring flexibilities and expedited human resources practices to assure quality and diversity in the workforce of the intelligence community.
- Sec. 323. Report on signals intelligence priorities and requirements.
- Sec. 324. Assessment of demand for student loan repayment program benefit.
- Sec. 325. Assessment of intelligence community demand for child care.
- Sec. 326. Open source intelligence strategies and plans for the intelligence community.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE
INTELLIGENCE COMMUNITY

- Sec. 401. Establishment of Office of the Ombudsman for Analytic Objectivity.
- Sec. 402. Expansion of personnel management authority to attract experts in science and engineering.
- Sec. 403. Senior Chief Petty Officer Shannon Kent Award for distinguished female personnel of the National Security Agency.
- Sec. 404. Department of Homeland Security intelligence and cybersecurity diversity fellowship program.
- Sec. 405. Climate Security Advisory Council.

TITLE V—MATTERS RELATING TO EMERGING TECHNOLOGIES

- Sec. 501. Requirements and authorities for Director of the Central Intelligence Agency to improve education in science, technology, engineering, arts, and mathematics.
- Sec. 502. Seedling investment in next-generation microelectronics in support of artificial intelligence.

TITLE VI—REPORTS AND OTHER MATTERS

- Sec. 601. Report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, certain allies of the United States.
- Sec. 602. Report on threats posed by use by foreign governments and entities of commercially available cyber intrusion and surveillance technology.
- Sec. 603. Reports on recommendations of the Cyberspace Solarium Commission.
- Sec. 604. Assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.
- Sec. 605. Combating Chinese influence operations in the United States and strengthening civil liberties protections.
- Sec. 606. Annual report on corrupt activities of senior officials of the Chinese Communist Party.

- Sec. 607. Report on corrupt activities of Russian and other Eastern European oligarchs.
- Sec. 608. Report on biosecurity risk and disinformation by the Chinese Communist Party and the Government of the People's Republic of China.
- Sec. 609. Report on effect of lifting of United Nations arms embargo on Islamic Republic of Iran.
- Sec. 610. Report on Iranian activities relating to nuclear nonproliferation.
- Sec. 611. Annual reports on security services of the People's Republic of China in the Hong Kong Special Administrative Region.
- Sec. 612. Research partnership on activities of People's Republic of China.
- Sec. 613. Report on the pharmaceutical and personal protective equipment regulatory practices of the People's Republic of China.
- Sec. 614. National Intelligence Estimate on situation in Afghanistan.
- Sec. 615. Assessment regarding tensions between Armenia and Azerbaijan.
- Sec. 616. Sense of Congress on Third Option Foundation.
- Sec. 617. Annual reports on worldwide threats.
- Sec. 618. Annual report on Climate Security Advisory Council.
- Sec. 619. Improvements to funding for National Security Education program.
- Sec. 620. Report on best practices to protect privacy, civil liberties, and civil rights of Chinese Americans.
- Sec. 621. National Intelligence Estimate on threat of global pandemic disease.
- Sec. 622. Modification of requirement for briefings on national security effects of emerging infectious disease and pandemics.
- Sec. 623. Independent study on open-source intelligence.
- Sec. 624. Survey on Open Source Enterprise.
- Sec. 625. Sense of Congress on report on murder of Jamal Khashoggi.

1 **SEC. 2. DEFINITIONS.**

2 In this division:

3 (1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

4 (A) the Select Committee on Intelligence
5 and the Committee on Appropriations of the
6 Senate; and

7 (B) the Permanent Select Committee on
8 Intelligence and the Committee on Appropriations of the House of Representatives.

9 (2) INTELLIGENCE COMMUNITY.—The term
10 “intelligence community” has the meaning given
11

1 such term in section 3 of the National Security Act
2 of 1947 (50 U.S.C. 3003).

3 **SEC. 3. EXPLANATORY STATEMENT.**

4 The explanatory statement regarding this division,
5 printed in the House section of the Congressional Record
6 by the Chairman of the Permanent Select Committee on
7 Intelligence of the House of Representatives and in the
8 Senate section of the Congressional Record by the Chair-
9 man of the Select Committee on Intelligence of the Senate,
10 shall have the same effect with respect to the implementa-
11 tion of this division as if it were a joint explanatory state-
12 ment of a committee of conference.

13 **TITLE I—INTELLIGENCE**
14 **ACTIVITIES**

15 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2021 for the conduct of the intelligence and
18 intelligence-related activities of the following elements of
19 the United States Government:

20 (1) The Office of the Director of National Intel-
21 ligence.

22 (2) The Central Intelligence Agency.

23 (3) The Department of Defense.

24 (4) The Defense Intelligence Agency.

25 (5) The National Security Agency.

1 (6) The Department of the Army, the Depart-
2 ment of the Navy, and the Department of the Air
3 Force.

4 (7) The Coast Guard.

5 (8) The Department of State.

6 (9) The Department of the Treasury.

7 (10) The Department of Energy.

8 (11) The Department of Justice.

9 (12) The Federal Bureau of Investigation.

10 (13) The Drug Enforcement Administration.

11 (14) The National Reconnaissance Office.

12 (15) The National Geospatial-Intelligence Agen-
13 cy.

14 (16) The Department of Homeland Security.

15 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

16 (a) SPECIFICATIONS OF AMOUNTS.—The amounts
17 authorized to be appropriated under section 101 for the
18 conduct of the intelligence activities of the elements listed
19 in paragraphs (1) through (16) of section 101, are those
20 specified in the classified Schedule of Authorizations pre-
21 pared to accompany this division.

22 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
23 THORIZATIONS.—

24 (1) AVAILABILITY.—The classified Schedule of
25 Authorizations referred to in subsection (a) shall be

1 made available to the Committee on Appropriations
2 of the Senate, the Committee on Appropriations of
3 the House of Representatives, and to the President.

4 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
5 ject to paragraph (3), the President shall provide for
6 suitable distribution of the classified Schedule of Au-
7 thorizations referred to in subsection (a), or of ap-
8 propriate portions of such Schedule, within the exec-
9 utive branch of the Federal Government.

10 (3) LIMITS ON DISCLOSURE.—The President
11 shall not publicly disclose the classified Schedule of
12 Authorizations or any portion of such Schedule ex-
13 cept—

14 (A) as provided in section 601(a) of the
15 Implementing Recommendations of the 9/11
16 Commission Act of 2007 (50 U.S.C. 3306(a));

17 (B) to the extent necessary to implement
18 the budget; or

19 (C) as otherwise required by law.

20 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
21 **COUNT.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated for the Intelligence Commu-
24 nity Management Account of the Director of National In-
25 telligence for fiscal year 2021 the sum of \$759,000,000.

1 (b) CLASSIFIED AUTHORIZATION OF APPROPRIA-
2 TIONS.—In addition to amounts authorized to be appro-
3 priated for the Intelligence Community Management Ac-
4 count by subsection (a), there are authorized to be appro-
5 priated for the Intelligence Community Management Ac-
6 count for fiscal year 2021 such additional amounts as are
7 specified in the classified Schedule of Authorizations re-
8 ferred to in section 102(a).

9 **TITLE II—CENTRAL INTEL-**
10 **LIGENCE AGENCY RETIRE-**
11 **MENT AND DISABILITY SYS-**
12 **TEM**

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated for the Cen-
15 tral Intelligence Agency Retirement and Disability Fund
16 \$514,000,000 for fiscal year 2021.

17 **TITLE III—INTELLIGENCE**
18 **COMMUNITY MATTERS**

19 **Subtitle A—General Intelligence**
20 **Community Matters**

21 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
22 **ACTIVITIES.**

23 The authorization of appropriations by this division
24 shall not be deemed to constitute authority for the conduct

1 of any intelligence activity which is not otherwise author-
2 ized by the Constitution or the laws of the United States.

3 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
4 **BENEFITS AUTHORIZED BY LAW.**

5 Appropriations authorized by this division for salary,
6 pay, retirement, and other benefits for Federal employees
7 may be increased by such additional or supplemental
8 amounts as may be necessary for increases in such com-
9 pensation or benefits authorized by law.

10 **SEC. 303. CONTINUITY OF OPERATIONS PLANS FOR CER-**
11 **TAIN ELEMENTS OF THE INTELLIGENCE**
12 **COMMUNITY IN THE CASE OF A NATIONAL**
13 **EMERGENCY.**

14 (a) DEFINITION OF COVERED NATIONAL EMER-
15 GENCY.—In this section, the term “covered national emer-
16 gency” means the following:

17 (1) A major disaster declared by the President
18 under section 401 of the Robert T. Stafford Disaster
19 Relief and Emergency Assistance Act (42 U.S.C.
20 5170).

21 (2) An emergency declared by the President
22 under section 501 of the Robert T. Stafford Disaster
23 Relief and Emergency Assistance Act (42 U.S.C.
24 5191).

1 (3) A national emergency declared by the Presi-
2 dent under the National Emergencies Act (50
3 U.S.C. 1601 et seq.).

4 (4) A public health emergency declared under
5 section 319 of the Public Health Service Act (42
6 U.S.C. 247d).

7 (b) IN GENERAL.—The Director of National Intel-
8 ligence, the Director of the Central Intelligence Agency,
9 the Director of the National Reconnaissance Office, the
10 Director of the Defense Intelligence Agency, the Director
11 of the National Security Agency, and the Director of the
12 National Geospatial-Intelligence Agency shall each estab-
13 lish continuity of operations plans for use in the case of
14 covered national emergencies for the element of the intel-
15 ligence community concerned.

16 (c) SUBMISSION TO CONGRESS.—

17 (1) DIRECTOR OF NATIONAL INTELLIGENCE
18 AND DIRECTOR OF THE CENTRAL INTELLIGENCE
19 AGENCY.—Not later than 7 days after the date on
20 which a covered national emergency is declared, the
21 Director of National Intelligence and the Director of
22 the Central Intelligence Agency shall each submit to
23 the congressional intelligence committees the plan
24 established under subsection (b) for that emergency

1 for the element of the intelligence community con-
2 cerned.

3 (2) DIRECTOR OF NATIONAL RECONNAISSANCE
4 OFFICE, DIRECTOR OF DEFENSE INTELLIGENCE
5 AGENCY, DIRECTOR OF NATIONAL SECURITY AGEN-
6 CY, AND DIRECTOR OF NATIONAL GEOSPATIAL-IN-
7 TELLIGENCE AGENCY.—Not later than 7 days after
8 the date on which a covered national emergency is
9 declared, the Director of the National Reconnaiss-
10 sance Office, the Director of the Defense Intelligence
11 Agency, the Director of the National Security Agen-
12 cy, and the Director of the National Geospatial-In-
13 telligence Agency shall each submit the plan estab-
14 lished under subsection (b) for that emergency for
15 the element of the intelligence community concerned
16 to the following:

17 (A) The congressional intelligence commit-
18 tees.

19 (B) The Committee on Armed Services of
20 the Senate.

21 (C) The Committee on Armed Services of
22 the House of Representatives.

23 (d) UPDATES.—During a covered national emer-
24 gency, the Director of National Intelligence, the Director
25 of the Central Intelligence Agency, the Director of the Na-

1 tional Reconnaissance Office, the Director of the Defense
2 Intelligence Agency, the Director of the National Security
3 Agency, and the Director of the National Geospatial-Intel-
4 ligence Agency shall each submit any updates to the plans
5 submitted under subsection (c)—

6 (1) in accordance with that subsection; and

7 (2) in a timely manner consistent with section
8 501 of the National Security Act of 1947 (50 U.S.C.
9 3091).

10 **SEC. 304. APPLICATION OF EXECUTIVE SCHEDULE LEVEL**

11 **III TO POSITION OF DIRECTOR OF NATIONAL**

12 **RECONNAISSANCE OFFICE.**

13 Section 5314 of title 5, United States Code, is
14 amended by adding at the end the following:

15 “Director of the National Reconnaissance Of-
16 fice.”.

17 **SEC. 305. NATIONAL INTELLIGENCE UNIVERSITY.**

18 (a) IN GENERAL.—Title X of the National Security
19 Act of 1947 (50 U.S.C. 3191 et seq.) is amended by add-
20 ing at the end the following:

21 **“Subtitle D—National Intelligence**
22 **University**

23 **“SEC. 1031. TRANSFER DATE.**

24 “In this subtitle, the term ‘transfer date’ means the
25 date on which the National Intelligence University is

1 transferred from the Defense Intelligence Agency to the
2 Director of National Intelligence under section 5324(a) of
3 the National Defense Authorization Act for Fiscal Year
4 2020 (Public Law 116–92).

5 **“SEC. 1032. DEGREE-GRANTING AUTHORITY.**

6 “(a) IN GENERAL.—Beginning on the transfer date,
7 under regulations prescribed by the Director of National
8 Intelligence, the President of the National Intelligence
9 University may, upon the recommendation of the faculty
10 of the University, confer appropriate degrees upon grad-
11 uates who meet the degree requirements.

12 “(b) LIMITATION.—A degree may not be conferred
13 under this section unless—

14 “(1) the Secretary of Education has rec-
15 ommended approval of the degree in accordance with
16 the Federal Policy Governing Granting of Academic
17 Degrees by Federal Agencies; and

18 “(2) the University is accredited by the appro-
19 priate academic accrediting agency or organization
20 to award the degree, as determined by the Secretary
21 of Education.

22 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
23 MENTS.—

1 “(1) ACTIONS ON NONACCREDITATION.—Begin-
2 ning on the transfer date, the Director shall prompt-
3 ly—

4 “(A) notify the congressional intelligence
5 committees of any action by the Middle States
6 Commission on Higher Education, or other ap-
7 propriate academic accrediting agency or orga-
8 nization, to not accredit the University to award
9 any new or existing degree; and

10 “(B) submit to such committees a report
11 containing an explanation of any such action.

12 “(2) MODIFICATION OR REDESIGNATION OF DE-
13 GREE-GRANTING AUTHORITY.—Beginning on the
14 transfer date, upon any modification or redesigna-
15 tion of existing degree-granting authority, the Direc-
16 tor shall submit to the congressional intelligence
17 committees a report containing—

18 “(A) the rationale for the proposed modi-
19 fication or redesignation; and

20 “(B) any subsequent recommendation of
21 the Secretary of Education with respect to the
22 proposed modification or redesignation.

23 **“SEC. 1033. REPORTING.**

24 “(a) IN GENERAL.—Not less frequently than once
25 each year, the Director of National Intelligence shall sub-

1 mit to the congressional intelligence committees a plan for
2 employing professors, instructors, and lecturers at the Na-
3 tional Intelligence University.

4 “(b) ELEMENTS.—Each plan submitted under sub-
5 section (a) shall include the following:

6 “(1) The total number of proposed personnel to
7 be employed at the National Intelligence University.

8 “(2) The total annual compensation to be pro-
9 vided the personnel described in paragraph (1).

10 “(3) Such other matters as the Director con-
11 siders appropriate.

12 “(c) FORM OF SUBMITTAL.—Each plan submitted by
13 the Director to the congressional intelligence committees
14 under subsection (a) shall be submitted as part of another
15 annual submission from the Director to the congressional
16 intelligence committees.

17 **“SEC. 1034. CONTINUED APPLICABILITY OF THE FEDERAL**
18 **ADVISORY COMMITTEE ACT TO THE BOARD**
19 **OF VISITORS.**

20 “The Federal Advisory Committee Act (5 U.S.C.
21 App.) shall continue to apply to the Board of Visitors of
22 the National Intelligence University on and after the
23 transfer date.”.

24 (b) PLAN REGARDING PERSONNEL AT NATIONAL IN-
25 TELLIGENCE UNIVERSITY.—

1 (1) INITIAL SUBMISSION.—Not later than 180
2 days after the date of the enactment of this Act, the
3 Director of National Intelligence shall submit to the
4 congressional intelligence committees the first sub-
5 mission required by section 1033(a) of the National
6 Security Act of 1947, as added by subsection (a).

7 (2) CERTAIN REQUIREMENT NOT APPLICA-
8 BLE.—Subsection (c) of section 1033 of the Na-
9 tional Security Act of 1947, as added by subsection
10 (a), shall not apply to the submittal under para-
11 graph (1) of this subsection.

12 (c) CONFORMING AMENDMENTS.—Section 5324 of
13 the National Defense Authorization Act for Fiscal Year
14 2020 (Public Law 116–92) is amended—

15 (1) in subsection (b)(1)(C), by striking “sub-
16 section (e)(2)” and inserting “section 1032(b) of the
17 National Security Act of 1947”;

18 (2) by striking subsections (e) and (f); and

19 (3) by redesignating subsections (g) and (h) as
20 subsections (e) and (f), respectively.

21 (d) CLERICAL AMENDMENT.—The table of contents
22 of the National Security Act of 1947 is amended by insert-
23 ing after the item relating to section 1024 the following:

 “Subtitle D—National Intelligence University

 “Sec. 1031. Transfer date.

 “Sec. 1032. Degree-granting authority.

 “Sec. 1033. Reporting.

“Sec. 1034. Continued applicability of the Federal Advisory Committee Act to the Board of Visitors.”.

1 **SEC. 306. DATA COLLECTION ON ATTRITION IN INTEL-**
2 **LIGENCE COMMUNITY.**

3 (a) STANDARDS FOR DATA COLLECTION.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Director
6 of National Intelligence shall establish standards for
7 collecting data relating to attrition in the intelligence
8 community workforce across demographics, speciali-
9 ties, and length of service.

10 (2) INCLUSION OF CERTAIN CANDIDATES.—The
11 Director shall include, in the standards established
12 under paragraph (1), standards for collecting data
13 from candidates who accepted conditional offers of
14 employment but chose to withdraw from the hiring
15 process before entering into service, including data
16 with respect to the reasons such candidates chose to
17 withdraw.

18 (b) COLLECTION OF DATA.—Not later than 120 days
19 after the date of the enactment of this Act, each element
20 of the intelligence community shall begin collecting data
21 on workforce and candidate attrition in accordance with
22 the standards established under subsection (a).

23 (c) ANNUAL REPORT.—Not later than 1 year after
24 the date of the enactment of this Act, and annually there-

1 after, the Director shall submit to the congressional intel-
2 ligence committees a report on workforce and candidate
3 attrition in the intelligence community that includes—

4 (1) the findings of the Director based on the
5 data collected under subsection (b);

6 (2) recommendations for addressing any issues
7 identified in those findings; and

8 (3) an assessment of timeliness in processing
9 hiring applications of individuals previously em-
10 ployed by an element of the intelligence community,
11 consistent with the Trusted Workforce 2.0 initiative
12 sponsored by the Security Clearance, Suitability, and
13 Credentialing Performance Accountability Council.

14 **SEC. 307. LIMITATION ON DELEGATION OF RESPONSIB-**
15 **ILITY FOR PROGRAM MANAGEMENT OF IN-**
16 **FORMATION-SHARING ENVIRONMENT.**

17 Section 1016(b) of the Intelligence Reform and Ter-
18 rorism Prevention Act of 2004 (6 U.S.C. 485(b)), as
19 amended by section 6402(a) of the National Defense Au-
20 thorization Act for Fiscal Year 2020 (Public Law 116-
21 92), is further amended—

22 (1) in paragraph (1), in the matter before sub-
23 paragraph (A), by striking “Director of National In-
24 telligence” and inserting “President”;

1 (2) in paragraph (2), by striking “Director of
2 National Intelligence” both places it appears and in-
3 serting “President”; and

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

5 “(3) DELEGATION.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), the President may delegate responsi-
8 bility for carrying out this subsection.

9 “(B) LIMITATION.—The President may
10 not delegate responsibility for carrying out this
11 subsection to the Director of National Intel-
12 ligence.”.

13 **SEC. 308. REQUIREMENT TO BUY CERTAIN SATELLITE COM-**
14 **PONENT FROM AMERICAN SOURCES.**

15 (a) IN GENERAL.—Title XI of the National Security
16 Act of 1947 (50 U.S.C. 3231 et seq.) is amended by add-
17 ing at the end the following new section:

18 **“SEC. 1109. REQUIREMENT TO BUY CERTAIN SATELLITE**
19 **COMPONENT FROM AMERICAN SOURCES.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) COVERED ELEMENT OF THE INTEL-
22 LIGENCE COMMUNITY.—The term ‘covered element
23 of the intelligence community’ means an element of
24 the intelligence community that is not an element of
25 the Department of Defense.

1 “(2) NATIONAL SECURITY SATELLITE.—The
2 term ‘national security satellite’ means a satellite
3 weighing over 400 pounds whose principle purpose is
4 to support the national security or intelligence needs
5 of the United States Government.

6 “(3) UNITED STATES.—The term ‘United
7 States’ means the several States, the District of Co-
8 lumbia, and the territories and possessions of the
9 United States.

10 “(b) REQUIREMENT.—Beginning January 1, 2021,
11 except as provided in subsection (c), a covered element of
12 the intelligence community may not award a contract for
13 a national security satellite if the satellite uses a star
14 tracker that is not produced in the United States, includ-
15 ing with respect to both the software and the hardware
16 of the star tracker.

17 “(c) EXCEPTION.—The head of a covered element of
18 the intelligence community may waive the requirement
19 under subsection (b) if, on a case-by-case basis, the head
20 certifies in writing to the congressional intelligence com-
21 mittees that—

22 “(1) there is no available star tracker produced
23 in the United States that meets the mission and de-
24 sign requirements of the national security satellite
25 for which the star tracker will be used;

1 **SEC. 310. INTELLIGENCE COMMUNITY STUDENT LOAN RE-**
2 **PAYMENT PROGRAMS.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) student loan repayment programs are a cru-
6 cial tool in attracting and retaining talented individ-
7 uals to the intelligence community, particularly indi-
8 viduals from diverse backgrounds;

9 (2) generous student loan repayment programs
10 help the intelligence community compete with the
11 private sector for talented employees;

12 (3) departments and agencies containing ele-
13 ments of the intelligence community have authority
14 to establish student loan repayment programs either
15 under section 5379 of title 5, United States Code,
16 or under the delegable authority of the Director of
17 National Intelligence under section 102A(n)(1) of
18 the National Security Act of 1947 (50 U.S.C.
19 3024(n)(1));

20 (4) although the Director should use the au-
21 thority under such section 102A(n)(1) sparingly,
22 and should be exceedingly sparing in delegating such
23 authority to an element of the intelligence commu-
24 nity, the Director should approve well-predicated re-
25 quests for such authority in the student loan repay-
26 ment context if an element of the intelligence com-

1 munity can articulate an impediment to establishing
2 or enhancing a program under section 5379 of title
3 5, United States Code; and

4 (5) student loan repayment programs estab-
5 lished by an element of the intelligence community
6 should provide flexibility to intelligence community
7 employees, including employees who pursue loan-fi-
8 nanced education in the middle of their careers or
9 after the day on which they first become intelligence
10 community employees.

11 (b) STUDENT LOAN REPAYMENT PROGRAM STAND-
12 ARDS.—Not later than 180 days after the date of the en-
13 actment of this Act, the Director of National Intelligence,
14 or a designee of the Director who is an employee of the
15 Office of the Director of National Intelligence, shall estab-
16 lish minimum standards for the repayment of student
17 loans of employees of elements of the intelligence commu-
18 nity by such elements of the intelligence community.

19 (c) REPORT.—Not later than 180 days after the date
20 of the enactment of this Act, the Director shall submit
21 to the appropriate congressional committees a report on
22 the standards established under subsection (b). Such re-
23 port shall include—

24 (1) an explanation of why such minimum stand-
25 ards were established; and

1 (2) how such standards advance the goals of—

2 (A) attracting and retaining a talented in-
3 telligence community workforce;

4 (B) competing with private sector compa-
5 nies for talented employees; and

6 (C) promoting the development of a diverse
7 workforce.

8 (d) FAILURE TO MEET STANDARDS.—Not later than
9 180 days after the date on which the standards required
10 under subsection (b) are established, the head of an ele-
11 ment of the intelligence community that does not meet
12 such standards shall submit to the appropriate congres-
13 sional committees a report containing an explanation for
14 why such element does not meet such standards and an
15 identification of any additional authority or appropriations
16 required to for the element to meet such standards.

17 (e) SUBMITTAL OF REGULATIONS AND POLICIES TO
18 CONGRESS.—Not later than 180 days after the date on
19 which the standards required under subsection (b) are es-
20 tablished, the head of an element of the intelligence com-
21 munity shall submit to the appropriate congressional com-
22 mittees a copy of all internal regulations and policies gov-
23 erning the student loan repayment program of that ele-
24 ment as well as copies of such policies redacted to remove
25 classified information.

1 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

4 (1) the Permanent Select Committee on Intel-
5 ligence of the House of Representatives;

6 (2) the Select Committee on Intelligence of the
7 Senate;

8 (3) with respect to an element of the intel-
9 ligence community within the Department of De-
10 fense, the Committees on Armed Services of the
11 Senate and House of Representatives;

12 (4) with respect to an element of the intel-
13 ligence community within the Department of Jus-
14 tice, the Committees on the Judiciary of the Senate
15 and House of Representatives;

16 (5) with respect to an element of the intel-
17 ligence community within the Department of Home-
18 land Security, the Committee on Homeland Security
19 and Governmental Affairs of the Senate and the
20 Committee on Homeland Security of the House of
21 Representatives;

22 (6) with respect to an element of the intel-
23 ligence community within the Department of State,
24 the Committee on Foreign Relations of the Senate

1 and the Committee on Foreign Affairs of the House
2 of Representatives;

3 (7) with respect to an element of the intel-
4 ligence community within the Department of En-
5 ergy, the Committee on Energy and Natural Re-
6 sources of the Senate and the Committee on Energy
7 and Commerce of the House of Representatives; and

8 (8) with respect to an element of the intel-
9 ligence community within the Department of the
10 Treasury, the Committee on Finance of the Senate
11 and the Committee on Financial Services of the
12 House of Representatives.

13 (g) FORM OF REPORTS.—Each of the reports re-
14 quired under subsections (c) and (d) shall be submitted
15 in unclassified form, but may contain a classified annex.

1 **Subtitle B—Reports and Assess-**
2 **ments Pertaining to the Intel-**
3 **ligence Community**

4 **SEC. 321. ASSESSMENT BY THE COMPTROLLER GENERAL**
5 **OF THE UNITED STATES ON EFFORTS OF THE**
6 **INTELLIGENCE COMMUNITY AND THE DE-**
7 **PARTMENT OF DEFENSE TO IDENTIFY AND**
8 **MITIGATE RISKS POSED TO THE INTEL-**
9 **LIGENCE COMMUNITY AND THE DEPART-**
10 **MENT BY THE USE OF DIRECT-TO-CONSUMER**
11 **GENETIC TESTING BY THE GOVERNMENT OF**
12 **THE PEOPLE’S REPUBLIC OF CHINA.**

13 (a) **ASSESSMENT REQUIRED.**—The Comptroller Gen-
14 eral of the United States shall assess the efforts of the
15 intelligence community and the Department of Defense to
16 identify and mitigate the risks posed to the intelligence
17 community and the Department by the use of direct-to-
18 consumer genetic testing by the Government of the Peo-
19 ple’s Republic of China.

20 (b) **REPORT REQUIRED.**—

21 (1) **DEFINITION OF UNITED STATES DIRECT-**
22 **TO-CONSUMER GENETIC TESTING COMPANY.**—In this
23 subsection, the term “United States direct-to-con-
24 sumer genetic testing company” means a private en-
25 tity that—

1 (A) carries out direct-to-consumer genetic
2 testing; and

3 (B) is organized under the laws of the
4 United States or any jurisdiction within the
5 United States.

6 (2) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the
8 Comptroller General shall submit to Congress, in-
9 cluding the congressional intelligence committees,
10 the Committee on Armed Services of the Senate, and
11 the Committee on Armed Services of the House of
12 Representatives, a report on the assessment required
13 by subsection (a).

14 (3) ELEMENTS.—The report required by para-
15 graph (2) shall include the following:

16 (A) A description of key national security
17 risks and vulnerabilities associated with direct-
18 to-consumer genetic testing, including—

19 (i) how the Government of the Peo-
20 ple's Republic of China may be using data
21 provided by personnel of the intelligence
22 community and the Department through
23 direct-to-consumer genetic tests; and

24 (ii) how ubiquitous technical surveil-
25 lance may amplify those risks.

1 (B) An assessment of the extent to which
2 the intelligence community and the Department
3 have identified risks and vulnerabilities posed
4 by direct-to-consumer genetic testing and have
5 sought to mitigate such risks and
6 vulnerabilities, or have plans for such mitiga-
7 tion, including the extent to which the intel-
8 ligence community has determined—

9 (i) in which United States direct-to-
10 consumer genetic testing companies the
11 Government of the People’s Republic of
12 China or entities owned or controlled by
13 the Government of the People’s Republic of
14 China have an ownership interest; and

15 (ii) which United States direct-to-con-
16 sumer genetic testing companies may have
17 sold data to the Government of the Peo-
18 ple’s Republic of China or entities owned
19 or controlled by the Government of the
20 People’s Republic of China.

21 (C) Such recommendations as the Comp-
22 troller General may have for action by the intel-
23 ligence community and the Department to im-
24 prove the identification and mitigation of risks
25 and vulnerabilities posed by the use of direct-to-

1 consumer genetic testing by the Government of
2 the People's Republic of China.

3 (4) FORM.—The report required by paragraph
4 (2) shall be submitted in unclassified form, but may
5 include a classified annex.

6 (c) COOPERATION.—The heads of relevant elements
7 of the intelligence community and components of the De-
8 partment shall—

9 (1) fully cooperate with the Comptroller Gen-
10 eral in conducting the assessment required by sub-
11 section (a); and

12 (2) provide any information and data required
13 by the Comptroller General to conduct the assess-
14 ment, consistent with Intelligence Community Direc-
15 tive 114 or successor directive.

16 **SEC. 322. REPORT ON USE BY INTELLIGENCE COMMUNITY**
17 **OF HIRING FLEXIBILITIES AND EXPEDITED**
18 **HUMAN RESOURCES PRACTICES TO ASSURE**
19 **QUALITY AND DIVERSITY IN THE WORK-**
20 **FORCE OF THE INTELLIGENCE COMMUNITY.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Director of National
23 Intelligence shall submit to the congressional intelligence
24 committees a report on how elements of the intelligence
25 community are exercising hiring flexibilities and expedited

1 human resources practices afforded under section 3326 of
2 title 5, United States Code, and subpart D of part 315
3 of title 5, Code of Federal Regulations, or successor regu-
4 lation, to assure quality and diversity in the workforce of
5 the intelligence community.

6 (b) OBSTACLES.—The report submitted under sub-
7 section (a) shall include identification of any obstacles en-
8 countered by the intelligence community in exercising the
9 authorities described in such subsection.

10 **SEC. 323. REPORT ON SIGNALS INTELLIGENCE PRIORITIES**
11 **AND REQUIREMENTS.**

12 (a) REPORT REQUIRED.—Not later than 30 days
13 after the date of the enactment of this Act, the Director
14 of National Intelligence shall submit to the congressional
15 intelligence committees, the majority and minority leaders
16 of the Senate, and the Speaker and minority leader of the
17 House of Representatives a report on signals intelligence
18 priorities and requirements subject to Presidential Policy
19 Directive 28.

20 (b) ELEMENTS.—The report required by subsection
21 (a) shall cover the following:

22 (1) The implementation of the annual process
23 for advising the Director on signals intelligence pri-
24 orities and requirements described in section 3 of
25 Presidential Policy Directive 28.

1 (2) The signals intelligence priorities and re-
2 quirements as of the most recent annual process.

3 (3) The application of such priorities and re-
4 quirements to the signals intelligence collection ef-
5 forts of the intelligence community.

6 (c) **CONTENTS OF CLASSIFIED ANNEX REFERENCED**
7 **IN SECTION 3 OF PRESIDENTIAL POLICY DIRECTIVE**
8 **28.**—Not later than 30 days after the date of the enact-
9 ment of this Act, in addition to the report submitted under
10 subsection (a), the Director shall submit to the chairmen
11 and ranking minority members of the congressional intel-
12 ligence committees, the majority and minority leaders of
13 the Senate, and the Speaker and minority leader of the
14 House of Representatives the contents of the classified
15 annex referenced in section 3 of Presidential Policy Direc-
16 tive 28.

17 (d) **FORM.**—The report submitted under subsection
18 (a) shall be submitted in unclassified form, but may in-
19 clude a classified annex.

20 **SEC. 324. ASSESSMENT OF DEMAND FOR STUDENT LOAN**
21 **REPAYMENT PROGRAM BENEFIT.**

22 (a) **IN GENERAL.**—Not later than 90 days after the
23 date of the enactment of this Act, the head of each ele-
24 ment of the intelligence community shall—

1 (1) calculate the number of personnel of that
2 element who qualify for a student loan repayment
3 program benefit;

4 (2) compare the number calculated under para-
5 graph (1) to the number of personnel who apply for
6 such a benefit;

7 (3) provide recommendations for how to struc-
8 ture such a program to optimize participation and
9 enhance the effectiveness of the benefit as a reten-
10 tion tool, including with respect to the amount of the
11 benefit offered and the length of time an employee
12 receiving a benefit is required to serve under a con-
13 tinuing service agreement; and

14 (4) identify any shortfall in funds or authorities
15 needed to provide such a benefit.

16 (b) INCLUSION IN FISCAL YEAR 2022 BUDGET SUB-
17 MISSION.—The Director of National Intelligence shall in-
18 clude in the budget justification materials submitted to
19 Congress in support of the budget for the intelligence com-
20 munity for fiscal year 2022 (as submitted with the budget
21 of the President under section 1105(a) of title 31, United
22 States Code) a report on the findings of the elements of
23 the intelligence community under subsection (a).

1 **SEC. 325. ASSESSMENT OF INTELLIGENCE COMMUNITY DE-**
2 **MAND FOR CHILD CARE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Director of National
5 Intelligence, in coordination with the heads of the elements
6 of the intelligence community specified in subsection (b),
7 shall submit to the congressional intelligence committees
8 a report that includes—

9 (1) a calculation of the total annual demand for
10 child care by employees of such elements, at or near
11 the workplaces of such employees, including a cal-
12 culation of the demand for early morning and
13 evening child care;

14 (2) an identification of any shortfall between
15 the demand calculated under paragraph (1) and the
16 child care supported by such elements as of the date
17 of the report;

18 (3) an assessment of options for addressing any
19 such shortfall, including options for providing child
20 care at or near the workplaces of employees of such
21 elements;

22 (4) an identification of the advantages, dis-
23 advantages, security requirements, and costs associ-
24 ated with each such option;

25 (5) a plan to meet, by the date that is 5 years
26 after the date of the report—

1 (A) the demand calculated under para-
2 graph (1); or

3 (B) an alternative standard established by
4 the Director for child care available to employ-
5 ees of such elements; and

6 (6) an assessment of needs of specific elements
7 of the intelligence community, including any Govern-
8 ment-provided child care that could be collocated
9 with a workplace of employees of such an element
10 and any available child care providers in the prox-
11 imity of such a workplace.

12 (b) ELEMENTS SPECIFIED.—The elements of the in-
13 telligence community specified in this subsection are the
14 following:

15 (1) The Central Intelligence Agency.

16 (2) The National Security Agency.

17 (3) The Defense Intelligence Agency.

18 (4) The National Geospatial-Intelligence Agen-
19 cy.

20 (5) The National Reconnaissance Office.

21 (6) The Office of the Director of National Intel-
22 ligence.

1 **SEC. 326. OPEN SOURCE INTELLIGENCE STRATEGIES AND**
2 **PLANS FOR THE INTELLIGENCE COMMUNITY.**

3 (a) REQUIREMENT FOR SURVEY AND EVALUATION
4 OF CUSTOMER FEEDBACK.—Not later than 90 days after
5 the date of the enactment of this Act, the Director of Na-
6 tional Intelligence, in coordination with the head of each
7 element of the intelligence community, shall—

8 (1) conduct a survey of the open source intel-
9 ligence requirements, goals, monetary and property
10 investments, and capabilities for each element of the
11 intelligence community; and

12 (2) evaluate the usability and utility of the
13 Open Source Enterprise by soliciting customer feed-
14 back and evaluating such feedback.

15 (b) REQUIREMENT FOR OVERALL STRATEGY AND
16 FOR INTELLIGENCE COMMUNITY, PLAN FOR IMPROVING
17 USABILITY OF OPEN SOURCE ENTERPRISE, AND RISK
18 ANALYSIS OF CREATING OPEN SOURCE CENTER.—Not
19 later than 180 days after the date of the enactment of
20 this Act, the Director, in coordination with the head of
21 each element of the intelligence community and using the
22 findings of the Director with respect to the survey con-
23 ducted under subsection (a), shall—

24 (1) develop a strategy for open source intel-
25 ligence collection, analysis, and production that de-
26 fines the overarching goals, roles, responsibilities,

1 and processes for such collection, analysis, and pro-
2 duction for the intelligence community;

3 (2) develop a plan for improving usability and
4 utility of the Open Source Enterprise based on the
5 customer feedback solicited under subsection (a)(2);
6 and

7 (3) conduct a risk and benefit analysis of cre-
8 ating an open source center independent of any cur-
9 rent intelligence community element.

10 (c) REQUIREMENT FOR PLAN FOR CENTRALIZED
11 DATA REPOSITORY.—Not later than 270 days after the
12 date of the enactment of this Act and using the findings
13 of the Director with respect to the survey and evaluation
14 conducted under subsection (a), the strategy and plan de-
15 veloped under subsection (b), and the risk and benefit
16 analysis conducted under such subsection, the Director
17 shall develop a plan for a centralized data repository of
18 open source intelligence that enables all elements of the
19 intelligence community—

20 (1) to use such repository for their specific re-
21 quirements; and

22 (2) to derive open source intelligence advan-
23 tages.

24 (d) REQUIREMENT FOR COST-SHARING MODEL.—
25 Not later than 1 year after the date of the enactment of

1 this Act and using the findings of the Director with re-
2 spect to the survey and evaluation conducted under sub-
3 section (a), the strategy and plan developed under sub-
4 section (b), the risk and benefit analysis conducted under
5 such subsection, and the plan developed under subsection
6 (c), the Director shall develop a cost-sharing model that
7 leverages the open source intelligence investments of each
8 element of the intelligence community for the beneficial
9 use of the entire intelligence community.

10 (e) CONGRESSIONAL BRIEFING.—Not later than 1
11 year after the date of the enactment of this Act, the Direc-
12 tor of National Intelligence, the Director of the Central
13 Intelligence Agency, the Director of the Defense Intel-
14 ligence Agency, the Director of the National Geospatial-
15 Intelligence Agency, and the Director of the National Se-
16 curity Agency shall jointly brief the congressional intel-
17 ligence committees on—

18 (1) the strategy developed under paragraph (1)
19 of subsection (b);

20 (2) the plan developed under paragraph (2) of
21 such subsection;

22 (3) the plan developed under subsection (c);
23 and

24 (4) the cost-sharing model developed under sub-
25 section (d).

1 **TITLE IV—MATTERS RELATING**
2 **TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY**

4 **SEC. 401. ESTABLISHMENT OF OFFICE OF THE OMBUDS-**
5 **MAN FOR ANALYTIC OBJECTIVITY.**

6 (a) OFFICE OF THE OMBUDSMAN FOR ANALYTIC OB-
7 JECTIVITY.—The Central Intelligence Agency Act of 1949
8 (50 U.S.C. 3501 et seq.) is amended by adding at the end
9 the following:

10 **“SEC. 24. OFFICE OF THE OMBUDSMAN FOR ANALYTIC OB-**
11 **JECTIVITY.**

12 “(a) ESTABLISHMENT.—

13 “(1) IN GENERAL.—There is established in the
14 Agency an Office of the Ombudsman for Analytic
15 Objectivity (in this section referred to as the ‘Of-
16 fice’).

17 “(2) APPOINTMENT OF OMBUDSMAN.—The Of-
18 fice shall be headed by an Ombudsman, who shall be
19 appointed by the Director from among current or
20 former senior staff officers of the Agency.

21 “(b) DUTIES AND RESPONSIBILITIES.—The Om-
22 budsman shall—

23 “(1) on an annual basis, conduct a survey of
24 analytic objectivity among officers and employees of
25 the Agency;

1 “(2) implement a procedure by which any offi-
2 cer or employee of the Agency may submit to the Of-
3 fice a complaint alleging politicization, bias, lack of
4 objectivity, or other issues relating to a failure of
5 tradecraft in analysis conducted by the Agency;

6 “(3) except as provided in paragraph (4), upon
7 receiving a complaint submitted pursuant to para-
8 graph (2), take reasonable action to investigate the
9 complaint, make a determination as to whether the
10 incident described in the complaint involved
11 politicization, bias, or lack of objectivity, and pre-
12 pare a report that—

13 “(A) summarizes the facts relevant to the
14 complaint;

15 “(B) documents the determination of the
16 Ombudsman with respect to the complaint; and

17 “(C) contains a recommendation for reme-
18 dial action;

19 “(4) if a complaint submitted pursuant to para-
20 graph (2) alleges politicization, bias, or lack of ob-
21 jectivity in the collection of intelligence information,
22 refer the complaint to the official responsible for su-
23 pervising collection operations of the Agency; and

24 “(5) continuously monitor changes in areas of
25 analysis that the Ombudsman determines involve a

1 heightened risk of politicization, bias, or lack of ob-
2 jectivity, to ensure that any change in the analytic
3 line arises from proper application of analytic
4 tradecraft and not as a result of politicization, bias,
5 or lack of objectivity.

6 “(c) REPORTS.—(1) On an annual basis, the Om-
7 budsman shall submit to the intelligence committees a re-
8 port on the results of the survey conducted pursuant to
9 subsection (b)(1) with respect to the most recent fiscal
10 year.

11 “(2) On an annual basis, the Ombudsman shall sub-
12 mit to the intelligence committees a report that includes—

13 “(A) the number of complaints of submitted
14 pursuant to subsection (b)(2) during the most recent
15 fiscal year; and

16 “(B) a description of the nature of such com-
17 plaints, the actions taken by the Office or any other
18 relevant element or component of the Agency with
19 respect to such complaints, and the resolution of
20 such complaints.

21 “(3) On a quarterly basis, the Ombudsman shall sub-
22 mit to the intelligence committees a report that includes—

23 “(A) a list of the areas of analysis monitored
24 during the most recent calendar quarter pursuant to
25 subsection (b)(5); and

1 “(B) a brief description of the methods by
2 which the Office has conducted such monitoring.

3 “(d) INTELLIGENCE COMMITTEES DEFINED.—In
4 this section, the term ‘intelligence committees’ means the
5 Permanent Select Committee on Intelligence of the House
6 of Representatives and the Select Committee on Intel-
7 ligence of the Senate.”.

8 (b) REFERENCE.—Any reference in any law, regula-
9 tion, map, document, paper, or other record of the United
10 States to the Ombudsman for Analytic and Collection Ob-
11 jectivity of the Central Intelligence Agency shall be
12 deemed to be a reference to the Office of the Ombudsman
13 for Analytic Objectivity of the Central Intelligence Agency
14 established by section 24(a) of the Central Intelligence
15 Agency Act of 1949 (50 U.S.C. 3501 et seq.), as added
16 by subsection (a).

17 (c) REPORT ON SURVEYS FOR FISCAL YEARS 2018
18 AND 2019.—Not later than 10 days after the date of the
19 enactment of this Act, the Director of the Central Intel-
20 ligence Agency shall submit to the congressional intel-
21 ligence committees any reports previously prepared by the
22 Ombudsman for Analytic and Collection Objectivity with
23 respect to the surveys of analytic objectivity conducted for
24 fiscal years 2018 and 2019.

1 **SEC. 402. EXPANSION OF PERSONNEL MANAGEMENT AU-**
2 **THORITY TO ATTRACT EXPERTS IN SCIENCE**
3 **AND ENGINEERING.**

4 Section 1599h of title 10, United States Code, is
5 amended—

6 (1) in subsection (a), by adding at the end the
7 following new paragraph:

8 “(7) NGA.—The Director of the National
9 Geospatial-Intelligence Agency may carry out a pro-
10 gram of personnel management authority provided
11 in subsection (b) in order to facilitate recruitment of
12 eminent experts in science or engineering for re-
13 search and development projects and to enhance the
14 administration and management of the Agency.”;

15 (2) in subsection (b)(1)—

16 (A) in subparagraph (E), by striking “;
17 and”;

18 (B) in subparagraph (F), by striking the
19 semicolon and inserting “; and”; and

20 (C) by adding at the end the following new
21 subparagraph:

22 “(G) in the case of the National
23 Geospatial-Intelligence Agency, appoint individ-
24 uals to a total of not more than 7 positions in
25 the Agency, of which not more than 2 such po-

1 sitions may be positions of administration or
2 management in the Agency;” and

3 (3) in subsection (c)(2), by striking “or the
4 Joint Artificial Intelligence Center” and inserting
5 “the Joint Artificial Intelligence Center, or the Na-
6 tional Geospatial-Intelligence Agency”.

7 **SEC. 403. SENIOR CHIEF PETTY OFFICER SHANNON KENT**
8 **AWARD FOR DISTINGUISHED FEMALE PER-**
9 **SONNEL OF THE NATIONAL SECURITY AGEN-**
10 **CY.**

11 The National Security Agency Act of 1959 (50
12 U.S.C. 3601 et seq.) is amended by adding at the end
13 the following new section:

14 **“SEC. 21. SENIOR CHIEF PETTY OFFICER SHANNON KENT**
15 **AWARD FOR DISTINGUISHED FEMALE PER-**
16 **SONNEL.**

17 “(a) ESTABLISHMENT.—The Director of the Na-
18 tional Security Agency shall establish an honorary award
19 for the recognition of female personnel of the National Se-
20 curity Agency for distinguished career contributions in
21 support of the mission of the Agency as civilian employees
22 or members of the Armed Forces assigned to the Agency.
23 The award shall be known as the ‘Senior Chief Petty Offi-
24 cer Shannon Kent Award’ and shall consist of a design
25 determined appropriate by the Director.

1 “(b) AWARD.—The Director shall award the Senior
2 Chief Petty Officer Shannon Kent Award to female civil-
3 ian employees, members of the Armed Forces, or former
4 civilian employees or members, whom the Director deter-
5 mines meet the criteria under subsection (a).”.

6 **SEC. 404. DEPARTMENT OF HOMELAND SECURITY INTEL-**
7 **LIGENCE AND CYBERSECURITY DIVERSITY**
8 **FELLOWSHIP PROGRAM.**

9 (a) PROGRAM.—Subtitle D of title XIII of the Home-
10 land Security Act of 2002 (5 U.S.C. 3301 note et seq.)
11 is amended by adding at the end the following new section:

12 **“SEC. 1333. INTELLIGENCE AND CYBERSECURITY DIVER-**
13 **SITY FELLOWSHIP PROGRAM.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) APPROPRIATE COMMITTEES OF CON-
16 GRESS.—The term ‘appropriate committees of Con-
17 gress’ means—

18 “(A) the Committee on Homeland Security
19 and Governmental Affairs and the Select Com-
20 mittee on Intelligence of the Senate; and

21 “(B) the Committee on Homeland Security
22 and the Permanent Select Committee on Intel-
23 ligence of the House of Representatives.

1 “(2) EXCEPTED SERVICE.—The term ‘excepted
2 service’ has the meaning given that term in section
3 2103 of title 5, United States Code.

4 “(3) HISTORICALLY BLACK COLLEGE OR UNI-
5 VERSITY.—The term ‘historically Black college or
6 university’ has the meaning given the term ‘part B
7 institution’ in section 322 of the Higher Education
8 Act of 1965 (20 U.S.C. 1061).

9 “(4) INSTITUTION OF HIGHER EDUCATION.—
10 The term ‘institution of higher education’ has the
11 meaning given that term in section 101 of the High-
12 er Education Act of 1965 (20 U.S.C. 1001).

13 “(5) MINORITY-SERVING INSTITUTION.—The
14 term ‘minority-serving institution’ means an institu-
15 tion of higher education described in section 371(a)
16 of the Higher Education Act of 1965 (20 U.S.C.
17 1067q(a)).

18 “(b) PROGRAM.—The Secretary shall carry out an in-
19 telligence and cybersecurity diversity fellowship program
20 (in this section referred to as the ‘Program’) under which
21 an eligible individual may—

22 “(1) participate in a paid internship at the De-
23 partment that relates to intelligence, cybersecurity,
24 or some combination thereof;

1 “(2) receive tuition assistance from the Sec-
2 retary; and

3 “(3) upon graduation from an institution of
4 higher education and successful completion of the
5 Program (as defined by the Secretary), receive an
6 offer of employment to work in an intelligence or cy-
7 bersecurity position of the Department that is in the
8 excepted service.

9 “(c) ELIGIBILITY.—To be eligible to participate in
10 the Program, an individual shall—

11 “(1) be a citizen of the United States; and

12 “(2) as of the date of submitting the applica-
13 tion to participate in the Program—

14 “(A) have a cumulative grade point aver-
15 age of at least 3.2 on a 4.0 scale;

16 “(B) be a socially disadvantaged individual
17 (as that term is defined in section 124.103 of
18 title 13, Code of Federal Regulations, or suc-
19 cessor regulation); and

20 “(C) be a sophomore, junior, or senior at
21 an institution of higher education.

22 “(d) DIRECT HIRE AUTHORITY.—If an individual
23 who receives an offer of employment under subsection
24 (b)(3) accepts such offer, the Secretary shall appoint,
25 without regard to provisions of subchapter I of chapter

1 33 of title 5, United States Code, (except for section 3328
2 of such title) such individual to the position specified in
3 such offer.

4 “(e) REPORTS.—

5 “(1) REPORTS.—Not later than 1 year after the
6 date of the enactment of this section, and on an an-
7 nual basis thereafter, the Secretary shall submit to
8 the appropriate committees of Congress a report on
9 the Program.

10 “(2) MATTERS.—Each report under paragraph
11 (1) shall include, with respect to the most recent
12 year, the following:

13 “(A) A description of outreach efforts by
14 the Secretary to raise awareness of the Pro-
15 gram among institutions of higher education in
16 which eligible individuals are enrolled.

17 “(B) Information on specific recruiting ef-
18 forts conducted by the Secretary to increase
19 participation in the Program.

20 “(C) The number of individuals partici-
21 pating in the Program, listed by the institution
22 of higher education in which the individual is
23 enrolled at the time of participation, and infor-
24 mation on the nature of such participation, in-
25 cluding on whether the duties of the individual

1 under the Program relate primarily to intel-
2 ligence or to cybersecurity.

3 “(D) The number of individuals who ac-
4 cepted an offer of employment under the Pro-
5 gram and an identification of the element with-
6 in the Department to which each individual was
7 appointed.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 for such Act is amended by inserting after the item relat-
10 ing to section 1332 the following new item:

“Sec. 1333. Intelligence and cybersecurity diversity fellowship program.”.

11 **SEC. 405. CLIMATE SECURITY ADVISORY COUNCIL.**

12 (a) STUDY ON ADVISORY COUNCIL MODEL FOR
13 STRATEGIC OR TRANSNATIONAL THREATS.—

14 (1) STUDY REQUIRED.—The Director of Na-
15 tional Intelligence, in coordination with the heads of
16 other elements of the intelligence community deter-
17 mined appropriate by the Director, shall conduct a
18 study on the effectiveness of the Climate Security
19 Advisory Council as a potential model for future ad-
20 visory councils that—

21 (A) focus on optimizing the collection and
22 analysis of intelligence relating to strategic or
23 transnational threats to the national security of
24 the United States (including threats posed by

1 disease outbreaks, pandemics, or other global
2 health threats); and

3 (B) are composed of elements of the intel-
4 ligence community and relevant elements of the
5 Federal Government that are not elements of
6 the intelligence community.

7 (2) REPORT.—Not later than 1 year after the
8 date of the enactment of this Act, the Director shall
9 submit to the congressional intelligence committees a
10 report containing the findings of the study under
11 paragraph (1).

12 (b) TECHNICAL CORRECTION.—Section 120(c)(4) of
13 the National Security Act of 1947 (50 U.S.C. 3060(c)(4))
14 is amended by striking “security indicators” and inserting
15 “intelligence indications”.

16 **TITLE V—MATTERS RELATING** 17 **TO EMERGING TECHNOLOGIES**

18 **SEC. 501. REQUIREMENTS AND AUTHORITIES FOR DIREC-** 19 **TOR OF THE CENTRAL INTELLIGENCE AGEN-** 20 **CY TO IMPROVE EDUCATION IN SCIENCE,** 21 **TECHNOLOGY, ENGINEERING, ARTS, AND** 22 **MATHEMATICS.**

23 The Central Intelligence Agency Act of 1949 (50
24 U.S.C. 3501 et seq.), as amended by section 401, is fur-
25 ther amended by adding at the end the following:

1 **“SEC. 25. IMPROVEMENT OF EDUCATION IN SCIENCE,**
2 **TECHNOLOGY, ENGINEERING, ARTS, AND**
3 **MATHEMATICS.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
6 tity’ includes a department or agency of the Federal
7 Government, a State, a political subdivision of a
8 State, an individual, and a not-for-profit or other or-
9 ganization in the private sector.

10 “(2) EDUCATIONAL INSTITUTION.—The term
11 ‘educational institution’ includes any public or pri-
12 vate elementary school or secondary school, institu-
13 tion of higher education, college, university, or any
14 other profit or nonprofit institution that is dedicated
15 to improving science, technology, engineering, the
16 arts, mathematics, business, law, medicine, or other
17 fields that promote development and education relat-
18 ing to science, technology, engineering, the arts, or
19 mathematics.

20 “(3) STATE.—The term ‘State’ means each of
21 the several States, the District of Columbia, the
22 Commonwealth of Puerto Rico, the Commonwealth
23 of the Northern Mariana Islands, and any other ter-
24 ritory or possession of the United States.

25 “(b) REQUIREMENTS.—The Director shall, on a con-
26 tinuing basis—

1 “(1) identify actions that the Director may take
2 to improve education in the scientific, technology,
3 engineering, arts, and mathematics (known as
4 ‘STEAM’) skills necessary to meet the long-term na-
5 tional security needs of the United States for per-
6 sonnel proficient in such skills; and

7 “(2) establish and conduct programs to carry
8 out such actions.

9 “(c) AUTHORITIES.—

10 “(1) IN GENERAL.—The Director, in support of
11 educational programs in science, technology, engi-
12 neering, the arts, and mathematics, may—

13 “(A) award grants to eligible entities;

14 “(B) provide cash awards and other items
15 to eligible entities;

16 “(C) accept voluntary services from eligible
17 entities;

18 “(D) support national competition judging,
19 other educational event activities, and associ-
20 ated award ceremonies in connection with such
21 educational programs; and

22 “(E) enter into one or more education
23 partnership agreements with educational insti-
24 tutions in the United States for the purpose of
25 encouraging and enhancing study in science,

1 technology, engineering, the arts, and mathe-
2 matics disciplines at all levels of education.

3 “(2) EDUCATION PARTNERSHIP AGREE-
4 MENTS.—

5 “(A) NATURE OF ASSISTANCE PRO-
6 VIDED.—Under an education partnership agree-
7 ment entered into with an educational institu-
8 tion under paragraph (1)(E), the Director may
9 provide assistance to the educational institution
10 by—

11 “(i) loaning equipment to the edu-
12 cational institution for any purpose and
13 duration in support of such agreement that
14 the Director considers appropriate;

15 “(ii) making personnel available to
16 teach science courses or to assist in the de-
17 velopment of science courses and materials
18 for the educational institution;

19 “(iii) providing sabbatical opportuni-
20 ties for faculty and internship opportuni-
21 ties for students;

22 “(iv) involving faculty and students of
23 the educational institution in Agency
24 projects, including research and technology
25 transfer or transition projects;

1 “(v) cooperating with the educational
2 institution in developing a program under
3 which students may be given academic
4 credit for work on Agency projects, includ-
5 ing research and technology transfer for
6 transition projects; and

7 “(vi) providing academic and career
8 advice and assistance to students of the
9 educational institution.

10 “(B) PRIORITIES.—In entering into edu-
11 cation partnership agreements under paragraph
12 (1)(E), the Director shall prioritize entering
13 into education partnership agreements with the
14 following:

15 “(i) Historically Black colleges and
16 universities and other minority-serving in-
17 stitutions, as described in section 371(a) of
18 the Higher Education Act of 1965 (20
19 U.S.C. 1067q(a)).

20 “(ii) Educational institutions serving
21 women, members of minority groups, and
22 other groups of individuals who tradition-
23 ally are involved in the science, technology,
24 engineering, arts, and mathematics profes-
25 sions in disproportionately low numbers.

1 “(d) DESIGNATION OF ADVISOR.—The Director shall
2 designate one or more individuals within the Agency to
3 advise and assist the Director regarding matters relating
4 to science, technology, engineering, the arts, and mathe-
5 matics education and training.”.

6 **SEC. 502. SEEDLING INVESTMENT IN NEXT-GENERATION**
7 **MICROELECTRONICS IN SUPPORT OF ARTIFI-**
8 **CIAL INTELLIGENCE.**

9 (a) FINDINGS.—Congress finds that—

10 (1) developing faster, more energy efficient, and
11 more resilient computing is important to the future
12 of the national security of the United States and the
13 leadership by the United States in artificial intel-
14 ligence; and

15 (2) multidisciplinary teams co-designing micro-
16 electronics for artificial intelligence will lead to un-
17 precedented capabilities that will help ensure that
18 the United States maintains its superiority in this
19 worldwide competition for economic and national se-
20 curity.

21 (b) AWARDS FOR RESEARCH AND DEVELOPMENT.—
22 The Director of National Intelligence, acting through the
23 Director of the Intelligence Advanced Research Projects
24 Activity, shall award contracts or grants, or enter into

1 transactions other than contracts, to encourage microelec-
2 tronics research.

3 (c) USE OF FUNDS.—The Director shall award con-
4 tracts or grants to, or enter into transactions other than
5 contracts with, entities under subsection (b) to carry out
6 any of the following:

7 (1) Advanced engineering and applied research
8 into novel computing models, materials, devices, ar-
9 chitectures, or algorithms to enable the advancement
10 of artificial intelligence and machine learning.

11 (2) Research efforts to—

12 (A) overcome challenges with engineering
13 and applied research of microelectronics, includ-
14 ing with respect to the physical limits on tran-
15 sistors, electrical interconnects, and memory
16 elements; or

17 (B) promote long-term advancements in
18 computing technologies, including by fostering a
19 unified and multidisciplinary approach encom-
20 passing research and development into algo-
21 rithm design, computing architectures, micro-
22 electronic devices and circuits, and the chem-
23 istry and physics of new materials.

1 (3) Any other activity the Director determines
2 would promote the development of microelectronics
3 research.

4 (d) AWARD AMOUNTS.—In awarding contracts or
5 grants, or entering into transactions other than contracts,
6 under subsection (b), the Director may award not more
7 than a total of \$15,000,000.

8 **TITLE VI—REPORTS AND OTHER**
9 **MATTERS**

10 **SEC. 601. REPORT ON ATTEMPTS BY FOREIGN ADVER-**
11 **SARIES TO BUILD TELECOMMUNICATIONS**
12 **AND CYBERSECURITY EQUIPMENT AND**
13 **SERVICES FOR, OR TO PROVIDE SUCH EQUIP-**
14 **MENT AND SERVICES TO, CERTAIN ALLIES OF**
15 **THE UNITED STATES.**

16 (a) DEFINITIONS.—In this section:

17 (1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means—

20 (A) the Committee on Armed Services and
21 the Select Committee on Intelligence of the
22 Senate; and

23 (B) the Committee on Armed Services and
24 the Permanent Select Committee on Intelligence
25 of the House of Representatives.

1 (2) FIVE EYES COUNTRY.—The term “Five
2 Eyes country” means any of the following:

3 (A) Australia.

4 (B) Canada.

5 (C) New Zealand.

6 (D) The United Kingdom.

7 (E) The United States.

8 (b) REPORT REQUIRED.—Not later than 90 days
9 after the date of the enactment of this Act, the Director
10 of the Central Intelligence Agency, the Director of the Na-
11 tional Security Agency, and the Director of the Defense
12 Intelligence Agency shall jointly submit to the appropriate
13 committees of Congress a report on attempts by foreign
14 adversaries to build telecommunications and cybersecurity
15 equipment and services for, or to provide such equipment
16 and services to, Five Eyes countries.

17 (c) ELEMENTS.—The report submitted under sub-
18 section (b) shall include the following:

19 (1) An assessment of United States intelligence
20 sharing and intelligence and military force posture
21 in any Five Eyes country that currently uses or in-
22 tends to use telecommunications or cybersecurity
23 equipment or services provided by a foreign adver-
24 sary of the United States, including China and Rus-
25 sia.

1 (2) A description and assessment of mitigation
2 of any potential compromises or risks for any cir-
3 cumstance described in paragraph (1).

4 (d) FORM.—The report required by subsection (b)
5 shall include an unclassified executive summary, and may
6 include a classified annex.

7 **SEC. 602. REPORT ON THREATS POSED BY USE BY FOREIGN**
8 **GOVERNMENTS AND ENTITIES OF COMMER-**
9 **CIALLY AVAILABLE CYBER INTRUSION AND**
10 **SURVEILLANCE TECHNOLOGY.**

11 (a) REPORT REQUIRED.—Not later than 180 days
12 after the date of the enactment of this Act, the Director
13 of National Intelligence shall submit to the congressional
14 intelligence committees, the Committee on Homeland Se-
15 curity and Governmental Affairs of the Senate, and the
16 Committee on Homeland Security of the House of Rep-
17 resentatives a report on the threats posed by the use by
18 foreign governments and entities of commercially available
19 cyber intrusion and other surveillance technology.

20 (b) CONTENTS.—The report required by subsection
21 (a) shall include the following:

22 (1) Matters relating to threats described in sub-
23 section (a) as they pertain to the following:

24 (A) The threat posed to United States per-
25 sons and persons inside the United States.

1 (B) The threat posed to United States per-
2 sonnel overseas.

3 (C) The threat posed to employees of the
4 Federal Government, including through both of-
5 ficial and personal accounts and devices.

6 (2) A description of which foreign governments
7 and entities pose the greatest threats from the use
8 of technology described in subsection (a) and the na-
9 ture of those threats.

10 (3) An assessment of the source of the commer-
11 cially available cyber intrusion and other surveillance
12 technology that poses the threats described in sub-
13 section (a), including whether such technology is
14 made by United States companies or companies in
15 the United States or by foreign companies.

16 (4) An assessment of actions taken, as of the
17 date of the enactment of this Act, by the Federal
18 Government and foreign governments to limit the
19 export of technology described in subsection (a) from
20 the United States or foreign countries to foreign
21 governments and entities in ways that pose the
22 threats described in such subsection.

23 (5) Matters relating to how the Federal Govern-
24 ment, Congress, and foreign governments can most
25 effectively mitigate the threats described in sub-

1 section (a), including matters relating to the fol-
2 lowing:

3 (A) Working with the technology and tele-
4 communications industry to identify and im-
5 prove the security of consumer software and
6 hardware used by United States persons and
7 persons inside the United States that is tar-
8 getted by commercial cyber intrusion and sur-
9 veillance software.

10 (B) Export controls.

11 (C) Diplomatic pressure.

12 (D) Trade agreements.

13 (c) FORM.—The report submitted under subsection
14 (a) shall be submitted in unclassified form, but may in-
15 clude a classified annex.

16 **SEC. 603. REPORTS ON RECOMMENDATIONS OF THE**
17 **CYBERSPACE SOLARIUM COMMISSION.**

18 (a) APPROPRIATE COMMITTEES OF CONGRESS.—In
19 this section, the term “appropriate committees of Con-
20 gress” means—

21 (1) the Committee on Armed Services, the Se-
22 lect Committee on Intelligence, the Committee on
23 Homeland Security and Governmental Affairs, the
24 Committee on Commerce, Science, and Transpor-

1 tation, and the Committee on Energy and Natural
2 Resources of the Senate; and

3 (2) the Committee on Armed Services, the Per-
4 manent Select Committee on Intelligence, the Com-
5 mittee on Homeland Security, the Committee on
6 Science, Space, and Technology, and the Committee
7 on Energy and Commerce of the House of Rep-
8 resentatives.

9 (b) REPORTS REQUIRED.—Not later than 180 days
10 after the date of the enactment of this Act, each head of
11 an agency described in subsection (c) shall submit to the
12 appropriate committees of Congress a report on the rec-
13 ommendations included in the report issued by the Cyber-
14 space Solarium Commission under section 1652(k) of the
15 John S. McCain National Defense Authorization Act for
16 Fiscal Year 2019 (Public Law 115–232).

17 (c) AGENCIES DESCRIBED.—The agencies described
18 in this subsection are the following:

19 (1) The Office of the Director of National Intel-
20 ligence.

21 (2) The Department of Homeland Security.

22 (3) The Department of Energy.

23 (4) The Department of Commerce.

24 (5) The Department of Defense.

1 (d) CONTENTS.—Each report submitted under sub-
2 section (b) by the head of an agency described in sub-
3 section (c) shall include the following:

4 (1) An evaluation of the recommendations in
5 the report described in subsection (b) that the agen-
6 cy identifies as pertaining directly to the agency.

7 (2) A description of the actions taken, or the
8 actions that the head of the agency may consider
9 taking, to implement any of the recommendations
10 (including a comprehensive estimate of requirements
11 for appropriations to take such actions).

12 **SEC. 604. ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS**
13 **RELATING TO ARTIFICIAL INTELLIGENCE,**
14 **MICROCHIPS, AND SEMICONDUCTORS AND**
15 **RELATED SUPPLY CHAINS.**

16 (a) ASSESSMENT REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the Direc-
18 tor of National Intelligence shall complete a detailed as-
19 sessment of critical technology trends relating to artificial
20 intelligence, microchips, and semiconductors and related
21 supply chains.

22 (b) ELEMENTS.—The assessment required by sub-
23 section (a) shall include the following:

24 (1) EXPORT CONTROLS.—

1 (A) IN GENERAL.—An assessment of ef-
2 forts by partner countries to enact and imple-
3 ment export controls and other technology
4 transfer measures with respect to artificial in-
5 telligence, microchips, advanced manufacturing
6 equipment, and other artificial intelligence en-
7 abled technologies critical to United States sup-
8 ply chains.

9 (B) IDENTIFICATION OF OPPORTUNITIES
10 FOR COOPERATION.—The assessment under
11 subparagraph (A) shall identify opportunities
12 for further cooperation with international part-
13 ners on a multilateral and bilateral basis to
14 strengthen export control regimes and address
15 technology transfer threats.

16 (2) SEMICONDUCTOR SUPPLY CHAINS.—

17 (A) IN GENERAL.—An assessment of glob-
18 al semiconductor supply chains, including areas
19 to reduce United States vulnerabilities and
20 maximize points of leverage.

21 (B) ANALYSIS OF POTENTIAL EFFECTS.—
22 The assessment under subparagraph (A) shall
23 include an analysis of the potential effects of
24 significant geopolitical shifts, including those
25 related to Taiwan.

1 (C) IDENTIFICATION OF OPPORTUNITIES
2 FOR DIVERSIFICATION.—The assessment under
3 subparagraph (A) shall also identify opportuni-
4 ties for diversification of United States supply
5 chains, including an assessment of cost, chal-
6 lenges, and opportunities to diversify manufac-
7 turing capabilities on a multinational basis.

8 (3) COMPUTING POWER.—An assessment of
9 trends relating to computing power and the effect of
10 such trends on global artificial intelligence develop-
11 ment and implementation, in consultation with the
12 Director of the Intelligence Advanced Research
13 Projects Activity, the Director of the Defense Ad-
14 vanced Research Projects Agency, and the Director
15 of the National Institute of Standards and Tech-
16 nology, including forward-looking assessments of
17 how computing resources may affect United States
18 national security, innovation, and implementation re-
19 lating to artificial intelligence.

20 (c) REPORT.—

21 (1) DEFINITION OF APPROPRIATE COMMITTEES
22 OF CONGRESS.—In this subsection, the term “appro-
23 priate committees of Congress” means—

24 (A) the Select Committee on Intelligence,
25 the Committee on Armed Services, the Com-

1 committee on Banking, Housing, and Urban Af-
2 fairs, the Committee on Foreign Relations, and
3 the Committee on Homeland Security and Gov-
4 ernmental Affairs of the Senate; and

5 (B) the Permanent Select Committee on
6 Intelligence, the Committee on Armed Services,
7 the Committee on Financial Services, the Com-
8 mittee on Foreign Affairs, and the Committee
9 on Homeland Security of the House of Rep-
10 resentatives.

11 (2) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Di-
13 rector shall submit to the appropriate committees of
14 Congress a report on the findings of the Director
15 with respect to the assessment completed under sub-
16 section (a).

17 (3) FORM.—The report submitted under para-
18 graph (2) shall be submitted in unclassified form,
19 but may include a classified annex.

20 **SEC. 605. COMBATING CHINESE INFLUENCE OPERATIONS**
21 **IN THE UNITED STATES AND STRENGTH-**
22 **ENING CIVIL LIBERTIES PROTECTIONS.**

23 (a) UPDATES TO ANNUAL REPORTS ON INFLUENCE
24 OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY
25 THE CHINESE COMMUNIST PARTY.—Section 1107(b) of

1 the National Security Act of 1947 (50 U.S.C. 3237(b))
2 is amended—

3 (1) by redesignating paragraph (8) as para-
4 graph (9); and

5 (2) by inserting after paragraph (7) the fol-
6 lowing:

7 “(8) An identification of influence activities and
8 operations employed by the Chinese Communist
9 Party against the United States science and tech-
10 nology sectors, specifically employees of the United
11 States Government, researchers, scientists, and stu-
12 dents in the science and technology sector in the
13 United States.”.

14 (b) PLAN FOR FEDERAL BUREAU OF INVESTIGATION
15 TO INCREASE PUBLIC AWARENESS AND DETECTION OF
16 INFLUENCE ACTIVITIES BY THE GOVERNMENT OF THE
17 PEOPLE’S REPUBLIC OF CHINA.—

18 (1) PLAN REQUIRED.—Not later than 90 days
19 after the date of the enactment of this Act, the Di-
20 rector of the Federal Bureau of Investigation shall
21 submit to the congressional intelligence committees a
22 plan to increase public awareness of influence activi-
23 ties by the Government of the People’s Republic of
24 China.

1 (2) CONSULTATION.—In carrying out para-
2 graph (1), the Director shall consult with the fol-
3 lowing:

4 (A) The Director of the Office of Science
5 and Technology Policy.

6 (B) Such other stakeholders outside the in-
7 telligence community, including professional as-
8 sociations, institutions of higher education,
9 businesses, and civil rights and multicultural
10 organizations, as the Director determines rel-
11 evant.

12 (c) RECOMMENDATIONS OF THE FEDERAL BUREAU
13 OF INVESTIGATION TO STRENGTHEN RELATIONSHIPS
14 AND BUILD TRUST WITH COMMUNITIES OF INTEREST.—

15 (1) IN GENERAL.—The Director of the Federal
16 Bureau of Investigation, in consultation with the As-
17 sistant Attorney General for the Civil Rights Divi-
18 sion and the Chief Privacy and Civil Liberties Offi-
19 cer of the Department of Justice, shall develop rec-
20 ommendations to strengthen relationships with com-
21 munities targeted by influence activities of the Gov-
22 ernment of the People’s Republic of China and build
23 trust with such communities through local and re-
24 gional grassroots outreach.

1 (2) SUBMITTAL TO CONGRESS.—Not later than
2 1 year after the date of the enactment of this Act,
3 the Director shall submit to Congress the rec-
4 ommendations developed under paragraph (1).

5 (d) TECHNICAL CORRECTIONS.—The National Secu-
6 rity Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

7 (1) in section 1107 (50 U.S.C. 3237)—

8 (A) in the section heading, by striking
9 “**COMMUNIST PARTY OF CHINA**” and insert-
10 ing “**CHINESE COMMUNIST PARTY**”; and

11 (B) by striking “Communist Party of
12 China” both places it appears and inserting
13 “Chinese Communist Party”; and

14 (2) in the table of contents before section 2 (50
15 U.S.C. 3002), by striking the item relating to sec-
16 tion 1107 and inserting the following new item:

 “Sec. 1107. Annual reports on influence operations and campaigns in the
 United States by the Chinese Communist Party.”.

17 **SEC. 606. ANNUAL REPORT ON CORRUPT ACTIVITIES OF**
18 **SENIOR OFFICIALS OF THE CHINESE COM-**
19 **MUNIST PARTY.**

20 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
21 CONGRESS.—In this section, the term “appropriate com-
22 mittees of Congress” means—

23 (1) the Committee on Banking, Housing, and
24 Urban Affairs, the Committee on Finance, the Com-

1 committee on Foreign Relations, and the Select Com-
2 mittee on Intelligence of the Senate; and

3 (2) the Committee on Financial Services, the
4 Committee on Foreign Affairs, the Committee on
5 Ways and Means, and the Permanent Select Com-
6 mittee on Intelligence of the House of Representa-
7 tives.

8 (b) ANNUAL REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, and annually
11 thereafter through 2025, the Director of the Central
12 Intelligence Agency shall submit to the appropriate
13 committees of Congress a report on the corruption
14 and corrupt activities of senior officials of the Chi-
15 nese Communist Party.

16 (2) ELEMENTS.—

17 (A) IN GENERAL.—Each report under
18 paragraph (1) shall include the following:

19 (i) A description of the wealth of, and
20 corruption and corrupt activities among,
21 senior officials of the Chinese Communist
22 Party.

23 (ii) A description of any recent actions
24 of the officials described in clause (i) that

1 could be considered a violation, or potential
2 violation, of United States law.

3 (iii) A description and assessment of
4 targeted financial measures, including po-
5 tential targets for designation of the offi-
6 cials described in clause (i) for the corrup-
7 tion and corrupt activities described in that
8 clause and for the actions described in
9 clause (ii).

10 (B) SCOPE OF REPORTS.—The first report
11 under paragraph (1) shall include comprehen-
12 sive information on the matters described in
13 subparagraph (A). Any succeeding report under
14 paragraph (1) may consist of an update or sup-
15 plement to the preceding report under that sub-
16 section.

17 (3) COORDINATION.—In preparing each report,
18 update, or supplement under this subsection, the Di-
19 rector of the Central Intelligence Agency shall co-
20 ordinate as follows:

21 (A) In preparing the description required
22 by clause (i) of paragraph (2)(A), the Director
23 of the Central Intelligence Agency shall coordi-
24 nate with the head of the Office of Intelligence
25 and Analysis of the Department of the Treas-

1 ury and the Director of the Federal Bureau of
2 Investigation.

3 (B) In preparing the descriptions required
4 by clauses (ii) and (iii) of such paragraph, the
5 Director of the Central Intelligence Agency
6 shall coordinate with the head of the Office of
7 Intelligence and Analysis of the Department of
8 the Treasury.

9 (4) FORM.—Each report under paragraph (1)
10 shall include an unclassified executive summary, and
11 may include a classified annex.

12 (c) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the United States should undertake every effort
14 and pursue every opportunity to expose the corruption and
15 illicit practices of senior officials of the Chinese Com-
16 munist Party, including President Xi Jinping.

17 **SEC. 607. REPORT ON CORRUPT ACTIVITIES OF RUSSIAN**
18 **AND OTHER EASTERN EUROPEAN**
19 **OLIGARCHS.**

20 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
21 CONGRESS.—In this section, the term “appropriate com-
22 mittees of Congress” means—

23 (1) the Committee on Banking, Housing, and
24 Urban Affairs, the Committee on Finance, the Com-

1 committee on Foreign Relations, and the Select Com-
2 mittee on Intelligence of the Senate; and

3 (2) the Committee on Financial Services, the
4 Committee on Foreign Affairs, the Committee on
5 Ways and Means, and the Permanent Select Com-
6 mittee on Intelligence of the House of Representa-
7 tives.

8 (b) REPORT REQUIRED.—Not later than 100 days
9 after the date of the enactment of this Act, the Director
10 of the Central Intelligence Agency shall submit to the ap-
11 propriate committees of Congress and the Undersecretary
12 of State for Public Diplomacy and Public Affairs a report
13 on the corruption and corrupt activities of Russian and
14 other Eastern European oligarchs.

15 (c) ELEMENTS.—

16 (1) IN GENERAL.—Each report under sub-
17 section (b) shall include the following:

18 (A) A description of corruption and cor-
19 rupt activities among Russian and other East-
20 ern European oligarchs who support the Gov-
21 ernment of the Russian Federation, including
22 estimates of the total assets of such oligarchs.

23 (B) An assessment of the impact of the
24 corruption and corrupt activities described pur-

1 suant to subparagraph (A) on the economy and
2 citizens of Russia.

3 (C) A description of any connections to, or
4 support of, organized crime, drug smuggling, or
5 human trafficking by an oligarch covered by
6 subparagraph (A).

7 (D) A description of any information that
8 reveals corruption and corrupt activities in Rus-
9 sia among oligarchs covered by subparagraph
10 (A).

11 (E) A description and assessment of poten-
12 tial sanctions actions that could be imposed
13 upon oligarchs covered by subparagraph (A)
14 who support the leadership of the Government
15 of Russia, including President Vladimir Putin.

16 (2) SCOPE OF REPORTS.—The first report
17 under subsection (a) shall include comprehensive in-
18 formation on the matters described in paragraph
19 (1). Any succeeding report under subsection (a) may
20 consist of an update or supplement to the preceding
21 report under that subsection.

22 (d) COORDINATION.—In preparing each report, up-
23 date, or supplement under this section, the Director of the
24 Central Intelligence Agency shall coordinate as follows:

1 (1) In preparing the assessment and descrip-
2 tions required by subparagraphs (A) through (D) of
3 subsection (c)(1), the Director of the Central Intel-
4 ligence Agency shall coordinate with the head of the
5 Office of Intelligence and Analysis of the Depart-
6 ment of the Treasury and the Director of the Fed-
7 eral Bureau of Investigation.

8 (2) In preparing the description and assessment
9 required by subparagraph (E) of such subsection,
10 the Director of the Central Intelligence Agency shall
11 coordinate with the head of the Office of Intelligence
12 and Analysis of the Department of the Treasury.

13 (e) FORM.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 each report under subsection (b) shall include an un-
16 classified executive summary, and may include a
17 classified annex.

18 (2) UNCLASSIFIED FORM OF CERTAIN INFOR-
19 MATION.—The information described in subsection
20 (c)(1)(D) in each report under subsection (b) shall
21 be submitted in unclassified form.

1 **SEC. 608. REPORT ON BIOSECURITY RISK AND**
2 **DISINFORMATION BY THE CHINESE COM-**
3 **MUNIST PARTY AND THE GOVERNMENT OF**
4 **THE PEOPLE'S REPUBLIC OF CHINA.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Select Committee on Intelligence,
10 the Committee on Armed Services, the Com-
11 mittee on Foreign Relations, the Committee on
12 Health, Education, Labor, and Pensions, and
13 the Committee on Homeland Security and Gov-
14 ernmental Affairs of the Senate; and

15 (B) the Permanent Select Committee on
16 Intelligence, the Committee on Armed Services,
17 the Committee on Energy and Commerce, the
18 Committee on Foreign Affairs, and the Com-
19 mittee on Homeland Security of the House of
20 Representatives.

21 (2) CRITICAL INFRASTRUCTURE.—The term
22 “critical infrastructure” has the meaning given such
23 term in section 1016(e) of the Uniting and
24 Strengthening America by Providing Appropriate
25 Tools Required to Intercept and Obstruct Terrorism

1 (USA PATRIOT ACT) Act of 2001 (42 U.S.C.
2 5195c(e)).

3 (b) REPORT REQUIRED.—Not later than 90 days
4 after the date of the enactment of this Act, the Director
5 of National Intelligence shall submit to the appropriate
6 committees of Congress a report identifying whether and
7 how officials of the Chinese Communist Party and the
8 Government of the People’s Republic of China may have
9 sought—

10 (1) to suppress information about—

11 (A) the outbreak of the novel coronavirus
12 in Wuhan;

13 (B) the spread of the virus through China;
14 and

15 (C) the transmission of the virus to other
16 countries;

17 (2) to spread disinformation relating to the
18 pandemic; or

19 (3) to exploit the pandemic to advance their na-
20 tional security interests.

21 (c) ASSESSMENTS.—The report required by sub-
22 section (b) shall include assessments of reported actions
23 and the effect of those actions on efforts to contain the
24 novel coronavirus pandemic, including each of the fol-
25 lowing:

1 (1) The origins of the novel coronavirus out-
2 break, the time and location of initial infections, and
3 the mode and speed of early viral spread.

4 (2) Actions taken by the Government of China
5 to suppress, conceal, or misinform the people of
6 China and those of other countries about the novel
7 coronavirus outbreak in Wuhan.

8 (3) The effect of disinformation or the failure
9 of the Government of China to fully disclose details
10 of the outbreak on response efforts of local govern-
11 ments in China and other countries.

12 (4) Diplomatic, political, economic, intelligence,
13 or other pressure on other countries and inter-
14 national organizations to conceal information about
15 the spread of the novel coronavirus and the response
16 of the Government of China to the contagion, as well
17 as to influence or coerce early responses to the pan-
18 demic by other countries.

19 (5) Efforts by officials of the Government of
20 China to deny access to health experts and inter-
21 national health organizations to afflicted individuals
22 in Wuhan, pertinent areas of the city, or laboratories
23 of interest in China, including the Wuhan Institute
24 of Virology.

1 (6) Efforts by the Government of China, or
2 those acting at its direction or with its assistance, to
3 conduct cyber operations against international, na-
4 tional, or private health organizations conducting re-
5 search relating to the novel coronavirus or operating
6 in response to the pandemic.

7 (7) Efforts to control, restrict, or manipulate
8 relevant segments of global supply chains, particu-
9 larly in the sale, trade, or provision of relevant medi-
10 cines, medical supplies, or medical equipment as a
11 result of the pandemic.

12 (8) Efforts to advance the economic, intel-
13 ligence, national security, and political objectives of
14 the Government of China by exploiting
15 vulnerabilities of foreign governments, economies,
16 and companies under financial duress as a result of
17 the pandemic or to accelerate economic espionage
18 and intellectual property theft.

19 (9) Efforts to exploit the disruption of the
20 pharmaceutical and telecommunications industries
21 as well as other industries tied to critical infrastruc-
22 ture and bilateral trade between China and the
23 United States and between China and allies and
24 partners of the United States in order to advance

1 the economic and political objectives of the Govern-
2 ment of China following the pandemic.

3 (d) FORM.—The report required under subsection (b)
4 shall be submitted in unclassified form, but may include
5 a classified annex.

6 **SEC. 609. REPORT ON EFFECT OF LIFTING OF UNITED NA-**
7 **TIONS ARMS EMBARGO ON ISLAMIC REPUB-**
8 **LIC OF IRAN.**

9 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
10 CONGRESS.—In this section, the term “appropriate com-
11 mittees of Congress” means—

12 (1) the Select Committee on Intelligence, the
13 Committee on Armed Services, and the Committee
14 on Foreign Relations of the Senate; and

15 (2) the Permanent Select Committee on Intel-
16 ligence, the Committee on Armed Services, and the
17 Committee on Foreign Affairs of the House of Rep-
18 resentatives.

19 (b) REPORT REQUIRED.—Not later than 90 days
20 after the date of the enactment of this Act, the Director
21 of the Defense Intelligence Agency, in consultation with
22 such heads of other elements of the intelligence community
23 as the Director considers appropriate, shall submit to the
24 appropriate committees of Congress a report on—

1 (1) the plans of the Government of the Islamic
2 Republic of Iran to acquire military arms if the ban
3 on arms transfers to or from such government under
4 United Nations Security Council resolutions are lift-
5 ed; and

6 (2) the effect such arms acquisitions may have
7 on regional security and stability.

8 (c) CONTENTS.—The report submitted under sub-
9 section (b) shall include assessments relating to plans of
10 the Government of the Islamic Republic of Iran to acquire
11 additional weapons, the intention of other countries to
12 provide such weapons, and the effect such acquisition and
13 provision would have on regional stability, including with
14 respect to each of the following:

15 (1) The type and quantity of weapon systems
16 under consideration for acquisition.

17 (2) The countries of origin of such systems.

18 (3) Likely reactions of other countries in the re-
19 gion to such acquisition, including the potential for
20 proliferation by other countries in response.

21 (4) The threat that such acquisition could
22 present to international commerce and energy sup-
23 plies in the region, and the potential implications for
24 the national security of the United States.

1 (5) The threat that such acquisition could
2 present to the Armed Forces of the United States,
3 of countries allied with the United States, and of
4 countries partnered with the United States stationed
5 in or deployed in the region.

6 (6) The potential that such acquisition could be
7 used to deliver chemical, biological, or nuclear weap-
8 ons.

9 (7) The potential for the Government of the Is-
10 lamic Republic of Iran to proliferate weapons ac-
11 quired in the absence of an arms embargo to re-
12 gional groups, including Shi'a militia groups backed
13 by such government.

14 (d) FORM.—The report submitted under subsection
15 (b) shall be submitted in unclassified form, but may in-
16 clude a classified annex.

17 **SEC. 610. REPORT ON IRANIAN ACTIVITIES RELATING TO**
18 **NUCLEAR NONPROLIFERATION.**

19 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
20 CONGRESS.—In this section, the term “appropriate com-
21 mittees of Congress” means—

22 (1) the Select Committee on Intelligence, the
23 Committee on Armed Services, and the Committee
24 on Foreign Relations of the Senate; and

1 (2) the Permanent Select Committee on Intel-
2 ligence, the Committee on Armed Services, and the
3 Committee on Foreign Affairs of the House of Rep-
4 resentatives.

5 (b) REPORT REQUIRED.—Not later than 90 days
6 after the date of the enactment of this Act, the Director
7 of National Intelligence shall submit to the appropriate
8 committees of Congress a report assessing—

9 (1) any relevant activities potentially relating to
10 nuclear weapons research and development by the
11 Islamic Republic of Iran; and

12 (2) any relevant efforts to afford or deny inter-
13 national access in accordance with international non-
14 proliferation agreements.

15 (c) ASSESSMENTS.—The report required by sub-
16 section (b) shall include assessments, for the period begin-
17 ning on January 1, 2018, and ending on the date of the
18 submittal of the report, of the following:

19 (1) Activities to research, develop, or enrich
20 uranium or reprocess plutonium with the intent or
21 capability of creating weapons-grade nuclear mate-
22 rial.

23 (2) Research, development, testing, or design
24 activities that could contribute to or inform con-

1 struction of a device intended to initiate or capable
2 of initiating a nuclear explosion.

3 (3) Efforts to receive, transmit, store, destroy,
4 relocate, archive, or otherwise preserve research,
5 processes, products, or enabling materials relevant
6 or relating to any efforts assessed under paragraph
7 (1) or (2).

8 (4) Efforts to afford or deny international ac-
9 cess, in accordance with international nonprolifera-
10 tion agreements, to locations, individuals, and mate-
11 rials relating to activities described in paragraph (1),
12 (2), or (3).

13 (d) FORM.—The report required under subsection (b)
14 shall be submitted in unclassified form, but may include
15 a classified annex.

16 **SEC. 611. ANNUAL REPORTS ON SECURITY SERVICES OF**
17 **THE PEOPLE’S REPUBLIC OF CHINA IN THE**
18 **HONG KONG SPECIAL ADMINISTRATIVE RE-**
19 **GION.**

20 (a) FINDING.—Congress finds that the National Peo-
21 ple’s Congress of the People’s Republic of China promul-
22 gated the Law of the People’s Republic of China on Safe-
23 guarding National Security in the Hong Kong Special Ad-
24 ministrative Region on June 30, 2020.

1 (b) REPORTS.—Title XI of the National Security Act
2 of 1947 (50 U.S.C. 3231 et seq.), is amended by inserting
3 after section 1107 the following new section:

4 **“SEC. 1107A. ANNUAL REPORTS ON SECURITY SERVICES OF**
5 **THE PEOPLE’S REPUBLIC OF CHINA IN THE**
6 **HONG KONG SPECIAL ADMINISTRATIVE RE-**
7 **GION.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term ‘appropriate congressional com-
11 mittees’ means—

12 “(A) the congressional intelligence commit-
13 tees;

14 “(B) the Committee on Foreign Relations
15 and the Committee on Armed Services of the
16 Senate; and

17 “(C) the Committee on Foreign Affairs
18 and the Committee on Armed Services of the
19 House of Representatives.

20 “(2) CHINESE SECURITY SERVICES.—The term
21 ‘Chinese security services’ means—

22 “(A) the security services of the Govern-
23 ment of the People’s Republic of China, includ-
24 ing the Ministry of State Security and the Min-
25 istry of Public Security; and

1 “(B) any known front organizations or
2 aliases associated with such security services,
3 including officers associated with the national
4 security division of the Hong Kong Police Force
5 and other officers of the Hong Kong Police
6 Force selected by the Committee for Safe-
7 guarding National Security to work on matters
8 relating to national security.

9 “(b) REQUIREMENT.—On an annual basis through
10 2047, the Director of National Intelligence shall submit
11 to the appropriate congressional committees a report on
12 the presence and activities of Chinese security services op-
13 erating within the Hong Kong Special Administrative Re-
14 gion.

15 “(c) CONTENTS.—Each report under subsection (b)
16 shall include, with respect to the year covered by the re-
17 port, the following:

18 “(1) Identification of the approximate number
19 of personnel affiliated with Chinese security services
20 operating within the Hong Kong Special Administra-
21 tive Region, including a breakdown of such per-
22 sonnel by the specific security service and the divi-
23 sion of the security service, and (to the extent pos-
24 sible) an identification of any such personnel associ-

1 ated with the national security division of the Hong
2 Kong Police Force.

3 “(2) A description of the command and control
4 structures of such security services, including infor-
5 mation regarding the extent to which such security
6 services are controlled by the Government of the
7 Hong Kong Special Administrative Region or the
8 Government of the People’s Republic of China.

9 “(3) A description of the working relationship
10 and coordination mechanisms of the Chinese security
11 services with the police force of the Hong Kong Spe-
12 cial Administrative Region.

13 “(4) A description of the activities conducted by
14 Chinese security services operating within the Hong
15 Kong Special Administrative Region, including—

16 “(A) information regarding the extent to
17 which such security services, and officers associ-
18 ated with the national security division of the
19 Hong Kong Police Force, are engaged in front-
20 line policing, serving in advisory and assistance
21 roles, or both;

22 “(B) an assessment of the likelihood of
23 such security services conducting renditions of
24 individuals from the Hong Kong Special Ad-
25 ministrative Region to China and a listing of

1 every known individual subject to such rendition
2 during the year covered by the report; and

3 “(C) an assessment of how such activities
4 conducted by Chinese security services con-
5 tribute to self-censorship and corruption within
6 the Hong Kong Special Administrative Region.

7 “(5) A discussion of the doctrine and tactics
8 employed by Chinese security services operating
9 within the Hong Kong Special Administrative Re-
10 gion, including an overview of the extent to which
11 such security services employ surveillance, detection,
12 and control methods, including ‘high-tech’ policing
13 models and ‘preventative policing tactics’, that are
14 consistent with the rise of digital authoritarianism,
15 and used in a manner similar to methods used in the
16 Xinjiang region of China.

17 “(6) An overview of the funding for Chinese se-
18 curity services operating within the Hong Kong Spe-
19 cial Administrative Region, including an assessment
20 of the extent to which funding is drawn locally from
21 the Hong Kong Special Administrative Region Gov-
22 ernment or from the Government of China.

23 “(7) A discussion of the various surveillance
24 technologies used by security services operating

1 within the Hong Kong Special Administrative Re-
2 gion, including—

3 “(A) a list of the key companies that pro-
4 vide such technologies; and

5 “(B) an assessment of the degree to which
6 such technologies can be accessed by Chinese
7 security services operating within the Hong
8 Kong Special Administrative Region.

9 “(d) COORDINATION.—In carrying out subsection
10 (b), the Director shall coordinate with the Director of the
11 Central Intelligence Agency, the Director of the National
12 Security Agency, the Director of the Defense Intelligence
13 Agency, the Director of the National Geospatial-Intel-
14 ligence Agency, the Assistant Secretary of State for the
15 Bureau of Intelligence and Research, and any other rel-
16 evant head of an element of the intelligence community.

17 “(e) FORM.—Each report submitted to the appro-
18 priate congressional committees under subsection (b) shall
19 be submitted in unclassified form, but may include a clas-
20 sified annex.”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 in the first section of the National Security Act of 1947
23 is amended by inserting after the item relating to section
24 1107 the following new item:

“Sec. 1107A. Annual reports on security services of the People’s Republic of
China in the Hong Kong Special Administrative Region.”.

1 **SEC. 612. RESEARCH PARTNERSHIP ON ACTIVITIES OF**
2 **PEOPLE'S REPUBLIC OF CHINA.**

3 (a) RESEARCH PARTNERSHIP.—

4 (1) REQUIREMENT.—Not later than 180 days
5 after the date of the enactment of this Act, the Di-
6 rector of the National Geospatial-Intelligence Agency
7 shall seek to enter into a partnership with an aca-
8 demic or non-profit research institution to—

9 (A) carry out joint unclassified geospatial
10 intelligence analyses of the activities of the Peo-
11 ple's Republic of China that pose risks to the
12 national security interests of the United States;
13 and

14 (B) make available on a publicly available
15 internet website unclassified geospatial intel-
16 ligence products relating to such analyses.

17 (2) ELEMENTS.—The Director shall ensure
18 that the activities of China analyzed under para-
19 graph (1)(A) include the following:

20 (A) Any notable developments relating to
21 the global activities of the People's Liberation
22 Army Ground Force, the People's Liberation
23 Army Navy, the People's Liberation Army Air
24 Force, the People's Liberation Army Rocket
25 Force, the People's Liberation Army Strategic

1 Support Force, and the Chinese People’s Armed
2 Police Force Coast Guard Corps.

3 (B) Infrastructure projects associated with
4 the “One Belt, One Road” Initiative.

5 (C) Maritime land reclamation activities
6 conducted by China in the South China Sea,
7 the Indian Ocean region, and the broader mari-
8 time commons.

9 (D) Matters relevant to global public
10 health and climate security, including—

11 (i) indications and warnings of disease
12 outbreaks with pandemic potential;

13 (ii) the activities of China likely con-
14 tributing to climate change; and

15 (iii) any environmental degradation
16 directly resulting from the practices of
17 China.

18 (3) CONSORTIUM.—In carrying out paragraph
19 (1), the Director may enter into a partnership
20 with—

21 (A) one research institution; or

22 (B) a consortium of research institutions if
23 the Director determines that the inclusion of
24 multiple institutions will result in more effective

1 research conducted pursuant to this section or
2 improve the outcomes of such research.

3 (4) DURATION.—The Director shall carry out a
4 partnership under this section for a period that is
5 not less than 10 years following the date of the en-
6 actment of this Act.

7 (5) IMPROVEMENTS TO PARTNERSHIP.—The
8 Director may modify the partnership under para-
9 graph (1) or select a new research institution with
10 which to enter into such a partnership if—

11 (A) the Director consults with the congres-
12 sional intelligence committees with respect to
13 the proposed modified or new partnership;

14 (B) the modified or new partnership is car-
15 ried out in accordance with this section; and

16 (C) the Director determines that the modi-
17 fied or new partnership will result in more ef-
18 fective research conducted pursuant to this sec-
19 tion or improve the outcomes of such research.

20 (b) OPEN-SOURCE DATA.—

21 (1) IDENTIFICATION AND PUBLICATION.—Dur-
22 ing the life of the partnership under subsection (a),
23 the Director shall regularly—

24 (A) identify raw, unclassified geospatial
25 data that could improve the research conducted

1 under the partnership if the data was made
2 publicly available; and

3 (B) make such data publicly available.

4 (2) CONSULTATION.—The Director shall carry
5 out paragraph (1) in consultation with the research
6 institution or consortium of research institutions in-
7 volved with the partnership under subsection (a).

8 (c) BRIEFINGS.—Not later than 270 days after the
9 date of the enactment of this Act, and annually thereafter
10 during the life of the partnership under subsection (a),
11 the Director shall provide to the appropriate congressional
12 committees a briefing on the partnership. Each such brief-
13 ing shall include the following:

14 (1) The outcomes of research conducted under
15 the partnership.

16 (2) Identification of the actions that have been
17 taken to increase the quantity and quality of unclas-
18 sified geospatial analysis products made publicly
19 available under the partnership, including the quan-
20 tity and types of raw data the partnership has made
21 publicly available.

22 (3) Identification of actual and projected costs
23 to carry out the partnership.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the congressional intelligence committees;

5 (2) Committee on Foreign Relations and the
6 Subcommittee on Defense of the Committee on Ap-
7 propriations of the Senate; and

8 (3) Committee on Foreign Affairs and the Sub-
9 committee on Defense of the Committee on Appro-
10 priations of the House of Representatives.

11 **SEC. 613. REPORT ON THE PHARMACEUTICAL AND PER-**
12 **SONAL PROTECTIVE EQUIPMENT REGU-**
13 **LATORY PRACTICES OF THE PEOPLE’S RE-**
14 **PUBLIC OF CHINA.**

15 (a) REPORT.—Not later than 120 days after the date
16 of the enactment of this Act, the Director of National In-
17 telligence shall submit to the appropriate congressional
18 committees a report on—

19 (1) the pharmaceutical and personal protective
20 equipment regulatory practices of the People’s Re-
21 public of China; and

22 (2) the effects of such practices on the national
23 security of the United States.

24 (b) CONTENTS.—The report under subsection (a)
25 shall include the following:

1 (1) An assessment of the quantity of active
2 pharmaceutical ingredients produced annually within
3 China.

4 (2) An estimate of the percentage of active
5 pharmaceutical ingredients produced globally that
6 originate in China.

7 (3) A description of the National Medical Prod-
8 ucts Administration of China, including with respect
9 to—

10 (A) the roles and responsibilities of the Ad-
11 ministration;

12 (B) the organizational structure of the Ad-
13 ministration; and

14 (C) any affiliated institutions of the Na-
15 tional Medical Products Administration.

16 (4) An assessment of the capacity of the Na-
17 tional Medical Products Administration to effectively
18 develop safety standards, efficacy standards, and
19 any other relevant standards concerning the produc-
20 tion of active pharmaceutical ingredients and phar-
21 maceutical drugs.

22 (5) An assessment of the capacity of the Na-
23 tional Medical Products Administration to enforce
24 standards on the production and distribution of ac-

1 tive pharmaceutical ingredients and pharmaceutical
2 drugs.

3 (6) An overview of qualitative disparities be-
4 tween active pharmaceutical ingredients and phar-
5 maceutical drugs approved by the National Medical
6 Products Administration and similar drugs subject
7 to regulatory oversight and approval in the markets
8 of the member states of the Organisation for Eco-
9 nomic Co-operation and Development.

10 (7) An assessment of the qualitative disparities
11 between the standards and enforcement practices of
12 the National Medical Products Administration on
13 the production and distribution of active pharma-
14 ceutical ingredients and pharmaceutical drugs and
15 the good manufacturing practice guidelines issued by
16 the International Council for Harmonization of
17 Technical Requirements for Pharmaceuticals for
18 Human Use.

19 (8) An assessment of the susceptibility of the
20 National Medical Products Administration, the sub-
21 ordinate organizations of the National Medical Prod-
22 ucts Administration, and other associated personnel
23 to engage in corrupt practices, particularly practices
24 that relate to assessing the safety of pharmaceutical
25 ingredients and other pharmaceutical drugs within

1 the authority of the National Medical Products Ad-
2 ministration.

3 (9) An assessment of the national security risks
4 associated with the reliance by the United States on
5 pharmaceutical ingredients and pharmaceutical
6 drugs originating in China, including an assessment
7 of how and whether China could leverage its produc-
8 tion of certain pharmaceutical ingredients as a
9 means to coerce the United States or the partners
10 and allies of the United States.

11 (10) An assessment of the percentage of per-
12 sonal protective equipment produced globally that
13 originates in China.

14 (11) An assessment of the national security
15 risks associated with any reliance by the United
16 States on personal protective equipment originating
17 in China, including an assessment of how and
18 whether China could leverage its production of per-
19 sonal protective equipment as a means to coerce the
20 United States or the partners and allies of the
21 United States.

22 (c) COORDINATION.—In carrying out subsection (a),
23 the Director shall coordinate with the Director of the Cen-
24 tral Intelligence Agency, the Director of the National Se-
25 curity Agency, the Director of the Defense Intelligence

1 Agency, the Director of the National Geospatial-Intel-
2 ligence Agency, and any other relevant head of an element
3 of the intelligence community as well as the Commissioner
4 of the Food and Drug Administration.

5 (d) FORM.—The report submitted to the appropriate
6 congressional committees under subsection (a) shall be
7 submitted in unclassified form, but may include a classi-
8 fied annex.

9 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the congressional intelligence committees;

13 (2) the Committee on Foreign Affairs and the
14 Committee on Energy and Commerce of the House
15 of Representatives; and

16 (3) the Committee on Foreign Relations and
17 the Committee on Finance of the Senate.

18 **SEC. 614. NATIONAL INTELLIGENCE ESTIMATE ON SITUA-**
19 **TION IN AFGHANISTAN.**

20 (a) REQUIREMENT.—The Director of National Intel-
21 ligence, acting through the National Intelligence Council,
22 shall produce a National Intelligence Estimate on the situ-
23 ation in Afghanistan.

24 (b) MATTERS.—The National Intelligence Estimate
25 produced under subsection (a) shall include an assessment

1 of the prospects of a durable intra-Afghan settlement of
2 the conflict in Afghanistan that leads to—

3 (1) a permanent ceasefire and sustained reduc-
4 tion in violence;

5 (2) a verifiable break between the Taliban and
6 al-Qaeda;

7 (3) verifiable cooperation by the Taliban in ef-
8 forts against al-Qaeda, the Islamic State of Iraq and
9 the Levant Khorasan, and associated international
10 terrorists the intelligence community determines are
11 active in Afghanistan and pose a threat to the
12 United States homeland or United States interests
13 abroad; and

14 (4) sustainment of the social and human rights
15 progress achieved by Afghan women and girls since
16 2001.

17 (c) SUBMISSION TO CONGRESS.—

18 (1) SUBMISSION.—Not later than February 1,
19 2021, the Director shall submit to the congressional
20 intelligence committees the National Intelligence Es-
21 timate produced under subsection (a), including all
22 intelligence reporting underlying the Estimate.

23 (2) NOTICE REGARDING SUBMISSION.—If be-
24 fore February 1, 2021, the Director determines that
25 the National Intelligence Estimate produced under

1 subsection (a) cannot be submitted by such date, the
2 Director shall (before such date)—

3 (A) submit to the congressional intelligence
4 committees a report setting forth the reasons
5 why the National Intelligence Estimate cannot
6 be submitted by such date and an estimated
7 date for the submission of the National Intel-
8 ligence Estimate; and

9 (B) testify before the congressional intel-
10 ligence committees on the issues that will be
11 covered by the National Intelligence Estimate.

12 (3) FORM.—The National Intelligence Estimate
13 shall be submitted under paragraph (1) in classified
14 form.

15 (d) PUBLIC VERSION.—Consistent with the protec-
16 tion of intelligence sources and methods, at the same time
17 as the Director submits to the congressional intelligence
18 committees the National Intelligence Estimate under sub-
19 section (c), the Director shall make publicly available on
20 the internet website of the Director an unclassified version
21 of the key findings of the National Intelligence Estimate.

22 **SEC. 615. ASSESSMENT REGARDING TENSIONS BETWEEN**
23 **ARMENIA AND AZERBAIJAN.**

24 (a) ASSESSMENT REQUIRED.—Not later than 90
25 days after the date of the enactment of this Act, the Direc-

1 tor of National Intelligence shall submit to the congres-
2 sional intelligence committees a written assessment re-
3 garding tensions between the governments of Armenia and
4 Azerbaijan, including with respect to the status of the
5 Nagorno-Karabakh region. Such assessment shall include
6 each of the following:

7 (1) An identification of the strategic interests of
8 the United States and its partners in the Armenia-
9 Azerbaijan region.

10 (2) A description of all significant uses of force
11 in and around the Nagorno-Karabakh region and
12 the border between Armenia and Azerbaijan during
13 calendar year 2020, including a description of each
14 significant use of force and an assessment of who
15 initiated the use of such force.

16 (3) An assessment of the effect of United
17 States military assistance to Azerbaijan and Arme-
18 nia on the regional balance of power and the likeli-
19 hood of further use of military force.

20 (4) An assessment of the likelihood of any fur-
21 ther uses of force or potentially destabilizing activi-
22 ties in the region in the near- to medium-term.

23 (b) FORM OF ASSESSMENT.—The assessment re-
24 quired under this section shall be submitted in unclassified
25 form, but may contain a classified annex.

1 **SEC. 616. SENSE OF CONGRESS ON THIRD OPTION FOUNDA-**
2 **TION.**

3 It is the sense of the Congress that—

4 (1) the work of the Third Option Foundation to
5 heal, help, and honor members of the special oper-
6 ations community of the Central Intelligence Agency
7 and their families is invaluable; and

8 (2) the Director of the Central Intelligence
9 Agency should work closely with the Third Option
10 Foundation in implementing section 19A of the Cen-
11 tral Intelligence Agency Act of 1949 (50 U.S.C.
12 3519b), as added by section 6412 of the Damon
13 Paul Nelson and Matthew Young Pollard Intel-
14 ligence Authorization Act for Fiscal Years 2018,
15 2019, and 2020 (Public Law 116–92).

16 **SEC. 617. ANNUAL REPORTS ON WORLDWIDE THREATS.**

17 (a) IN GENERAL.—Title I of the National Security
18 Act of 1947 (50 U.S.C. 3021 et seq.) is amended by in-
19 serting after section 108A the following new section:

20 **“SEC. 108B. ANNUAL REPORTS ON WORLDWIDE THREATS.**

21 **“(a) DEFINITION OF APPROPRIATE CONGRESSIONAL**
22 **COMMITTEES.—**In this section, the term ‘appropriate con-
23 gressional committees’ means—

24 **“(1) the congressional intelligence committees;**
25 **and**

1 “(2) the Committees on Armed Services of the
2 House of Representatives and the Senate.

3 “(b) ANNUAL REPORTS.—Not later than the first
4 Monday in February 2021, and each year thereafter, the
5 Director of National Intelligence, in coordination with the
6 heads of the elements of the intelligence community, shall
7 submit to the appropriate congressional committees a re-
8 port containing an assessment of the intelligence commu-
9 nity with respect to worldwide threats to the national secu-
10 rity of the United States.

11 “(c) FORM.—Each report under subsection (b) shall
12 be submitted in unclassified form, but may include a clas-
13 sified annex only for the protection of intelligence sources
14 and methods relating to the matters contained in the re-
15 port.

16 “(d) HEARINGS.—

17 “(1) OPEN HEARINGS.—Upon request by the
18 appropriate congressional committees, the Director
19 (and any other head of an element of the intelligence
20 community determined appropriate by the commit-
21 tees in consultation with the Director) shall testify
22 before such committees in an open setting regarding
23 a report under subsection (b).

24 “(2) CLOSED HEARINGS.—Any information that
25 may not be disclosed during an open hearing under

1 paragraph (1) in order to protect intelligence sources
2 and methods may instead be discussed in a closed
3 hearing that immediately follows such open hear-
4 ing.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 at the beginning of such Act is amended by inserting after
7 the item relating to section 108A the following new item:
“Sec. 108B. Annual reports on world-wide threats.”.

8 **SEC. 618. ANNUAL REPORT ON CLIMATE SECURITY ADVI-**
9 **SORY COUNCIL.**

10 Section 120 of the National Security Act of 1947 (50
11 U.S.C. 3060), as amended by section 405, is further
12 amended—

13 (1) by redesignating subsection (d) as sub-
14 section (e); and

15 (2) by inserting after subsection (c) the fol-
16 lowing new subsection (d):

17 “(d) ANNUAL REPORT.—Not later than January 31,
18 2021, and not less frequently than annually thereafter, the
19 chair of the Council shall submit, on behalf of the Council,
20 to the congressional intelligence committees a report de-
21 scribing the activities of the Council as described in sub-
22 section (c) during the year preceding the year during
23 which the report is submitted.”.

1 **SEC. 619. IMPROVEMENTS TO FUNDING FOR NATIONAL SE-**
2 **CURITY EDUCATION PROGRAM.**

3 (a) FUNDING FOR SCHOLARSHIP, FELLOWSHIP, AND
4 GRANT PROGRAMS.—Section 810 of the David L. Boren
5 National Security Education Act of 1991 (50 U.S.C.
6 1910) is amended—

7 (1) in subsection (c), by striking “for each fis-
8 cal year, beginning with fiscal year 2005,” and in-
9 serting “for each of fiscal years 2005 through
10 2021”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(d) FISCAL YEARS BEGINNING WITH FISCAL YEAR
14 2022.—In addition to amounts that may be made avail-
15 able to the Secretary under the Fund for a fiscal year,
16 there is authorized to be appropriated to the Secretary for
17 each fiscal year, beginning with fiscal year 2022,
18 \$8,000,000, to carry out the scholarship, fellowship, and
19 grant programs under subparagraphs (A), (B), and (C),
20 respectively, of section 802(a)(1).”.

21 (b) FUNDING FOR NATIONAL FLAGSHIP LANGUAGE
22 INITIATIVE.—Section 811 of such Act (50 U.S.C. 1911)
23 is amended—

24 (1) in subsection (a), by striking “
25 \$10,000,000” and inserting “ \$16,000,000”; and

1 (2) in subsection (b), by striking “for each fis-
2 cal year, beginning with fiscal year 2005,” and in-
3 serting “for each of fiscal years 2005 through
4 2021”.

5 (c) FUNDING FOR SCHOLARSHIP PROGRAM FOR AD-
6 VANCED ENGLISH LANGUAGE STUDIES.—Section 812 of
7 the David L. Boren National Security Education Act of
8 1991 (50 U.S.C. 1912) is amended—

9 (1) in subsection (a), by striking “for each fis-
10 cal year, beginning with fiscal year 2005,” and in-
11 serting “for each of fiscal years 2005 through
12 2021”;

13 (2) by redesignating subsection (b) as sub-
14 section (c);

15 (3) by inserting after subsection (a) the fol-
16 lowing new subsection (b):

17 “(b) FISCAL YEARS BEGINNING WITH FISCAL YEAR
18 2022.—In addition to amounts that may be made avail-
19 able to the Secretary under the Fund for a fiscal year,
20 there is authorized to be appropriated to the Secretary for
21 each fiscal year, beginning with fiscal year 2022,
22 \$2,000,000, to carry out the scholarship programs for
23 English language studies by certain heritage community
24 citizens under section 802(a)(1)(E).”; and

1 (4) in subsection (c), as so redesignated, by
2 striking “subsection (a)” and inserting “this sec-
3 tion”.

4 **SEC. 620. REPORT ON BEST PRACTICES TO PROTECT PRI-**
5 **VACY, CIVIL LIBERTIES, AND CIVIL RIGHTS**
6 **OF CHINESE AMERICANS.**

7 (a) REPORT.—Section 5712 of the Damon Paul Nel-
8 son and Matthew Young Pollard Intelligence Authoriza-
9 tion Act for Fiscal Years 2018, 2019, and 2020 (Public
10 Law 116–92; 133 Stat. 2171) is—

11 (1) transferred to title XI of the National Secu-
12 rity Act of 1947 (50 U.S.C. 3231 et seq.);

13 (2) inserted after section 1109 of such title, as
14 added by section 308;

15 (3) redesignated as section 1110; and

16 (4) amended—

17 (A) in the heading, by striking “**AND**
18 **CIVIL LIBERTIES**” and inserting “**, CIVIL**
19 **LIBERTIES, AND CIVIL RIGHTS**”; and

20 (B) in subsection (b)—

21 (i) in the matter preceding paragraph

22 (1) by striking “Not later than 180 days
23 after the date of the enactment of this
24 Act,” and inserting “On an annual basis,”;

25 and

1 (ii) by striking “and civil liberties”,
2 each place it appears and inserting “, civil
3 liberties, and civil rights”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 at the beginning of the National Security Act of 1947 is
6 amended by inserting after the item relating to section
7 1109, as added by section 308, the following new item:

“Sec. 1110. Report on best practices to protect privacy, civil liberties, and civil
rights of Chinese Americans.”.

8 **SEC. 621. NATIONAL INTELLIGENCE ESTIMATE ON THREAT**
9 **OF GLOBAL PANDEMIC DISEASE.**

10 (a) NATIONAL INTELLIGENCE ESTIMATE.—

11 (1) REQUIREMENT.—The Director of National
12 Intelligence, acting through the National Intelligence
13 Council, shall produce a National Intelligence Esti-
14 mate on the threat of global pandemic disease, in-
15 cluding with respect to the following:

16 (A) An assessment of the possible courses
17 of the COVID–19 pandemic during the 18
18 months following the date of the Estimate, in-
19 cluding—

20 (i) the projected spread of COVID–19
21 outside the United States and the likeli-
22 hood of subsequent major outbreaks;

23 (ii) the capacity of countries and
24 international organizations to combat the

1 further spread of COVID–19, including
2 risks and opportunities for further global
3 cooperation; and

4 (iii) the risks to the national security
5 and health security of the United States if
6 COVID–19 is not contained abroad.

7 (B) An assessment of the global public
8 health system and the responses of the system
9 to the COVID–19 pandemic, including—

10 (i) prospects for an effective global
11 disease surveillance and response system,
12 opportunities to advance the development
13 of such a system, and signposts for evalu-
14 ating whether or not an effective system
15 has been developed before a disease out-
16 break occurs; and

17 (ii) an assessment of global health
18 system capacity.

19 (C) An assessment of—

20 (i) the humanitarian and economic
21 implications of the COVID–19 pandemic;
22 and

23 (ii) the consequences of the COVID–
24 19 pandemic with respect to political sta-
25 bility, armed conflict, democratization, and

1 the global leadership by the United States
2 of the post-World War II international sys-
3 tem.

4 (D) An assessment of—

5 (i) likely threats by global pandemic
6 diseases during the 10-year period fol-
7 lowing the date of the Estimate;

8 (ii) global readiness to avert a future
9 global pandemic;

10 (iii) challenges and opportunities for
11 the policy of the United States to advance
12 global pandemic preparedness; and

13 (iv) the potential role of non-state and
14 state-backed global influence activities or
15 disinformation campaigns involving
16 COVID-19 or future potential global
17 pandemics.

18 (E) Any other matters the Director deter-
19 mines appropriate.

20 (2) SUBMISSION TO CONGRESS.—

21 (A) SUBMISSION.—Not later than 90 days
22 after the date of the enactment of this Act, the
23 Director shall submit to the Permanent Select
24 Committee on Intelligence of the House of Rep-
25 resentatives and the Select Committee on Intel-

1 ligence of the Senate the National Intelligence
2 Estimate produced under paragraph (1), includ-
3 ing all intelligence reporting underlying the Es-
4 timate.

5 (B) NOTICE REGARDING SUBMISSION.—If
6 before the end of the 90-day period specified in
7 subparagraph (A) the Director determines that
8 the National Intelligence Estimate under para-
9 graph (1) cannot be submitted by the end of
10 that period, the Director shall (before the end
11 of that period)—

12 (i) submit to the Permanent Select
13 Committee on Intelligence of the House of
14 Representatives and the Select Committee
15 on Intelligence of the Senate a report set-
16 ting forth—

17 (I) the reasons why the National
18 Intelligence Estimate cannot be sub-
19 mitted by the end of that period; and

20 (II) an estimated date for the
21 submission of the National Intel-
22 ligence Estimate; and

23 (ii) testify before such committees on
24 the issues that will be covered by the Na-
25 tional Intelligence Estimate.

1 (C) FORM.—The National Intelligence Es-
2 timate shall be submitted under subparagraph
3 (A) in classified form.

4 (3) PUBLIC VERSION.—Consistent with the pro-
5 tection of intelligence sources and methods, at the
6 same time as the Director submits to the congres-
7 sional intelligence committees the National Intel-
8 ligence Estimate under paragraph (2), the Director
9 shall make publicly available on the internet website
10 of the Director, an unclassified version of the Na-
11 tional Intelligence Estimate.

12 (4) CONSULTATION.—The Director shall pre-
13 pare the National Intelligence Estimate under para-
14 graph (1) in consultation with the Secretary of
15 Health and Human Services, the Director of the
16 Centers for Disease Control and Prevention, the
17 Secretary of State, and any other head of an ele-
18 ment of the Federal Government the Director of Na-
19 tional Intelligence determines appropriate.

20 (b) FUTURE PANDEMIC PLAN.—

21 (1) REQUIREMENT.—Not later than 90 days
22 after the date of the enactment of this Act, the
23 President shall make publicly available on the inter-
24 net website of the President a report containing a
25 whole-of-government plan for an effective response

1 to subsequent major outbreaks of the COVID–19
2 pandemic and for other future global pandemic dis-
3 eases.

4 (2) MATTERS INCLUDED.—The plan under
5 paragraph (1) shall address how to improve the fol-
6 lowing:

7 (A) Pandemic planning.

8 (B) Homeland preparedness.

9 (C) International disease surveillance.

10 (D) Diagnostic testing.

11 (E) Contact tracing.

12 (F) The role of the Federal Government
13 with respect to the regulation, acquisition, and
14 disbursement, of medical supplies and other
15 public health resources necessary to respond to
16 COVID–19 or other diseases with pandemic po-
17 tential (including diagnostic testing equipment,
18 biomedical equipment, drugs and medicines,
19 and hygiene equipment).

20 (G) The procurement and distribution of
21 personal protective equipment.

22 (H) Early domestic response to future
23 global pandemic diseases in the United States.

24 (c) GLOBAL STRATEGY.—Not later than 90 days
25 after the date of the enactment of this Act, the President,

1 in coordination with the Director of National Intelligence,
2 shall make publicly available on the internet website of the
3 President a report containing a global strategy for mobi-
4 lizing international institutions to combat the COVID-19
5 pandemic.

6 **SEC. 622. MODIFICATION OF REQUIREMENT FOR BRIEF-**
7 **INGS ON NATIONAL SECURITY EFFECTS OF**
8 **EMERGING INFECTIOUS DISEASE AND**
9 **PANDEMICS.**

10 Section 6722(b)(2) of the Damon Paul Nelson and
11 Matthew Young Pollard Intelligence Authorization Act for
12 Fiscal Years 2018, 2019, and 2020 (division E of Public
13 Law 116-98) is amended—

14 (1) in the paragraph heading, by striking
15 “QUINQUENNIAL” and inserting “ANNUAL”;

16 (2) by striking “beginning on the date that is
17 5 years after the date on which the Director submits
18 the report under paragraph (1), and every 5 years
19 thereafter” and inserting “not later than January
20 31, 2021, and annually thereafter”; and

21 (3) by inserting “required under paragraph
22 (1)” before the period at the end.

1 **SEC. 623. INDEPENDENT STUDY ON OPEN-SOURCE INTEL-**
2 **LIGENCE.**

3 (a) STUDY.—The Director of National Intelligence
4 shall seek to enter into an agreement with a federally
5 funded research and development center or a nongovern-
6 mental entity to conduct a comprehensive study on the fu-
7 ture of the collection, processing, exploitation, analysis,
8 dissemination, and evaluation of open-source intelligence
9 by the intelligence community. The Director shall select
10 such entity in consultation with the congressional intel-
11 ligence committees.

12 (b) MATTERS INCLUDED.—The study under sub-
13 section (a) shall include the following:

14 (1) Recommendations with respect to the gov-
15 ernance of open-source intelligence within the intel-
16 ligence community, including regarding—

17 (A) whether such governance of open-
18 source intelligence should be assigned to a func-
19 tional manager or an executive agent, or use
20 another governance structure;

21 (B) which official of the intelligence com-
22 munity should serve as such a functional man-
23 ager, executive agent, or the leader of such
24 other governance structure, and what authori-
25 ties the official should have in serving in such
26 role;

1 (C) which official of the intelligence com-
2 munity should be responsible for conducting
3 oversight by the executive branch for open-
4 source intelligence;

5 (D) which elements of the intelligence com-
6 munity should retain capabilities to collect,
7 process, exploit, and disseminate open-source
8 intelligence;

9 (E) how to effectively integrate such collec-
10 tion capabilities among the elements of the in-
11 telligence community; and

12 (F) whether to establish a new agency as
13 an element of the intelligence community dedi-
14 cated to open-source intelligence or to establish
15 a fusion center to co-locate open-source intel-
16 ligence capabilities of the elements of the intel-
17 ligence community, including a discussion of the
18 advantages and disadvantages of each such ap-
19 proach.

20 (2) Recommendations regarding the require-
21 ments processes for open-source intelligence, includ-
22 ing with respect to—

23 (A) the utility (or disutility) of a unified
24 collection management process for open-source

1 intelligence for all of the intelligence commu-
2 nity;

3 (B) what such a process might look like;

4 (C) ways to integrate an open-source re-
5 quirements process into all-source collection
6 management; and

7 (D) ways that automation might be lever-
8 aged to facilitate open-source requirements and
9 collection management.

10 (3) An assessment of the value of rejuvenating
11 a career service for a professional cadre of the intel-
12 ligence community that focuses on collecting and
13 disseminating open-source intelligence and rec-
14 ommendations for such a rejuvenation.

15 (4) Recommendations regarding the need to ad-
16 just any legal and policy frameworks (including any
17 applicable guidelines of the Attorney General) that
18 would facilitate the collection, retention, and dis-
19 semination of open-source intelligence while bal-
20 ancing customer needs with the privacy interests of
21 United States persons.

22 (5) An assessment of methods to use open-
23 source intelligence to support the operations of the
24 intelligence community, including recommendations

1 on when and how open-source intelligence should
2 support such operations.

3 (6) With respect to the data management of
4 open-source intelligence, recommendations on pro-
5 posed data ingestion tools, scraping capabilities, and
6 other tools and capabilities to collect, process, ex-
7 ploit, and analyze the volume of open-source intel-
8 ligence, including recommendations on how the intel-
9 ligence community can increase the speed and secu-
10 rity with which the intelligence community adopts
11 open-source technology and unclassified commercial
12 products.

13 (7) Any other matters the Director or the entity
14 selected to conduct the study determines appro-
15 priate.

16 (c) COOPERATION.—The Director shall make avail-
17 able to the entity selected to conduct the study under sub-
18 section (a) the necessary information and materials to con-
19 duct the study, including with respect to—

20 (1) accessing secure workspaces;

21 (2) accessing directives and policy guidance of
22 the intelligence community and other policy docu-
23 ments regarding the governance and execution of
24 open-source intelligence;

1 (3) reviewing technological systems used to con-
2 duct open-source intelligence collection;

3 (4) interviewing senior personnel of the intel-
4 ligence community, including such personnel with re-
5 sponsibility for the open-source intelligence mission
6 of the intelligence community; and

7 (5) ensuring that each head of an element of
8 the intelligence community provides the cooperation
9 described in this subsection.

10 (d) CONSULTATION.—The entity selected to conduct
11 the study under subsection (a) shall consult with the con-
12 gressional intelligence committees before beginning to con-
13 duct such study.

14 (e) REPORT.—Not later than 270 days after the date
15 of the enactment of this Act, the Director shall submit
16 to the congressional intelligence committees a report con-
17 taining the study under subsection (a), without change.
18 The report shall be unclassified, but may include a classi-
19 fied annex.

20 **SEC. 624. SURVEY ON OPEN SOURCE ENTERPRISE.**

21 (a) SURVEY.—The Director of the Central Intel-
22 ligence Agency (as the open source functional manager for
23 the intelligence community), in consultation with the Di-
24 rector of National Intelligence and any other head of an
25 element of the intelligence community that the Director

1 of the Central Intelligence Agency determines appropriate,
2 shall conduct a survey to measure the satisfaction of cus-
3 tomers of open-source intelligence with the Open Source
4 Enterprise of the Central Intelligence Agency.

5 (b) PURPOSE.—The Director shall ensure that the
6 survey under subsection (a)—

7 (1) evaluates which types of open-source intel-
8 ligence supports the missions of the customers of
9 such intelligence, regardless of whether the cus-
10 tomers are elements of the intelligence community
11 and regardless of whether the customers are receiv-
12 ing such intelligence from the Open Source Enter-
13 prise;

14 (2) evaluates how responsive the Open Source
15 Enterprise is to the missions of the elements of the
16 intelligence community and the other customers of
17 the Open Source Enterprise;

18 (3) enables the Open Source Enterprise to set
19 strategic priorities; and

20 (4) enables Congress to better oversee the stra-
21 tegic direction of the Open Source Enterprise and to
22 provide support to the collection and analysis of
23 open-source intelligence.

24 (c) CONTENTS.—

1 (1) ASSESSMENT.—The survey under sub-
2 section (a) shall include qualitative and quantitative
3 questions designed to assess the following:

4 (A) The value of support provided by the
5 Open Source Enterprise to the mission of the
6 customer taking the survey.

7 (B) The accessibility of the products of the
8 Open Source Enterprise.

9 (C) The frequency that such products are
10 used in accomplishing the mission of the cus-
11 tomer.

12 (D) The responsiveness of the Open Source
13 Enterprise to tasking requests.

14 (E) Areas in which the Open Source En-
15 terprise could improve.

16 (F) The in-house open-source intelligence
17 capabilities of the customer taking the survey,
18 including—

19 (i) a description of such capabilities;

20 (ii) how such capabilities are tailored
21 to the mission of the customer;

22 (iii) when such capabilities were estab-
23 lished; and

1 (iv) whether and to what extent the
2 customer coordinates with the Open Source
3 Enterprise regarding such capabilities.

4 (2) SURVEY ANSWERS.—A customer who re-
5 ceives the survey under subsection (a) shall make all
6 reasonable efforts to respond fully and frankly to the
7 survey.

8 (d) DESIGN METHODOLOGY.—In carrying out sub-
9 section (a), the Director of Central Intelligence shall seek
10 advice regarding design methodology for customer satis-
11 faction surveys from—

12 (1) experts in survey design of the Central In-
13 telligence Agency and the Office of the Director of
14 National Intelligence; and

15 (2) senior executives of the Bureau of Intel-
16 ligence and Research of the Department of State
17 who conduct a survey similar to the survey under
18 subsection (a).

19 (e) REPORT.—

20 (1) STRATEGY.—Not later than 180 days after
21 the date on which the survey is completed under
22 subsection (a), the Director shall submit to the con-
23 gressional intelligence committees a report on the
24 strategic direction of the Open Source Enterprise

1 based on the results of the survey, including expla-
2 nations of how the Open Source Enterprise will—

3 (A) build off the successes of the Open
4 Source Enterprise; and

5 (B) fill gaps in the collection, production,
6 analysis, or dissemination of open-source intel-
7 ligence.

8 (2) FORM.—The report under paragraph (1)
9 shall be submitted in classified form.

10 (3) BRIEFING.—Not later than 30 days after
11 the date on which the Director submits to the con-
12 gressional intelligence committees the report under
13 paragraph (1), the Director shall provide to such
14 committees a briefing on the strategic direction of
15 the Open Source Enterprise.

16 **SEC. 625. SENSE OF CONGRESS ON REPORT ON MURDER OF**
17 **JAMAL KHASHOGGI.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) There is a strong bipartisan conviction,
20 shared widely throughout the legislative and execu-
21 tive branches of the United States Government and
22 elsewhere, that ensuring full accountability for the
23 brutal murder on October 2, 2018, of Jamal
24 Khashoggi, a former Washington Post columnist and
25 resident of the United States, is in the public inter-

1 est and also the national interest of the United
2 States.

3 (2) Section 5714 of the Damon Paul Nelson
4 and Matthew Young Pollard Intelligence Authoriza-
5 tion Act for Fiscal Years 2018, 2019, and 2020 (di-
6 vision E of Public Law 116–92; 133 Stat. 2173) re-
7 quired the Director of National Intelligence to sub-
8 mit to Congress a written report in “unclassified
9 form” that includes “identification of those who car-
10 ried out, participated in, ordered, or were otherwise
11 complicit in or responsible for the death of Jamal
12 Khashoggi.”.

13 (3) Section 1277 of the National Defense Au-
14 thorization Act for Fiscal Year 2020 (Public Law
15 116–92; 133 Stat. 1701) likewise obligated the Di-
16 rector to submit to the Committee on Foreign Af-
17 fairs and the Permanent Select Committee on Intel-
18 ligence of the House of Representatives and the
19 Committee on Foreign Relations and the Select
20 Committee on Intelligence of the Senate a written
21 report on the assessment of the intelligence commu-
22 nity regarding Mr. Khashoggi’s brutal murder.

23 (4) Such section 1277 specifically called, among
24 other things, for a determination and presentation of
25 evidence with respect to the advance knowledge and

1 role of any current or former official of the Govern-
2 ment of Saudi Arabia or any current or former sen-
3 ior Saudi political figure over the directing, ordering,
4 or tampering of evidence in relation to Mr.
5 Khashoggi's murder.

6 (5) Such section 1277 also required the Direc-
7 tor to submit a list of foreign persons whom the Di-
8 rector has high confidence were responsible for,
9 complicit in, or otherwise knowingly and materially
10 assisted the murder, or impeded its impartial inves-
11 tigation, or who ordered or otherwise directed an act
12 or acts contributing to or causing the murder.

13 (6) Contrary to the unambiguous and lawful
14 command of Congress under such sections 5714 and
15 1277, the Director did not produce any unclassified
16 report as required by either such section, and in-
17 stead, on February 20, 2020, the Director submitted
18 to such committees a classified report, which the Di-
19 rector referred to as an "annex".

20 (7) The evident belief of the Director that no
21 unclassified information can be produced in accord-
22 ance with the directives of Congress is dubious, in
23 light of the extensive body of credible, unclassified
24 reporting available regarding the murder of Mr.
25 Khashoggi, and the roles and culpability of officials

1 at the highest levels of the Government of Saudi
2 Arabia.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Director of National Intelligence should rea-
5 sonably have been able to produce an unclassified report
6 pursuant to section 5714 of the Damon Paul Nelson and
7 Matthew Young Pollard Intelligence Authorization Act for
8 Fiscal Years 2018, 2019, and 2020 and section 1277 of
9 the National Defense Authorization Act for Fiscal Year
10 2020 that did not alter or obscure, in any way, the intel-
11 ligence community’s core determinations, its presentation
12 of evidence, or identification of relevant persons, as re-
13 quired, without putting sources and methods at risk.

1 **DIVISION X—SUPPORTING FOS-**
2 **TER YOUTH AND FAMILIES**
3 **THROUGH THE PANDEMIC**

4 **SEC. 1. SHORT TITLE.**

5 This division may be cited as the “Supporting Foster
6 Youth and Families through the Pandemic Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **COVID–19 PUBLIC HEALTH EMERGENCY.**—

10 The term “COVID–19 public health emergency”
11 means the public health emergency declared by the
12 Secretary pursuant to section 319 of the Public
13 Health Service Act, entitled “Determination that a
14 Public Health Emergency Exists Nationwide as the
15 Result of the 2019 Novel Coronavirus”.

16 (2) **COVID–19 PUBLIC HEALTH EMERGENCY**

17 **PERIOD.**—The term “COVID–19 public health emer-
18 gency period” means the period beginning on April
19 1, 2020 and ending with September 30, 2021.

20 (3) **SECRETARY.**—The term “Secretary” means

21 the Secretary of Health and Human Services.

22 **SEC. 3. CONTINUED SAFE OPERATION OF CHILD WELFARE**

23 **PROGRAMS AND SUPPORT FOR OLDER FOS-**

24 **TER YOUTH.**

25 (a) **FUNDING INCREASES.**—

1 (1) INCREASE IN SUPPORT FOR CHAFEE PRO-
2 GRAMS.—Out of any money in the Treasury of the
3 United States not otherwise appropriated, there are
4 appropriated \$400,000,000 for fiscal year 2021, to
5 carry out section 477 of the Social Security Act, in
6 addition to any amounts otherwise made available
7 for such purpose.

8 (2) EDUCATION AND TRAINING VOUCHERS.—Of
9 the amount made available by reason of paragraph
10 (1) of this subsection, not less than \$50,000,000
11 shall be reserved for the provision of vouchers pursu-
12 ant to section 477(h)(2) of the Social Security Act.

13 (3) APPLICABILITY OF TECHNICAL ASSISTANCE
14 TO ADDITIONAL FUNDS.—

15 (A) IN GENERAL.—Section 477(g)(2) of
16 the Social Security Act shall apply with respect
17 to the amount made available by reason of
18 paragraph (1) of this subsection as if the
19 amount were included in the amount specified
20 in section 477(h) of such Act.

21 (B) RESERVATION OF FUNDS.—

22 (i) IN GENERAL.—Of the amount to
23 which section 477(g)(2) of the Social Secu-
24 rity Act applies by reason of subparagraph
25 (A) of this paragraph, the Secretary shall

1 reserve not less than \$500,000 to provide
2 technical assistance to a State imple-
3 menting or seeking to implement a driving
4 and transportation program for foster
5 youth.

6 (ii) PROVIDER QUALIFICATIONS.—The
7 Secretary shall ensure that the entity pro-
8 viding the assistance has demonstrated the
9 capacity to—

10 (I) successfully administer activi-
11 ties in 1 or more States to provide
12 driver’s licenses to youth who are in
13 foster care under the responsibility of
14 the State; and

15 (II) increase the number of such
16 foster youth who obtain a driver’s li-
17 cense.

18 (4) INAPPLICABILITY OF STATE MATCHING RE-
19 QUIREMENT TO ADDITIONAL FUNDS.—In making
20 payments under subsections (a)(4) and (e)(1) of sec-
21 tion 474 of the Social Security Act from the addi-
22 tional funds made available as a result of para-
23 graphs (1) and (2) of this subsection, the percent-
24 ages specified in subsections (a)(4)(A)(i) and (e)(1)

1 of such section are, respectively, deemed to be 100
2 percent.

3 (5) MAXIMUM AWARD AMOUNT.—The dollar
4 amount specified in section 477(i)(4)(B) of the So-
5 cial Security Act through the end of fiscal year 2022
6 is deemed to be \$12,000.

7 (6) INAPPLICABILITY OF NYTD PENALTY TO
8 ADDITIONAL FUNDS.—In calculating any penalty
9 under section 477(e)(2) of the Social Security Act
10 with respect to the National Youth in Transition
11 Database (NYTD) for April 1, 2020, through the
12 end of fiscal year 2022, none of the additional funds
13 made available by reason of paragraphs (1) and (2)
14 of this subsection shall be considered to be part of
15 an allotment to a State under section 477(c) of such
16 Act.

17 (b) MAXIMUM AGE LIMITATION ON ELIGIBILITY FOR
18 ASSISTANCE.—During fiscal years 2020 and 2021, a child
19 may be eligible for services and assistance under section
20 477 of the Social Security Act until the child attains 27
21 years of age, notwithstanding any contrary certification
22 made under such section.

23 (c) SPECIAL RULE.—With respect to funds made
24 available by reason of subsection (a) that are used during
25 the COVID–19 public health emergency period to support

1 activities due to the COVID–19 pandemic, the Secretary
2 may not require any State to provide proof of a direct
3 connection to the pandemic if doing so would be adminis-
4 tratively burdensome or would otherwise delay or impede
5 the ability of the State to serve foster youth.

6 (d) PROGRAMMATIC FLEXIBILITIES.—During the
7 COVID–19 public health emergency period:

8 (1) SUSPENSION OF CERTAIN REQUIREMENTS
9 UNDER THE EDUCATION AND TRAINING VOUCHER
10 PROGRAM.—The Secretary shall allow a State to
11 waive the applicability of the requirement in section
12 477(i)(3) of the Social Security Act that a youth
13 must be enrolled in a postsecondary education or
14 training program or making satisfactory progress to-
15 ward completion of that program if a youth is un-
16 able to do so due to the COVID–19 public health
17 emergency.

18 (2) AUTHORITY TO USE VOUCHERS TO MAIN-
19 TAIN TRAINING AND POSTSECONDARY EDUCATION.—
20 A voucher provided under a State educational and
21 training voucher program under section 477(i) of the
22 Social Security Act may be used for maintaining
23 training and postsecondary education, including less
24 than full-time matriculation costs or other expenses
25 that are not part of the cost of attendance but would

1 help support youth in remaining enrolled as de-
2 scribed in paragraph (1) of this subsection.

3 (3) AUTHORITY TO WAIVE LIMITATIONS ON
4 PERCENTAGE OF FUNDS USED FOR HOUSING ASSIST-
5 ANCE AND ELIGIBILITY FOR SUCH ASSISTANCE.—

6 Notwithstanding section 477(b)(3)(B) of the Social
7 Security Act, a State may use—

8 (A) more than 30 percent of the amounts
9 paid to the State from its allotment under sec-
10 tion 477(c)(1) of such Act for a fiscal year, for
11 room or board payments; and

12 (B) any of such amounts for youth other-
13 wise eligible for services under section 477 of
14 such Act who—

15 (i) have attained 18 years of age and
16 not 27 years of age; and

17 (ii) experienced foster care at 14
18 years of age or older.

19 (4) AUTHORITY TO PROVIDE DRIVING AND
20 TRANSPORTATION ASSISTANCE.—

21 (A) USE OF FUNDS.—Funds provided
22 under section 477 of the Social Security Act
23 may be used to provide driving and transpor-
24 tation assistance to youth described in para-
25 graph (3)(B) who have attained 15 years of age

1 with costs related to obtaining a driver's license
2 and driving lawfully in a State (such as vehicle
3 insurance costs, driver's education class and
4 testing fees, practice lessons, practice hours, li-
5 cense fees, roadside assistance, deductible as-
6 sistance, and assistance in purchasing an auto-
7 mobile).

8 (B) MAXIMUM ALLOWANCE.—The amount
9 of the assistance provided for each eligible
10 youth under subparagraph (A) shall not exceed
11 \$4,000 per year, and any assistance so provided
12 shall be disregarded for purposes of deter-
13 mining the recipient's eligibility for, and the
14 amount of, any other Federal or federally-sup-
15 ported assistance, except that the State agency
16 shall take appropriate steps to prevent duplica-
17 tion of benefits under this and other Federal or
18 federally-supported programs.

19 (C) REPORT TO THE CONGRESS.—Within
20 6 months after the end of the expenditure pe-
21 riod, the Secretary shall submit to the Congress
22 a report on the extent to which, and the man-
23 ner in which, the funds to which subsection
24 (a)(3) applies were used to provide technical as-
25 sistance to State child welfare programs, mon-

1 itor State performance and foster youth out-
2 comes, and evaluate program effectiveness.

3 **SEC. 4. PREVENTING AGING OUT OF FOSTER CARE DURING**
4 **THE PANDEMIC.**

5 (a) ADDRESSING FOSTER CARE AGE RESTRICTIONS
6 DURING THE PANDEMIC.—A State operating a program
7 under part E of title IV of the Social Security Act may
8 not require a child who is in foster care under the respon-
9 sibility of the State to leave foster care solely by reason
10 of the child’s age. A child may not be found ineligible for
11 foster care maintenance payments under section 472 of
12 such Act solely due to the age of the child or the failure
13 of the child to meet a condition of section 475(8)(B)(iv)
14 of such Act before October 1, 2021.

15 (b) RE-ENTRY TO FOSTER CARE FOR YOUTH WHO
16 AGE OUT DURING THE PANDEMIC.—A State operating a
17 program under the State plan approved under part E of
18 title IV of the Social Security Act (and without regard
19 to whether the State has exercised the option provided by
20 section 475(8)(B) of such Act to extend assistance under
21 such part to older children) shall—

22 (1) permit any youth who left foster care due
23 to age during the COVID–19 public health emer-
24 gency to voluntarily re-enter foster care;

1 (2) provide to each such youth who was for-
2 mally discharged from foster care during the
3 COVID–19 public health emergency, a notice de-
4 signed to make the youth aware of the option to re-
5 turn to foster care;

6 (3) facilitate the voluntary return of any such
7 youth to foster care; and

8 (4) conduct a public awareness campaign about
9 the option to voluntarily re-enter foster care for
10 youth who have not attained 22 years of age, who
11 aged out of foster care in fiscal year 2020 or fiscal
12 year 2021, and who are otherwise eligible to return
13 to foster care.

14 (c) PROTECTIONS FOR YOUTH IN FOSTER CARE.—
15 A State operating a program under the State plan ap-
16 proved under part E of title IV of the Social Security Act
17 shall—

18 (1) continue to ensure that the safety, perma-
19 nence, and well-being needs of older foster youth, in-
20 cluding youth who remain in foster care and youth
21 who age out of foster care during that period but
22 who re-enter foster care pursuant to this section, are
23 met; and

24 (2) work with any youth who remains in foster
25 care after attaining 18 years of age (or such greater

1 age as the State may have elected under section
2 475(8)(B)(iii) of such Act) to develop, or review and
3 revise, a transition plan consistent with the plan re-
4 ferred to in section 475(5)(H) of such Act, and as-
5 sist the youth with identifying adults who can offer
6 meaningful, permanent connections.

7 (d) AUTHORITY TO USE ADDITIONAL FUNDING FOR
8 CERTAIN COSTS INCURRED TO PREVENT AGING OUT OF,
9 FACILITATING RE-ENTRY TO, AND PROTECTING YOUTH
10 IN CARE DURING THE PANDEMIC.—

11 (1) IN GENERAL.—Subject to paragraph (2) of
12 this subsection, a State to which additional funds
13 are made available as a result of section 3(a) may
14 use the funds to meet any costs incurred in com-
15 plying with subsections (a), (b), and (c) of this sec-
16 tion.

17 (2) RESTRICTIONS.—

18 (A) The costs referred to in paragraph (1)
19 must be incurred after the date of the enact-
20 ment of this section and before October 1,
21 2021.

22 (B) The costs of complying with subsection
23 (a) or (c) of this section must not be incurred
24 on behalf of children eligible for foster care
25 maintenance payments under section 472 of the

1 Social Security Act, including youth who have
2 attained 18 years of age who are eligible for the
3 payments by reason of the temporary waiver of
4 the age requirement or the conditions of section
5 475(8)(B)(iv) of such Act.

6 (C) A State shall make reasonable efforts
7 to ensure that eligibility for foster care mainte-
8 nance payments under section 472 of the Social
9 Security Act is determined when a youth re-
10 mains in, or re-enters, foster care as a result of
11 the State complying with subsections (a) and
12 (c) of this section.

13 (D) A child who re-enters care during the
14 COVID-19 public health emergency period may
15 not be found ineligible for foster care mainte-
16 nance payments under section 472 of the Social
17 Security Act solely due to age or the require-
18 ments of section 475(8)(B)(iv) of such Act be-
19 fore October 1, 2021.

20 (e) TERMINATION OF CERTAIN PROVISIONS.—The
21 preceding provisions of this section shall have no force or
22 effect after September 30, 2021.

1 **SEC. 5. FAMILY FIRST PREVENTION SERVICES PROGRAM**
2 **PANDEMIC FLEXIBILITY.**

3 During the COVID–19 public health emergency pe-
4 riod, each percentage specified in subparagraphs (A)(i)
5 and (B) of section 474(a)(6) of the Social Security Act
6 is deemed to be 100 percent.

7 **SEC. 6. EMERGENCY FUNDING FOR THE MARYLEE ALLEN**
8 **PROMOTING SAFE AND STABLE FAMILIES**
9 **PROGRAM.**

10 (a) IN GENERAL.—Out of any money in the Treasury
11 of the United States not otherwise appropriated, there are
12 appropriated \$85,000,000 to carry out section 436(a) of
13 the Social Security Act for fiscal year 2021, in addition
14 to any amounts otherwise made available for such pur-
15 pose. For purposes of section 436(b) of such Act, the
16 amount made available by the preceding sentence shall be
17 considered part of the amount specified in such section
18 436(a).

19 (b) INAPPLICABILITY OF STATE MATCHING RE-
20 QUIREMENT TO ADDITIONAL FUNDS.—In making pay-
21 ments under section 434(a) of the Social Security Act
22 from the additional funds made available as a result of
23 subsection (a) of this section, the percentage specified in
24 section 434(a)(1) of such Act is deemed to be 100 percent.

1 **SEC. 7. COURT IMPROVEMENT PROGRAM.**

2 (a) RESERVATION OF FUNDS.—Of the additional
3 amounts made available by reason of section 6 of this Act,
4 the Secretary shall reserve \$10,000,000 for grants under
5 subsection (b) of this section for fiscal year 2021, which
6 shall be considered to be made under section 438 of the
7 Social Security Act.

8 (b) DISTRIBUTION OF FUNDS.—

9 (1) IN GENERAL.—From the amounts reserved
10 under subsection (a) of this section, the Secretary
11 shall—

12 (A) reserve not more than \$500,000 for
13 Tribal court improvement activities; and

14 (B) from the amount remaining after the
15 application of subparagraph (A), make a grant
16 to each highest State court that is approved to
17 receive a grant under section 438 of the Social
18 Security Act for the purpose described in sec-
19 tion 438(a)(3) of such Act, for fiscal year 2021.

20 (2) AMOUNT.—The amount of the grant award-
21 ed to a highest State court under this subsection
22 shall be the sum of—

23 (A) \$85,000; and

24 (B) the amount that bears the same ratio
25 to the amount reserved under subsection (a)
26 that remains after the application of paragraph

1 (1)(A) and subparagraph (A) of this paragraph,
2 as the number of individuals in the State in
3 which the court is located who have not at-
4 tained 21 years of age bears to the total num-
5 ber of such individuals in all States the highest
6 courts of which were awarded a grant under
7 this subsection (based on the most recent year
8 for which data are available from the Bureau of
9 the Census).

10 (3) OTHER RULES.—

11 (A) IN GENERAL.—The grants awarded to
12 the highest State courts under this subsection
13 shall be in addition to any grants made to the
14 courts under section 438 of the Social Security
15 Act for any fiscal year.

16 (B) NO ADDITIONAL APPLICATION.—The
17 Secretary shall award grants to the highest
18 State courts under this subsection without re-
19 quiring the courts to submit an additional ap-
20 plication.

21 (C) REPORTS.—The Secretary may estab-
22 lish reporting criteria specific to the grants
23 awarded under this subsection.

24 (D) REDISTRIBUTION OF FUNDS.—If a
25 highest State court does not accept a grant

1 awarded under this subsection, or does not
2 agree to comply with any reporting require-
3 ments imposed under subparagraph (C) or the
4 use of funds requirements specified in sub-
5 section (c), the Secretary shall redistribute the
6 grant funds that would have been awarded to
7 that court under this subsection among the
8 other highest State courts that are awarded
9 grants under this subsection and agree to com-
10 ply with the reporting and use of funds require-
11 ments.

12 (E) NO MATCHING REQUIREMENT.—The
13 limitation on the use of funds specified in sec-
14 tion 438(d) of such Act shall not apply to the
15 grants awarded under this section.

16 (c) USE OF FUNDS.—A highest State court awarded
17 a grant under subsection (b) shall use the grant funds to
18 address needs stemming from the COVID–19 public
19 health emergency, which may include any of the following:

20 (1) Technology investments to facilitate the
21 transition to remote hearings for dependency courts
22 when necessary as a direct result of the COVID–19
23 public health emergency.

24 (2) Training for judges, attorneys, and case-
25 workers on facilitating and participating in remote

1 hearings that comply with due process and all appli-
2 cable law, ensure child safety and well-being, and
3 help inform judicial decision-making.

4 (3) Programs to help families address aspects
5 of the case plan to avoid delays in legal proceedings
6 that would occur as a direct result of the COVID-
7 19 public health emergency.

8 (4) Other purposes to assist courts, court per-
9 sonnel, or related staff related to the COVID-19
10 public health emergency.

11 (d) CONFORMING AMENDMENTS.—Section 438 of the
12 Social Security Act (42 U.S.C. 629h) is amended in each
13 of subsections (c)(1) and (d) by striking “2021” and in-
14 serting “2022”.

15 **SEC. 8. KINSHIP NAVIGATOR PROGRAMS PANDEMIC FLEXI-**
16 **BILITY.**

17 (a) INAPPLICABILITY OF MATCHING FUNDS RE-
18 QUIREMENTS.—During the COVID-19 public health
19 emergency period, the percentage specified in section
20 474(a)(7) of the Social Security Act is deemed to be 100
21 percent.

22 (b) WAIVER OF EVIDENCE STANDARD.—During the
23 COVID-19 public health emergency period, the require-
24 ment in section 474(a)(7) of the Social Security Act that
25 the Secretary determine that a kinship navigator program

1 be operated in accordance with promising, supported, or
2 well-supported practices that meet the applicable criteria
3 specified for the practices in section 471(e)(4)(C) of such
4 Act shall have no force or effect, except that each State
5 with such a program shall provide the Secretary with an
6 assurance that the program will be, or is in the process
7 of being, evaluated for the purpose of building an evidence
8 base to later determine whether the program meets the
9 criteria set forth in such section 471(e)(4)(C).

10 (c) OTHER ALLOWABLE USES OF FUNDS.—A State
11 may use funds provided to carry out a kinship navigator
12 program—

13 (1) for evaluations, independent systematic re-
14 view, and related activities;

15 (2) to provide short-term support to kinship
16 families for direct services or assistance during the
17 COVID–19 public health emergency period; and

18 (3) to ensure that kinship caregivers have the
19 information and resources to allow kinship families
20 to function at their full potential, including—

21 (A) ensuring that those who are at risk of
22 contracting COVID–19 have access to informa-
23 tion and resources for necessities, including
24 food, safety supplies, and testing and treatment
25 for COVID–19;

1 (B) access to technology and technological
2 supports needed for remote learning or other
3 activities that must be carried out virtually due
4 to the COVID–19 public health emergency;

5 (C) health care and other assistance, in-
6 cluding legal assistance and assistance with
7 making alternative care plans for the children
8 in their care if the caregivers were to become
9 unable to continue caring for the children;

10 (D) services to kinship families, including
11 kinship families raising children outside of the
12 foster care system; and

13 (E) assistance to allow children to continue
14 safely living with kin.

15 (d) TERRITORY CAP EXEMPTION.—Section
16 1108(a)(1) of the Social Security Act shall be applied
17 without regard to any amount paid to a territory pursuant
18 to this section that would not have been paid to the terri-
19 tory in the absence of this section.

20 **SEC. 9. ADJUSTMENT OF FUNDING CERTAINTY BASELINES**
21 **FOR FAMILY FIRST TRANSITION ACT FUND-**
22 **ING CERTAINTY GRANTS.**

23 Section 602(c)(2) of division N of the Further Con-
24 solidated Appropriations Act, 2020 (Public Law 116–94)
25 is amended—

1 (1) in subparagraph (C), in the matter pre-
2 ceding clause (i), by striking “The calculation” and
3 inserting “Except as provided in subparagraph (G),
4 the calculation”; and

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

6 “(G) ADJUSTMENT OF FUNDING CER-
7 TAINTY BASELINES.—

8 “(i) HOLD HARMLESS FOR TEM-
9 PORARY INCREASE IN FMAP.—For each fis-
10 cal year specified in subparagraph (B), the
11 Secretary shall increase the maximum
12 capped allocation for fiscal year 2019 or
13 the final cost neutrality limit for fiscal year
14 2018 for a State or sub-State jurisdiction
15 referred to in subparagraph (A)(i), by the
16 amount equal to the difference between—

17 “(I) the amount of the foster
18 care maintenance payments portion of
19 such maximum capped allocation or
20 final cost neutrality limit; and

21 “(II) the amount that the foster
22 care maintenance payments portion of
23 such maximum capped allocation or
24 final cost neutrality limit would be if
25 the Federal medical assistance per-

1 centage applicable to the State under
2 clause (ii) for the fiscal year so speci-
3 fied were used to determine the
4 amount of such portion.

5 “(ii) APPLICABLE FEDERAL MEDICAL
6 ASSISTANCE PERCENTAGE.—For purposes
7 of clause (i)(II), the Federal medical as-
8 sistance percentage applicable to a State
9 for a fiscal year specified in subparagraph
10 (B) is the average of the values of the Fed-
11 eral medical assistance percentage applica-
12 ble to the State in each quarter of such fis-
13 cal year under section 474(a)(1) of the So-
14 cial Security Act (42 U.S.C. 674(a)(1))
15 after application of any temporary increase
16 in the Federal medical assistance percent-
17 age for the State and quarter under sec-
18 tion 6008 of the Families First
19 Coronavirus Response Act (42 U.S.C.
20 1396d note) and any other Federal legisla-
21 tion enacted during the period that begins
22 on July 1, 2020, and ends on December
23 31, 2021.”.

1 **SEC. 10. ALLOWING HOME VISITING PROGRAMS TO CON-**
2 **TINUE SERVING FAMILIES SAFELY.**

3 (a) IN GENERAL.—For purposes of section 511 of the
4 Social Security Act, during the COVID–19 public health
5 emergency period—

6 (1) a virtual home visit shall be considered a
7 home visit;

8 (2) funding for, and staffing levels of, a pro-
9 gram conducted pursuant to such section shall not
10 be reduced on account of reduced enrollment in the
11 program; and

12 (3) funds provided for such a program may be
13 used—

14 (A) to train home visitors in conducting a
15 virtual home visit and in emergency prepared-
16 ness and response planning for families served,
17 and may include training on how to safely con-
18 duct intimate partner violence screenings re-
19 motely, training on safety and planning for
20 families served;

21 (B) for the acquisition by families enrolled
22 in the program of such technological means as
23 are needed to conduct and support a virtual
24 home visit; and

25 (C) to provide emergency supplies to fami-
26 lies served, regardless of whether the provision

1 of such supplies is within the scope of the ap-
2 proved program, such as diapers, formula, non-
3 perishable food, water, hand soap, and hand
4 sanitizer.

5 (b) VIRTUAL HOME VISIT DEFINED.—In subsection
6 (a), the term “virtual home visit” means a home visit, as
7 described in an applicable service delivery model, that is
8 conducted solely by the use of electronic information and
9 telecommunications technologies.

10 (c) AUTHORITY TO DELAY DEADLINES.—

11 (1) IN GENERAL.—The Secretary may extend
12 the deadline by which a requirement of section 511
13 of the Social Security Act must be met, by such pe-
14 riod of time as the Secretary deems appropriate,
15 taking into consideration the impact of the COVID-
16 19 public health emergency on eligible entity home
17 visiting programs and the impact of families enrolled
18 in home visiting programs. The Secretary may delay
19 the deadline for submission, waive performance
20 measures, or allow for alternative data sources to be
21 used to show improvement in performance in the
22 manner provided in section 511(d)(1) of such Act.

23 (2) DELAY OF DEADLINE FOR STATEWIDE
24 NEEDS ASSESSMENT.—The Secretary may delay the
25 October 1, 2020, deadline for reviewing and updat-

1 ing any needs assessment required by section
2 511(b)(1) or 511(h)(2)(A) of the Social Security
3 Act, but any such delay shall not affect the timing
4 for, or amount of, any payment to the State involved
5 from the fiscal year allotments available to the State
6 under section 502(c) of such Act.

7 (3) GUIDANCE.—The Secretary shall provide to
8 eligible entities funded under section 511 of the So-
9 cial Security Act information on the parameters
10 used in extending a deadline under paragraph (1) or
11 (2) of this subsection.

12 (d) TIMELY RELEASE OF TITLE V FUNDS.—The au-
13 thorities provided in this section shall not be interpreted
14 to authorize or require any delay in the timely release of
15 funds under title V of the Social Security Act.

16 **SEC. 11. TECHNICAL CORRECTION TO TEMPORARY IN-**
17 **CREASE OF MEDICAID FMAP.**

18 Section 6008 of the Families First Coronavirus Re-
19 sponse Act (Public Law 116–127) is amended by adding
20 at the end the following:

21 “(d) APPLICATION TO TITLE IV-E PAYMENTS.—If
22 the District of Columbia receives the increase described
23 in subsection (a) in the Federal medical assistance per-
24 centage for the District of Columbia with respect to a
25 quarter, the Federal medical assistance percentage for the

1 District of Columbia, as so increased, shall apply to pay-
2 ments made to the District of Columbia under part E of
3 title IV of the Social Security Act (42 U.S.C. 670 et seq.)
4 for that quarter, and the payments under such part shall
5 be deemed to be made on the basis of the Federal medical
6 assistance percentage applied with respect to such District
7 for purposes of title XIX of such Act (42 U.S.C. 1396
8 et seq.) and as increased under subsection (a).”.

1 **DIVISION Y—AMERICAN MINER**
2 **BENEFITS IMPROVEMENT**

3 **SEC. 1. SHORT TITLE.**

4 This division may be cited as the “American Miner
5 Benefits Improvement Act of 2020”.

6 **SEC. 2. TRANSFERS TO 1974UMWA PENSION PLAN.**

7 (a) IN GENERAL.—Section 402(h)(2)(C)(ii) of the
8 Surface Mining Control and Reclamation Act of 1977 (30
9 U.S.C. 1232(h)(2)(C)(ii)) is amended—

10 (1) by striking “the Bipartisan American Min-
11 ers Act of 2019” each place it appears and inserting
12 “the American Miner Benefits Improvement Act of
13 2020”,

14 (2) by striking “or 2019” in subclause (II) and
15 inserting “2019, or any year thereafter,”

16 (3) by inserting before “; and” in subclause (II)
17 the following: “(or, in the case of any such health
18 benefits confirmed in any bankruptcy proceeding,
19 would be subsequently denied or reduced)”, and

20 (4) by striking “January 1, 2019” in the sec-
21 ond sentence and inserting “January 1, 2020”.

22 (b) INCREASE IN LIMITATION TO ACCOUNT FOR CAL-
23 CULATION OF HEALTH BENEFIT PLAN EXCESS.—Section
24 402(i)(3) of such Act (30 U.S.C. 1232(i)(3)) is amended
25 by adding at the end the following new subparagraph:

1 “(C) INCREASE IN LIMITATION TO AC-
2 COUNT FOR CALCULATION OF HEALTH BENEFIT
3 PLAN EXCESS.—The dollar limitation under
4 subparagraph (A) shall be increased by the
5 amount of the cost to provide benefits which
6 are taken into account under subsection
7 (h)(2)(C)(ii) solely by reason of the amend-
8 ments made by section 2(a) of the American
9 Miner Benefits Improvement Act of 2020.”.

10 (c) APPLICATION.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), the amendments made by this section
13 shall take effect on the date of the enactment of this
14 Act.

15 (2) SUBSECTION (a)(3).—The amendment
16 made by subsection (a)(3) shall apply to denials and
17 reductions after December 31, 2019.

1 **DIVISION Z—ENERGY ACT OF**
 2 **2020**

3 **SEC. 101. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This division may be cited as the
 5 “Energy Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

DIVISION Z—ENERGY ACT OF 2020

Sec. 101. Short title; table of contents.

TITLE I—EFFICIENCY

- Sec. 1001. Coordination of energy retrofitting assistance for schools.
- Sec. 1002. Use of energy and water efficiency measures in Federal buildings.
- Sec. 1003. Energy efficient data centers.
- Sec. 1004. Energy-efficient and energy-saving information technologies.
- Sec. 1005. Extended Product System Rebate Program.
- Sec. 1006. Energy Efficient Transformer Rebate Program.
- Sec. 1007. Smart building acceleration.
- Sec. 1008. Modifications to the ceiling fan energy conservation standard.
- Sec. 1009. Report on electrochromic glass.
- Sec. 1010. Energy and water for sustainability.
- Sec. 1011. Weatherization Assistance Program.
- Sec. 1012. Federal Energy Management Program.
- Sec. 1013. CHP Technical Assistance Partnership Program.
- Sec. 1014. Smart energy water efficiency pilot program.

TITLE II—NUCLEAR

- Sec. 2001. Advanced Nuclear Fuel Availability.
- Sec. 2002. Amendments to definitions in Energy Policy Act of 2005.
- Sec. 2003. Nuclear energy research, development, demonstration, and commercial application programs.
- Sec. 2004. High-performance computation collaborative research program.
- Sec. 2005. Nuclear energy budget plan.
- Sec. 2006. Organization and administration of programs.
- Sec. 2007. Extension and expansion of limitations on importation of uranium from Russian Federation.
- Sec. 2008. Fusion energy research.

TITLE III—RENEWABLE ENERGY AND STORAGE

Subtitle A—Renewable Energy Research and Development

- Sec. 3001. Water power research and development.
- Sec. 3002. Advanced geothermal innovation leadership.
- Sec. 3003. Wind energy research and development.

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- Sec. 3004. Solar energy research and development.
- Sec. 3005. Hydroelectric production incentives and efficiency improvements.
- Sec. 3006. Conforming amendments.

Subtitle B—Natural Resources Provisions

- Sec. 3101. Definitions.
- Sec. 3102. Program to improve eligible project permit coordination.
- Sec. 3103. Increasing economic certainty.
- Sec. 3104. National goal for renewable energy production on Federal land.
- Sec. 3105. Facilitation of coproduction of geothermal energy on oil and gas leases.
- Sec. 3106. Savings clause.

Subtitle C—Energy Storage

- Sec. 3201. Better energy storage technology.
- Sec. 3202. Energy storage technology and microgrid assistance program.

TITLE IV—CARBON MANAGEMENT

- Sec. 4001. Fossil energy.
- Sec. 4002. Establishment of carbon capture technology program.
- Sec. 4003. Carbon storage validation and testing.
- Sec. 4004. Carbon utilization program.
- Sec. 4005. High efficiency turbines.
- Sec. 4006. National energy technology laboratory reforms.
- Sec. 4007. Study on Blue Hydrogen Technology.
- Sec. 4008. Produced water research and development.

TITLE V—CARBON REMOVAL

- Sec. 5001. Carbon removal.
- Sec. 5002. Carbon dioxide removal task force and report.

TITLE VI—INDUSTRIAL AND MANUFACTURING TECHNOLOGIES

- Sec. 6001. Purpose.
- Sec. 6002. Coordination of research and development of energy efficient technologies for industry.
- Sec. 6003. Industrial emissions reduction technology development program.
- Sec. 6004. Industrial Technology Innovation Advisory Committee.
- Sec. 6005. Technical assistance program to implement industrial emissions reduction.
- Sec. 6006. Development of national smart manufacturing plan.

TITLE VII—CRITICAL MINERALS

- Sec. 7001. Rare earth elements.
- Sec. 7002. Mineral security.
- Sec. 7003. Monitoring mineral investments under Belt and Road Initiative of People's Republic of China.

TITLE VIII—GRID MODERNIZATION

- Sec. 8001. Smart grid regional demonstration initiative.
- Sec. 8002. Smart grid modeling, visualization, architecture, and controls.
- Sec. 8003. Integrated energy systems.

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- Sec. 8004. Grid integration research and development.
- Sec. 8005. Advisory committee.
- Sec. 8006. Coordination of efforts.
- Sec. 8007. Technology demonstration on the distribution grid.
- Sec. 8008. Voluntary model pathways.
- Sec. 8009. Performance metrics for electricity infrastructure providers.
- Sec. 8010. Voluntary State, regional, and local electricity distribution planning.
- Sec. 8011. Micro-grid and integrated micro-grid systems program.
- Sec. 8012. Technical amendments; authorization of appropriations.
- Sec. 8013. Indian energy.
- Sec. 8014. Report on electricity access and reliability.
- Sec. 8015. Net metering study and evaluation.

TITLE IX—DEPARTMENT OF ENERGY INNOVATION

- Sec. 9001. Office of technology transitions.
- Sec. 9002. Lab partnering service pilot program.
- Sec. 9003. Technology commercialization fund.
- Sec. 9004. Streamlining prize competitions.
- Sec. 9005. Milestone-based demonstration projects.
- Sec. 9006. Other transaction authority extension.
- Sec. 9007. Technology transfer reports and evaluation.
- Sec. 9008. Veterans' health initiative.
- Sec. 9009. Sustainable Transportation Research and Development.
- Sec. 9010. Loan program office title XVII reform.
- Sec. 9011. Established Program to Stimulate Competitive Research.

TITLE X—ARPA-E AMENDMENTS

- Sec. 10001. ARPA-E amendments.

TITLE XI—OTHER MATTERS

- Sec. 11001. Low-Dose Radiation Research.
- Sec. 11002. Authorization.
- Sec. 11003. Sense of Congress.
- Sec. 11004. Addressing insufficient compensation of employees and other personnel of the Federal Energy Regulatory Commission.
- Sec. 11005. Report on the authority of the Secretary of Energy to implement flexible compensation models.

1 **TITLE I—EFFICIENCY**2 **SEC. 1001. COORDINATION OF ENERGY RETROFITTING AS-**
3 **SISTANCE FOR SCHOOLS.**

4 (a) DEFINITION OF SCHOOL.—In this section, the
5 term “school” means—

6 (1) an elementary school or secondary school
7 (as defined in section 8101 of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 7801));

3 (2) an institution of higher education (as de-
4 fined in section 101(a) of the Higher Education Act
5 of 1965 (20 U.S.C. 1001(a)));

6 (3) a postsecondary vocational institution (as
7 defined in section 102(c) of the Higher Education
8 Act of 1965 (20 U.S.C. 1002(c)));

9 (4) a school of the defense dependents' edu-
10 cation system under the Defense Dependents' Edu-
11 cation Act of 1978 (20 U.S.C. 921 et seq.) or estab-
12 lished under section 2164 of title 10, United States
13 Code;

14 (5) a school operated by the Bureau of Indian
15 Education;

16 (6) a tribally controlled school (as defined in
17 section 5212 of the Tribally Controlled Schools Act
18 of 1988 (25 U.S.C. 2511)); and

19 (7) a Tribal College or University (as defined in
20 section 316(b) of the Higher Education Act of 1965
21 (20 U.S.C. 1059c(b))).

22 (b) DESIGNATION OF LEAD AGENCY.—The Secretary
23 of Energy (in this section referred to as the “Secretary”),
24 acting through the Office of Energy Efficiency and Re-
25 newable Energy, shall act as the lead Federal agency for

1 coordinating and disseminating information on existing
2 Federal programs and assistance that may be used to help
3 initiate, develop, and finance energy efficiency, renewable
4 energy, and energy retrofitting projects for schools.

5 (c) REQUIREMENTS.—In carrying out coordination
6 and outreach under subsection (b), the Secretary shall—

7 (1) in consultation and coordination with the
8 appropriate Federal agencies, carry out a review of
9 existing programs and financing mechanisms (in-
10 cluding revolving loan funds and loan guarantees)
11 available in or from the Department of Agriculture,
12 the Department of Energy, the Department of Edu-
13 cation, the Department of the Treasury, the Internal
14 Revenue Service, the Environmental Protection
15 Agency, and other appropriate Federal agencies with
16 jurisdiction over energy financing and facilitation
17 that are currently used or may be used to help ini-
18 tiate, develop, and finance energy efficiency, renew-
19 able energy, and energy retrofitting projects for
20 schools;

21 (2) establish a Federal cross-departmental col-
22 laborative coordination, education, and outreach ef-
23 fort to streamline communication and promote avail-
24 able Federal opportunities and assistance described
25 in paragraph (1), for energy efficiency, renewable

1 energy, and energy retrofitting projects that enables
2 States, local educational agencies, and schools—

3 (A) to use existing Federal opportunities
4 more effectively; and

5 (B) to form partnerships with Governors,
6 State energy programs, local educational, finan-
7 cial, and energy officials, State and local gov-
8 ernment officials, nonprofit organizations, and
9 other appropriate entities, to support the initi-
10 ation of the projects;

11 (3) provide technical assistance for States, local
12 educational agencies, and schools to help develop
13 and finance energy efficiency, renewable energy, and
14 energy retrofitting projects—

15 (A) to increase the energy efficiency of
16 buildings or facilities;

17 (B) to install systems that individually
18 generate energy from renewable energy re-
19 sources;

20 (C) to establish partnerships to leverage
21 economies of scale and additional financing
22 mechanisms available to larger clean energy ini-
23 tiatives; or

24 (D) to promote—

1 (i) the maintenance of health, environ-
2 mental quality, and safety in schools, in-
3 cluding the ambient air quality, through
4 energy efficiency, renewable energy, and
5 energy retrofit projects; and

6 (ii) the achievement of expected en-
7 ergy savings and renewable energy produc-
8 tion through proper operations and main-
9 tenance practices;

10 (4) develop and maintain a single online re-
11 source website with contact information for relevant
12 technical assistance and support staff in the Office
13 of Energy Efficiency and Renewable Energy for
14 States, local educational agencies, and schools to ef-
15 fectively access and use Federal opportunities and
16 assistance described in paragraph (1) to develop en-
17 ergy efficiency, renewable energy, and energy retro-
18 fitting projects; and

19 (5) establish a process for recognition of schools
20 that—

21 (A) have successfully implemented energy
22 efficiency, renewable energy, and energy retro-
23 fitting projects; and

1 (B) are willing to serve as resources for
2 other local educational agencies and schools to
3 assist initiation of similar efforts.

4 (d) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, the Secretary shall submit to
6 Congress a report describing the implementation of this
7 section.

8 **SEC. 1002. USE OF ENERGY AND WATER EFFICIENCY MEAS-**
9 **URES IN FEDERAL BUILDINGS.**

10 (a) REPORTS.—Section 548(b) of the National En-
11 ergy Conservation Policy Act (42 U.S.C. 8258(b)) is
12 amended—

13 (1) in paragraph (3), by striking “and” at the
14 end;

15 (2) in paragraph (4), by striking the period at
16 the end and inserting “; and”; and

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

18 “(5)(A) the status of the energy savings per-
19 formance contracts and utility energy service con-
20 tracts of each agency, to the extent that the infor-
21 mation is not duplicative of information provided to
22 the Secretary under a separate authority;

23 “(B) the quantity and investment value of the
24 contracts for the previous year;

1 “(C) the guaranteed energy savings, or for con-
2 tracts without a guarantee, the estimated energy
3 savings, for the previous year, as compared to the
4 measured energy savings for the previous year;

5 “(D) a forecast of the estimated quantity and
6 investment value of contracts anticipated in the fol-
7 lowing year for each agency; and

8 “(E)(i) a comparison of the information de-
9 scribed in subparagraph (B) and the forecast de-
10 scribed in subparagraph (D) in the report of the
11 previous year; and

12 “(ii) if applicable, the reasons for any dif-
13 ferences in the data compared under clause (i).”.

14 (b) DEFINITION OF ENERGY CONSERVATION MEAS-
15 URES.—Section 551(4) of the National Energy Conserva-
16 tion Policy Act (42 U.S.C. 8259(4)) is amended by strik-
17 ing “or retrofit activities” and inserting “retrofit activi-
18 ties, or energy consuming devices and required support
19 structures”.

20 (c) AUTHORITY TO ENTER INTO CONTRACTS.—Sec-
21 tion 801(a)(2)(F) of the National Energy Conservation
22 Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

23 (1) in clause (i), by striking “or” at the end;

24 (2) in clause (ii), by striking the period at the
25 end and inserting “; or”; and

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

2 “(iii) limit the recognition of oper-
3 ation and maintenance savings associated
4 with systems modernized or replaced with
5 the implementation of energy conservation
6 measures, water conservation measures, or
7 any combination of energy conservation
8 measures and water conservation meas-
9 ures.”.

10 (d) MISCELLANEOUS AUTHORITY; EXCLUDED CON-
11 TRACTS.—Section 801(a)(2) of the National Energy Con-
12 servation Policy Act (42 U.S.C. 8287(a)(2)) is amended
13 by adding at the end the following:

14 “(H) MISCELLANEOUS AUTHORITY.—Not-
15 withstanding subtitle I of title 40, United
16 States Code, a Federal agency may accept, re-
17 tain, sell, or transfer, and apply the proceeds of
18 the sale or transfer of, any energy and water
19 incentive, rebate, grid services revenue, or cred-
20 it (including a renewable energy certificate) to
21 fund a contract under this title.

22 “(I) EXCLUDED CONTRACTS.—A contract
23 entered into under this title may not be for
24 work performed—

1 “(i) at a Federal hydroelectric facility
2 that provides power marketed by a Power
3 Marketing Administration; or

4 “(ii) at a hydroelectric facility owned
5 and operated by the Tennessee Valley Au-
6 thority established under the Tennessee
7 Valley Authority Act of 1933 (16 U.S.C.
8 831 et seq.).”.

9 (e) PAYMENT OF COSTS.—Section 802 of the Na-
10 tional Energy Conservation Policy Act (42 U.S.C. 8287a)
11 is amended by striking “(and related operation and main-
12 tenance expenses)” and inserting “, including related op-
13 erations and maintenance expenses”.

14 (f) DEFINITION OF ENERGY SAVINGS.—Section
15 804(2) of the National Energy Conservation Policy Act
16 (42 U.S.C. 8287c(2)) is amended—

17 (1) in subparagraph (A), by striking “federally
18 owned building or buildings or other federally owned
19 facilities” and inserting “Federal building (as de-
20 fined in section 551)” each place it appears;

21 (2) in subparagraph (C), by striking “; and”
22 and inserting a semicolon;

23 (3) in subparagraph (D), by striking the period
24 at the end and inserting a semicolon; and

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

1 “(E) the use, sale, or transfer of any en-
2 ergy and water incentive, rebate, grid services
3 revenue, or credit (including a renewable energy
4 certificate); and

5 “(F) any revenue generated from a reduc-
6 tion in energy or water use, more efficient
7 waste recycling, or additional energy generated
8 from more efficient equipment.”.

9 (g) ENERGY AND WATER CONSERVATION MEAS-
10 URES.—Section 543 of the National Energy Conservation
11 Policy Act (42 U.S.C. 8253) is amended—

12 (1) in the section heading, by inserting “**AND**
13 **WATER**” after “**ENERGY**”;

14 (2) in subsection (b)—

15 (A) in the subsection heading, by inserting
16 “AND WATER” after “ENERGY”; and

17 (B) by striking paragraphs (1) and (2) and
18 inserting the following:

19 “(1) IN GENERAL.—Each agency shall—

20 (A) not later than October 1, 2022, to
21 the maximum extent practicable, begin install-
22 ing in Federal buildings owned by the United
23 States all energy and water conservation meas-
24 ures determined by the Secretary to be life cycle

1 cost-effective (as defined in subsection (f)(1));
2 and

3 “(B) complete the installation described in
4 subparagraph (A) as soon as practicable after
5 the date referred to in that subparagraph.

6 “(2) EXPLANATION OF NONCOMPLIANCE.—

7 “(A) IN GENERAL.—If an agency fails to
8 comply with paragraph (1), the agency shall
9 submit to the Secretary, using guidelines devel-
10 oped by the Secretary, an explanation of the
11 reasons for the failure.

12 “(B) REPORT TO CONGRESS.—Not later
13 than January 1, 2022, and every 2 years there-
14 after, the Secretary shall submit to Congress a
15 report that describes any noncompliance by an
16 agency with the requirements of paragraph
17 (1).”;

18 (3) in subsection (c)(1)—

19 (A) in subparagraph (A)—

20 (i) in the matter preceding clause (i),
21 by striking “An agency” and inserting
22 “The head of each agency”; and

23 (ii) by inserting “or water” after “en-
24 ergy” each place it appears; and

1 (B) in subparagraph (B)(i), by inserting
2 “or water” after “energy”;

3 (4) in subsection (d)(2), by inserting “and
4 water” after “energy”;

5 (5) in subsection (e)—

6 (A) in the subsection heading, by inserting
7 “AND WATER” after “ENERGY”;

8 (B) in paragraph (1)—

9 (i) in the first sentence—

10 (I) by striking “October 1, 2012”
11 and inserting “October 1, 2022”;

12 (II) by inserting “and water”
13 after “energy”; and

14 (III) by inserting “and water”
15 after “electricity”;

16 (ii) in the second sentence, by insert-
17 ing “and water” after “electricity”; and

18 (iii) in the fourth sentence, by insert-
19 ing “and water” after “energy”;

20 (C) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) by striking “and” before
23 “Federal”; and

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1 (II) by inserting “and any other
2 person the Secretary deems nec-
3 essary,” before “shall”;

4 (ii) in subparagraph (B)—

5 (I) in clause (i)(II), by inserting
6 “and water” after “energy” each
7 place it appears;

8 (II) in clause (ii), by inserting
9 “and water” after “energy”; and

10 (III) in clause (iv), by inserting
11 “and water” after “energy”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(C) UPDATE.—Not later than 180 days
15 after the date of enactment of this subpara-
16 graph, the Secretary shall update the guidelines
17 established under subparagraph (A) to take into
18 account water efficiency requirements under
19 this section.”;

20 (D) in paragraph (3), in the matter pre-
21 ceding subparagraph (A), by striking “estab-
22 lished under paragraph (2)” and inserting “up-
23 dated under paragraph (2)(C)”; and

24 (E) in paragraph (4)—

25 (i) in subparagraph (A)—

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1 (I) by striking “this paragraph”
2 and inserting “the Energy Act of
3 2020”; and

4 (II) by inserting “and water” be-
5 fore “use in”; and

6 (ii) in subparagraph (B)(ii), in the
7 matter preceding subclause (I), by insert-
8 ing “and water” after “energy”; and

9 (6) in subsection (f)—

10 (A) in paragraph (1)—

11 (i) by redesignating subparagraphs
12 (E), (F), and (G) as subparagraphs (F),
13 (G), and (H), respectively; and

14 (ii) by inserting after subparagraph
15 (D) the following:

16 “(E) ONGOING COMMISSIONING.—The
17 term ‘ongoing commissioning’ means an ongo-
18 ing process of commissioning using monitored
19 data, the primary goal of which is to ensure
20 continuous optimum performance of a facility,
21 in accordance with design or operating needs,
22 over the useful life of the facility, while meeting
23 facility occupancy requirements.”;

24 (B) in paragraph (2)—

1 (i) in subparagraph (A), by inserting
2 “and water” before “use”;

3 (ii) in subparagraph (B)—

4 (I) by striking “energy” before
5 “efficiency”; and

6 (II) by inserting “or water” be-
7 fore “use”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(C) ENERGY MANAGEMENT SYSTEM.—An
11 energy manager designated for a facility under
12 subparagraph (A) shall take into consider-
13 ation—

14 “(i) the use of a system to manage
15 energy and water use at the facility; and

16 “(ii) the applicability of the certifi-
17 cation of the facility in accordance with the
18 International Organization for Standard-
19 ization standard numbered 50001 and en-
20 titled ‘Energy Management Systems’.”;

21 (C) by striking paragraphs (3) and (4) and
22 inserting the following:

23 “(3) ENERGY AND WATER EVALUATIONS AND
24 COMMISSIONING.—

1 “(A) EVALUATIONS.—Except as provided
2 in subparagraph (B), not later than the date
3 that is 180 days after the date of enactment of
4 the Energy Act of 2020, and annually there-
5 after, each energy manager shall complete, for
6 the preceding calendar year, a comprehensive
7 energy and water evaluation and recommis-
8 sioning or retrocommissioning for approxi-
9 mately 25 percent of the facilities of the appli-
10 cable agency that meet the criteria under para-
11 graph (2)(B) in a manner that ensures that an
12 evaluation of each facility is completed not less
13 frequently than once every 4 years.

14 “(B) EXCEPTIONS.—An evaluation and re-
15 commissioning or retrocommissioning shall not
16 be required under subparagraph (A) with re-
17 spect to a facility that, as of the date on which
18 the evaluation and recommissioning or
19 retrocommissioning would occur—

20 “(i) has had a comprehensive energy
21 and water evaluation during the preceding
22 8-year period;

23 “(ii)(I) has been commissioned, re-
24 commissioned, or retrocommissioned dur-
25 ing the preceding 10-year period; or

1 “(II) is under ongoing commissioning,
2 recommissioning, or retrocommissioning;

3 “(iii) has not had a major change in
4 function or use since the previous evalua-
5 tion and recommissioning or
6 retrocommissioning;

7 “(iv) has been benchmarked with pub-
8 lic disclosure under paragraph (8) during
9 the preceding calendar year; and

10 “(v)(I) based on the benchmarking de-
11 scribed in clause (iv), has achieved at a fa-
12 cility level the most recent cumulative en-
13 ergy savings target under subsection (a)
14 compared to the earlier of—

15 “(aa) the date of the most recent
16 evaluation; or

17 “(bb) the date—

18 “(AA) of the most recent
19 commissioning, recommissioning,
20 or retrocommissioning; or

21 “(BB) on which ongoing
22 commissioning began; or

23 “(II) has a long-term contract in
24 place guaranteeing energy savings at least

1 as great as the energy savings target under
2 subclause (I).

3 “(4) IMPLEMENTATION OF IDENTIFIED ENERGY
4 AND WATER EFFICIENCY MEASURES.—

5 “(A) IN GENERAL.—Not later than 2 years
6 after the date of completion of each evaluation
7 under paragraph (3), each energy manager
8 shall implement any energy- or water-saving
9 measure that—

10 “(i) the Federal agency identified in
11 the evaluation; and

12 “(ii) is life cycle cost-effective, as de-
13 termined by evaluating an individual meas-
14 ure or a bundle of measures with varying
15 paybacks.

16 “(B) PERFORMANCE CONTRACTING.—Each
17 Federal agency shall use performance con-
18 tracting to address at least 50 percent of the
19 measures identified under subparagraph
20 (A)(i).”;

21 (D) in paragraph (7)(B)(ii)(II), by insert-
22 ing “and water” after “energy”; and

23 (E) in paragraph (9)(A), in the matter
24 preceding clause (i), by inserting “and water”
25 after “energy”.

1 (h) CONFORMING AMENDMENT.—The table of con-
2 tents for the National Energy Conservation Policy Act
3 (Public Law 95–619; 92 Stat. 3206) is amended by strik-
4 ing the item relating to section 543 and inserting the fol-
5 lowing:

“Sec. 543. Energy and water management requirements.”.

6 **SEC. 1003. ENERGY EFFICIENT DATA CENTERS.**

7 Section 453 of the Energy Independence and Security
8 Act of 2007 (42 U.S.C. 17112) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (2)(D)(iv), by striking
11 “determined by the organization” and inserting
12 “proposed by the stakeholders”; and

13 (B) by striking paragraph (3); and

14 (2) by striking subsections (c) through (g) and
15 inserting the following:

16 “(c) STAKEHOLDER INVOLVEMENT.—

17 “(1) IN GENERAL.—The Secretary and the Ad-
18 ministrator shall carry out subsection (b) in collabo-
19 ration with the information technology industry and
20 other key stakeholders, with the goal of producing
21 results that accurately reflect the most relevant and
22 useful information.

23 “(2) CONSIDERATIONS.—In carrying out the
24 collaboration described in paragraph (1), the Sec-

1 retary and the Administrator shall pay particular at-
2 tention to organizations that—

3 “(A) have members with expertise in en-
4 ergy efficiency and in the development, oper-
5 ation, and functionality of data centers, infor-
6 mation technology equipment, and software, in-
7 cluding representatives of hardware manufac-
8 turers, data center operators, and facility man-
9 agers;

10 “(B) obtain and address input from the
11 National Laboratories (as that term is defined
12 in section 2 of the Energy Policy Act of 2005
13 (42 U.S.C. 15801)) or any institution of higher
14 education, research institution, industry asso-
15 ciation, company, or public interest group with
16 applicable expertise;

17 “(C) follow—

18 “(i) commonly accepted procedures
19 for the development of specifications; and

20 “(ii) accredited standards development
21 processes; or

22 “(D) have a mission to promote energy ef-
23 ficiency for data centers and information tech-
24 nology.

1 “(d) MEASUREMENTS AND SPECIFICATIONS.—The
2 Secretary and the Administrator shall consider and assess
3 the adequacy of the specifications, measurements, best
4 practices, and benchmarks described in subsection (b) for
5 use by the Federal Energy Management Program, the En-
6 ergy Star Program, and other efficiency programs of the
7 Department of Energy or the Environmental Protection
8 Agency.

9 “(e) STUDY.—

10 “(1) DEFINITION OF REPORT.—In this sub-
11 section, the term ‘report’ means the report of the
12 Lawrence Berkeley National Laboratory entitled
13 ‘United States Data Center Energy Usage Report’
14 and dated June 2016, which was prepared as an up-
15 date to the ‘Report to Congress on Server and Data
16 Center Energy Efficiency’, published on August 2,
17 2007, pursuant to section 1 of Public Law 109–431
18 (120 Stat. 2920).

19 “(2) STUDY.—Not later than 4 years after the
20 date of enactment of the Energy Act of 2020, the
21 Secretary, in collaboration with the Administrator,
22 shall make available to the public an update to the
23 report that provides—

24 “(A) a comparison and gap analysis of the
25 estimates and projections contained in the re-

1 port with new data regarding the period from
2 2015 through 2019;

3 “(B) an analysis considering the impact of
4 information technologies, including
5 virtualization and cloud computing, in the pub-
6 lic and private sectors;

7 “(C) an evaluation of the impact of the
8 combination of cloud platforms, mobile devices,
9 social media, and big data on data center en-
10 ergy usage;

11 “(D) an evaluation of water usage in data
12 centers and recommendations for reductions in
13 that water usage; and

14 “(E) updated projections and recommenda-
15 tions for best practices through fiscal year
16 2025.

17 “(f) DATA CENTER ENERGY PRACTITIONER PRO-
18 GRAM.—

19 “(1) IN GENERAL.—The Secretary, in collabo-
20 ration with key stakeholders and the Director of the
21 Office of Management and Budget, shall maintain a
22 data center energy practitioner program that pro-
23 vides for the certification of energy practitioners
24 qualified to evaluate the energy usage and efficiency

1 opportunities in federally owned and operated data
2 centers.

3 “(2) EVALUATIONS.—Each Federal agency
4 shall consider having the data centers of the agency
5 evaluated once every 4 years by energy practitioners
6 certified pursuant to the program, whenever prac-
7 ticable using certified practitioners employed by the
8 agency.

9 “(g) OPEN DATA INITIATIVE.—

10 “(1) IN GENERAL.—The Secretary, in collabo-
11 ration with key stakeholders and the Director of the
12 Office of Management and Budget, shall establish
13 an open data initiative relating to energy usage at
14 federally owned and operated data centers, with the
15 purpose of making the data available and accessible
16 in a manner that encourages further data center in-
17 novation, optimization, and consolidation.

18 “(2) CONSIDERATION.—In establishing the ini-
19 tiative under paragraph (1), the Secretary shall con-
20 sider using the online Data Center Maturity Model.

21 “(h) INTERNATIONAL SPECIFICATIONS AND
22 METRICS.—The Secretary, in collaboration with key
23 stakeholders, shall actively participate in efforts to har-
24 monize global specifications and metrics for data center
25 energy and water efficiency.

1 “(i) DATA CENTER UTILIZATION METRIC.—The Sec-
2 retary, in collaboration with key stakeholders, shall facili-
3 tate in the development of an efficiency metric that meas-
4 ures the energy efficiency of a data center (including
5 equipment and facilities).

6 “(j) PROTECTION OF PROPRIETARY INFORMATION.—
7 The Secretary and the Administrator shall not disclose
8 any proprietary information or trade secrets provided by
9 any individual or company for the purposes of carrying
10 out this section or the programs and initiatives established
11 under this section.”.

12 **SEC. 1004. ENERGY-EFFICIENT AND ENERGY-SAVING IN-**
13 **FORMATION TECHNOLOGIES.**

14 Section 543 of the National Energy Conservation
15 Policy Act (42 U.S.C. 8253) is amended by adding at the
16 end the following:

17 “(h) FEDERAL IMPLEMENTATION STRATEGY FOR
18 ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION
19 TECHNOLOGIES.—

20 “(1) DEFINITIONS.—In this subsection:

21 “(A) DIRECTOR.—The term ‘Director’
22 means the Director of the Office of Manage-
23 ment and Budget.

24 “(B) INFORMATION TECHNOLOGY.—The
25 term ‘information technology’ has the meaning

1 given that term in section 11101 of title 40,
2 United States Code.

3 “(2) DEVELOPMENT OF IMPLEMENTATION
4 STRATEGY.—Not later than 1 year after the date of
5 enactment of the Energy Act of 2020, each Federal
6 agency shall coordinate with the Director, the Sec-
7 retary, and the Administrator of the Environmental
8 Protection Agency to develop an implementation
9 strategy (including best-practices and measurement
10 and verification techniques) for the maintenance,
11 purchase, and use by the Federal agency of energy-
12 efficient and energy-saving information technologies
13 at or for facilities owned and operated by the Fed-
14 eral agency, taking into consideration the perform-
15 ance goals established under paragraph (4).

16 “(3) ADMINISTRATION.—In developing an im-
17 plementation strategy under paragraph (2), each
18 Federal agency shall consider—

19 “(A) advanced metering infrastructure;

20 “(B) energy efficient data center strategies
21 and methods of increasing asset and infrastruc-
22 ture utilization;

23 “(C) advanced power management tools;

24 “(D) building information modeling, in-
25 cluding building energy management;

1 “(E) secure telework and travel substi-
2 tution tools; and

3 “(F) mechanisms to ensure that the agen-
4 cy realizes the energy cost savings of increased
5 efficiency and utilization.

6 “(4) PERFORMANCE GOALS.—

7 “(A) IN GENERAL.—Not later than 180
8 days after the date of enactment of the Energy
9 Act of 2020, the Director, in consultation with
10 the Secretary, shall establish performance goals
11 for evaluating the efforts of Federal agencies in
12 improving the maintenance, purchase, and use
13 of energy-efficient and energy-saving informa-
14 tion technology at or for facilities owned and
15 operated by the Federal agencies.

16 “(B) BEST PRACTICES.—The Chief Infor-
17 mation Officers Council established under sec-
18 tion 3603 of title 44, United States Code, shall
19 recommend best practices for the attainment of
20 the performance goals established under sub-
21 paragraph (A), which shall include, to the ex-
22 tent applicable by law, consideration by a Fed-
23 eral agency of the use of—

24 “(i) energy savings performance con-
25 tracting; and

1 “(ii) utility energy services con-
2 tracting.

3 “(5) REPORTS.—

4 “(A) AGENCY REPORTS.—Each Federal
5 agency shall include in the report of the agency
6 under section 527 of the Energy Independence
7 and Security Act of 2007 (42 U.S.C. 17143) a
8 description of the efforts and results of the
9 agency under this subsection.

10 “(B) OMB GOVERNMENT EFFICIENCY RE-
11 PORTS AND SCORECARDS.—Effective beginning
12 not later than October 1, 2022, the Director
13 shall include in the annual report and scorecard
14 of the Director required under section 528 of
15 the Energy Independence and Security Act of
16 2007 (42 U.S.C. 17144) a description of the ef-
17 forts and results of Federal agencies under this
18 subsection.

19 “(C) USE OF EXISTING REPORTING STRUC-
20 TURES.—The Director may require Federal
21 agencies to submit any information required to
22 be submitted under this subsection though re-
23 porting structures in use as of the date of en-
24 actment of the Energy Act of 2020.”.

1 **SEC. 1005. EXTENDED PRODUCT SYSTEM REBATE PRO-**
2 **GRAM.**

3 (a) DEFINITIONS.—In this section:

4 (1) ELECTRIC MOTOR.—The term “electric
5 motor” has the meaning given the term in section
6 431.12 of title 10, Code of Federal Regulations (as
7 in effect on the date of enactment of this Act).

8 (2) ELECTRONIC CONTROL.—The term “elec-
9 tronic control” means—

10 (A) a power converter; or

11 (B) a combination of a power circuit and
12 control circuit included on 1 chassis.

13 (3) EXTENDED PRODUCT SYSTEM.—The term
14 “extended product system” means an electric motor
15 and any required associated electronic control and
16 driven load that—

17 (A) offers variable speed or multispeed op-
18 eration;

19 (B) offers partial load control that reduces
20 input energy requirements (as measured in kilo-
21 watt-hours) as compared to identified base lev-
22 els set by the Secretary of Energy (in this sec-
23 tion referred to as the “Secretary”); and

24 (C)(i) has greater than 1 horsepower; and

25 (ii) uses an extended product system tech-
26 nology, as determined by the Secretary.

1 (4) QUALIFIED EXTENDED PRODUCT SYS-
2 TEM.—

3 (A) IN GENERAL.—The term “qualified ex-
4 tended product system” means an extended
5 product system that—

6 (i) includes an electric motor and an
7 electronic control; and

8 (ii) reduces the input energy (as
9 measured in kilowatt-hours) required to
10 operate the extended product system by
11 not less than 5 percent, as compared to
12 identified base levels set by the Secretary.

13 (B) INCLUSIONS.—The term “qualified ex-
14 tended product system” includes commercial or
15 industrial machinery or equipment that—

16 (i)(I) did not previously make use of
17 the extended product system prior to the
18 redesign described in subclause (II); and

19 (II) incorporates an extended product
20 system that has greater than 1 horsepower
21 into redesigned machinery or equipment;
22 and

23 (ii) was previously used prior to, and
24 was placed back into service during, cal-
25 endar year 2021 or 2022.

1 (b) ESTABLISHMENT.—Not later than 180 days after
2 the date of enactment of this Act, the Secretary shall es-
3 tablish a program to provide rebates for expenditures
4 made by qualified entities for the purchase or installation
5 of a qualified extended product system.

6 (c) QUALIFIED ENTITIES.—

7 (1) ELIGIBILITY REQUIREMENTS.—A qualified
8 entity under this section shall be—

9 (A) in the case of a qualified extended
10 product system described in subsection
11 (a)(4)(A), the purchaser of the qualified ex-
12 tended product that is installed; and

13 (B) in the case of a qualified extended
14 product system described in subsection
15 (a)(4)(B), the manufacturer of the commercial
16 or industrial machinery or equipment that in-
17 corporated the extended product system into
18 that machinery or equipment.

19 (2) APPLICATION.—To be eligible to receive a
20 rebate under this section, a qualified entity shall
21 submit to the Secretary—

22 (A) an application in such form, at such
23 time, and containing such information as the
24 Secretary may require; and

1 (B) a certification that includes dem-
2 onstrated evidence—

3 (i) that the entity is a qualified entity;

4 and

5 (ii)(I) in the case of a qualified entity
6 described in paragraph (1)(A)—

7 (aa) that the qualified entity in-
8 stalled the qualified extended product
9 system during the 2 fiscal years fol-
10 lowing the date of enactment of this
11 Act;

12 (bb) that the qualified extended
13 product system meets the require-
14 ments of subsection (a)(4)(A); and

15 (cc) showing the serial number,
16 manufacturer, and model number
17 from the nameplate of the installed
18 motor of the qualified entity on which
19 the qualified extended product system
20 was installed; or

21 (II) in the case of a qualified entity
22 described in paragraph (1)(B), dem-
23 onstrated evidence—

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1 (aa) that the qualified extended
2 product system meets the require-
3 ments of subsection (a)(4)(B); and

4 (bb) showing the serial number,
5 manufacturer, and model number
6 from the nameplate of the installed
7 motor of the qualified entity with
8 which the extended product system is
9 integrated.

10 (d) AUTHORIZED AMOUNT OF REBATE.—

11 (1) IN GENERAL.—The Secretary may provide
12 to a qualified entity a rebate in an amount equal to
13 the product obtained by multiplying—

14 (A) an amount equal to the sum of the
15 nameplate rated horsepower of—

16 (i) the electric motor to which the
17 qualified extended product system is at-
18 tached; and

19 (ii) the electronic control; and

20 (B) \$25.

21 (2) MAXIMUM AGGREGATE AMOUNT.—A quali-
22 fied entity shall not be entitled to aggregate rebates
23 under this section in excess of \$25,000 per calendar
24 year.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$5,000,000 for each of fiscal years 2022 and 2023.

4 **SEC. 1006. ENERGY EFFICIENT TRANSFORMER REBATE**
5 **PROGRAM.**

6 (a) DEFINITIONS.—In this section:

7 (1) QUALIFIED ENERGY EFFICIENT TRANS-
8 FORMER.—The term “qualified energy efficient
9 transformer” means a transformer that meets or ex-
10 ceeds the applicable energy conservation standards
11 described in the tables in subsection (b)(2) and
12 paragraphs (1) and (2) of subsection (c) of section
13 431.196 of title 10, Code of Federal Regulations (as
14 in effect on the date of enactment of this Act).

15 (2) QUALIFIED ENERGY INEFFICIENT TRANS-
16 FORMER.—The term “qualified energy inefficient
17 transformer” means a transformer with an equal
18 number of phases and capacity to a transformer de-
19 scribed in any of the tables in subsection (b)(2) and
20 paragraphs (1) and (2) of subsection (c) of section
21 431.196 of title 10, Code of Federal Regulations (as
22 in effect on the date of enactment of this Act)
23 that—

1 (A) does not meet or exceed the applicable
2 energy conservation standards described in
3 paragraph (1); and

4 (B)(i) was manufactured between January
5 1, 1987, and December 31, 2008, for a trans-
6 former with an equal number of phases and ca-
7 pacity as a transformer described in the table
8 in subsection (b)(2) of section 431.196 of title
9 10, Code of Federal Regulations (as in effect on
10 the date of enactment of this Act); or

11 (ii) was manufactured between January 1,
12 1992, and December 31, 2011, for a trans-
13 former with an equal number of phases and ca-
14 pacity as a transformer described in the table
15 in paragraph (1) or (2) of subsection (c) of that
16 section (as in effect on the date of enactment
17 of this Act).

18 (3) QUALIFIED ENTITY.—The term “qualified
19 entity” means an owner of industrial or manufac-
20 turing facilities, commercial buildings, or multifamily
21 residential buildings, a utility, or an energy service
22 company that fulfills the requirements of subsection
23 (c).

24 (b) ESTABLISHMENT.—Not later than 90 days after
25 the date of enactment of this Act, the Secretary of Energy

1 (in this section referred to as the “Secretary”) shall estab-
2 lish a program to provide rebates to qualified entities for
3 expenditures made by the qualified entity for the replace-
4 ment of a qualified energy inefficient transformer with a
5 qualified energy efficient transformer.

6 (c) REQUIREMENTS.—To be eligible to receive a re-
7 bate under this section, an entity shall submit to the Sec-
8 retary an application in such form, at such time, and con-
9 taining such information as the Secretary may require, in-
10 cluding demonstrated evidence—

11 (1) that the entity purchased a qualified energy
12 efficient transformer;

13 (2) of the core loss value of the qualified energy
14 efficient transformer;

15 (3) of the age of the qualified energy inefficient
16 transformer being replaced;

17 (4) of the core loss value of the qualified energy
18 inefficient transformer being replaced—

19 (A) as measured by a qualified professional
20 or verified by the equipment manufacturer, as
21 applicable; or

22 (B) for transformers described in sub-
23 section (a)(2)(B)(i), as selected from a table of
24 default values as determined by the Secretary
25 in consultation with applicable industry; and

1 (5) that the qualified energy inefficient trans-
2 former has been permanently decommissioned and
3 scrapped.

4 (d) AUTHORIZED AMOUNT OF REBATE.—The
5 amount of a rebate provided under this section shall be—

6 (1) for a 3-phase or single-phase transformer
7 with a capacity of not less than 10 and not greater
8 than 2,500 kilovolt-amperes, twice the amount equal
9 to the difference in Watts between the core loss
10 value (as measured in accordance with paragraphs
11 (2) and (4) of subsection (c)) of—

12 (A) the qualified energy inefficient trans-
13 former; and

14 (B) the qualified energy efficient trans-
15 former; or

16 (2) for a transformer described in subsection
17 (a)(2)(B)(i), the amount determined using a table of
18 default rebate values by rated transformer output,
19 as measured in kilovolt-amperes, as determined by
20 the Secretary in consultation with applicable indus-
21 try.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$5,000,000 for each of fiscal years 2022 and 2023.

1 (f) TERMINATION OF EFFECTIVENESS.—The author-
2 ity provided by this section terminates on December 31,
3 2023.

4 **SEC. 1007. SMART BUILDING ACCELERATION.**

5 (a) DEFINITIONS.—In this section:

6 (1) DEPARTMENT.—The term “Department”
7 means the Department of Energy.

8 (2) PROGRAM.—The term “program” means
9 the Federal Smart Building Program established
10 under subsection (b)(1).

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of Energy.

13 (4) SMART BUILDING.—The term “smart build-
14 ing” means a building, or collection of buildings,
15 with an energy system that—

16 (A) is flexible and automated;

17 (B) has extensive operational monitoring
18 and communication connectivity, allowing re-
19 mote monitoring and analysis of all building
20 functions;

21 (C) takes a systems-based approach in in-
22 tegrating the overall building operations for
23 control of energy generation, consumption, and
24 storage;

1 (D) communicates with utilities and other
2 third-party commercial entities, if appropriate;

3 (E) protects the health and safety of occu-
4 pants and workers; and

5 (F) incorporates cybersecurity best prac-
6 tices.

7 (5) SMART BUILDING ACCELERATOR.—The
8 term “smart building accelerator” means an initia-
9 tive that is designed to demonstrate specific innova-
10 tive policies and approaches—

11 (A) with clear goals and a clear timeline;
12 and

13 (B) that, on successful demonstration,
14 would accelerate investment in energy effi-
15 ciency.

16 (b) FEDERAL SMART BUILDING PROGRAM.—

17 (1) ESTABLISHMENT.—Not later than 1 year
18 after the date of enactment of this Act, the Sec-
19 retary shall, in consultation with the Administrator
20 of General Services, establish a program to be
21 known as the “Federal Smart Building Program”—

22 (A) to implement smart building tech-
23 nology; and

24 (B) to demonstrate the costs and benefits
25 of smart buildings.

1 (2) SELECTION.—

2 (A) IN GENERAL.—The Secretary shall co-
3 ordinate the selection of not fewer than 1 build-
4 ing from among each of several key Federal
5 agencies, as described in paragraph (4), to com-
6 pose an appropriately diverse set of smart
7 buildings based on size, type, and geographic lo-
8 cation.

9 (B) INCLUSION OF COMMERCIALY OPER-
10 ATED BUILDINGS.—In making selections under
11 subparagraph (A), the Secretary may include
12 buildings that are owned by the Federal Gov-
13 ernment but are commercially operated.

14 (3) TARGETS.—Not later than 18 months after
15 the date of enactment of this Act, the Secretary
16 shall establish targets for the number of smart
17 buildings to be commissioned and evaluated by key
18 Federal agencies by 3 years and 6 years after the
19 date of enactment of this Act.

20 (4) FEDERAL AGENCY DESCRIBED.—The key
21 Federal agencies referred to paragraph (2)(A) shall
22 include buildings operated by—

23 (A) the Department of the Army;

24 (B) the Department of the Navy;

25 (C) the Department of the Air Force;

- 1 (D) the Department;
- 2 (E) the Department of the Interior;
- 3 (F) the Department of Veterans Affairs;
- 4 and
- 5 (G) the General Services Administration.

6 (5) REQUIREMENT.—In implementing the pro-

7 gram, the Secretary shall leverage existing financing

8 mechanisms including energy savings performance

9 contracts, utility energy service contracts, and an-

10 nual appropriations.

11 (6) EVALUATION.—Using the guidelines of the

12 Federal Energy Management Program relating to

13 whole-building evaluation, measurement, and

14 verification, the Secretary shall evaluate the costs

15 and benefits of the buildings selected under para-

16 graph (2), including an identification of—

17 (A) which advanced building tech-

18 nologies—

19 (i) are most cost-effective; and

20 (ii) show the most promise for—

21 (I) increasing building energy

22 savings;

23 (II) increasing service perform-

24 ance to building occupants;

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1 (III) reducing environmental im-
2 pacts; and

3 (IV) establishing cybersecurity;
4 and

5 (B) any other information the Secretary
6 determines to be appropriate.

7 (7) AWARDS.—The Secretary may expand
8 awards made under the Federal Energy Manage-
9 ment Program and the Better Building Challenge to
10 recognize specific agency achievements in accel-
11 erating the adoption of smart building technologies.

12 (c) SURVEY OF PRIVATE SECTOR SMART BUILD-
13 INGS.—

14 (1) SURVEY.—The Secretary shall conduct a
15 survey of privately owned smart buildings through-
16 out the United States, including commercial build-
17 ings, laboratory facilities, hospitals, multifamily resi-
18 dential buildings, and buildings owned by nonprofit
19 organizations and institutions of higher education.

20 (2) SELECTION.—From among the smart build-
21 ings surveyed under paragraph (1), the Secretary
22 shall select not fewer than 1 building each from an
23 appropriate range of building sizes, types, and geo-
24 graphic locations.

1 (3) EVALUATION.—Using the guidelines of the
2 Federal Energy Management Program relating to
3 whole-building evaluation, measurement, and
4 verification, the Secretary shall evaluate the costs
5 and benefits of the buildings selected under para-
6 graph (2), including an identification of—

7 (A) which advanced building technologies
8 and systems—

9 (i) are most cost-effective; and

10 (ii) show the most promise for—

11 (I) increasing building energy
12 savings;

13 (II) increasing service perform-
14 ance to building occupants;

15 (III) reducing environmental im-
16 pacts; and

17 (IV) establishing cybersecurity;
18 and

19 (B) any other information the Secretary
20 determines to be appropriate.

21 (d) BETTER BUILDING CHALLENGE.—As part of the
22 Better Building Challenge of the Department, the Sec-
23 retary, in consultation with major private sector property
24 owners, shall develop smart building accelerators to dem-
25 onstrate innovative policies and approaches that will accel-

1 erate the transition to smart buildings in the public, insti-
2 tutional, and commercial buildings sectors.

3 (e) RESEARCH AND DEVELOPMENT ON INTEGRATING
4 BUILDINGS ONTO THE ELECTRIC GRID.—

5 (1) IN GENERAL.—Subtitle B of title IV of the
6 Energy Independence and Security Act of 2007 (42
7 U.S.C. 17081 et seq.) is amended by adding at the
8 end the following:

9 **“SEC. 426. ADVANCED INTEGRATION OF BUILDINGS ONTO**
10 **THE ELECTRIC GRID.**

11 “(a) IN GENERAL.—The Secretary shall establish a
12 program of research, development, and demonstration to
13 enable components of commercial and residential buildings
14 to serve as dynamic energy loads on and resources for the
15 electric grid. The program shall focus on—

16 “(1) developing low-cost, low power, wireless
17 sensors to—

18 “(A) monitor building energy load;

19 “(B) forecast building energy need; and

20 “(C) enable building-level energy control;

21 “(2) developing data management capabilities
22 and standard communication protocols to further
23 interoperability at the building and grid-level;

24 “(3) developing advanced building-level energy
25 management of components through integration of

1 smart technologies, control systems, and data pro-
2 cessing, to enable energy efficiency and savings;

3 “(4) optimizing energy consumption at the
4 building level to enable grid stability and resilience;

5 “(5) improving visualization of behind the
6 meter equipment and technologies to provide better
7 insight into the energy needs and energy forecasts of
8 individual buildings;

9 “(6) reducing the cost of key components to ac-
10 celerate the adoption of smart building technologies;

11 “(7) protecting against cybersecurity threats
12 and addressing security vulnerabilities of building
13 systems or equipment; and

14 “(8) other areas determined appropriate by the
15 Secretary.

16 “(b) CONSIDERATIONS.—In carrying out the pro-
17 gram under subsection (a), the Secretary shall—

18 “(1) work with utility partners, building own-
19 ers, technology vendors, and building developers to
20 test and validate technologies and encourage the
21 commercial application of these technologies by
22 building owners; and

23 “(2) consider the specific challenges of enabling
24 greater interaction between components of—

1 “(A) small- and medium-sized buildings
2 and the electric grid; and

3 “(B) residential and commercial buildings
4 and the electric grid.

5 “(c) BUILDINGS-TO-GRID INTEGRATION REPORT.—
6 Not later than 1 year after the enactment of this section,
7 the Secretary shall submit to the Committee on Science,
8 Space, and Technology and the Committee on Energy and
9 Commerce of the House of Representatives and the Com-
10 mittee on Energy and Natural Resources of the Senate
11 a report on the results of a study that examines the re-
12 search, development, and demonstration opportunities,
13 challenges, and standards needed to enable components of
14 commercial and residential buildings to serve as dynamic
15 energy loads on and resources for the electric grid.

16 “(1) REPORT REQUIREMENTS.—The report
17 shall include—

18 “(A) an assessment of the technologies
19 needed to enable building components as dy-
20 namic loads on and resources for the electric
21 grid, including how such technologies can be—

22 “(i) incorporated into new commercial
23 and residential buildings; and

24 “(ii) retrofitted in older buildings;

1 “(B) guidelines for the design of new
2 buildings and building components to enable
3 modern grid interactivity and improve energy
4 efficiency;

5 “(C) an assessment of barriers to the
6 adoption by building owners of advanced tech-
7 nologies enabling greater integration of building
8 components onto the electric grid; and

9 “(D) an assessment of the feasibility of
10 adopting technologies developed under sub-
11 section (a) at Department facilities.

12 “(2) RECOMMENDATIONS.—As part of the re-
13 port, the Secretary shall develop a 10-year roadmap
14 to guide the research, development, and demonstra-
15 tion program to enable components of commercial
16 and residential buildings to serve as dynamic energy
17 loads on and resources for the electric grid.

18 “(3) UPDATES.—The Secretary shall update
19 the report required under this section every 3 years
20 for the duration of the program under subsection (a)
21 and shall submit the updated report to the Com-
22 mittee on Science, Space, and Technology and the
23 Committee on Energy and Commerce of the House
24 of Representatives and the Committee on Energy
25 and Natural Resources of the Senate.

1 “(d) PROGRAM IMPLEMENTATION.—In carrying out
2 this section, the Secretary shall—

3 “(1) implement the recommendations from the
4 report in subsection (e); and

5 “(2) coordinate across all relevant program of-
6 fices at the Department to achieve the goals estab-
7 lished in this section, including the Office of Elec-
8 tricity.”.

9 (2) CONFORMING AMENDMENT.—The table of
10 contents for the Energy Independence and Security
11 Act of 2007 is amended by adding after the item re-
12 lating to section 425 the following:

“Sec. 426. Advanced integration of buildings onto the electric grid.”.

13 (f) REPORT.—Not later than 2 years after the date
14 of enactment of this Act, and every 2 years thereafter until
15 a total of 3 reports have been made, the Secretary shall
16 submit to the Committee on Energy and Natural Re-
17 sources of the Senate and the Committee on Energy and
18 Commerce and the Committee on Science, Space, and
19 Technology of the House of Representatives a report on—

20 (1) the establishment of the Federal Smart
21 Building Program and the evaluation of Federal
22 smart buildings under subsection (b);

23 (2) the survey and evaluation of private sector
24 smart buildings under subsection (c); and

1 (3) any recommendations of the Secretary to
2 further accelerate the transition to smart buildings.

3 **SEC. 1008. MODIFICATIONS TO THE CEILING FAN ENERGY**
4 **CONSERVATION STANDARD.**

5 (a) IN GENERAL.—Section 325(ff)(6) of the Energy
6 Policy and Conservation Act (42 U.S.C. 6295(ff)(6)) is
7 amended by adding at the end the following:

8 “(C)(i) Large-diameter ceiling fans manufactured on
9 or after January 21, 2020, shall—

10 “(I) not be required to meet minimum ceiling
11 fan efficiency in terms of ratio of the total airflow
12 to the total power consumption as described in the
13 final rule titled ‘Energy Conservation Program: En-
14 ergy Conservation Standards for Ceiling Fans’ (82
15 Fed. Reg. 6826 (January 19, 2017)); and

16 “(II) have a CFEI greater than or equal to—

17 “(aa) 1.00 at high speed; and

18 “(bb) 1.31 at 40 percent speed or the
19 nearest speed that is not less than 40 percent
20 speed.

21 “(ii) For purposes of this subparagraph, the term
22 ‘CFEI’ means the Fan Energy Index for large-diameter
23 ceiling fans, calculated in accordance with ANSI/AMCA
24 Standard 208–18 titled ‘Calculation of the Fan Energy
25 Index’, with the following modifications:

1 “(I) Using an Airflow Constant (Q_0) of 26,500
2 cubic feet per minute.

3 “(II) Using a Pressure Constant (P_0) of 0.0027
4 inches water gauge.

5 “(III) Using a Fan Efficiency Constant (η_0) of
6 42 percent.”.

7 (b) REVISION.—For purposes of section 325(m) of
8 the Energy Policy and Conservation Act (42 U.S.C.
9 6295(m)), the standard established in section
10 325(ff)(6)(C) of such Act (as added by subsection (a) of
11 this section) shall be treated as if such standard was
12 issued on January 19, 2017.

13 **SEC. 1009. REPORT ON ELECTROCHROMIC GLASS.**

14 (a) DEFINITION OF ELECTROCHROMIC GLASS.—In
15 this section, the term “electrochromic glass” means glass
16 that uses electricity to change the light transmittance
17 properties of the glass to heat or cool a structure.

18 (b) REPORT.—Not later than 1 year after the date
19 of enactment of this Act, the Secretary of Energy, in col-
20 laboration with the heads of other relevant agencies, shall
21 submit to the Committee on Energy and Natural Re-
22 sources of the Senate and the Committee on Energy and
23 Commerce of the House of Representatives a report that
24 addresses the benefits of electrochromic glass, including
25 the following:

1 (1) Reductions in energy consumption in com-
2 mercial buildings, especially peak cooling load reduc-
3 tion and annual energy bill savings.

4 (2) Benefits in the workplace, especially visual
5 comfort and employee health.

6 (3) Benefits of natural light in hospitals for pa-
7 tients and staff, especially accelerated patient heal-
8 ing and recovery time.

9 **SEC. 1010. ENERGY AND WATER FOR SUSTAINABILITY.**

10 (a) NEXUS OF ENERGY AND WATER FOR SUSTAIN-
11 ABILITY.—

12 (1) DEFINITIONS.—In this section:

13 (A) DEPARTMENT.—The term “Depart-
14 ment” means the Department of Energy.

15 (B) ENERGY-WATER NEXUS.—The term
16 “energy-water nexus” means the links be-
17 tween—

18 (i) the water needed to produce fuels,
19 electricity, and other forms of energy; and

20 (ii) the energy needed to transport,
21 reclaim, and treat water and wastewater.

22 (C) INTERAGENCY RD&D COORDINATION
23 COMMITTEE.—The term “Interagency RD&D
24 Coordination Committee” means the Inter-
25 agency RD&D Coordination Committee on the

1 Nexus of Energy and Water for Sustainability
2 (or the “NEWS RD&D Committee”) estab-
3 lished under paragraph (3)(A).

4 (D) NEXUS OF ENERGY AND WATER SUS-
5 TAINABILITY RD&D OFFICE; NEWS RD&D OF-
6 FICE.—The term “Nexus of Energy and Water
7 Sustainability RD&D Office” or the “NEWS
8 RD&D Office” means an office located at the
9 Department and managed in cooperation with
10 the Department of the Interior pursuant to an
11 agreement between the 2 agencies to carry out
12 leadership and administrative functions for the
13 Interagency RD&D Coordination Committee.

14 (E) RD&D.—The term “RD&D” means
15 research, development, and demonstration.

16 (F) SECRETARY.—The term “Secretary”
17 means the Secretary of Energy.

18 (2) STATEMENT OF POLICY.—Recognizing
19 States’ primacy over allocation and administration of
20 water resources (except in specific instances where
21 preempted under Federal law) and the siting of en-
22 ergy infrastructure within State boundaries on non-
23 Federal lands, it is the national policy that the Fed-
24 eral government, in all energy-water nexus manage-
25 ment activities, shall maximize coordination and con-

1 sultation among Federal agencies and with State
2 and local governments, and disseminate information
3 to the public in the most effective manner.

4 (3) INTERAGENCY RD&D COORDINATION COM-
5 MITTEE.—

6 (A) ESTABLISHMENT.—Not later than 180
7 days after the date of enactment of this Act,
8 the Secretary and the Secretary of the Interior
9 shall establish the joint NEWS RD&D Office
10 and Interagency RD&D Coordination Com-
11 mittee on the Nexus of Energy and Water for
12 Sustainability (or the “NEWS RD&D Com-
13 mittee”) to carry out the duties described in
14 subparagraph (C).

15 (B) ADMINISTRATION.—

16 (i) CHAIRS.—The Secretary and the
17 Secretary of the Interior shall jointly man-
18 age the NEWS RD&D Office and serve as
19 co-chairs of the Interagency RD&D Co-
20 ordination Committee.

21 (ii) MEMBERSHIP; STAFFING.—Mem-
22 bership and staffing shall be determined by
23 the co-chairs.

24 (C) DUTIES.—The Interagency RD&D Co-
25 ordination Committee shall—

1 (i) serve as a forum for developing
2 common Federal goals and plans on en-
3 ergy-water nexus RD&D activities, in co-
4 ordination with the National Science and
5 Technology Council;

6 (ii) not later than 1 year after the
7 date of enactment of this Act, and bienni-
8 ally thereafter, issue a strategic plan on
9 energy-water nexus RD&D activities, prior-
10 ities, and objectives pursuant to subpara-
11 graph (D), which shall be developed in con-
12 sultation with relevant State and local gov-
13 ernments;

14 (iii) convene and promote coordination
15 of RD&D activities of relevant Federal de-
16 partments and agencies on energy-water
17 nexus;

18 (iv)(I) coordinate and develop capa-
19 bilities and methodologies related to
20 RD&D activities for data collection, data
21 communication protocols (including models
22 and modeling results), data management,
23 and dissemination of validated data and
24 results related to energy-water nexus

1 RD&D activities to requesting Federal de-
2 partments and agencies; and

3 (II) promote information exchange be-
4 tween Federal departments and agencies—

5 (aa) to identify and document
6 Federal and non-Federal RD&D pro-
7 grams and funding opportunities that
8 support basic and applied RD&D pro-
9 posals to advance energy-water nexus
10 related science and technologies;

11 (bb) to leverage existing RD&D
12 programs by encouraging joint solici-
13 tations, block grants, and matching
14 programs with non-Federal entities;
15 and

16 (cc) to identify opportunities for
17 domestic and international public-pri-
18 vate partnerships, innovative financ-
19 ing mechanisms, and information and
20 data exchange with respect to RD&D
21 activities;

22 (v) identify ways to leverage existing
23 RD&D programs, including programs at
24 the State and local level;

1 (vi) make publicly available the results
2 of RD&D activities on the energy water
3 nexus;

4 (vii) with regard to RD&D programs,
5 recommend improvements and best prac-
6 tices for the collection and dissemination of
7 federal water use data and the use of mon-
8 itoring networks; and

9 (viii) promote coordination on RD&D
10 with non-Federal interests by—

11 (I) consulting with representa-
12 tives of research and academic institu-
13 tions, State, local, and Tribal govern-
14 ments, public utility commissions, and
15 industry, who have expertise in tech-
16 nologies, technological innovations, or
17 practices relating to the energy-water
18 nexus; and

19 (II) considering conducting tech-
20 nical workshops.

21 (D) STRATEGIC PLAN.—In developing the
22 strategic plan pursuant to (C)(ii), the Inter-
23 agency RD&D Coordination Committee shall—

24 (i) to the maximum extent possible,
25 avoid duplication with other Federal

1 RD&D programs, and projects, including
2 with those of the National Laboratories;

3 (ii) consider inclusion of specific re-
4 search, development and demonstration
5 needs, including—

6 (I) innovative practices, tech-
7 nologies and other advancements im-
8 proving water efficiency, treatment,
9 recovery, or reuse associated with en-
10 ergy generation, including cooling,
11 and fuel production;

12 (II) innovative practices, tech-
13 nologies and other advancements asso-
14 ciated with energy use in water collec-
15 tion, supply, delivery, distribution,
16 treatment, or reuse;

17 (III) innovative practices, tech-
18 nologies and other advancements asso-
19 ciated with generation or production
20 of energy from water or wastewater
21 systems; and

22 (IV) modeling and systems anal-
23 ysis related to energy-water nexus;
24 and

1 (iii) submit the plan to the Committee
2 on Energy and Natural Resources of the
3 Senate and the Committees on Science,
4 Space, and Technology, Energy and Com-
5 merce, and Natural Resources of the
6 House of Representatives.

7 (E) RULES OF CONSTRUCTION.—

8 (i) Nothing in this section grants to
9 the Interagency RD&D Coordination Com-
10 mittee the authority to promulgate regula-
11 tions or set standards.

12 (ii) Notwithstanding any other provi-
13 sion of law, nothing in this section shall be
14 construed to require State, Tribal, or local
15 governments to take any action that may
16 result in an increased financial burden to
17 such governments.

18 (F) ADDITIONAL PARTICIPATION.—In de-
19 veloping the strategic plan described in sub-
20 paragraph (C)(ii), the Secretary shall consult
21 and coordinate with a diverse group of rep-
22 resentatives from research and academic insti-
23 tutions, industry, public utility commissions,
24 and State and local governments who have ex-

1 pertise in technologies and practices relating to
2 the energy-water nexus.

3 (G) REVIEW; REPORT.—At the end of the
4 5-year period beginning on the date on which
5 the Interagency RD&D Coordination Committee
6 and NEWS RD&D Office are established, the
7 NEWS RD&D Office shall—

8 (i) review the activities, relevance, and
9 effectiveness of the Interagency RD&D Co-
10 ordination Committee; and

11 (ii) submit to the Committee on En-
12 ergy and Natural Resources of the Senate
13 and the Committees on Science, Space,
14 and Technology, Energy and Commerce,
15 and Natural Resources of the House of
16 Representatives a report that—

17 (I) describes the results of the re-
18 view conducted under clause (i); and

19 (II) includes a recommendation
20 on whether the Interagency RD&D
21 Coordination Committee should con-
22 tinue.

23 (4) CROSSCUT BUDGET.—Not later than 30
24 days after the President submits the budget of the
25 United States Government under section 1105 of

1 title 31, United States Code, the co-chairs of the
2 Interagency RD&D Coordination Committee (acting
3 through the NEWS RD&D Office) shall submit to
4 the Committee on Energy and Natural Resources of
5 the Senate and the Committees on Science, Space,
6 and Technology, Energy and Commerce, and Nat-
7 ural Resources of the House of Representatives, an
8 interagency budget crosscut report that displays at
9 the program-, project-, and activity-level for each of
10 the Federal agencies that carry out or support (in-
11 cluding through grants, contracts, interagency and
12 intraagency transfers, and multiyear and no-year
13 funds) basic and applied RD&D activities to advance
14 the energy-water nexus related science and tech-
15 nologies, including—

16 (A) the budget proposed in the budget re-
17 quest of the President for the upcoming fiscal
18 year;

19 (B) expenditures and obligations for the
20 prior fiscal year; and

21 (C) estimated expenditures and obligations
22 for the current fiscal year.

23 (5) TERMINATION.—

24 (A) IN GENERAL.—The authority provided
25 to the NEWS RD&D Office and NEWS RD&D

1 Committee under this subsection shall termi-
2 nate on the date that is 7 years after the date
3 of enactment of this Act.

4 (B) EFFECT.—The termination of author-
5 ity under subparagraph (A) shall not affect on-
6 going interagency planning, coordination, or
7 other RD&D activities relating to the energy-
8 water nexus.

9 (b) INTEGRATING ENERGY AND WATER RE-
10 SEARCH.—The Secretary shall integrate the following con-
11 siderations into energy RD&D programs and projects of
12 the Department by—

13 (1) advancing RD&D for energy and energy ef-
14 ficiency technologies and practices that meet the ob-
15 jectives of—

16 (A) minimizing freshwater withdrawal and
17 consumption;

18 (B) increasing water use efficiency; and

19 (C) utilizing nontraditional water sources;

20 (2) considering the effects climate variability
21 may have on water supplies and quality for energy
22 generation and fuel production; and

23 (3) improving understanding of the energy-
24 water nexus (as defined in subsection (a)(1)).

1 (c) ADDITIONAL ACTIVITIES.—The Secretary may
2 provide for such additional RD&D activities as appro-
3 priate to integrate the considerations described in sub-
4 section (b) into the RD&D activities of the Department.

5 **SEC. 1011. WEATHERIZATION ASSISTANCE PROGRAM.**

6 (a) REAUTHORIZATION OF WEATHERIZATION AS-
7 SISTANCE PROGRAM.—Section 422 of the Energy Con-
8 servation and Production Act (42 U.S.C. 6872) is amend-
9 ed by striking paragraphs (1) through (5) and inserting
10 the following:

11 “(1) \$330,000,000 for fiscal year 2021; and

12 “(2) \$350,000,000 for each of fiscal years 2022
13 through 2025.”.

14 (b) MODERNIZING THE DEFINITION OF WEATHER-
15 IZATION MATERIALS.—Section 412(9)(J) of the Energy
16 Conservation and Production Act (42 U.S.C. 6862(9)(J))
17 is amended—

18 (1) by inserting “, including renewable energy
19 technologies and other advanced technologies,” after
20 “devices or technologies”; and

21 (2) by striking “, the Secretary of Agriculture,
22 and the Director of the Community Services Admin-
23 istration”.

1 (c) CONSIDERATION OF HEALTH BENEFITS.—Sec-
2 tion 413(b) of the Energy Conservation and Production
3 Act (42 U.S.C. 6863(b)) is amended—

4 (1) in paragraph (3)—

5 (A) by striking “and with the Director of
6 the Community Services Administration”;

7 (B) by inserting “and by” after “in car-
8 rying out this part,”; and

9 (C) by striking “, and the Director of the
10 Community Services Administration in carrying
11 out weatherization programs under section
12 222(a)(12) of the Economic Opportunity Act of
13 1964”;

14 (2) by redesignating paragraphs (4) through
15 (6) as paragraphs (5) through (7), respectively; and

16 (3) by inserting after paragraph (3), the fol-
17 lowing:

18 “(4) The Secretary may amend the regulations pre-
19 scribed under paragraph (1) to provide that the standards
20 described in paragraph (2)(A) take into consideration im-
21 provements in the health and safety of occupants of dwell-
22 ing units, and other non-energy benefits, from weatheriza-
23 tion.”.

24 (d) CONTRACTOR OPTIMIZATION.—

1 (1) IN GENERAL.—The Energy Conservation
2 and Production Act is amended by inserting after
3 section 414B (42 U.S.C. 6864b) the following:

4 **“SEC. 414C. CONTRACTOR OPTIMIZATION.**

5 “(a) IN GENERAL.—The Secretary may request that
6 entities receiving funding from the Federal Government
7 or from a State through a weatherization assistance pro-
8 gram under section 413 or section 414 perform periodic
9 reviews of the use of private contractors in the provision
10 of weatherization assistance, and encourage expanded use
11 of contractors as appropriate.

12 “(b) USE OF TRAINING FUNDS.—Entities described
13 in subsection (a) may use funding described in such sub-
14 section to train private, non-Federal entities that are con-
15 tracted to provide weatherization assistance under a
16 weatherization program, in accordance with rules deter-
17 mined by the Secretary.”.

18 (2) TABLE OF CONTENTS AMENDMENT.—The
19 table of contents for the Energy Conservation and
20 Production Act is amended by inserting after the
21 item relating to section 414B the following:

 “Sec. 414C. Contractor optimization.”.

22 (e) FINANCIAL ASSISTANCE FOR WAP ENHANCE-
23 MENT AND INNOVATION.—

24 (1) IN GENERAL.—The Energy Conservation
25 and Production Act is amended by inserting after

1 section 414C (as added by subsection (d) of this sec-
2 tion) the following:

3 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-**
4 **MENT AND INNOVATION.**

5 “(a) PURPOSES.—The purposes of this section are—

6 “(1) to expand the number of dwelling units
7 that are occupied by low-income persons that receive
8 weatherization assistance by making such dwelling
9 units weatherization-ready;

10 “(2) to promote the deployment of renewable
11 energy in dwelling units that are occupied by low-in-
12 come persons;

13 “(3) to ensure healthy indoor environments by
14 enhancing or expanding health and safety measures
15 and resources available to dwellings that are occu-
16 pied by low-income persons;

17 “(4) to disseminate new methods and best prac-
18 tices among entities providing weatherization assist-
19 ance; and

20 “(5) to encourage entities providing weatheriza-
21 tion assistance to hire and retain employees who are
22 individuals—

23 “(A) from the community in which the as-
24 sistance is provided; and

1 “(B) from communities or groups that are
2 underrepresented in the home energy perform-
3 ance workforce, including religious and ethnic
4 minorities, women, veterans, individuals with
5 disabilities, and individuals who are
6 socioeconomically disadvantaged.

7 “(b) FINANCIAL ASSISTANCE.—The Secretary shall,
8 to the extent funds are made available, award financial
9 assistance, on an annual basis, through a competitive
10 process to entities receiving funding from the Federal Gov-
11 ernment or from a State, tribal organization, or unit of
12 general purpose local government through a weatheriza-
13 tion program under section 413 or section 414, or to non-
14 profit entities, to be used by such an entity—

15 “(1) with respect to dwelling units that are oc-
16 cupied by low-income persons, to—

17 “(A) implement measures to make such
18 dwelling units weatherization-ready by address-
19 ing structural, plumbing, roofing, and electrical
20 issues, environmental hazards, or other meas-
21 ures that the Secretary determines to be appro-
22 priate;

23 “(B) install energy efficiency technologies,
24 including home energy management systems,

1 smart devices, and other technologies the Sec-
2 retary determines to be appropriate;

3 “(C) install renewable energy systems (as
4 defined in section 415(c)(6)(A)); and

5 “(D) implement measures to ensure
6 healthy indoor environments by improving in-
7 door air quality, accessibility, and other healthy
8 homes measures as determined by the Sec-
9 retary;

10 “(2) to improve the capability of the entity—

11 “(A) to significantly increase the number
12 of energy retrofits performed by such entity;

13 “(B) to replicate best practices for work
14 performed pursuant to this section on a larger
15 scale;

16 “(C) to leverage additional funds to sus-
17 tain the provision of weatherization assistance
18 and other work performed pursuant to this sec-
19 tion after financial assistance awarded under
20 this section is expended; and

21 “(D) to hire and retain employees who are
22 individuals described subsection (a)(5);

23 “(3) for innovative outreach and education re-
24 garding the benefits and availability of weatheriza-

1 tion assistance and other assistance available pursu-
2 ant to this section;

3 “(4) for quality control of work performed pur-
4 suant to this section;

5 “(5) for data collection, measurement, and
6 verification with respect to such work;

7 “(6) for program monitoring, oversight, evalua-
8 tion, and reporting regarding such work;

9 “(7) for labor, training, and technical assist-
10 ance relating to such work;

11 “(8) for planning, management, and adminis-
12 tration (up to a maximum of 15 percent of the as-
13 sistance provided); and

14 “(9) for such other activities as the Secretary
15 determines to be appropriate.

16 “(c) AWARD FACTORS.—In awarding financial assist-
17 ance under this section, the Secretary shall consider—

18 “(1) the applicant’s record of constructing, ren-
19 ovating, repairing, or making energy efficient single-
20 family, multifamily, or manufactured homes that are
21 occupied by low-income persons, either directly or
22 through affiliates, chapters, or other partners (using
23 the most recent year for which data are available);

24 “(2) the number of dwelling units occupied by
25 low-income persons that the applicant has built, ren-

1 ovated, repaired, weatherized, or made more energy
2 efficient in the 5 years preceding the date of the ap-
3 plication;

4 “(3) the qualifications, experience, and past
5 performance of the applicant, including experience
6 successfully managing and administering Federal
7 funds;

8 “(4) the strength of an applicant’s proposal to
9 achieve one or more of the purposes under sub-
10 section (a);

11 “(5) the extent to which such applicant will uti-
12 lize partnerships and regional coordination to
13 achieve one or more of the purposes under sub-
14 section (a);

15 “(6) regional and climate zone diversity;

16 “(7) urban, suburban, and rural localities; and

17 “(8) such other factors as the Secretary deter-
18 mines to be appropriate.

19 “(d) APPLICATIONS.—

20 “(1) ADMINISTRATION.—To be eligible for an
21 award of financial assistance under this section, an
22 applicant shall submit to the Secretary an applica-
23 tion in such manner and containing such informa-
24 tion as the Secretary may require.

1 “(2) AWARDS.—Subject to the availability of
2 appropriations, not later than 270 days after the
3 date of enactment of this section, the Secretary shall
4 make a first award of financial assistance under this
5 section.

6 “(e) MAXIMUM AMOUNT AND TERM.—

7 “(1) IN GENERAL.—The total amount of finan-
8 cial assistance awarded to an entity under this sec-
9 tion shall not exceed \$2,000,000.

10 “(2) TECHNICAL AND TRAINING ASSISTANCE.—

11 The total amount of financial assistance awarded to
12 an entity under this section shall be reduced by the
13 cost of any technical and training assistance pro-
14 vided by the Secretary that relates to such financial
15 assistance.

16 “(3) TERM.—The term of an award of financial

17 assistance under this section shall not exceed 3
18 years.

19 “(4) RELATIONSHIP TO FORMULA GRANTS.—An

20 entity may use financial assistance awarded to such
21 entity under this section in conjunction with other
22 financial assistance provided to such entity under
23 this part.

24 “(f) REQUIREMENTS.—Not later than 90 days after

25 the date of enactment of this section, the Secretary shall

1 issue requirements to implement this section, including,
2 for entities receiving financial assistance under this sec-
3 tion—

4 “(1) standards for allowable expenditures;

5 “(2) a minimum saving-to-investment ratio; and

6 “(3) standards for—

7 “(A) training programs;

8 “(B) energy audits;

9 “(C) the provision of technical assistance;

10 “(D) monitoring activities carried out
11 using such financial assistance;

12 “(E) verification of energy and cost sav-
13 ings;

14 “(F) liability insurance requirements; and

15 “(G) recordkeeping and reporting require-
16 ments, which shall include reporting to the Of-
17 fice of Weatherization and Intergovernmental
18 Programs of the Department of Energy applica-
19 ble data on each dwelling unit retrofitted or
20 otherwise assisted pursuant to this section.

21 “(g) COMPLIANCE WITH STATE AND LOCAL LAW.—

22 Nothing in this section supersedes or otherwise affects any
23 State or local law, to the extent that the State or local
24 law contains a requirement that is more stringent than
25 the applicable requirement of this section.

1 “(h) REVIEW AND EVALUATION.—The Secretary
2 shall review and evaluate the performance of each entity
3 that receives an award of financial assistance under this
4 section (which may include an audit).

5 “(i) ANNUAL REPORT.—The Secretary shall submit
6 to Congress an annual report that provides a description
7 of—

8 “(1) actions taken under this section to achieve
9 the purposes of this section; and

10 “(2) accomplishments as a result of such ac-
11 tions, including energy and cost savings achieved.

12 “(j) FUNDING.—

13 “(1) AMOUNTS.—

14 “(A) IN GENERAL.—For each of fiscal
15 years 2021 through 2025, of the amount made
16 available under section 422 for such fiscal year
17 to carry out the weatherization program under
18 this part (not including any of such amount
19 made available for Department of Energy head-
20 quarters training or technical assistance), not
21 more than—

22 “(i) 2 percent of such amount (if such
23 amount is \$225,000,000 or more but less
24 than \$260,000,000) may be used to carry
25 out this section;

1 “(ii) 4 percent of such amount (if
2 such amount is \$260,000,000 or more but
3 less than \$300,000,000) may be used to
4 carry out this section; and

5 “(iii) 6 percent of such amount (if
6 such amount is \$300,000,000 or more)
7 may be used to carry out this section.

8 “(B) MINIMUM.—For each of fiscal years
9 2021 through 2025, if the amount made avail-
10 able under section 422 (not including any of
11 such amount made available for Department of
12 Energy headquarters training or technical as-
13 sistance) for such fiscal year is less than
14 \$225,000,000, no funds shall be made available
15 to carry out this section.

16 “(2) LIMITATION.—For any fiscal year, the
17 Secretary may not use more than \$25,000,000 of
18 the amount made available under section 422 to
19 carry out this section.

20 “(k) TERMINATION.—The Secretary may not award
21 financial assistance under this section after September 30,
22 2025.”.

23 (2) TABLE OF CONTENTS.—The table of con-
24 tents for the Energy Conservation and Production

1 Act is amended by inserting after the item relating
2 to section 414C the following:

“Sec. 414D. Financial assistance for WAP enhancement and innovation.”.

3 (f) **HIRING.**—

4 (1) **IN GENERAL.**—The Energy Conservation
5 and Production Act is amended by inserting after
6 section 414D (as added by subsection (e) of this sec-
7 tion) the following:

8 **“SEC. 414E. HIRING.**

9 “The Secretary may, as the Secretary determines ap-
10 propriate, encourage entities receiving funding from the
11 Federal Government or from a State through a weather-
12 ization program under section 413 or section 414, to
13 prioritize the hiring and retention of employees who are
14 individuals described in section 414D(a)(5).”.

15 (2) **TABLE OF CONTENTS.**—The table of con-
16 tents for the Energy Conservation and Production
17 Act is amended by inserting after the item relating
18 to section 414D the following:

“Sec. 414E. Hiring.”.

19 (g) **INCREASE IN ADMINISTRATIVE FUNDS.**—Section
20 415(a)(1) of the Energy Conservation and Production Act
21 (42 U.S.C. 6865(a)(1)) is amended by striking “10 per-
22 cent” and inserting “15 percent”.

23 (h) **AMENDING RE-WEATHERIZATION DATE.**—Para-
24 graph (2) of section 415(c) of the Energy Conservation

1 and Production Act (42 U.S.C. 6865(c)) is amended to
2 read as follows:

3 “(2) Dwelling units weatherized (including dwelling
4 units partially weatherized) under this part, or under
5 other Federal programs (in this paragraph referred to as
6 ‘previous weatherization’), may not receive further finan-
7 cial assistance for weatherization under this part until the
8 date that is 15 years after the date such previous weather-
9 ization was completed. This paragraph does not preclude
10 dwelling units that have received previous weatherization
11 from receiving assistance and services (including the provi-
12 sion of information and education to assist with energy
13 management and evaluation of the effectiveness of in-
14 stalled weatherization materials) other than weatheriza-
15 tion under this part or under other Federal programs, or
16 from receiving non-Federal assistance for weatheriza-
17 tion.”.

18 (i) ANNUAL REPORT.—Section 421 of the Energy
19 Conservation and Production Act (42 U.S.C. 6871) is
20 amended by inserting “the number of multifamily build-
21 ings in which individual dwelling units were weatherized
22 during the previous year, the number of individual dwell-
23 ing units in multifamily buildings weatherized during the
24 previous year,” after “the average size of the dwellings
25 being weatherized,”.

1 (j) REPORT ON WAIVERS.—Not later than 180 days
2 after the date of enactment of this Act, the Secretary of
3 Energy shall submit to Congress a report on the status
4 of any request made after September 30, 2010, for a waiv-
5 er of any requirement under section 200.313 of title 2,
6 Code of Federal Regulations, as such requirement applies
7 with respect to the weatherization assistance program
8 under part A of title IV of the Energy Conservation and
9 Production Act (42 U.S.C. 6861 et seq.), including a de-
10 scription of any such waiver that has been granted and
11 any such request for a waiver that has been considered
12 but not granted.

13 **SEC. 1012. FEDERAL ENERGY MANAGEMENT PROGRAM.**

14 Section 543 of the National Energy Conservation
15 Policy Act (42 U.S.C. 8253) is further amended by adding
16 at the end the following:

17 “(i) FEDERAL ENERGY MANAGEMENT PROGRAM.—

18 “(1) IN GENERAL.—The Secretary shall carry
19 out a program, to be known as the ‘Federal Energy
20 Management Program’ (referred to in this sub-
21 section as the ‘Program’), to facilitate the implemen-
22 tation by the Federal Government of cost-effective
23 energy and water management and energy-related
24 investment practices—

1 “(A) to coordinate and strengthen Federal
2 energy and water resilience; and

3 “(B) to promote environmental steward-
4 ship.

5 “(2) FEDERAL DIRECTOR.—The Secretary shall
6 appoint an individual to serve as the director of the
7 Program (referred to in this subsection as the ‘Fed-
8 eral Director’), which shall be a career position in
9 the Senior Executive service, to administer the Pro-
10 gram.

11 “(3) PROGRAM ACTIVITIES.—

12 “(A) STRATEGIC PLANNING AND TECH-
13 NICAL ASSISTANCE.—In administering the Pro-
14 gram, the Federal Director shall—

15 “(i) provide technical assistance and
16 project implementation support and guid-
17 ance to agencies to identify, implement,
18 procure, and track energy and water con-
19 servation measures required under this Act
20 and under other provisions of law;

21 “(ii) in coordination with the Admin-
22 istrator of the General Services Adminis-
23 tration, establish appropriate procedures,
24 methods, and best practices for use by
25 agencies to select, monitor, and terminate

1 contracts entered into pursuant to a utility
2 incentive program under section 546(c)
3 with utilities;

4 “(iii) carry out the responsibilities of
5 the Secretary under section 801, as deter-
6 mined appropriate by the Secretary;

7 “(iv) establish and maintain internet-
8 based information resources and project
9 tracking systems and tools for energy and
10 water management;

11 “(v) coordinate comprehensive and
12 strategic approaches to energy and water
13 resilience planning for agencies; and

14 “(vi) establish a recognition program
15 for Federal achievement in energy and
16 water management, energy-related invest-
17 ment practices, environmental stewardship,
18 and other relevant areas, through events
19 such as individual recognition award cere-
20 monies and public announcements.

21 “(B) ENERGY AND WATER MANAGEMENT
22 AND REPORTING.—In administering the Pro-
23 gram, the Federal Director shall—

1 “(i) track and report on the progress
2 of agencies in meeting the requirements of
3 the agency under this section;

4 “(ii) make publicly available agency
5 performance data required under—

6 “(I) this section and sections
7 544, 546, 547, and 548; and

8 “(II) section 203 of the Energy
9 Policy Act of 2005 (42 U.S.C.
10 15852);

11 “(iii)(I) collect energy and water use
12 and consumption data from each agency;
13 and

14 “(II) based on that data, submit to
15 each agency a report that will facilitate the
16 energy and water management, energy-re-
17 lated investment practices, and environ-
18 mental stewardship of the agency in sup-
19 port of Federal goals under this Act and
20 under other provisions of law;

21 “(iv) carry out the responsibilities of
22 the Secretary under section 305 of the En-
23 ergy Conservation and Production Act (42
24 U.S.C. 6834);

1 “(v) in consultation with the Adminis-
2 trator of the General Services Administra-
3 tion, acting through the head of the Office
4 of High-Performance Green Buildings, es-
5 tablish and implement sustainable design
6 principles for Federal facilities; and

7 “(vi) designate products that meet the
8 highest energy conservation standards for
9 categories not covered under the Energy
10 Star program established under section
11 324A of the Energy Policy and Conserva-
12 tion Act (42 U.S.C. 6294a).

13 “(C) FEDERAL INTERAGENCY COORDINA-
14 TION.—In administering the Program, the Fed-
15 eral Director shall—

16 “(i) develop and implement accredited
17 training consistent with existing Federal
18 programs and activities—

19 “(I) relating to energy and water
20 use, management, and resilience in
21 Federal facilities, energy-related in-
22 vestment practices, and environmental
23 stewardship; and

24 “(II) that includes in-person
25 training, internet-based programs,

1 and national in-person training
2 events;

3 “(ii) carry out the functions of the
4 Secretary with respect to the Interagency
5 Energy Management Task Force under
6 section 547; and

7 “(iii) report on the implementation of
8 the priorities of the President, including
9 Executive orders, relating to energy and
10 water use in Federal facilities, in coordina-
11 tion with—

12 “(I) the Office of Management
13 and Budget;

14 “(II) the Council on Environ-
15 mental Quality; and

16 “(III) any other entity, as consid-
17 ered necessary by the Federal Direc-
18 tor.

19 “(D) FACILITY AND FLEET OPTIMIZA-
20 TION.—In administering the Program, the Fed-
21 eral Director shall develop guidance, supply as-
22 sistance to, and track the progress of agen-
23 cies—

1 “(i) in conducting portfolio-wide facil-
2 ity energy and water resilience planning
3 and project integration;

4 “(ii) in building new construction and
5 major renovations to meet the sustainable
6 design and energy and water performance
7 standards required under this section;

8 “(iii) in developing guidelines for—

9 “(I) facility commissioning; and

10 “(II) facility operations and
11 maintenance; and

12 “(iv) in coordination with the Admin-
13 istrator of the General Services Adminis-
14 tration, in meeting statutory and agency
15 goals for Federal fleet vehicles.

16 “(4) MANAGEMENT COUNCIL.—The Federal Di-
17 rector shall establish a management council to ad-
18 vise the Federal Director that shall—

19 “(A) convene not less frequently than once
20 every quarter; and

21 “(B) consist of representatives from—

22 “(i) the Council on Environmental
23 Quality;

24 “(ii) the Office of Management and
25 Budget; and

1 “(iii) the Office of Federal High-Per-
2 formance Green Buildings in the General
3 Services Administration.

4 “(5) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to the Sec-
6 retary to carry out this subsection \$36,000,000 for
7 each of fiscal years 2021 through 2025.”.

8 **SEC. 1013. CHP TECHNICAL ASSISTANCE PARTNERSHIP**
9 **PROGRAM.**

10 (a) IN GENERAL.—Section 375 of the Energy Policy
11 and Conservation Act (42 U.S.C. 6345) is amended to
12 read as follows:

13 **“SEC. 375. CHP TECHNICAL ASSISTANCE PARTNERSHIP**
14 **PROGRAM.**

15 “(a) RENAMING.—

16 “(1) IN GENERAL.—The Clean Energy Applica-
17 tion Centers of the Department of Energy are reded-
18 ignated as the CHP Technical Assistance Partner-
19 ship Program (referred to in this section as the
20 ‘Program’).

21 “(2) PROGRAM DESCRIPTION.—The Program
22 shall consist of—

23 “(A) the 10 regional CHP Technical As-
24 sistance Partnerships in existence on the date
25 of enactment of the Energy Act of 2020;

1 “(B) such other regional CHP Technical
2 Assistance Partnerships as the Secretary may
3 establish with consideration given to estab-
4 lishing such partnerships in rural communities;
5 and

6 “(C) any supporting technical activities
7 under the Technical Partnership Program of
8 the Advanced Manufacturing Office.

9 “(3) REFERENCES.—Any reference in any law,
10 rule, regulation, or publication to a Combined Heat
11 and Power Application Center or a Clean Energy
12 Application Center shall be deemed to be a reference
13 to the Program.

14 “(b) CHP TECHNICAL ASSISTANCE PARTNERSHIP
15 PROGRAM.—

16 “(1) IN GENERAL.—The Program shall—

17 “(A) operate programs to encourage de-
18 ployment of combined heat and power, waste
19 heat to power, and efficient district energy (col-
20 lectively referred to in this subsection as ‘CHP’)
21 technologies by providing education and out-
22 reach to—

23 “(i) building, industrial, and electric
24 and natural gas utility professionals;

1 “(ii) State and local policymakers;
2 and

3 “(iii) other individuals and organiza-
4 tions with an interest in efficient energy
5 use, local or opportunity fuel use, resil-
6 iency, or energy security, microgrids, and
7 district energy; and

8 “(B) provide project specific support to
9 building and industrial professionals through
10 economic and engineering assessments and ad-
11 visory activities.

12 “(2) FUNDING FOR CERTAIN ACTIVITIES.—

13 “(A) IN GENERAL.—The Program shall
14 make funds available to institutions of higher
15 education, research centers, and other appro-
16 priate institutions to ensure the continued oper-
17 ations and effectiveness of the regional CHP
18 Technical Assistance Partnerships.

19 “(B) USE OF FUNDS.—Funds made avail-
20 able under subparagraph (A) may be used—

21 “(i) to collect and distribute informa-
22 tional materials relevant to manufacturers,
23 commercial buildings, institutional facili-
24 ties, and Federal sites, including continued
25 support of the mission goals of the Depart-

1 ment of Defense, on CHP and microgrid
2 technologies, including continuation and
3 updating of—

4 “(I) the CHP installation data-
5 base;

6 “(II) CHP technology potential
7 analyses;

8 “(III) State CHP resource pages;
9 and

10 “(IV) CHP Technical Assistance
11 Partnerships websites;

12 “(ii) to produce and conduct work-
13 shops, reports, seminars, internet pro-
14 grams, CHP resiliency resources, and
15 other activities to provide education to end
16 users, regulators, and stakeholders in a
17 manner that leads to the deployment of
18 CHP technologies;

19 “(iii) to provide or coordinate onsite
20 assessments for sites and enterprises that
21 may consider deployment of CHP tech-
22 nology, including the potential use of bio-
23 mass CHP systems;

24 “(iv) to identify candidates for deploy-
25 ment of CHP technologies, hybrid renew-

1 able-CHP technologies, biomass CHP,
2 microgrids, and clean energy;

3 “(v) to provide nonbiased engineering
4 support to sites considering deployment of
5 CHP technologies;

6 “(vi) to assist organizations and com-
7 munities, including rural communities, de-
8 veloping clean energy technologies and
9 policies in overcoming barriers to deploy-
10 ment; and

11 “(vii) to assist companies, commu-
12 nities (including rural communities), and
13 organizations with field validation and per-
14 formance evaluations of CHP and other
15 clean energy technologies implemented.

16 “(C) DURATION.—The Program shall
17 make funds available under subparagraph (A)
18 for a period of 5 years.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$12,000,000 for each of fiscal years 2021 through 2025.”.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents of the Energy Policy and Conservation Act is amend-
24 ed by striking the item relating to section 375 and insert-
25 ing the following:

“375. CHP Technical Assistance Partnership Program.”.

1 **SEC. 1014. SMART ENERGY WATER EFFICIENCY PILOT PRO-**
2 **GRAM.**

3 (a) SMART ENERGY AND WATER EFFICIENCY PILOT
4 PROGRAM.—Subtitle A of title IX of the Energy Policy
5 Act of 2005 (42 U.S.C. 16191 et seq.) is amended by add-
6 ing at the end the following:

7 **“SEC. 918. SMART ENERGY AND WATER EFFICIENCY PILOT**
8 **PROGRAM.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a utility;

13 “(B) a municipality;

14 “(C) a water district;

15 “(D) an Indian Tribe or Alaska Native vil-
16 lage; and

17 “(E) any other authority that provides
18 water, wastewater, or water reuse services.

19 “(2) SMART ENERGY AND WATER EFFICIENCY
20 PILOT PROGRAM.—The term ‘smart energy and
21 water efficiency pilot program’ or ‘pilot program’
22 means the pilot program established under sub-
23 section (b).

24 “(b) SMART ENERGY AND WATER EFFICIENCY
25 PILOT PROGRAM.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish and carry out a smart energy and water effi-
3 ciency pilot program in accordance with this section.

4 “(2) PURPOSE.—The purpose of the smart en-
5 ergy and water efficiency pilot program is to award
6 grants to eligible entities to demonstrate unique, ad-
7 vanced, or innovative technology-based solutions that
8 will—

9 “(A) improve the net energy balance of
10 water, wastewater, and water reuse systems;

11 “(B) improve the net energy balance of
12 water, wastewater, and water reuse systems to
13 help communities across the United States
14 make measurable progress in conserving water,
15 saving energy, and reducing costs;

16 “(C) support the implementation of inno-
17 vative and unique processes and the installation
18 of established advanced automated systems that
19 provide real-time data on energy and water; and

20 “(D) improve energy-water conservation
21 and quality and predictive maintenance through
22 technologies that utilize internet connected
23 technologies, including sensors, intelligent gate-
24 ways, and security embedded in hardware.

25 “(3) PROJECT SELECTION.—

1 “(A) IN GENERAL.—The Secretary shall
2 make competitive, merit-reviewed grants under
3 the pilot program to not less than 3, but not
4 more than 5, eligible entities.

5 “(B) SELECTION CRITERIA.—In selecting
6 an eligible entity to receive a grant under the
7 pilot program, the Secretary shall consider—

8 “(i) energy and cost savings;

9 “(ii) the uniqueness, commercial via-
10 bility, and reliability of the technology to
11 be used;

12 “(iii) the degree to which the project
13 integrates next-generation sensors soft-
14 ware, analytics, and management tools;

15 “(iv) the anticipated cost-effectiveness
16 of the pilot project through measurable en-
17 ergy savings, water savings or reuse, and
18 infrastructure costs averted;

19 “(v) whether the technology can be
20 deployed in a variety of geographic regions
21 and the degree to which the technology can
22 be implemented in a wide range of applica-
23 tions ranging in scale from small towns to
24 large cities, including Tribal communities;

1 “(vi) whether the technology has been
2 successfully deployed elsewhere;

3 “(vii) whether the technology was
4 sourced from a manufacturer based in the
5 United States; and

6 “(viii) whether the project will be
7 completed in 5 years or less.

8 “(C) APPLICATIONS.—

9 “(i) IN GENERAL.—Subject to clause
10 (ii), an eligible entity seeking a grant
11 under the pilot program shall submit to
12 the Secretary an application at such time,
13 in such manner, and containing such infor-
14 mation as the Secretary determines to be
15 necessary.

16 “(ii) CONTENTS.—An application
17 under clause (i) shall, at a minimum, in-
18 clude—

19 “(I) a description of the project;

20 “(II) a description of the tech-
21 nology to be used in the project;

22 “(III) the anticipated results, in-
23 cluding energy and water savings, of
24 the project;

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1 “(IV) a comprehensive budget for
2 the project;

3 “(V) the names of the project
4 lead organization and any partners;

5 “(VI) the number of users to be
6 served by the project;

7 “(VII) a description of the ways
8 in which the proposal would meet per-
9 formance measures established by the
10 Secretary; and

11 “(VIII) any other information
12 that the Secretary determines to be
13 necessary to complete the review and
14 selection of a grant recipient.

15 “(4) ADMINISTRATION.—

16 “(A) IN GENERAL.—Not later than 1 year
17 after the date of enactment of this section, the
18 Secretary shall select grant recipients under
19 this section.

20 “(B) EVALUATIONS.—

21 “(i) ANNUAL EVALUATIONS.—The
22 Secretary shall annually carry out an eval-
23 uation of each project for which a grant is
24 provided under this section that meets per-
25 formance measures and benchmarks devel-

1 oped by the Secretary, consistent with the
2 purposes of this section.

3 “(ii) REQUIREMENTS.—Consistent
4 with the performance measures and bench-
5 marks developed under clause (i), in car-
6 rying out an evaluation under that clause,
7 the Secretary shall—

8 “(I) evaluate the progress and
9 impact of the project; and

10 “(II) assess the degree to which
11 the project is meeting the goals of the
12 pilot program.

13 “(C) TECHNICAL AND POLICY ASSIST-
14 ANCE.—On the request of a grant recipient, the
15 Secretary shall provide technical and policy as-
16 sistance.

17 “(D) BEST PRACTICES.—The Secretary
18 shall make available to the public through the
19 Internet and other means the Secretary con-
20 siders to be appropriate—

21 “(i) a copy of each evaluation carried
22 out under subparagraph (B); and

23 “(ii) a description of any best prac-
24 tices identified by the Secretary as a result
25 of those evaluations.

1 “(E) REPORT TO CONGRESS.—The Sec-
2 retary shall submit to Congress a report con-
3 taining the results of each evaluation carried
4 out under subparagraph (B).

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to the Secretary to carry
7 out this section \$15,000,000, to remain available until ex-
8 pended.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents of the Energy Policy Act of 2005 (Public Law 109–
11 58; 119 Stat. 594) is amended by inserting after the item
12 relating to section 917 the following:

 “Sec. 918. Smart energy and water efficiency pilot program.”.

13 **TITLE II—NUCLEAR**

14 **SEC. 2001. ADVANCED NUCLEAR FUEL AVAILABILITY.**

15 (a) PROGRAM.—

16 (1) ESTABLISHMENT.—The Secretary shall es-
17 tablish and carry out, through the Office of Nuclear
18 Energy, a program to support the availability of
19 HA–LEU for civilian domestic research, develop-
20 ment, demonstration, and commercial use.

21 (2) PROGRAM ELEMENTS.—In carrying out the
22 program under paragraph (1), the Secretary—

23 (A) shall develop, in consultation with the
24 Commission, criticality benchmark data to as-
25 sist the Commission in—

1 (i) the licensing and regulation of spe-
2 cial nuclear material fuel fabrication and
3 enrichment facilities under part 70 of title
4 10, Code of Federal Regulations; and

5 (ii) certification of transportation
6 packages under part 71 of title 10, Code of
7 Federal Regulations;

8 (B) shall conduct research and develop-
9 ment, and provide financial assistance to assist
10 commercial entities, to design and license trans-
11 portation packages for HA-LEU, including
12 canisters for metal, gas, and other HA-LEU
13 compositions;

14 (C) shall, to the extent practicable—

15 (i) by January 1, 2024, support com-
16 mercial entity submission of such transpor-
17 tation package designs to the Commission
18 for certification by the Commission under
19 part 71 of title 10, Code of Federal Regu-
20 lations; and

21 (ii) encourage the Commission to have
22 such transportation package designs so
23 certified by the Commission within 24
24 months after receipt of an application;

1 (D) shall consider options for acquiring or
2 providing HA–LEU from a stockpile of ura-
3 nium owned by the Department, or using en-
4 richment technology, to make available to mem-
5 bers of the consortium established pursuant to
6 subparagraph (F) for commercial use or dem-
7 onstration projects, taking into account cost
8 and amount of time required, and prioritizing
9 methods that would produce usable HA–LEU
10 the quickest, including options for acquiring or
11 providing HA–LEU—

12 (i) that—

13 (I) directly meets the needs of an
14 end user; and

15 (II) has been previously used or
16 fabricated for another purpose;

17 (ii) that meets the needs of an end
18 user after having radioactive or other con-
19 taminants that resulted from a previous
20 use or fabrication of the fuel for research,
21 development, demonstration, or deployment
22 activities of the Department removed;

23 (iii) that is produced from high-en-
24 riched uranium that is blended with lower

1 assay uranium to become HA-LEU to
2 meet the needs of an end user;

3 (iv) that is produced by Department
4 research, development, and demonstration
5 activities;

6 (v) that is produced in the United
7 States by—

8 (I) a United States-owned com-
9 mercial entity operating United
10 States-origin technology;

11 (II) a United States-owned com-
12 mercial entity operating a foreign-ori-
13 gin technology; or

14 (III) a foreign-owned entity oper-
15 ating a foreign-origin technology;

16 (vi) that does not require extraction of
17 uranium or development of uranium from
18 lands managed by the Federal Govern-
19 ment, cause harm to the natural or cul-
20 tural resources of Tribal communities or
21 sovereign Native Nations, or result in de-
22 graded ground or surface water quality on
23 publicly managed or privately owned lands;
24 or

1 (vii) that does not negatively impact
2 the availability of HA–LEU by the Depart-
3 ment to support the production of medical
4 isotopes, including the medical isotopes de-
5 fined under the American Medical Isotopes
6 Production Act of 2012 (Public Law 112–
7 239; 126 Stat. 2211);

8 (E) not later than 1 year after the date of
9 enactment of this Act, and biennially thereafter,
10 shall conduct a survey of stakeholders to esti-
11 mate the quantity of HA–LEU necessary for
12 domestic commercial use for each of the 5 sub-
13 sequent years;

14 (F) shall establish, and from time to time
15 update, a consortium, which may include enti-
16 ties involved in any stage of the nuclear fuel
17 cycle, to partner with the Department to sup-
18 port the availability of HA–LEU for civilian do-
19 mestic demonstration and commercial use, in-
20 cluding by—

21 (i) providing information to the Sec-
22 retary for purposes of surveys conducted
23 under subparagraph (E);

24 (ii) purchasing HA–LEU made avail-
25 able by the Secretary to members of the

1 consortium for commercial use under the
2 program; and

3 (iii) carrying out demonstration
4 projects using HA–LEU provided by the
5 Secretary under the program;

6 (G) if applicable, shall, prior to acquiring
7 or providing HA–LEU under subparagraph
8 (H), in coordination with the consortium estab-
9 lished pursuant to subparagraph (F), develop a
10 schedule for cost recovery of HA–LEU made
11 available to members of the consortium using
12 HA–LEU for commercial use pursuant to sub-
13 paragraph (H);

14 (H) shall, beginning not later than 3 years
15 after the establishment of a consortium under
16 subparagraph (F), have the capability to ac-
17 quire or provide HA–LEU, in order to make
18 such HA–LEU available to members of the con-
19 sortium beginning not later than January 1,
20 2026, in amounts that are consistent, to the ex-
21 tent practicable, with—

22 (i) the quantities estimated under the
23 surveys conducted under subparagraph
24 (E); plus

1 (ii) the quantities necessary for dem-
2 onstration projects carried out under the
3 program, as determined by the Secretary;

4 (I) shall, for advanced reactor demonstra-
5 tion projects, prioritize the provision of HA-
6 LEU made available under this section through
7 a merit-based, competitive selection process;
8 and

9 (J) shall seek to ensure that the activities
10 carried out under this section do not cause any
11 delay in the progress of any HA-LEU project
12 between private industry and the Department
13 that is underway as of the date of the enact-
14 ment of this section.

15 (3) APPLICABILITY OF USEC PRIVATIZATION
16 ACT.—

17 (A) SALE OR TRANSFER TO CONSOR-
18 TIUM.—The requirements of section 3112 of
19 the USEC Privatization Act (42 U.S.C. 2297h-
20 10), except for the requirements of subpara-
21 graph (A) of section 3112(d)(2), shall not apply
22 to the provision of enrichment services, or the
23 sale or transfer of HA-LEU for commercial use
24 by the Secretary to a member of the consortium
25 under this subsection.

1 (B) DEMONSTRATION.—HA—LEU made
2 available to members of the consortium estab-
3 lished pursuant to paragraph (2)(F) for dem-
4 onstration projects shall remain the property of
5 and title will remain with the Department,
6 which shall be responsible for the storage, use,
7 and disposition of all radioactive waste and
8 spent nuclear fuel created by the irradiation,
9 processing, or purification of such uranium, and
10 shall not be subject to the requirements of a
11 sale or transfer of uranium under sections
12 3112, except for the requirements of subpara-
13 graph (A) of section 3112(d)(2), and 3113 of
14 the USEC Privatization Act (42 U.S.C. 2297h–
15 10; 42 U.S.C. 2297h–11).

16 (4) NATIONAL SECURITY NEEDS.—The Sec-
17 retary shall only make available to a member of the
18 consortium under this section for commercial or
19 demonstration project use material that the Presi-
20 dent has determined is not necessary for national se-
21 curity needs, provided that this available material
22 shall not include any material that the Secretary
23 may determine to be necessary for the National Nu-
24 clear Security Administration or other critical De-
25 partmental missions.

1 (5) DOE ACQUISITION OF HA-LEU.—The Sec-
2 retary may not make commitments under this sec-
3 tion (including cooperative agreements (used in ac-
4 cordance with section 6305 of title 31, United States
5 Code), purchase agreements, guarantees, leases,
6 service contracts, or any other type of commitment)
7 for the purchase or other acquisition of HA-LEU
8 unless—

9 (A) funds are specifically provided for such
10 purposes in advance in subsequent appropria-
11 tions Acts, and only to the extent that the full
12 extent of anticipated costs stemming from such
13 commitments is recorded as an obligation up
14 front and in full at the time it is made; or

15 (B) such committing agreement includes a
16 clause conditioning the Federal Government's
17 obligation on the availability of future year ap-
18 propriations.

19 (6) SUNSET.—The authority of the Secretary to
20 carry out the program under this subsection shall
21 expire on the earlier of—

22 (A) September 30, 2034; or

23 (B) 90 days after the date on which HA-
24 LEU is available to provide a reliable and ade-

1 quate supply for civilian domestic advanced nu-
2 clear reactors in the commercial market.

3 (7) LIMITATION.—The Secretary shall not bar-
4 ter or otherwise sell or transfer uranium in any form
5 in exchange for services relating to the final disposi-
6 tion of radioactive waste from uranium that is made
7 available under this subsection.

8 (b) REPORTS TO CONGRESS.—

9 (1) COMMISSION REPORT ON NECESSARY REGU-
10 LATORY UPDATES.—Not later than 12 months after
11 the date of enactment of this Act, the Commission
12 shall submit to Congress a report that includes—

13 (A) identification of updates to regulations,
14 certifications, and other regulatory policies that
15 the Commission determines are necessary in
16 order for HA–LEU to be commercially avail-
17 able, including—

18 (i) guidance for material control and
19 accountability of special nuclear material;

20 (ii) certifications relating to transpor-
21 tation packaging for HA–LEU; and

22 (iii) licensing of enrichment, conver-
23 sion, and fuel fabrication facilities for HA–
24 LEU, and associated physical security
25 plans for such facilities;

1 (B) a description of such updates; and

2 (C) a timeline to complete such updates.

3 (2) DOE REPORT ON PROGRAM TO SUPPORT
4 THE AVAILABILITY OF HA-LEU FOR CIVILIAN DO-
5 MESTIC DEMONSTRATION AND COMMERCIAL USE.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this Act,
8 the Secretary shall submit to Congress a report
9 that describes actions proposed to be carried
10 out by the Secretary under the program de-
11 scribed in subsection (a)(1).

12 (B) COORDINATION AND STAKEHOLDER
13 INPUT.—In developing the report under this
14 paragraph, the Secretary shall consult with—

15 (i) the Commission;

16 (ii) suppliers of medical isotopes that
17 have converted their operations to use
18 HA-LEU;

19 (iii) the National Laboratories;

20 (iv) institutions of higher education;

21 (v) a diverse group of entities from
22 the nuclear energy industry;

23 (vi) a diverse group of technology de-
24 velopers;

1 (vii) experts in nuclear nonprolifera-
2 tion, environmental safety, safeguards and
3 security, and public health and safety; and

4 (viii) members of the consortium cre-
5 ated under subsection (a)(2)(F).

6 (C) COST AND SCHEDULE ESTIMATES.—

7 The report under this paragraph shall include
8 estimated costs, budgets, and timeframes for all
9 activities carried out under this section.

10 (D) REQUIRED EVALUATIONS.—The report
11 under this paragraph shall evaluate—

12 (i) the actions required to establish
13 and carry out the program under sub-
14 section (a)(1) and the cost of such actions,
15 including with respect to—

16 (I) proposed preliminary terms
17 for contracting between the Depart-
18 ment and recipients of HA–LEU
19 under the program (including guide-
20 lines defining the roles and respon-
21 sibilities between the Department and
22 the recipient); and

23 (II) the potential to coordinate
24 with recipients of HA–LEU under the
25 program regarding—

1 (aa) fuel fabrication; and

2 (bb) fuel transport;

3 (ii) the potential sources and fuel
4 forms available to provide uranium for the
5 program under subsection (a)(1);

6 (iii) options to coordinate the program
7 under subsection (a)(1) with the operation
8 of the versatile, reactor-based fast neutron
9 source under section 959A of the Energy
10 Policy Act of 2005 (as added by section
11 2003);

12 (iv) the ability of uranium producers
13 to provide materials for advanced nuclear
14 reactor fuel;

15 (v) any associated legal, regulatory,
16 and policy issues that should be addressed
17 to enable—

18 (I) implementation of the pro-
19 gram under subsection (a)(1); and

20 (II) the establishment of an in-
21 dustry capable of providing HA-LEU;

22 and

23 (vi) any research and development
24 plans to develop criticality benchmark data
25 under subsection (a)(2)(A), if needed.

1 (3) ALTERNATE FUELS REPORT.—Not later
2 than 180 days after the date of enactment of this
3 Act, the Secretary shall, after consulting with rel-
4 evant entities, including National Laboratories, insti-
5 tutions of higher education, and technology devel-
6 opers, submit to Congress a report identifying any
7 and all options for providing nuclear material, con-
8 taining isotopes other than the uranium-235 isotope,
9 such as uranium-233 and thorium-232 to be used as
10 fuel for advanced nuclear reactor research, develop-
11 ment, demonstration, or commercial application pur-
12 poses.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out research,
15 development, demonstration, and transportation activities
16 in this section—

- 17 (1) \$31,500,000 for fiscal year 2021;
18 (2) \$33,075,000 for fiscal year 2022;
19 (3) \$34,728,750 for fiscal year 2023;
20 (4) \$36,465,188 for fiscal year 2024; and
21 (5) \$38,288,447 for fiscal year 2025.

22 (d) DEFINITIONS.—In this section:

- 23 (1) COMMISSION.—The term “Commission”
24 means the Nuclear Regulatory Commission.

1 (2) DEMONSTRATION PROJECT.—The term
2 “demonstration project” has the meaning given such
3 term in section 959A of the Energy Policy Act of
4 2005.

5 (3) HA-LEU.—The term “HA-LEU” means
6 high-assay low-enriched uranium.

7 (4) HIGH-ASSAY LOW-ENRICHED URANIUM.—
8 The term “high-assay low-enriched uranium” means
9 uranium having an assay greater than 5.0 weight
10 percent and less than 20.0 weight percent of the
11 uranium-235 isotope.

12 (5) HIGH-ENRICHED URANIUM.—The term
13 “high-enriched uranium” means uranium with an
14 assay of 20.0 weight percent or more of the ura-
15 nium-235 isotope.

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of Energy.

18 **SEC. 2002. AMENDMENTS TO DEFINITIONS IN ENERGY POL-**

19 **ICY ACT OF 2005.**

20 Section 951(b)(1) of the Energy Policy Act of 2005
21 (42 U.S.C. 16271(b)(1)) is amended to read as follows:

22 “(1) ADVANCED NUCLEAR REACTOR.—The
23 term ‘advanced nuclear reactor’ means—

24 “(A) a nuclear fission reactor, including a
25 prototype plant (as defined in sections 50.2 and

1 52.1 of title 10, Code of Federal Regulations
2 (or successor regulations)), with significant im-
3 provements compared to reactors operating on
4 the date of enactment of the Energy Act of
5 2020, including improvements such as—

6 “(i) additional inherent safety fea-
7 tures;

8 “(ii) lower waste yields;

9 “(iii) improved fuel and material per-
10 formance;

11 “(iv) increased tolerance to loss of
12 fuel cooling;

13 “(v) enhanced reliability or improved
14 resilience;

15 “(vi) increased proliferation resist-
16 ance;

17 “(vii) increased thermal efficiency;

18 “(viii) reduced consumption of cooling
19 water and other environmental impacts;

20 “(ix) the ability to integrate into elec-
21 tric applications and nonelectric applica-
22 tions;

23 “(x) modular sizes to allow for deploy-
24 ment that corresponds with the demand
25 for electricity or process heat; and

1 “(xi) operational flexibility to respond
2 to changes in demand for electricity or
3 process heat and to complement integra-
4 tion with intermittent renewable energy or
5 energy storage; and
6 “(B) a fusion reactor.”.

7 **SEC. 2003. NUCLEAR ENERGY RESEARCH, DEVELOPMENT,**
8 **DEMONSTRATION, AND COMMERCIAL APPLI-**
9 **CATION PROGRAMS.**

10 (a) REACTOR CONCEPTS RESEARCH, DEVELOPMENT,
11 AND DEMONSTRATION.—Section 952 of the Energy Policy
12 Act of 2005 (42 U.S.C. 16272) is amended to read as
13 follows:

14 **“SEC. 952. REACTOR CONCEPTS RESEARCH, DEVELOP-**
15 **MENT, DEMONSTRATION, AND COMMERCIAL**
16 **APPLICATION.**

17 “(a) SUSTAINABILITY PROGRAM FOR LIGHT WATER
18 REACTORS.—

19 “(1) IN GENERAL.—The Secretary shall carry
20 out a program of research, development, demonstra-
21 tion, and commercial application, including through
22 the use of modeling and simulation, to support exist-
23 ing operating nuclear power plants which shall ad-
24 dress technologies to modernize and improve, with
25 respect to such plants—

1 “(A) reliability;

2 “(B) capacity;

3 “(C) component aging;

4 “(D) safety;

5 “(E) physical security and security costs;

6 “(F) plant lifetime;

7 “(G) operations and maintenance costs, in-
8 cluding by utilizing risk-informed systems anal-
9 ysis;

10 “(H) the ability for plants to operate flexi-
11 bly;

12 “(I) nuclear integrated energy system ap-
13 plications described in subsection (c);

14 “(J) efficiency;

15 “(K) environmental impacts; and

16 “(L) resilience.

17 “(2) AUTHORIZATION OF APPROPRIATIONS.—

18 There are authorized to be appropriated to the Sec-
19 retary to carry out the program under this sub-
20 section \$55,000,000 for each of fiscal years 2021
21 through 2025.

22 “(3) REPORT.—The Secretary shall submit an-
23 nually a public report to the Committee on Science,
24 Space, and Technology of the House of Representa-
25 tives and the Committee on Energy and Natural Re-

1 sources of the Senate documenting funds spent
2 under the program that describes program activities,
3 objectives, and outcomes, including those that could
4 benefit the entirety of the existing reactor fleet, such
5 as with respect to aging management and related
6 sustainability concerns, and identifying funds award-
7 ed to private entities.

8 “(b) **ADVANCED REACTOR TECHNOLOGIES.**—

9 “(1) **IN GENERAL.**—The Secretary shall carry
10 out a program of research, development, demonstra-
11 tion, and commercial application to support ad-
12 vanced reactor technologies.

13 “(2) **REQUIREMENTS.**—In carrying out the pro-
14 gram under this subsection, the Secretary shall—

15 “(A) prioritize designs for advanced nu-
16 clear reactors that are proliferation resistant
17 and passively safe, including designs that, com-
18 pared to reactors operating on the date of en-
19 actment of the Energy Act of 2020—

20 “(i) are economically competitive with
21 other electric power generation plants;

22 “(ii) have higher efficiency, lower cost,
23 less environmental impacts, increased resil-
24 ience, and improved safety;

1 “(iii) use fuels that are proliferation
2 resistant and have reduced production of
3 high-level waste per unit of output; and

4 “(iv) use advanced instrumentation
5 and monitoring systems;

6 “(B) consult with the Nuclear Regulatory
7 Commission on appropriate metrics to consider
8 for the criteria specified in subparagraph (A);

9 “(C) support research and development to
10 resolve materials challenges relating to extreme
11 environments, including environments that con-
12 tain high levels of—

13 “(i) radiation fluence;

14 “(ii) temperature;

15 “(iii) pressure; and

16 “(iv) corrosion;

17 “(D) support research and development to
18 aid in the qualification of advanced fuels, in-
19 cluding fabrication techniques;

20 “(E) support activities that address near-
21 term challenges in modeling and simulation to
22 enable accelerated design of and licensing of ad-
23 vanced nuclear reactors, including the identi-
24 fication of tools and methodologies for vali-
25 dating such modeling and simulation efforts;

1 “(F) develop technologies, including tech-
2 nologies to manage, reduce, or reuse nuclear
3 waste;

4 “(G) ensure that nuclear research infra-
5 structure is maintained or constructed, includ-
6 ing—

7 “(i) currently operational research re-
8 actors at the National Laboratories and in-
9 stitutions of higher education;

10 “(ii) hot cell research facilities;

11 “(iii) a versatile fast neutron source;

12 and

13 “(iv) advanced coolant testing facili-
14 ties, including coolants such as lead, so-
15 dium, gas, and molten salt;

16 “(H) improve scientific understanding of
17 nonlight water coolant physics and chemistry;

18 “(I) develop advanced sensors and control
19 systems, including the identification of tools
20 and methodologies for validating such sensors
21 and systems;

22 “(J) investigate advanced manufacturing
23 and advanced construction techniques and ma-
24 terials to reduce the cost of advanced nuclear
25 reactors, including the use of digital twins and

1 of strategies to implement project and construc-
2 tion management best practices, and study the
3 effects of radiation and corrosion on materials
4 created with these techniques;

5 “(K) consult with the Administrator of the
6 National Nuclear Security Administration to in-
7 tegrate reactor safeguards and security into de-
8 sign;

9 “(L) support efforts to reduce any tech-
10 nical barriers that would prevent commercial
11 application of advanced nuclear energy systems;
12 and

13 “(M) develop various safety analyses and
14 emergency preparedness and response meth-
15 odologies.

16 “(3) COORDINATION.—The Secretary shall co-
17 ordinate with individuals engaged in the private sec-
18 tor and individuals who are experts in nuclear non-
19 proliferation, environmental and public health and
20 safety, and economics to advance the development of
21 various designs of advanced nuclear reactors. In car-
22 rying out this paragraph, the Secretary shall con-
23 vene an advisory committee of such individuals and
24 such committee shall submit annually a report to the

1 relevant committees of Congress with respect to the
2 progress of the program.

3 “(4) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the Sec-
5 retary to carry out the program under this sub-
6 section \$55,000,000 for each of fiscal years 2021
7 through 2025.

8 “(c) NUCLEAR INTEGRATED ENERGY SYSTEMS RE-
9 SEARCH, DEVELOPMENT, DEMONSTRATION, AND COM-
10 Mercial APPLICATION PROGRAM.—

11 “(1) IN GENERAL.—The Secretary shall carry
12 out a program of research, development, demonstra-
13 tion, and commercial application to develop nuclear
14 integrated energy systems, composed of 2 or more
15 co-located or jointly operated subsystems of energy
16 generation, energy storage, or other technologies and
17 in which not less than 1 such subsystem is a nuclear
18 energy system, to—

19 “(A) reduce greenhouse gas emissions in
20 both the power and nonpower sectors; and

21 “(B) maximize energy production and effi-
22 ciency.

23 “(2) COORDINATION.—In carrying out the pro-
24 gram under paragraph (1), the Secretary shall co-
25 ordinate with—

1 “(A) relevant program offices within the
2 Department of Energy;

3 “(B) National Laboratories;

4 “(C) institutions of higher education; and

5 “(D) the private sector.

6 “(3) FOCUS AREAS.—The program under para-
7 graph (1) may include research, development, dem-
8 onstration, or commercial application of nuclear in-
9 tegrated energy systems with respect to—

10 “(A) desalination technologies and proc-
11 esses;

12 “(B) hydrogen or other liquid and gaseous
13 fuel or chemical production;

14 “(C) heat for industrial processes;

15 “(D) district heating;

16 “(E) heat or electricity generation and
17 storage;

18 “(F) carbon capture, use, utilization, and
19 storage;

20 “(G) microgrid or island applications;

21 “(H) integrated systems modeling, anal-
22 ysis, and optimization, inclusive of different
23 configurations of integrated energy systems;
24 and

1 “(I) integrated design, planning, building,
2 and operation of systems with existing infra-
3 structure, including interconnection require-
4 ments with the electric grid, as appropriate.

5 “(4) AUTHORIZATION OF APPROPRIATIONS.—
6 There are authorized to be appropriated to the Sec-
7 retary to carry out the program under this sub-
8 section—

9 “(A) \$20,000,000 for fiscal year 2021;

10 “(B) \$30,000,000 for fiscal year 2022;

11 “(C) \$30,000,000 for fiscal year 2023;

12 “(D) \$40,000,000 for fiscal year 2024;

13 and

14 “(E) \$40,000,000 for fiscal year 2025.”.

15 (b) FUEL CYCLE RESEARCH AND DEVELOPMENT.—
16 Section 953 of the Energy Policy Act of 2005 (42 U.S.C.
17 16273) is amended to read as follows:

18 **“SEC. 953. FUEL CYCLE RESEARCH, DEVELOPMENT, DEM-**
19 **ONSTRATION, AND COMMERCIAL APPLICA-**
20 **TION.**

21 “(a) USED NUCLEAR FUEL RESEARCH, DEVELOP-
22 MENT, DEMONSTRATION, AND COMMERCIAL APPLICA-
23 TION.—

24 “(1) IN GENERAL.—The Secretary shall con-
25 duct an advanced fuel cycle research, development,

1 demonstration, and commercial application program
2 to improve fuel cycle performance, minimize environ-
3 mental and public health and safety impacts, and
4 support a variety of options for used nuclear fuel
5 storage, use, and disposal, including advanced nu-
6 clear reactor and non-reactor concepts (such as radi-
7 oisotope power systems), which may include—

8 “(A) dry cask storage;

9 “(B) consolidated interim storage;

10 “(C) deep geological storage and disposal,
11 including mined repository, and other tech-
12 nologies;

13 “(D) used nuclear fuel transportation;

14 “(E) integrated waste management sys-
15 tems;

16 “(F) vitrification;

17 “(G) fuel recycling and transmutation
18 technologies, including advanced reprocessing
19 technologies such as electrochemical and molten
20 salt technologies, and advanced redox extraction
21 technologies;

22 “(H) advanced materials to be used in sub-
23 paragraphs (A) through (G); and

24 “(I) other areas as determined by the Sec-
25 retary.

1 “(2) REQUIREMENTS.—In carrying out the pro-
2 gram under this subsection, the Secretary shall—

3 “(A) ensure all activities and designs in-
4 corporate state of the art safeguards tech-
5 nologies and techniques to reduce risk of pro-
6 liferation;

7 “(B) consult with the Administrator of the
8 National Nuclear Security Administration to in-
9 tegrate safeguards and security by design;

10 “(C) consider the potential benefits and
11 other impacts of those activities for civilian nu-
12 clear applications, environmental health and
13 safety, and national security, including consid-
14 eration of public consent; and

15 “(D) consider the economic viability of all
16 activities and designs.

17 “(3) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated to the Sec-
19 retary to carry out the program under this sub-
20 section \$60,000,000 for each of fiscal years 2021
21 through 2025.

22 “(b) ADVANCED FUELS.—

23 “(1) IN GENERAL.—The Secretary shall con-
24 duct an advanced fuels research, development, dem-
25 onstration, and commercial application program on

1 next-generation light water reactor and advanced re-
2 actor fuels that demonstrate the potential for im-
3 proved—

4 “(A) performance;

5 “(B) accident tolerance;

6 “(C) proliferation resistance;

7 “(D) use of resources;

8 “(E) environmental impact; and

9 “(F) economics.

10 “(2) REQUIREMENTS.—In carrying out the pro-
11 gram under this subsection, the Secretary shall focus
12 on the development of advanced technology fuels, in-
13 cluding fabrication techniques, that offer improved
14 accident-tolerance and economic performance with
15 the goal of initial commercial application by Decem-
16 ber 31, 2025.

17 “(3) REPORT.—Not later than 180 days after
18 the date of enactment of this section, the Secretary
19 shall submit to the Committee on Science, Space,
20 and Technology of the House of Representatives and
21 the Committee on Energy and Natural Resources of
22 the Senate a report that describes how the tech-
23 nologies and concepts studied under this program
24 would impact reactor economics, the fuel cycle, oper-
25 ations, safety, proliferation, and the environment.

1 “(4) AUTHORIZATION OF APPROPRIATIONS.—
2 There are authorized to be appropriated to the Sec-
3 retary to carry out the program under this sub-
4 section \$125,000,000 for each of fiscal years 2021
5 through 2025.”.

6 (c) NUCLEAR SCIENCE AND ENGINEERING SUP-
7 PORT.—Section 954 of the Energy Policy Act of 2005 (42
8 U.S.C. 16274) is amended—

9 (1) in the section heading, by striking “**UNI-**
10 **VERSITY NUCLEAR**” and inserting “**NUCLEAR**”;

11 (2) in subsection (b)—

12 (A) in the matter preceding paragraph (1),
13 by striking “this section” and inserting “this
14 subsection”; and

15 (B) by redesignating paragraphs (1)
16 through (5) as subparagraphs (A) through (E),
17 respectively, and indenting appropriately;

18 (3) in subsection (c), by redesignating para-
19 graphs (1) and (2) as subparagraphs (A) and (B),
20 respectively, and indenting appropriately;

21 (4) in subsection (d)—

22 (A) in the matter preceding paragraph (1),
23 by striking “this section” and inserting “this
24 subsection”; and

1 (B) by redesignating paragraphs (1)
2 through (4) as subparagraphs (A) through (D),
3 respectively, and indenting appropriately;

4 (5) in subsection (e), by striking “this section”
5 and inserting “this subsection”;

6 (6) in subsection (f)—

7 (A) by striking “this section” and inserting
8 “this subsection”; and

9 (B) by striking “subsection (b)(2)” and in-
10 serting “paragraph (2)(B)”;

11 (7) by redesignating subsections (a) through (d)
12 as paragraphs (1) through (4), respectively, and in-
13 denting appropriately;

14 (8) by redesignating subsections (e) and (f) as
15 paragraphs (7) and (8), respectively;

16 (9) by inserting after paragraph (4) (as so re-
17 designated) the following:

18 “(5) RADIOLOGICAL FACILITIES MANAGE-
19 MENT.—

20 “(A) IN GENERAL.—The Secretary shall
21 carry out a program under which the Secretary
22 shall provide project management, technical
23 support, quality engineering and inspection, and
24 nuclear material handling support to research
25 reactors located at universities.

1 “(B) AUTHORIZATION OF APPROPRIA-
2 TIONS.—Of any amounts appropriated to carry
3 out the program under this subsection, there
4 are authorized to be appropriated to the Sec-
5 retary to carry out the program under this
6 paragraph \$20,000,000 for each of fiscal years
7 2021 through 2025.

8 “(6) NUCLEAR ENERGY UNIVERSITY PRO-
9 GRAM.—In carrying out the programs under this
10 section, the Department shall, to the maximum ex-
11 tent practicable, allocate 20 percent of funds appro-
12 priated to nuclear energy research and development
13 programs annually to fund university-led research
14 and university infrastructure projects through an
15 open, competitive solicitation process.”;

16 (10) by inserting before paragraph (1) (as so
17 redesignated) the following:

18 “(a) UNIVERSITY NUCLEAR SCIENCE AND ENGI-
19 NEERING SUPPORT.—”; and

20 (11) by adding at the end the following:

21 “(b) NUCLEAR ENERGY GRADUATE TRAINEESHIP
22 SUBPROGRAM.—

23 “(1) ESTABLISHMENT.—In carrying out the
24 program under subsection (a), the Secretary shall
25 establish a nuclear energy graduate traineeship sub-

1 program under which the Secretary shall competi-
2 tively award graduate traineeships in coordination
3 with universities to provide focused, advanced train-
4 ing to meet critical mission needs of the Depart-
5 ment, including in industries that are represented by
6 skilled labor unions.

7 “(2) REQUIREMENTS.—In carrying out the sub-
8 program under this subsection, the Secretary shall—

9 “(A) encourage appropriate partnerships
10 among National Laboratories, affected univer-
11 sities, and industry; and

12 “(B) on an annual basis, evaluate the
13 needs of the nuclear energy community to im-
14 plement graduate traineeships for focused top-
15 ical areas addressing mission-specific workforce
16 needs.

17 “(3) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated to the Sec-
19 retary to carry out the subprogram under this sub-
20 section \$5,000,000 for each of fiscal years 2021
21 through 2025.”.

22 (d) CONFORMING AMENDMENT.—The table of con-
23 tents of the Energy Policy Act of 2005 (Public Law 109–
24 58; 119 Stat. 600) is amended by striking the items relat-

1 ing to sections 952 through 954 and inserting the fol-
2 lowing:

“Sec. 952. Reactor concepts research, development, demonstration, and com-
mercial application.

“Sec. 953. Fuel cycle research, development, demonstration, and commercial
application.

“Sec. 954. Nuclear science and engineering support.”.

3 (e) UNIVERSITY NUCLEAR LEADERSHIP PRO-
4 GRAM.—Section 313 of the Omnibus Appropriations Act,
5 2009 (42 U.S.C. 16274a), is amended to read as follows:

6 **“SEC. 313. UNIVERSITY NUCLEAR LEADERSHIP PROGRAM.**

7 “(a) IN GENERAL.—The Secretary of Energy, the
8 Administrator of the National Nuclear Security Adminis-
9 tration, and the Chairman of the Nuclear Regulatory
10 Commission shall jointly establish a program, to be known
11 as the ‘University Nuclear Leadership Program’.

12 “(b) USE OF FUNDS.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), amounts made available to carry out the
15 Program shall be used to provide financial assistance
16 for scholarships, fellowships, and research and devel-
17 opment projects at institutions of higher education
18 in areas relevant to the programmatic mission of the
19 applicable Federal agency, with an emphasis on pro-
20 viding the financial assistance with respect to re-
21 search, development, demonstration, and commercial
22 application activities relevant to civilian advanced
23 nuclear reactors including, but not limited to—

1 “(A) relevant fuel cycle technologies;

2 “(B) project management; and

3 “(C) advanced construction, manufac-
4 turing, and fabrication methods.

5 “(2) EXCEPTION.—Notwithstanding paragraph
6 (1), amounts made available to carry out the Pro-
7 gram may be used to provide financial assistance for
8 a scholarship, fellowship, or multiyear research and
9 development project that does not align directly with
10 a programmatic mission of the Department of En-
11 ergy, if the activity for which assistance is provided
12 would facilitate the maintenance of the discipline of
13 nuclear science or engineering.

14 “(c) DEFINITIONS.—In this section:

15 “(1) ADVANCED NUCLEAR REACTOR; INSTITU-
16 TION OF HIGHER EDUCATION.—The terms ‘advanced
17 nuclear reactor’ and ‘institution of higher education’
18 have the meanings given those terms in section 951
19 of the Energy Policy Act of 2005 (42 U.S.C.
20 16271).

21 “(2) PROGRAM.—The term ‘Program’ means
22 the University Nuclear Leadership Program estab-
23 lished under this section.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out the Pro-
3 gram for each of fiscal years 2021 through 2025—

4 “(1) \$30,000,000 to the Secretary of Energy,
5 of which \$15,000,000 shall be for use by the Admin-
6 istrator of the National Nuclear Security Adminis-
7 tration; and

8 “(2) \$15,000,000 to the Nuclear Regulatory
9 Commission.”.

10 (f) NUCLEAR ENERGY RESEARCH INFRASTRUC-
11 TURE.—Section 955 of the Energy Policy Act of 2005 (42
12 U.S.C. 16275) is amended—

13 (1) in subsection (c), paragraph (1)—

14 (A) in the paragraph heading, by striking
15 “MISSION NEED” and inserting “AUTHORIZA-
16 TION”; and

17 (B) in subparagraph (A), by striking “de-
18 termine the mission need” and inserting “pro-
19 vide”;

20 (2) by adding at the end of subsection (c) the
21 following:

22 “(7) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to the Sec-
24 retary to carry out to completion the construction of
25 the facility under this section—

1 “(A) \$295,000,000 for fiscal year 2021;

2 “(B) \$348,000,000 for fiscal year 2022;

3 “(C) \$525,000,000 for fiscal year 2023;

4 “(D) \$534,000,000 for fiscal year 2024;

5 and

6 “(E) \$584,000,000 for fiscal year 2025.”.

7 (3) in subsection (c) paragraph (4), by striking

8 “2025” and inserting “2026”; and

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

10 “(d) GATEWAY FOR ACCELERATED INNOVATION IN
11 NUCLEAR.—

12 “(1) IN GENERAL.—In carrying out the pro-
13 grams under this subtitle, the Secretary is author-
14 ized to establish a new initiative to be known as the
15 Gateway for Accelerated Innovation in Nuclear
16 (GAIN). The initiative shall, to the maximum extent
17 practicable and consistent with national security,
18 provide the nuclear energy industry with access to
19 cutting edge research and development along with
20 the technical, regulatory, and financial support nec-
21 essary to move innovative nuclear energy tech-
22 nologies toward commercialization in an accelerated
23 and cost-effective fashion. The Secretary shall make
24 available, as a minimum—

1 “(A) experimental capabilities and testing
2 facilities;

3 “(B) computational capabilities, modeling,
4 and simulation tools;

5 “(C) access to existing datasets and data
6 validation tools; and

7 “(D) technical assistance with guidance or
8 processes as needed.

9 “(2) SELECTION.—

10 “(A) IN GENERAL.—The Secretary shall
11 select industry partners for awards on a com-
12 petitive merit-reviewed basis.

13 “(B) CONSIDERATIONS.—In selecting in-
14 dustry partners under subparagraph (A), the
15 Secretary shall consider—

16 “(i) the information disclosed by the
17 Department as described in paragraph (1);
18 and

19 “(ii) any existing facilities the Depart-
20 ment will provide for public private part-
21 nership activities.”.

22 (g) ADVANCED REACTOR DEMONSTRATION PRO-
23 GRAM.—

1 (1) IN GENERAL.—Subtitle E of title IX of the
2 Energy Policy Act of 2005 (42 U.S.C. 16271 et
3 seq.) is amended by adding at the end the following:

4 **“SEC. 959A. ADVANCED REACTOR DEMONSTRATION PRO-**
5 **GRAM.**

6 “(a) DEMONSTRATION PROJECT DEFINED.—For the
7 purposes of this section, the term ‘demonstration project’
8 means an advanced nuclear reactor operated in any man-
9 ner, including as part of the power generation facilities
10 of an electric utility system, for the purpose of dem-
11 onstrating the suitability for commercial application of the
12 advanced nuclear reactor.

13 “(b) ESTABLISHMENT.—The Secretary shall estab-
14 lish a program to advance the research, development, dem-
15 onstration, and commercial application of domestic ad-
16 vanced, affordable, nuclear energy technologies by—

17 “(1) demonstrating a variety of advanced nu-
18 clear reactor technologies, including those that could
19 be used to produce—

20 “(A) safer, emissions-free power at a com-
21 petitive cost of electricity compared to other
22 new energy generation technologies on the date
23 of enactment of the Energy Act of 2020;

1 “(B) heat for community heating, indus-
2 trial purposes, heat storage, or synthetic fuel
3 production;

4 “(C) remote or off-grid energy supply; or

5 “(D) backup or mission-critical power sup-
6 plies;

7 “(2) identifying research areas that the private
8 sector is unable or unwilling to undertake due to the
9 cost of, or risks associated with, the research; and

10 “(3) facilitating the access of the private sec-
11 tor—

12 “(A) to Federal research facilities and per-
13 sonnel; and

14 “(B) to the results of research relating to
15 civil nuclear technology funded by the Federal
16 Government.

17 “(c) DEMONSTRATION PROJECTS.—In carrying out
18 demonstration projects under the program established in
19 subsection (b), the Secretary shall—

20 “(1) include, as an evaluation criterion, diver-
21 sity in designs for the advanced nuclear reactors
22 demonstrated under this section, including designs
23 using various—

24 “(A) primary coolants;

25 “(B) fuel types and compositions; and

1 “(C) neutron spectra;

2 “(2) consider, as evaluation criteria—

3 “(A) the likelihood that the operating cost
4 for future commercial units for each design im-
5 plemented through a demonstration project
6 under this subsection is cost-competitive in the
7 applicable market, including those designs con-
8 figured as integrated energy systems as de-
9 scribed in section 952(c);

10 “(B) the technology readiness level of a
11 proposed advanced nuclear reactor technology;

12 “(C) the technical abilities and qualifica-
13 tions of teams desiring to demonstrate a pro-
14 posed advanced nuclear reactor technology; and

15 “(D) the capacity to meet cost-share re-
16 quirements of the Department;

17 “(3) ensure that each evaluation of candidate
18 technologies for the demonstration projects is com-
19 pleted through an external review of proposed de-
20 signs, which review shall—

21 “(A) be conducted by a panel that includes
22 not fewer than 1 representative that does not
23 have a conflict of interest of each within the ap-
24 plicable market of the design of—

25 “(i) an electric utility;

1 “(ii) an entity that uses high-tempera-
2 ture process heat for manufacturing or in-
3 dustrial processing, such as a petro-
4 chemical or synthetic fuel company, a man-
5 ufacturer of metals or chemicals, or a man-
6 ufacturer of concrete;

7 “(iii) an expert from the investment
8 community;

9 “(iv) a project management practi-
10 tioner; and

11 “(v) an environmental health and
12 safety expert; and

13 “(B) include a review of each demonstra-
14 tion project under this subsection which shall
15 include consideration of cost-competitiveness
16 and other value streams, together with the tech-
17 nology readiness level, the technical abilities
18 and qualifications of teams desiring to dem-
19 onstrate a proposed advanced nuclear reactor
20 technology, the capacity to meet cost-share re-
21 quirements of the Department, if Federal fund-
22 ing is provided, and environmental impacts;

23 “(4) for federally funded demonstration
24 projects, enter into cost-sharing agreements with
25 private sector partners in accordance with section

1 988 for the conduct of activities relating to the re-
2 search, development, and demonstration of advanced
3 nuclear reactor designs under the program;

4 “(5) consult with—

5 “(A) National Laboratories;

6 “(B) institutions of higher education;

7 “(C) traditional end users (such as electric
8 utilities);

9 “(D) potential end users of new tech-
10 nologies (such as users of high-temperature
11 process heat for manufacturing processing, in-
12 cluding petrochemical or synthetic fuel compa-
13 nies, manufacturers of metals or chemicals, or
14 manufacturers of concrete);

15 “(E) developers of advanced nuclear reac-
16 tor technology;

17 “(F) environmental and public health and
18 safety experts; and

19 “(G) non-proliferation experts;

20 “(6) seek to ensure that the demonstration
21 projects carried out under this section do not cause
22 any delay in the progress of an advanced reactor
23 project by private industry and the Department of
24 Energy that is underway as of the date of enactment
25 of this section;

1 “(7) establish a streamlined approval process
2 for expedited contracting between awardees and the
3 Department;

4 “(8) identify technical challenges to candidate
5 technologies;

6 “(9) support near-term research and develop-
7 ment to address the highest risk technical challenges
8 to the successful demonstration of a selected ad-
9 vanced reactor technology, in accordance with—

10 “(A) paragraph (8);

11 “(B) the research and development activi-
12 ties under section 952(b); and

13 “(C) the research and development activi-
14 ties under section 958; and

15 “(10) establish such technology advisory work-
16 ing groups as the Secretary determines to be appro-
17 priate to advise the Secretary regarding the tech-
18 nical challenges identified under paragraph (8) and
19 the scope of research and development programs to
20 address the challenges, in accordance with para-
21 graph (9), to be comprised of—

22 “(A) private sector advanced nuclear reac-
23 tor technology developers;

1 “(B) technical experts with respect to the
2 relevant technologies at institutions of higher
3 education;

4 “(C) technical experts at the National
5 Laboratories;

6 “(D) environmental and public health and
7 safety experts;

8 “(E) non-proliferation experts; and

9 “(F) any other entities the Secretary de-
10 termines appropriate.

11 “(d) MILESTONE-BASED DEMONSTRATION
12 PROJECTS.—The Secretary may carry out demonstration
13 projects under subsection (c) as a milestone-based dem-
14 onstration project under section 9005 of the Energy Act
15 of 2020.

16 “(e) NONDUPLICATION.—Entities may not receive
17 funds under this program if receiving funds from another
18 reactor demonstration program at the Department in the
19 same fiscal year.

20 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary to carry
22 out the program under this subsection—

23 “(1) \$405,000,000 for fiscal year 2021;

24 “(2) \$405,000,000 for fiscal year 2022;

25 “(3) \$420,000,000 for fiscal year 2023;

1 “(4) \$455,000,000 for fiscal year 2024; and

2 “(5) \$455,000,000 for fiscal year 2025.”.

3 (2) TABLE OF CONTENTS.—The table of con-
4 tents of the Energy Policy Act of 2005 (Public Law
5 109–58; 119 Stat. 594) is amended—

6 (A) in the items relating to sections 957,
7 958, and 959, by inserting “Sec.” before “95”
8 each place it appears; and

9 (B) by inserting after the item relating to
10 section 959 the following:

“Sec. 959A. Advanced reactor demonstration program.”.

11 (h) INTERNATIONAL NUCLEAR ENERGY COOPERA-
12 TION.—

13 (1) IN GENERAL.—Subtitle E of title IX of the
14 Energy Policy Act of 2005 (42 U.S.C. 16271 et
15 seq.), as amended by subsection (g), is further
16 amended by adding at the end the following:

17 **“SEC. 959B. INTERNATIONAL NUCLEAR ENERGY COOPERA-**
18 **TION.**

19 “The Secretary shall carry out a program—

20 “(1) to collaborate in international efforts with
21 respect to research, development, demonstration, and
22 commercial application of nuclear technology that
23 supports diplomatic, financing, nonproliferation, cli-
24 mate, and international economic objectives for the

1 safe, secure, and peaceful use of such technology;
2 and

3 “(2) to develop collaboration initiatives with re-
4 spect to such efforts with a variety of countries
5 through—

6 “(A) preparations for research and devel-
7 opment agreements;

8 “(B) the development of coordinated action
9 plans; and

10 “(C) new or existing multilateral coopera-
11 tion commitments including—

12 “(i) the International Framework for
13 Nuclear Energy Cooperation;

14 “(ii) the Generation IV International
15 Forum;

16 “(iii) the International Atomic Energy
17 Agency;

18 “(iv) the Organization for Economic
19 Co-operation and Development Nuclear
20 Energy Agency; and

21 “(v) any other international collabo-
22 rative effort with respect to advanced nu-
23 clear reactor operations and safety.”.

24 (2) TABLE OF CONTENTS.—The table of con-
25 tents of the Energy Policy Act of 2005 (Public Law

1 109–58; 119 Stat. 594), as amended by subsection
2 (g), is further amended by inserting after the item
3 relating to section 959A the following:

“Sec. 959B. International nuclear energy cooperation.”.

4 **SEC. 2004. HIGH-PERFORMANCE COMPUTATION COLLABO-**
5 **RATIVE RESEARCH PROGRAM.**

6 Section 957 of the Energy Policy Act of 2005 (42
7 U.S.C. 16277) is amended by adding at the end the fol-
8 lowing:

9 “(d) DUPLICATION.—The Secretary shall ensure the
10 coordination of, and avoid unnecessary duplication of, the
11 activities of the program under subsection (a) with the ac-
12 tivities of—

13 “(1) other research entities of the Department,
14 including the National Laboratories, the Advanced
15 Research Projects Agency–Energy, and the Ad-
16 vanced Scientific Computing Research program; and

17 “(2) industry.”.

18 **SEC. 2005. NUCLEAR ENERGY BUDGET PLAN.**

19 Section 959 of the Energy Policy Act of 2005 (42
20 U.S.C. 16279) is amended—

21 (1) by amending subsection (b) to read as fol-
22 lows:

23 “(b) BUDGET PLAN ALTERNATIVE 1.—One of the
24 budget plans submitted under subsection (a) shall assume
25 constant annual funding for 10 years at the appropriated

1 level for the current fiscal year for the civilian nuclear en-
2 ergy research and development of the Department.”;

3 (2) in subsection (d)(2) by striking “; and” and
4 inserting “;”;

5 (3) in subsection (d)(3) by striking the period
6 at the end and inserting “; and”

7 (4) by inserting at the end of subsection (d) the
8 following:

9 “(4) a description of the progress made under
10 the programs described in section 959A.”; and

11 (5) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) UPDATES.—Not less frequently than once every
14 2 years, the Secretary shall submit to the Committee on
15 Science, Space, and Technology of the House of Rep-
16 resentatives and the Committee on Energy and Natural
17 Resources of the Senate updated 10-year budget plans
18 which shall identify, and provide a justification for, any
19 major deviation from a previous budget plan submitted
20 under this section.”.

21 **SEC. 2006. ORGANIZATION AND ADMINISTRATION OF PRO-**
22 **GRAMS.**

23 (a) IN GENERAL.—Subtitle E of title IX of the En-
24 ergy Policy Act of 2005 (42 U.S.C. 16271 et seq.), as

1 amended by this Act, is further amended by adding at the
2 end of the following:

3 **“SEC. 959C. ORGANIZATION AND ADMINISTRATION OF PRO-**
4 **GRAMS.**

5 “(a) COORDINATION.—In carrying out this subtitle,
6 the Secretary shall coordinate activities, and effectively
7 manage crosscutting research priorities across programs
8 of the Department and other relevant Federal agencies,
9 including the National Laboratories.

10 “(b) COLLABORATION.—

11 “(1) IN GENERAL.—In carrying out this sub-
12 title, the Secretary shall collaborate with industry,
13 National Laboratories, other relevant Federal agen-
14 cies, institutions of higher education, including mi-
15 nority-serving institutions and research reactors,
16 Tribal entities, including Alaska Native Corpora-
17 tions, and international bodies with relevant sci-
18 entific and technical expertise.

19 “(2) PARTICIPATION.—To the extent prac-
20 ticable, the Secretary shall encourage research
21 projects that promote collaboration between entities
22 specified in paragraph (1).

23 “(c) DISSEMINATION OF RESULTS AND PUBLIC
24 AVAILABILITY.—The Secretary shall, except to the extent
25 protected from disclosure under section 552(b) of title 5,

1 United States Code, publish the results of projects sup-
2 ported under this subtitle through Department websites,
3 reports, databases, training materials, and industry con-
4 ferences, including information discovered after the com-
5 pletion of such projects.

6 “(d) EDUCATION AND OUTREACH.—In carrying out
7 the activities described in this subtitle, the Secretary shall
8 support education and outreach activities to disseminate
9 information and promote public understanding of nuclear
10 energy.

11 “(e) TECHNICAL ASSISTANCE.—In carrying out this
12 subtitle, for the purposes of supporting technical, non-
13 hardware, and information-based advances in nuclear en-
14 ergy development and operations, the Secretary shall also
15 conduct technical assistance and analysis activities, includ-
16 ing activities that support commercial application of nu-
17 clear energy in rural, Tribal, and low-income communities.

18 “(f) PROGRAM REVIEW.—At least annually, all pro-
19 grams in this subtitle shall be subject to an annual review
20 by the Nuclear Energy Advisory Committee of the Depart-
21 ment or other independent entity, as appropriate.

22 “(g) SENSITIVE INFORMATION.—The Secretary shall
23 not publish any information generated under this subtitle
24 that is detrimental to national security, as determined by
25 the Secretary.”

1 (b) TABLE OF CONTENTS.—The table of contents of
2 the Energy Policy Act of 2005 (Public Law 109–58; 119
3 Stat. 594), as amended by this Act, is further amended
4 by inserting after the item relating to section 959B the
5 following:

“Sec. 959C. Organization and administration of programs.”.

6 **SEC. 2007. EXTENSION AND EXPANSION OF LIMITATIONS**
7 **ON IMPORTATION OF URANIUM FROM RUS-**
8 **SIAN FEDERATION.**

9 (a) IN GENERAL.—Section 3112A of the USEC Pri-
10 vatization Act (42 U.S.C. 2297h–10a) is amended—

11 (1) in subsection (a)—

12 (A) by redesignating paragraph (7) as
13 paragraph (8); and

14 (B) by inserting after paragraph (6) the
15 following:

16 “(7) SUSPENSION AGREEMENT.—The term
17 ‘Suspension Agreement’ has the meaning given that
18 term in section 3102(13).”;

19 (2) in subsection (b)—

20 (A) by striking “United States to support”
21 and inserting the following: “United States—

22 “(1) to support”;

23 (B) by striking the period at the end and
24 inserting a semicolon; and

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

1 “(2) to reduce reliance on uranium imports in
2 order to protect essential national security interests;

3 “(3) to revive and strengthen the supply chain
4 for nuclear fuel produced and used in the United
5 States; and

6 “(4) to expand production of nuclear fuel in the
7 United States.”; and

8 (3) in subsection (c)—

9 (A) in paragraph (2)—

10 (i) in subparagraph (A)—

11 (I) in clause (vi), by striking “;
12 and” and inserting a semicolon;

13 (II) in clause (vii), by striking
14 the period at the end and inserting a
15 semicolon; and

16 (III) by adding at the end the
17 following:

18 “(viii) in calendar year 2021, 596,682
19 kilograms;

20 “(ix) in calendar year 2022, 489,617
21 kilograms;

22 “(x) in calendar year 2023, 578,877
23 kilograms;

24 “(xi) in calendar year 2024, 476,536
25 kilograms;

1 “(xii) in calendar year 2025, 470,376
2 kilograms;
3 “(xiii) in calendar year 2026, 464,183
4 kilograms;
5 “(xiv) in calendar year 2027, 459,083
6 kilograms;
7 “(xv) in calendar year 2028, 344,312
8 kilograms;
9 “(xvi) in calendar year 2029, 340,114
10 kilograms;
11 “(xvii) in calendar year 2030,
12 332,141 kilograms;
13 “(xviii) in calendar year 2031,
14 328,862 kilograms;
15 “(xix) in calendar year 2032, 322,255
16 kilograms;
17 “(xx) in calendar year 2033, 317,536
18 kilograms;
19 “(xxi) in calendar year 2034, 298,088
20 kilograms;
21 “(xxii) in calendar year 2035,
22 294,511 kilograms;
23 “(xxiii) in calendar year 2036,
24 286,066 kilograms;

1 “(xxiv) in calendar year 2037,
2 281,272 kilograms;

3 “(xxv) in calendar year 2038, 277,124
4 kilograms;

5 “(xxvi) in calendar year 2039,
6 277,124 kilograms; and

7 “(xxvii) in calendar year 2040,
8 267,685 kilograms.”;

9 (ii) by redesignating subparagraph
10 (B) as subparagraph (C); and

11 (iii) by inserting after subparagraph
12 (A) the following:

13 “(B) ADMINISTRATION.—

14 “(i) IN GENERAL.—The Secretary of
15 Commerce shall administer the import lim-
16 itations described in subparagraph (A) in
17 accordance with the provisions of the Sus-
18 pension Agreement, including—

19 “(I) the limitations on sales of
20 enriched uranium product and separa-
21 tive work units plus conversion, in
22 amounts determined in accordance
23 with Section IV.B.1 of the Suspension
24 Agreement (as amended by the
25 amendment published in the Federal

1 Register on October 9, 2020 (85 Fed.
2 Reg. 64112));

3 “(II) the export limit allocations
4 set forth in Appendix 5 of the Suspen-
5 sion Agreement (as so amended);

6 “(III) the requirements for nat-
7 ural uranium returned feed associated
8 with imports of low-enriched uranium,
9 including pursuant to sales of enrich-
10 ment, with or without conversion,
11 from the Russian Federation, as set
12 forth in Section IV.B.1 of the Suspen-
13 sion Agreement (as so amended);

14 “(IV) any other provisions of the
15 Suspension Agreement (as so amend-
16 ed); and

17 “(V) any related administrative
18 guidance issued by the Department of
19 Commerce.

20 “(ii) EFFECT OF TERMINATION OF
21 SUSPENSION AGREEMENT.—Clause (i)
22 shall remain in effect if the Suspension
23 Agreement is terminated.”;

24 (B) in paragraph (3)—

1 (i) in subparagraph (A), by striking
2 the semicolon and inserting “; or”;

3 (ii) in subparagraph (B), by striking
4 “; or” and inserting a period; and

5 (iii) by striking subparagraph (C);
6 (C) in paragraph (5)—

7 (i) in subparagraph (A), by striking
8 “reference data” and all that follows
9 through “2019” and inserting the fol-
10 lowing: “lower scenario data in the report
11 of the World Nuclear Association entitled
12 ‘The Nuclear Fuel Report: Global Sce-
13 narios for Demand and Supply Availability
14 2019–2040’. In each of calendar years
15 2023, 2029, and 2035”; and

16 (ii) by redesignating subparagraphs
17 (B) and (C) as subparagraphs (C) and
18 (D), respectively;

19 (iii) by inserting after subparagraph
20 (A) the following:

21 “(B) REPORT REQUIRED.—Not later than
22 one year after the date of the enactment of the
23 Energy Act of 2020, and every 3 years there-
24 after, the Secretary shall submit to Congress a
25 report that includes—

1 “(i) a recommendation on the use of
2 all publicly available data to ensure accu-
3 rate forecasting by scenario data to com-
4 port to actual demand for low-enriched
5 uranium for nuclear reactors in the United
6 States; and

7 “(ii) an identification of the steps to
8 be taken to adjust the import limitations
9 described in paragraph (2)(A) based on the
10 most accurate scenario data.”; and

11 (iv) in subparagraph (D), as redesign-
12 ated by clause (ii), by striking “subpara-
13 graph (B)” and inserting “subparagraph
14 (C)”;

15 (D) in paragraph (9), by striking “2020”
16 and inserting “2040”;

17 (E) in paragraph (12)(B), by inserting “or
18 the Suspension Agreement” after “the Russian
19 HEU Agreement”; and

20 (F) by striking “(2)(B)” each place it ap-
21 pears and inserting “(2)(C)”.

22 (b) **APPLICABILITY.**—The amendments made by sub-
23 section (a) apply with respect to uranium imported from
24 the Russian Federation on or after January 1, 2021.

1 **SEC. 2008. FUSION ENERGY RESEARCH.**

2 (a) PROGRAM.—Section 307 of the Department of
3 Energy Research and Innovation Act (42 U.S.C. 18645)
4 is amended—

5 (1) by redesignating subsections (a) through (g)
6 as subsections (b) through (h), respectively;

7 (2) by inserting before subsection (b), as so re-
8 designated, the following:

9 “(a) PROGRAM.—As part of the activities authorized
10 under section 209 of the Department of Energy Organiza-
11 tion Act (42 U.S.C. 7139) and section 972 of the Energy
12 Policy Act of 2005 (42 U.S.C. 16312), the Director shall
13 carry out a fusion energy sciences research and enabling
14 technology development program to effectively address the
15 scientific and engineering challenges to building a cost
16 competitive fusion power plant and to support the develop-
17 ment of a competitive fusion power industry in the United
18 States. As part of this program, the Director shall carry
19 out research activities to expand the fundamental under-
20 standings of plasma and matter at very high temperatures
21 and densities for fusion applications and for other engi-
22 neering and plasma science applications.”;

23 (3) by amending subsection (d) to read as fol-
24 lows:

25 “(d) INERTIAL FUSION RESEARCH AND DEVELOP-
26 MENT.—

1 “(1) IN GENERAL.—The Director shall carry
2 out a program of research and technology develop-
3 ment in inertial fusion for energy applications, in-
4 cluding ion beam, laser, and pulsed power fusion
5 systems.

6 “(2) ACTIVITIES.—As part of the program de-
7 scribed in paragraph (1), the Director shall support
8 activities at and partnerships with universities and
9 the National Laboratories to—

10 “(A) develop novel target designs;

11 “(B) support modeling of various inertial
12 fusion energy concepts and systems;

13 “(C) develop diagnostic tools; and

14 “(D) improve inertial fusion energy driver
15 technologies.

16 “(3) AUTHORIZATION OF APPROPRIATIONS.—
17 Out of funds authorized to be appropriated under
18 subsection (o), there are authorized to be appro-
19 priated to the Secretary to carry out the activities
20 described in subsection (d) \$25,000,000 for each of
21 fiscal years 2021 through 2025.”;

22 (4) by amending subsection (e) to read as fol-
23 lows:

24 “(e) ALTERNATIVE AND ENABLING CONCEPTS.—

1 “(1) IN GENERAL.—The Director shall support
2 research and development activities and facility oper-
3 ations at institutions of higher education, National
4 Laboratories, and private facilities in the United
5 States for a portfolio of alternative and enabling fu-
6 sion energy concepts that may provide solutions to
7 significant challenges to the establishment of a com-
8 mercial magnetic fusion power plant, prioritized
9 based on the ability of the United States to play a
10 leadership role in the international fusion research
11 community.

12 “(2) ACTIVITIES.—Fusion energy concepts and
13 activities explored under paragraph (1) may in-
14 clude—

15 “(A) alternative fusion energy concepts, in-
16 cluding—

17 “(i) advanced stellarator concepts;

18 “(ii) non-tokamak confinement con-
19 figurations operating at low magnetic
20 fields;

21 “(iii) magnetized target fusion energy
22 concepts; or

23 “(iv) other promising fusion energy
24 concepts identified by the Director;

1 “(B) enabling fusion technology develop-
2 ment activities, including—

3 “(i) high magnetic field approaches
4 facilitated by high temperature super-
5 conductors;

6 “(ii) liquid metals to address issues
7 associated with fusion plasma interactions
8 with the inner wall of the encasing device;
9 and

10 “(iii) advanced blankets for heat man-
11 agement and fuel breeding; and

12 “(C) advanced scientific computing activi-
13 ties.

14 “(3) INNOVATION NETWORK FOR FUSION EN-
15 ERGY.—

16 “(A) IN GENERAL.—The Secretary, acting
17 through the Office of Science, shall support a
18 program to provide fusion energy researchers
19 with access to scientific and technical resources
20 and expertise at facilities supported by the De-
21 partment, including such facilities at National
22 Laboratories and universities, to advance inno-
23 vative fusion energy technologies toward com-
24 mercial application.

1 “(B) AWARDS.—Financial assistance
2 under the program established in subsection
3 (a)—

4 “(i) shall be awarded on a competi-
5 tive, merit-reviewed basis; and

6 “(ii) may be in the form of grants,
7 vouchers, equipment loans, or contracts to
8 private entities.

9 “(4) AUTHORIZATION OF APPROPRIATIONS.—
10 Out of funds authorized to be appropriated under
11 subsection (o), there are authorized to be appro-
12 priated to the Secretary to carry out the activities
13 described in subsection (e) \$50,000,000 for each of
14 fiscal years 2021 through 2025.”; and

15 (5) by adding at the end the following:

16 “(i) MILESTONE-BASED DEVELOPMENT PROGRAM.—

17 “(1) IN GENERAL.—Using the authority of the
18 Secretary under section 646(g) of the Department of
19 Energy Organization Act (42 U.S.C. 7256(g)), not-
20 withstanding paragraph (10) of such section, the
21 Secretary shall establish, not later than 6 months
22 after the date of enactment of this section, a mile-
23 stone-based fusion energy development program that
24 requires projects to meet particular technical mile-

1 stones before a participant is awarded funds by the
2 Department.

3 “(2) PURPOSE.—The purpose of the program
4 established by paragraph (1) shall be to support the
5 development of a U.S.-based fusion power industry
6 through the research and development of tech-
7 nologies that will enable the construction of new full-
8 scale fusion systems capable of demonstrating sig-
9 nificant improvements in the performance of such
10 systems, as defined by the Secretary, within 10
11 years of the enactment of this section.

12 “(3) ELIGIBILITY.—Any entity is eligible to
13 participate in the program provided that the Sec-
14 retary has deemed it as having the necessary re-
15 sources and expertise.

16 “(4) REQUIREMENTS.—In carrying out the
17 milestone-based program under paragraph (1), the
18 Secretary shall, for each relevant project—

19 “(A) request proposals from eligible enti-
20 ties, as determined by the Secretary, that in-
21 clude proposed technical milestones, including
22 estimated project timelines and total costs;

23 “(B) set milestones based on a rigorous
24 technical review process;

1 “(C) award funding of a predetermined
2 amount to projects that successfully meet pro-
3 posed milestones under paragraph (1), or for
4 expenses deemed reimbursable by the Secretary,
5 in accordance with terms negotiated for an indi-
6 vidual award; and

7 “(D) communicate regularly with selected
8 eligible entities and, if the Secretary deems ap-
9 propriate, exercise small amounts of flexibility
10 for technical milestones as projects mature.

11 “(5) AWARDS.—For the program established
12 under paragraph (1)—

13 “(A) an award recipient shall be respon-
14 sible for all costs until milestones are achieved,
15 or reimbursable expenses are reviewed and
16 verified by the Department;

17 “(B) should an awardee not meet the mile-
18 stones described in paragraph (4), the Sec-
19 retary may end the partnership with an award
20 recipient and use the remaining funds in the
21 ended agreement for new or existing projects
22 carried out under this section; and

23 “(C) consistent with the existing authori-
24 ties of the Department, the Secretary may end

1 the partnership with an award recipient for
2 cause during the performance period.

3 “(6) APPLICATIONS.—Any project proposal sub-
4 mitted to the program under paragraph (1) shall be
5 evaluated based upon its scientific, technical, and
6 business merits through a peer-review process, which
7 shall include reviewers with appropriate expertise
8 from the private sector, the investment community,
9 and experts in the science and engineering of fusion
10 and plasma physics.

11 “(7) PROJECT MANAGEMENT.—In carrying out
12 projects under this program and assessing the com-
13 pletion of their milestones in accordance with para-
14 graph (4), the Secretary shall consult with experts
15 that represent diverse perspectives and professional
16 experiences, including those from the private sector,
17 to ensure a complete and thorough review.

18 “(8) PROGRAMMATIC REVIEW.—Not later than
19 4 years after the Secretary has established 3 mile-
20 stones under this program, the Secretary shall enter
21 into a contractual arrangement with the National
22 Academy of Sciences to review and provide a report
23 describing the findings of this review to the House
24 Committee on Science, Space, and Technology and
25 the Senate Committee on Energy and Natural Re-

1 sources on the program established under this para-
2 graph (1) that assesses—

3 “(A) the benefits and drawbacks of a mile-
4 stone-based fusion program as compared to tra-
5 ditional program structure funding models at
6 the Department;

7 “(B) lessons-learned from program oper-
8 ations; and

9 “(C) any other matters the Secretary de-
10 termines regarding the program.

11 “(9) ANNUAL REPORT.—As part of the annual
12 budget request submitted for each fiscal year, the
13 Secretary shall provide the House Committee on
14 Science, Space, and Technology and the Senate
15 Committee on Energy and Natural Resources a re-
16 port describing partnerships supported by the pro-
17 gram established under paragraph (1) during the
18 previous fiscal year.

19 “(10) AUTHORIZATION OF APPROPRIATIONS.—
20 Out of funds authorized to be appropriated under
21 subsection (o), there are authorized to be appro-
22 priated to the Secretary to carry out the activities
23 described in subsection (i), to remain available until
24 expended—

25 “(A) \$45,000,000 for fiscal year 2021;

1 “(B) \$65,000,000 for fiscal year 2022;

2 “(C) \$105,000,000 for fiscal year 2023;

3 “(D) \$65,000,000 for fiscal year 2024;

4 and

5 “(E) \$45,000,000 for fiscal year 2025.

6 “(j) FUSION REACTOR SYSTEM DESIGN.—The Direc-
7 tor shall support research and development activities to
8 design future fusion reactor systems and examine and ad-
9 dress the technical drivers for the cost of these systems.

10 “(k) GENERAL PLASMA SCIENCE AND APPLICA-
11 TIONS.—The Director shall support research in general
12 plasma science and high energy density physics that ad-
13 vance the understanding of the scientific community of
14 fundamental properties and complex behavior of matter to
15 control and manipulate plasmas for a broad range of ap-
16 plications, including support for research relevant to ad-
17 vancements in chip manufacturing and microelectronics.

18 “(l) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the United States should support a robust, di-
20 verse program in addition to providing sufficient support
21 to, at a minimum, meet its commitments to ITER and
22 maintain the schedule of the project as determined by the
23 Secretary in coordination with the ITER Organization at
24 the time of the enactment of this section. It is further
25 the sense of Congress that developing the scientific basis

1 for fusion, providing research results key to the success
2 of ITER, and training the next generation of fusion sci-
3 entists are of critical importance to the United States and
4 should in no way be diminished by participation of the
5 United States in the ITER project.

6 “(m) INTERNATIONAL COLLABORATION.—The Direc-
7 tor shall—

8 “(1) as practicable and in coordination with
9 other appropriate Federal agencies as necessary, en-
10 sure the access of United States researchers to the
11 most advanced fusion research facilities and research
12 capabilities in the world, including ITER;

13 “(2) to the maximum extent practicable, con-
14 tinue to leverage United States participation ITER,
15 and prioritize expanding international partnerships
16 and investments in current and future fusion re-
17 search facilities within the United States; and

18 “(3) to the maximum extent practicable,
19 prioritize engagement in collaborative efforts in sup-
20 port of future international facilities that would pro-
21 vide access to the most advanced fusion research fa-
22 cilities in the world to United States researchers.

23 “(n) FISSION AND FUSION RESEARCH COORDINA-
24 TION REPORT.—

1 “(1) IN GENERAL.—Not later than 6 months
2 after the date of enactment of this section, the Sec-
3 retary shall transmit to Congress a report address-
4 ing opportunities for coordinating fusion energy re-
5 search and development activities between the Office
6 of Nuclear Energy, the Office of Science, and the
7 Advanced Research Projects Agency—Energy.

8 “(2) COMPONENTS.—The report shall assess
9 opportunities for collaboration on research and de-
10 velopment of—

11 “(A) liquid metals to address issues associ-
12 ated with fusion plasma interactions with the
13 inner wall of the encasing device and other com-
14 ponents within the reactor;

15 “(B) immersion blankets for heat manage-
16 ment and fuel breeding;

17 “(C) technologies and methods for instru-
18 mentation and control;

19 “(D) computational methods and codes for
20 system operation and maintenance;

21 “(E) codes and standard development;

22 “(F) radioactive waste handling;

23 “(G) radiological safety;

24 “(H) potential for non-electricity genera-
25 tion applications; and

1 “(I) any other overlapping priority as iden-
2 tified by the Director of the Office of Science
3 or the Assistant Secretary of Energy for Nu-
4 clear Energy.

5 “(o) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary to carry
7 out the activities described in this section—

8 “(1) \$996,000,000 for fiscal year 2021;

9 “(2) \$921,000,000 for fiscal year 2022;

10 “(3) \$961,000,000 for fiscal year 2023;

11 “(4) \$921,000,000 for fiscal year 2024; and

12 “(5) \$901,000,000 for fiscal year 2025.”.

13 (b) ITER.—Section 972(c) of the Energy Policy Act
14 of 2005 (42 U.S.C. 16312) is amended to read as follows:

15 “(c) UNITED STATES PARTICIPATION IN ITER.—

16 “(1) IN GENERAL.—There is authorized United
17 States participation in the construction and oper-
18 ations of the ITER project, as agreed to under the
19 April 25, 2007 ‘Agreement on the Establishment of
20 the ITER International Fusion Energy Organization
21 for the Joint Implementation of the ITER Project’.
22 The Director shall coordinate and carry out the re-
23 sponsibilities of the United States with respect to
24 this Agreement.

1 “(2) REPORT.—Not later than 1 year after the
2 date of enactment of this section, the Secretary shall
3 submit to Congress a report providing an assessment
4 of the most recent schedule for ITER that has been
5 approved by the ITER Council.

6 “(3) AUTHORIZATION OF APPROPRIATIONS.—
7 Out of funds authorized to be appropriated under
8 section 307(o) of the Department of Energy Re-
9 search and Innovation Act (42 U.S.C. 18645), there
10 shall be made available to the Secretary to carry out
11 the construction of ITER—

12 “(A) \$374,000,000 for fiscal year 2021;

13 and

14 “(B) \$281,000,000 for each of fiscal years
15 2022 through 2025.”.

16 **TITLE III—RENEWABLE ENERGY**
17 **AND STORAGE**

18 **Subtitle A—Renewable Energy**
19 **Research and Development**

20 **SEC. 3001. WATER POWER RESEARCH AND DEVELOPMENT.**

21 (a) IN GENERAL.—Subtitle C of title VI of the En-
22 ergy Independence and Security Act of 2007 (42 U.S.C.
23 17211 et seq.) is amended to read as follows:

1 **“Subtitle C—Water Power**
2 **Research and Development**

3 **“SEC. 632. DEFINITIONS.**

4 “In this subtitle:

5 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
6 tity’ means any of the following entities:

7 “(A) An institution of higher education.

8 “(B) A National Laboratory.

9 “(C) A Federal research agency.

10 “(D) A State research agency.

11 “(E) A nonprofit research organization.

12 “(F) An industrial entity or a multi-insti-
13 tutional consortium thereof.

14 “(2) INSTITUTION OF HIGHER EDUCATION.—
15 The term ‘institution of higher education’ means—

16 “(A) an institution of higher education (as
17 defined in section 101(a) of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1001(a))); or

19 “(B) a postsecondary vocational institution
20 (as defined in section 102(c) of the Higher
21 Education Act of 1965 (20 U.S.C. 1002(c))).

22 “(3) MARINE ENERGY.—The term ‘marine en-
23 ergy’ means energy from—

24 “(A) waves, tides, and currents in oceans,
25 estuaries, and tidal areas;

1 “(B) free flowing water in rivers, lakes,
2 streams, and man-made channels;

3 “(C) differentials in salinity and pressure
4 gradients; and

5 “(D) differentials in water temperature, in-
6 cluding ocean thermal energy conversion.

7 “(4) NATIONAL LABORATORY.—The term ‘Na-
8 tional Laboratory’ has the meaning given such term
9 in section 2(3) of the Energy Policy Act of 2005 (42
10 U.S.C. 15801(3)).

11 “(5) WATER POWER.—The term ‘water power’
12 refers to hydropower, including conduit power,
13 pumped storage, and marine energy technologies.

14 “(6) MICROGRID.—The term ‘microgrid’ has
15 the meaning given such term in section 641 of the
16 Energy Independence and Security Act of 2007 (42
17 U.S.C. 17231).

18 **“SEC. 633. WATER POWER TECHNOLOGY RESEARCH, DE-**
19 **VELOPMENT, AND DEMONSTRATION.**

20 “The Secretary shall carry out a program to conduct
21 research, development, demonstration, and commercial ap-
22 plication of water power technologies in support of each
23 of the following purposes:

24 “(1) To promote research, development, dem-
25 onstration, and commercial application of water

1 power generation technologies in order to increase
2 capacity and reduce the cost of those technologies.

3 “(2) To promote research and development to
4 improve the environmental impact of water power
5 technologies.

6 “(3) To provide grid reliability and resilience,
7 including through technologies that facilitate new
8 market opportunities, such as ancillary services, for
9 water power.

10 “(4) To promote the development of water
11 power technologies to improve economic growth and
12 enhance cross-institutional foundational workforce
13 development in the water power sector, including in
14 coastal communities.

15 **“SEC. 634. HYDROPOWER RESEARCH, DEVELOPMENT, AND**
16 **DEMONSTRATION.**

17 “The Secretary shall conduct a program of research,
18 development, demonstration, and commercial application
19 for technologies that improve the capacity, efficiency, resil-
20 ience, security, reliability, affordability, and environmental
21 impact, including potential cumulative environmental im-
22 pacts, of hydropower systems. In carrying out such pro-
23 gram, the Secretary shall prioritize activities designed
24 to—

25 “(1) develop technology for—

1 “(A) non-powered dams, including aging
2 and potentially hazardous dams;

3 “(B) pumped storage;

4 “(C) constructed waterways;

5 “(D) new stream-reach development;

6 “(E) modular and small dams;

7 “(F) increased operational flexibility; and

8 “(G) enhancement of relevant existing fa-
9 cilities;

10 “(2) develop new strategies and technologies,
11 including analytical methods, physical and numerical
12 tools, and advanced computing, as well as methods
13 to validate such methods and tools, in order to—

14 “(A) extend the operational lifetime of hy-
15 dropower systems and their physical structures,
16 while improving environmental impact, includ-
17 ing potential cumulative environmental impacts;

18 “(B) assist in device and system design,
19 installation, operation, and maintenance; and

20 “(C) reduce costs, limit outages, and in-
21 crease unit and plant efficiencies, including by
22 examining the impact of changing water and
23 electricity demand on hydropower generation,
24 flexibility, and provision of grid services;

1 “(3) study, in conjunction with other relevant
2 Federal agencies as appropriate, methods to improve
3 the hydropower licensing process, including by com-
4 piling current and accepted best practices, public
5 comments, and methodologies to assess the full
6 range of potential environmental and economic im-
7 pacts;

8 “(4) identify opportunities for joint research,
9 development, and demonstration programs between
10 hydropower systems, which may include—

11 “(A) pumped storage systems and other
12 renewable energy systems;

13 “(B) small hydro facilities and other en-
14 ergy storage systems;

15 “(C) other hybrid energy systems;

16 “(D) small hydro facilities and critical in-
17 frastructure, including water infrastructure;
18 and

19 “(E) hydro facilities and responsive load
20 technologies, which may include smart buildings
21 and city systems;

22 “(5) improve the reliability of hydropower tech-
23 nologies, including during extreme weather events;

24 “(6) develop methods and technologies to im-
25 prove environmental impact, including potential cu-

1 cumulative environmental impacts, of hydropower and
2 pumped storage technologies, including potential im-
3 pacts on wildlife, such as—

4 “(A) fisheries;

5 “(B) aquatic life and resources;

6 “(C) navigation of waterways; and

7 “(D) upstream and downstream environ-
8 mental conditions, including sediment move-
9 ment, water quality, and flow volumes;

10 “(7) identify ways to increase power generation
11 by—

12 “(A) diversifying plant configuration op-
13 tions;

14 “(B) improving pump-back efficiencies;

15 “(C) investigating multi-phase systems;

16 “(D) developing, testing, and monitoring
17 advanced generators with faster cycling times,
18 variable speeds, and improved efficiencies;

19 “(E) developing, testing, and monitoring
20 advanced turbines capable of improving environ-
21 mental impact, including potential cumulative
22 environmental impacts, including small turbine
23 designs;

24 “(F) developing standardized powertrain
25 components;

1 “(G) developing components with advanced
2 materials and manufacturing processes, includ-
3 ing additive manufacturing; and

4 “(H) developing analytical tools that en-
5 able hydropower to provide grid services that,
6 amongst other services, improve grid integra-
7 tion of other energy sources;

8 “(8) advance new pumped storage technologies,
9 including—

10 “(A) systems with adjustable speed and
11 other new pumping and generating equipment
12 designs;

13 “(B) modular systems;

14 “(C) alternative closed-loop systems, in-
15 cluding mines and quarries; and

16 “(D) other innovative equipment and ma-
17 terials as determined by the Secretary;

18 “(9) reduce civil works costs and construction
19 times for hydropower and pumped storage systems,
20 including comprehensive data and systems analysis
21 of hydropower and pumped storage construction
22 technologies and processes in order to identify areas
23 for whole-system efficiency gains;

1 “(10) advance efficient and reliable integration
2 of hydropower and pumped storage systems with the
3 electric grid by—

4 “(A) improving methods for operational
5 forecasting of renewable energy systems to
6 identify opportunities for hydropower applica-
7 tions in pumped storage and hybrid energy sys-
8 tems, including forecasting of seasonal and an-
9 nual energy storage;

10 “(B) considering aggregating small distrib-
11 uted hydropower assets; and

12 “(C) identifying barriers to grid scale im-
13 plementation of hydropower and pumped stor-
14 age technologies;

15 “(11) improve computational fluid dynamic
16 modeling methods;

17 “(12) improve flow measurement methods, in-
18 cluding maintenance of continuous flow measure-
19 ment equipment;

20 “(13) identify best methods for compiling data
21 on all hydropower resources and assets, including
22 identifying potential for increased capacity; and

23 “(14) identify mechanisms to test and validate
24 performance of hydropower and pumped storage
25 technologies.

1 **“SEC. 635. MARINE ENERGY RESEARCH, DEVELOPMENT,**
2 **AND DEMONSTRATION.**

3 “(a) IN GENERAL.—The Secretary, in consultation
4 with the Secretary of Defense, Secretary of Commerce
5 (acting through the Under Secretary of Commerce for
6 Oceans and Atmosphere) and other relevant Federal agen-
7 cies, shall conduct a program of research, development,
8 demonstration, and commercial application of marine en-
9 ergy technology, including activities to—

10 “(1) assist technology development to improve
11 the components, processes, and systems used for
12 power generation from marine energy resources at a
13 variety of scales;

14 “(2) establish and expand critical testing infra-
15 structure and facilities necessary to—

16 “(A) demonstrate and prove marine energy
17 devices at a range of scales in a manner that
18 is cost-effective and efficient; and

19 “(B) accelerate the technological readiness
20 and commercial application of such devices;

21 “(3) address marine energy resource variability
22 issues, including through the application of energy
23 storage technologies;

24 “(4) advance efficient and reliable integration
25 of marine energy with the electric grid, which may
26 include smart building systems;

1 “(5) identify and study critical short-term and
2 long-term needs to maintaining a sustainable marine
3 energy supply chain based in the United States;

4 “(6) increase the reliability, security, and resil-
5 ience of marine energy technologies;

6 “(7) validate the performance, reliability, main-
7 tainability, and cost of marine energy device designs
8 and system components in an operating environ-
9 ment;

10 “(8) consider the protection of critical infra-
11 structure, such as adequate separation between ma-
12 rine energy devices and submarine telecommuni-
13 cations cables, including through the development of
14 voluntary, consensus-based standards for such pur-
15 poses;

16 “(9) identify opportunities for crosscutting re-
17 search, development, and demonstration programs
18 between existing energy research programs;

19 “(10) identify and improve, in conjunction with
20 the Secretary of Commerce, acting through the
21 Under Secretary of Commerce for Oceans and At-
22 mosphere, and other relevant Federal agencies as
23 appropriate, the environmental impact, including po-
24 tential cumulative environmental impacts, of marine
25 energy technologies, including—

1 “(A) potential impacts on fisheries and
2 other marine resources; and

3 “(B) developing technologies, including
4 mechanisms for self-evaluation, and other
5 means available for improving environmental
6 impact, including potential cumulative environ-
7 mental impacts;

8 “(11) identify, in consultation with relevant
9 Federal agencies, potential navigational impacts of
10 marine energy technologies and strategies to prevent
11 possible adverse impacts, in addition to opportunities
12 for marine energy systems to aid the United States
13 Coast Guard, such as remote sensing for coastal bor-
14 der security;

15 “(12) develop numerical and physical tools, in-
16 cluding models and monitoring technologies, to as-
17 sist industry in device and system design, installa-
18 tion, operation, and maintenance, including methods
19 to validate such tools;

20 “(13) support materials science as it relates to
21 marine energy technology, such as the development
22 of corrosive-resistant materials;

23 “(14) improve marine energy resource fore-
24 casting and general understanding of aquatic system

1 behavior, including turbulence and extreme condi-
2 tions;

3 “(15) develop metrics and voluntary, consensus-
4 based standards, in coordination with the National
5 Institute of Standards and Technology and appro-
6 priate standard development organizations, for ma-
7 rine energy components, systems, and projects, in-
8 cluding—

9 “(A) measuring performance of marine en-
10 ergy technologies; and

11 “(B) characterizing environmental condi-
12 tions;

13 “(16) enhance integration with hybrid energy
14 systems, including desalination;

15 “(17) identify opportunities to integrate marine
16 energy technologies into new and existing infrastruc-
17 ture; and

18 “(18) to develop technology necessary to sup-
19 port the use of marine energy—

20 “(A) for the generation and storage of
21 power at sea; and

22 “(B) for the generation and storage of
23 power to promote the resilience of coastal com-
24 munities, including in applications relating to—

25 “(i) desalination;

1 “(ii) disaster recovery and resilience;
2 and
3 “(iii) community microgrids in iso-
4 lated power systems.

5 “(b) STUDY OF NON-POWER SECTOR APPLICATIONS
6 FOR ADVANCED MARINE ENERGY TECHNOLOGIES.—

7 “(1) IN GENERAL.—The Secretary, in consulta-
8 tion with the Secretary of Transportation and the
9 Secretary of Commerce, shall conduct a study to ex-
10 amine opportunities for research and development in
11 advanced marine energy technologies for non-power
12 sector applications, including applications with re-
13 spect to—

14 “(A) the maritime transportation sector;

15 “(B) associated maritime energy infra-
16 structure, including infrastructure that serves
17 ports, to improve system resilience and disaster
18 recovery; and

19 “(C) enabling scientific missions at sea
20 and in extreme environments, including the
21 Arctic.

22 “(2) REPORT.—Not later than 1 year after the
23 date of enactment of this section, the Secretary shall
24 submit to the Committee on Energy and Natural
25 Resources of the Senate and the Committee on

1 Science, Space, and Technology of the House of
2 Representatives a report that describes the results of
3 the study conducted under paragraph (1).

4 **“SEC. 636. NATIONAL MARINE ENERGY CENTERS.**

5 “(a) IN GENERAL.—The Secretary shall award
6 grants, each such grant up to \$10,000,000 per year, to
7 institutions of higher education (or consortia thereof)
8 for—

9 “(1) the continuation and expansion of the re-
10 search, development, demonstration, testing, and
11 commercial application activities at the National Ma-
12 rine Energy Centers (referred to in this section as
13 ‘Centers’) established as of January 1, 2020; and

14 “(2) the establishment of new National Marine
15 Energy Centers.

16 “(b) LOCATION SELECTION.—In selecting institu-
17 tions of higher education for new Centers, the Secretary
18 shall consider the following criteria:

19 “(1) Whether the institution hosts an existing
20 marine energy research and development program.

21 “(2) Whether the institution has proven tech-
22 nical expertise to support marine energy research.

23 “(3) Whether the institution has access to ma-
24 rine resources.

1 “(c) PURPOSES.—The Centers shall coordinate
2 among themselves, the Department, and National Labora-
3 tories to—

4 “(1) advance research, development, demonstra-
5 tion, and commercial application of marine energy
6 technologies in response to industry and commercial
7 needs;

8 “(2) support in-water testing and demonstra-
9 tion of marine energy technologies, including facili-
10 ties capable of testing—

11 “(A) marine energy systems of various
12 technology readiness levels and scales;

13 “(B) a variety of technologies in multiple
14 test berths at a single location;

15 “(C) arrays of technology devices; and

16 “(D) interconnectivity to an electrical grid,
17 including microgrids; and

18 “(3) collect and disseminate information on
19 best practices in all areas relating to developing and
20 managing marine energy resources and energy sys-
21 tems.

22 “(d) COORDINATION.—To the extent practicable, the
23 Centers shall coordinate their activities with the Secretary
24 of Commerce, acting through the Undersecretary of Com-

1 merce for Oceans and Atmosphere, and other relevant
2 Federal agencies.

3 “(e) TERMINATION.—To the extent otherwise author-
4 ized by law, the Secretary may terminate funding for a
5 Center described in paragraph (a) if such Center is under-
6 performing.

7 **“SEC. 637. ORGANIZATION AND ADMINISTRATION OF PRO-**
8 **GRAMS.**

9 “(a) COORDINATION.—In carrying out this subtitle,
10 the Secretary shall coordinate activities, and effectively
11 manage cross-cutting research priorities across programs
12 of the Department and other relevant Federal agencies,
13 including the National Laboratories and the National Ma-
14 rine Energy Centers.

15 “(b) COLLABORATION.—

16 “(1) IN GENERAL.—In carrying out this sub-
17 title, the Secretary shall collaborate with industry,
18 National Laboratories, other relevant Federal agen-
19 cies, institutions of higher education, including Mi-
20 nority Serving Institutions, National Marine Energy
21 Centers, Tribal entities, including Alaska Native
22 Corporations, and international bodies with relevant
23 scientific and technical expertise.

24 “(2) PARTICIPATION.—To the extent prac-
25 ticable, the Secretary shall encourage research

1 projects that promote collaboration between entities
2 specified in paragraph (1) and include entities not
3 historically associated with National Marine Energy
4 Centers, such as Minority Serving Institutions.

5 “(3) INTERNATIONAL COLLABORATION.—The
6 Secretary, in coordination with other appropriate
7 Federal and multilateral agencies (including the
8 United States Agency for International Develop-
9 ment) shall support collaborative efforts with inter-
10 national partners to promote the research, develop-
11 ment, and demonstration of water power tech-
12 nologies used to develop hydropower, pump storage,
13 and marine energy resources.

14 “(c) DISSEMINATION OF RESULTS AND PUBLIC
15 AVAILABILITY.—The Secretary shall—

16 “(1) publish the results of projects supported
17 under this subtitle through Department websites, re-
18 ports, databases, training materials, and industry
19 conferences, including information discovered after
20 the completion of such projects, withholding any in-
21 dustrial proprietary information; and

22 “(2) share results of such projects with the
23 public except to the extent that the information is
24 protected from disclosure under section 552(b) of
25 title 5, United States Code.

1 “(d) AWARD FREQUENCY.—The Secretary shall so-
2 licit applications for awards under this subtitle no less fre-
3 quently than once per fiscal year.

4 “(e) EDUCATION AND OUTREACH.—In carrying out
5 the activities described in this subtitle, the Secretary shall
6 support education and outreach activities to disseminate
7 information and promote public understanding of water
8 power technologies and the water power workforce, includ-
9 ing activities at the National Marine Energy Centers.

10 “(f) TECHNICAL ASSISTANCE AND WORKFORCE DE-
11 VELOPMENT.—In carrying out this subtitle, the Secretary
12 may also conduct, for purposes of supporting technical,
13 non-hardware, and information-based advances in water
14 power systems development and operations—

15 “(1) technical assistance and analysis activities
16 with eligible entities, including activities that sup-
17 port expanding access to advanced water power tech-
18 nologies for rural, Tribal, and low-income commu-
19 nities; and

20 “(2) workforce development and training activi-
21 ties, including to support the dissemination of stand-
22 ards and best practices for enabling water power
23 production.

24 “(g) STRATEGIC PLAN.—In carrying out the activi-
25 ties described in this subtitle, the Secretary shall—

1 “(1) not later than one year after the date of
2 the enactment of the Energy Act of 2020, draft a
3 plan, considering input from relevant stakeholders
4 such as industry and academia, to implement the
5 programs described in this subtitle and update the
6 plan on an annual basis; and

7 “(2) the plan shall address near-term (up to 2
8 years), mid-term (up to 7 years), and long-term (up
9 to 15 years) challenges to the advancement of water
10 power systems.

11 “(h) REPORT TO CONGRESS.—Not later than 1 year
12 after the date of the enactment of the Energy Act of 2020,
13 and at least once every 2 years thereafter, the Secretary
14 shall provide, and make available to the public and the
15 relevant authorizing and appropriations committees of
16 Congress, a report on the findings of research conducted
17 and activities carried out pursuant to this subtitle, includ-
18 ing the most current strategic plan under subsection (g)
19 and the progress made in implementing such plan.

20 **“SEC. 638. APPLICABILITY OF OTHER LAWS.**

21 “Nothing in this subtitle shall be construed as
22 waiving, modifying, or superseding the applicability of any
23 requirement under any environmental or other Federal or
24 State law.

1 **“SEC. 639. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to the Sec-
3 retary to carry out this subtitle \$186,600,000 for each of
4 fiscal years 2021 through 2025, including \$137,428,378
5 for marine energy and \$49,171,622 for hydropower re-
6 search, development, and demonstration activities.”.

7 (b) CONFORMING TABLE OF CONTENTS AMEND-
8 MENT.—The table of contents for the Energy Independ-
9 ence and Security Act of 2007 is amended by striking the
10 items relating to subtitle C of title VI and inserting the
11 following:

“Subtitle C—Water Power Research and Development

“Sec. 632. Definitions.

“Sec. 633. Water power technology research, development, and demonstration.

“Sec. 634. Hydropower research, development, and demonstration.

“Sec. 635. Marine energy research, development, and demonstration.

“Sec. 636. National Marine Energy Centers.

“Sec. 637. Organization and administration of programs.

“Sec. 638. Applicability of other laws.

“Sec. 639. Authorization of appropriations.”.

12 **SEC. 3002. ADVANCED GEOTHERMAL INNOVATION LEADER-**
13 **SHIP.**

14 (a) DEFINITIONS.—Section 612 of the Energy Inde-
15 pendence and Security Act of 2007 (42 U.S.C. 17191) is
16 amended—

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) ENGINEERED.—When referring to en-
20 hanced geothermal systems, the term ‘engineered’
21 means designed to access subsurface heat, including

1 stimulation and nonstimulation technologies to ad-
2 dress one or more of the following issues:

3 “(A) Lack of effective permeability, poros-
4 ity or open fracture connectivity within the heat
5 reservoir.

6 “(B) Insufficient contained geofluid in the
7 heat reservoir.

8 “(C) A low average geothermal gradient
9 which necessitates deeper drilling, or the use of
10 alternative heat sources or heat generation
11 processes.”;

12 (2) by redesignating paragraphs (2) through
13 (7) as paragraphs (3) through (8), respectively; and

14 (3) by adding after paragraph (1) the following:

15 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means any of the following entities:

17 “(A) An institution of higher education.

18 “(B) A National laboratory.

19 “(C) A Federal research agency.

20 “(D) A State research agency.

21 “(E) A nonprofit research organization.

22 “(F) An industrial entity.

23 “(G) A consortium of 2 or more entities
24 described in subparagraphs (A) through (F).”.

1 (b) HYDROTHERMAL RESEARCH AND DEVELOP-
2 MENT.—Section 613 of the Energy Independence and Se-
3 curity Act of 2007 (42 U.S.C. 17192) is amended to read
4 as follows:

5 **“SEC. 613. HYDROTHERMAL RESEARCH AND DEVELOP-**
6 **MENT.**

7 “(a) IN GENERAL.—The Secretary shall carry out a
8 program of research, development, demonstration, and
9 commercial application for geothermal energy production
10 from hydrothermal systems.

11 “(b) PROGRAMS.—The program authorized in sub-
12 section (a) shall include the following:

13 “(1) ADVANCED HYDROTHERMAL RESOURCE
14 TOOLS.—The research and development of advanced
15 geologic tools to assist in locating hydrothermal re-
16 sources, and to increase the reliability of site charac-
17 terization, including the development of new imaging
18 and sensing technologies and techniques to assist in
19 prioritization of targets for characterization;

20 “(2) EXPLORATORY DRILLING FOR GEO-
21 THERMAL RESOURCES.—The demonstration of ad-
22 vanced technologies and techniques of siting and ex-
23 ploratory drilling for undiscovered resources in a va-
24 riety of geologic settings, carried out in collaboration
25 with industry partners that will assist in the acquisi-

1 energy development, production, and use, and ensure
2 that the program described in paragraph (1) ad-
3 dresses such impacts, including water use and ef-
4 fects on groundwater and local hydrology;

5 “(3) support a program of research to compare
6 the potential environmental impacts and environ-
7 mental benefits identified as part of the develop-
8 ment, production, and use of geothermal energy with
9 the potential emission reductions of greenhouse
10 gases gained by geothermal energy development,
11 production, and use; and

12 “(4) in carrying out this section, the Secretary
13 shall, to the maximum extent practicable, consult
14 with relevant federal agencies, including the Envi-
15 ronmental Protection Agency.

16 “(c) RESERVOIR THERMAL ENERGY STORAGE.—The
17 Secretary shall support a program of research, develop-
18 ment, and demonstration of reservoir thermal energy stor-
19 age, emphasizing cost-effective improvements through
20 deep direct use engineering, design, and systems research.

21 “(d) OIL AND GAS TECHNOLOGY TRANSFER INITIA-
22 TIVE.—

23 “(1) IN GENERAL.—The Secretary shall sup-
24 port an initiative among the Office of Fossil Energy,
25 the Office of Energy Efficiency and Renewable En-

1 ergy, and the private sector to research, develop, and
2 demonstrate relevant advanced technologies and op-
3 eration techniques used in the oil and gas sector for
4 use in geothermal energy development.

5 “(2) PRIORITIES.—In carrying out paragraph
6 (1), the Secretary shall prioritize technologies with
7 the greatest potential to significantly increase the
8 use and lower the cost of geothermal energy in the
9 United States, including the cost and speed of geo-
10 thermal drilling surface technologies, large- and
11 small-scale drilling, and well construction.

12 “(e) COPRODUCTION OF GEOTHERMAL ENERGY AND
13 MINERALS PRODUCTION RESEARCH AND DEVELOPMENT
14 INITIATIVE.—

15 “(1) IN GENERAL.—The Secretary shall carry
16 out a research and development initiative under
17 which the Secretary shall provide financial assist-
18 ance to demonstrate the coproduction of critical min-
19 erals from geothermal resources.

20 “(2) REQUIREMENTS.—An award made under
21 paragraph (1) shall—

22 “(A) improve the cost effectiveness of re-
23 moving minerals from geothermal brines as part
24 of the coproduction process;

1 “(B) increase recovery rates of the tar-
2 geted mineral commodity;

3 “(C) decrease water use and other environ-
4 mental impacts, as determined by the Sec-
5 retary; and

6 “(D) demonstrate a path to commercial vi-
7 ability.

8 “(f) FLEXIBLE OPERATIONS.—The Secretary shall
9 support a research initiative on flexible operation of geo-
10 thermal power plants.

11 “(g) INTEGRATED ENERGY SYSTEMS.—The Sec-
12 retary shall identify opportunities for joint research, devel-
13 opment, and demonstration programs between geothermal
14 systems and other energy generation or storage systems.

15 “(h) DRILLING DATA REPOSITORY.—

16 “(1) IN GENERAL.—The Secretary shall, in con-
17 sultation with the Secretary of the Interior, establish
18 and operate a voluntary, industry-wide repository of
19 geothermal drilling information to lower the cost of
20 future geothermal drilling.

21 “(2) REPOSITORY.—

22 “(A) IN GENERAL.—In carrying out para-
23 graph (1), the Secretary shall collaborate with
24 countries utilizing a significant amount of geo-
25 thermal energy, as determined by the Secretary.

1 “(3) reservoir characterization, monitoring, and
2 modeling and understanding of the surface area and
3 volume of fractures;

4 “(4) stress and fracture mapping including real
5 time monitoring and modeling;

6 “(5) tracer development;

7 “(6) three and four-dimensional seismic imag-
8 ing and tomography;

9 “(7) well placement and orientation;

10 “(8) long-term reservoir management;

11 “(9) drilling technologies, methods, and tools;

12 “(10) improved exploration tools;

13 “(11) zonal isolation; and

14 “(12) understanding induced seismicity risks
15 from reservoir engineering and stimulation.

16 “(c) FRONTIER OBSERVATORY FOR RESEARCH IN
17 GEOTHERMAL ENERGY.—

18 “(1) IN GENERAL.—The Secretary shall sup-
19 port the establishment and construction of up to 3
20 field research sites, which shall each be known as a
21 ‘Frontier Observatory for Research in Geothermal
22 Energy’ or ‘FORGE’ site to develop, test, and en-
23 hance techniques and tools for enhanced geothermal
24 energy.

25 “(2) DUTIES.—The Secretary shall—

1 “(A) provide financial assistance in sup-
2 port of research and development projects fo-
3 cused on advanced monitoring technologies, new
4 technologies and approaches for implementing
5 multi-zone stimulations, nonstimulation tech-
6 niques, and dynamic reservoir modeling that in-
7 corporates all available high-fidelity character-
8 ization data; and

9 “(B) seek opportunities to coordinate ef-
10 forts and share information with domestic and
11 international partners engaged in research and
12 development of geothermal systems and related
13 technology, including coordination between
14 FORGE sites.

15 “(3) SITE SELECTION.—Of the FORGE sites
16 referred to in paragraph (1), the Secretary shall—

17 “(A) consider applications through a com-
18 petitive, merit-reviewed process, from National
19 Laboratories, multi-institutional collaborations,
20 institutes of higher education and other appro-
21 priate entities best suited to provide national
22 leadership on geothermal related issues and
23 perform the duties enumerated under this sub-
24 section;

1 “(B) prioritize existing field sites and fa-
2 cilities with capabilities relevant to the duties
3 enumerated under this subsection;

4 “(C) determine the mission need for and
5 potential location of subsequent FORGE sites
6 following the completion of construction and
7 one year of operation of two FORGE sites; and

8 “(D) ensure geologic diversity among
9 FORGE sites when developing subsequent sites,
10 to the maximum extent practicable.

11 “(4) EXISTING FORGE SITES.—A FORGE site
12 already in existence on the date of enactment of this
13 Act may continue to receive support.

14 “(5) SITE OPERATION.—

15 “(A) INITIAL DURATION.—FORGE sites
16 selected under paragraph (3) shall operate for
17 an initial term of not more than 7 years after
18 the date on which site operation begins.

19 “(B) PERFORMANCE METRICS.—The Sec-
20 retary shall establish performance metrics for
21 each FORGE site supported under this para-
22 graph, which may be used by the Secretary to
23 determine whether a FORGE site should con-
24 tinue to receive funding.

25 “(6) ADDITIONAL TERMS.—

1 “(A) IN GENERAL.—At the end of an oper-
2 ational term described in subparagraph (B), a
3 FORGE site may—

4 “(i) be transferred to other public or
5 private entities for further enhanced geo-
6 thermal testing; or

7 “(ii) subject to appropriations and a
8 merit review by the Secretary, operate for
9 an additional term of not more than 7
10 years.

11 “(B) OPERATIONAL TERM DESCRIBED.—
12 An operational term referred to in subpara-
13 graph (A)—

14 “(i) in the case of an existing FORGE
15 site, is the existing operational term; and

16 “(ii) in the case of new FORGE sites
17 selected under paragraph (3), is the initial
18 term under paragraph (5)(A) or an addi-
19 tional term under subparagraph (A)(ii) of
20 this paragraph.

21 “(7) FUNDING.—

22 “(A) IN GENERAL.—Out of funds author-
23 ized to be appropriated under section 623, there
24 shall be made available to the Secretary to

1 carry out the FORGE activities under this
2 paragraph—

3 “(i) \$45,000,000 for fiscal year 2021;

4 “(ii) \$55,000,000 for fiscal year 2022;

5 “(iii) \$65,000,000 for fiscal year
6 2023;

7 “(iv) \$70,000,000 for fiscal year
8 2024; and

9 “(v) \$70,000,000 for fiscal year 2025.

10 “(B) CONSIDERATIONS.—In carrying out
11 this subsection, the Secretary shall consider the
12 balance between funds dedicated to construction
13 and operations and research activities to reflect
14 the state of site development.

15 “(d) ENHANCED GEOTHERMAL SYSTEMS DEM-
16 ONSTRATIONS.—

17 “(1) IN GENERAL.—Beginning on the date of
18 enactment of this section, the Secretary, in collabo-
19 ration with industry partners, institutions of higher
20 education, and the national laboratories, shall sup-
21 port an initiative for demonstration of enhanced geo-
22 thermal systems for power production or direct use.

23 “(2) PROJECTS.—

24 “(A) IN GENERAL.—Under the initiative
25 described in paragraph (1), 4 demonstration

1 projects shall be carried out in locations that
2 are potentially commercially viable for enhanced
3 geothermal systems development, while also
4 considering environmental impacts to the maximum extent practicable, as determined by the
5 Secretary.
6

7 “(B) REQUIREMENTS.—Demonstration
8 projects under subparagraph (A) shall—

9 “(i) collectively demonstrate—

10 “(I) different geologic settings,
11 such as hot sedimentary aquifers, layered geologic systems, supercritical
12 systems, and basement rock systems;
13 and
14

15 “(II) a variety of development
16 techniques, including open hole and
17 cased hole completions, differing well
18 orientations, and stimulation and non-
19 stimulation mechanisms; and

20 “(ii) to the extent practicable, use existing sites where subsurface characteriza-
21 tion or geothermal energy integration analysis has been conducted.
22

23 “(C) EASTERN DEMONSTRATION.—Not
24 fewer than 1 of the demonstration projects car-
25

1 ried out under subparagraph (A) shall be lo-
2 cated an area east of the Mississippi River that
3 is suitable for enhanced geothermal demonstra-
4 tion for power, heat, or a combination of power
5 and heat.

6 “(D) MILESTONE-BASED DEMONSTRATION
7 PROJECTS.—The Secretary may carry out dem-
8 onstration projects under this subsection as a
9 milestone-based demonstration project under
10 section 9005 of the Energy Act of 2020.

11 “(3) FUNDING.—Out of funds authorized to be
12 appropriated under section 623, there shall be made
13 available to the Secretary to carry out the dem-
14 onstration activities under this subsection
15 \$21,000,000 for each of fiscal years 2021 through
16 2025.”.

17 (e) GEOTHERMAL HEAT PUMPS AND DIRECT USE.—

18 (1) IN GENERAL.—Title VI of the Energy Inde-
19 pendence and Security Act of 2007 is amended by
20 inserting after section 616 (42 U.S.C. 17195) the
21 following:

22 **“SEC. 616A. GEOTHERMAL HEAT PUMPS AND DIRECT USE**
23 **RESEARCH AND DEVELOPMENT.**

24 “(a) PURPOSES.—The purposes of this section are—

1 “(1) to improve the understanding of related
2 earth sciences, components, processes, and systems
3 used for geothermal heat pumps and the direct use
4 of geothermal energy; and

5 “(2) to increase the energy efficiency, lower the
6 cost, increase the use, and improve and demonstrate
7 the effectiveness of geothermal heat pumps and the
8 direct use of geothermal energy.

9 “(b) DEFINITIONS.—In this section:

10 “(1) DIRECT USE OF GEOTHERMAL ENERGY.—
11 The term ‘direct use of geothermal energy’ means
12 geothermal systems that use water directly or
13 through a heat exchanger to provide—

14 “(A) heating and cooling to buildings, com-
15 mercial districts, residential communities, and
16 large municipal, or industrial projects; or

17 “(B) heat required for industrial processes,
18 agriculture, aquaculture, and other facilities.

19 “(2) ECONOMICALLY DISTRESSED AREA.—The
20 term ‘economically distressed area’ means an area
21 described in section 301(a) of the Public Works and
22 Economic Development Act of 1965 (42 U.S.C.
23 3161(a)).

24 “(3) GEOTHERMAL HEAT PUMP.—The term
25 ‘geothermal heat pump’ means a system that pro-

1 vides heating and cooling by exchanging heat from
2 shallow geology, groundwater, or surface water
3 using—

4 “(A) a closed loop system, which transfers
5 heat by way of buried or immersed pipes that
6 contain a mix of water and working fluid; or

7 “(B) an open loop system, which circulates
8 ground or surface water directly into the build-
9 ing and returns the water to the same aquifer
10 or surface water source.

11 “(c) PROGRAM.—

12 “(1) IN GENERAL.—The Secretary shall sup-
13 port within the Geothermal Technologies Office a
14 program of research, development, and demonstra-
15 tion for geothermal heat pumps and the direct use
16 of geothermal energy.

17 “(2) AREAS.—The program under paragraph
18 (1) may include research, development, demonstra-
19 tion, and commercial application of—

20 “(A) geothermal ground loop efficiency im-
21 provements, cost reductions, and improved in-
22 stallation and operations methods;

23 “(B) the use of geothermal energy for
24 building-scale energy storage;

1 “(C) the use of geothermal energy as a
2 grid management resource or seasonal energy
3 storage;

4 “(D) geothermal heat pump efficiency im-
5 provements;

6 “(E) the use of alternative fluids as a heat
7 exchange medium, such as hot water found in
8 mines and mine shafts, graywater, or other
9 fluids that may improve the economics of geo-
10 thermal heat pumps;

11 “(F) heating of districts, neighborhoods,
12 communities, large commercial or public build-
13 ings, and industrial and manufacturing facili-
14 ties;

15 “(G) the use of low temperature ground-
16 water for direct use; and

17 “(H) system integration of direct use with
18 geothermal electricity production.

19 “(3) ENVIRONMENTAL IMPACTS.—In carrying
20 out the program, the Secretary shall identify and
21 mitigate potential environmental impacts in accord-
22 ance with section 614(b).

23 “(d) FINANCIAL ASSISTANCE.—

24 “(1) IN GENERAL.—The Secretary shall carry
25 out the program established in subsection (c) by

1 making financial assistance available to State, local,
2 and Tribal governments, institutions of higher edu-
3 cation, nonprofit entities, National Laboratories,
4 utilities, and for-profit companies.

5 “(2) PRIORITY.—In providing financial assist-
6 ance under this subsection, the Secretary may give
7 priority to proposals that apply to large buildings,
8 commercial districts, and residential communities
9 that are located in economically distressed areas and
10 areas that the Secretary determines to have high
11 economic potential for geothermal district heating
12 based on the report, ‘Geovision: Harnessing the
13 Heat Beneath our Feet’ published by the Depart-
14 ment in 2019, or a successor report.”.

15 (2) CONFORMING AMENDMENT.—Section 1(b)
16 of the Energy Independence and Security Act of
17 2007 (42 U.S.C. 17001 note) is amended in the
18 table of contents by inserting after the item relating
19 to section 616 the following:

“Sec. 616A. Geothermal heat pumps and direct use research and develop-
ment.”.

20 (f) ORGANIZATION AND ADMINISTRATION OF PRO-
21 GRAMS.—

22 (1) IN GENERAL.—Section 617 of the Energy
23 Independence and Security Act of 2007 (42 U.S.C.
24 17196) is amended—

1 (A) by striking the section heading and in-
2 serting “**ORGANIZATION AND ADMINISTRA-**
3 **TION OF PROGRAMS**”;

4 (B) in subsection (b), by striking para-
5 graph (2) and redesignating paragraphs (3) and
6 (4) as paragraphs (2) and (3), respectively; and

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

8 “(c) **EDUCATION AND OUTREACH.**—In carrying out
9 the activities described in this subtitle, the Secretary shall
10 support education and outreach activities to disseminate
11 information on geothermal energy technologies and the
12 geothermal energy workforce, including activities at the
13 Frontier Observatory for Research in Geothermal Energy
14 site or sites.

15 “(d) **TECHNICAL ASSISTANCE.**—In carrying out this
16 subtitle, the Secretary shall also conduct technical assist-
17 ance and analysis activities with eligible entities for the
18 purpose of supporting the commercial application of ad-
19 vances in geothermal energy systems development and op-
20 erations, which may include activities that support ex-
21 panding access to advanced geothermal energy tech-
22 nologies for rural, Tribal, and low-income communities.

23 “(e) **REPORT.**—Every 5 years after the date of enact-
24 ment of this subsection, the Secretary shall report to the
25 Committee on Science and Technology of the House of

1 Representatives and the Committee on Energy and Nat-
2 ural Resources of the Senate on advanced concepts and
3 technologies to maximize the geothermal resource poten-
4 tial of the United States.

5 “(f) PROGRESS REPORTS.—Not later than 1 year
6 after the date of enactment of this subsection, and every
7 2 years thereafter, the Secretary shall submit to the Com-
8 mittee on Science and Technology of the House of Rep-
9 resentatives and the Committee on Energy and Natural
10 Resources of the Senate a report on the results of projects
11 undertaken under this part and other such information
12 the Secretary considers appropriate.”.

13 (2) CONFORMING AMENDMENT.—Section 1(b)
14 of the Energy Independence and Security Act of
15 2007 (42 U.S.C. 17001 note) is amended in the
16 table of contents by amending the item related to
17 section 617 to read as follows:

“Sec. 617. Organization and administration of programs.”.

18 (g) ADVANCED GEOTHERMAL COMPUTING AND DATA
19 SCIENCE RESEARCH AND DEVELOPMENT.—

20 (1) IN GENERAL.—Section 618 of the Energy
21 Independence and Security Act of 2007 (42 U.S.C.
22 17197) is amended to read as follows:

1 **“SEC. 618. ADVANCED GEOTHERMAL COMPUTING AND**
2 **DATA SCIENCE RESEARCH AND DEVELOP-**
3 **MENT.**

4 “(a) IN GENERAL.—The Secretary shall carry out a
5 program of research and development of advanced com-
6 puting and data science tools for geothermal energy.

7 “(b) PROGRAMS.—The program authorized in sub-
8 section (a) shall include the following:

9 “(1) ADVANCED COMPUTING FOR GEOTHERMAL
10 SYSTEMS TECHNOLOGIES.—Research, development,
11 and demonstration of technologies to develop ad-
12 vanced data, machine learning, artificial intelligence,
13 and related computing tools to assist in locating geo-
14 thermal resources, to increase the reliability of site
15 characterization, to increase the rate and efficiency
16 of drilling, to improve induced seismicity mitigation,
17 and to support enhanced geothermal systems tech-
18 nologies.

19 “(2) GEOTHERMAL SYSTEMS RESERVOIR MOD-
20 ELING.—Research, development, and demonstration
21 of models of geothermal reservoir performance and
22 enhanced geothermal systems reservoir stimulation
23 technologies and techniques, with an emphasis on
24 accurately modeling fluid and heat flow, permeability
25 evolution, geomechanics, geochemistry, seismicity,

1 and operational performance over time, including
2 collaboration with industry and field validation.

3 “(c) COORDINATION.—In carrying out these pro-
4 grams, the Secretary shall ensure coordination and con-
5 sultation with the Department of Energy’s Office of
6 Science. The Secretary shall ensure, to the maximum ex-
7 tent practicable, coordination of these activities with the
8 Department of Energy National Laboratories, institutes
9 of higher education, and the private sector.”.

10 (2) CONFORMING AMENDMENT.—Section 1(b)
11 of the Energy Independence and Security Act of
12 2007 (42 U.S.C. 17001 note) is amended in the
13 table of contents by amending the item related to
14 section 618 to read as follows:

“Sec. 618. Advanced geothermal computing and data science research and de-
velopment.”.

15 (h) GEOTHERMAL WORKFORCE DEVELOPMENT.—

16 (1) IN GENERAL.—Section 619 of the Energy
17 Independence and Security Act of 2007 (42 U.S.C.
18 17198) is amended to read as follows:

19 **“SEC. 619. GEOTHERMAL WORKFORCE DEVELOPMENT.**

20 “The Secretary shall support the development of a
21 geothermal energy workforce through a program that—

22 “(1) facilitates collaboration between university
23 students and researchers at the National Labora-
24 tories; and

1 “(2) prioritizes science in areas relevant to the
2 mission of the Department through the application
3 of geothermal energy tools and technologies.”.

4 (2) CONFORMING AMENDMENT.—Section 1(b)
5 of the Energy Independence and Security Act of
6 2007 (42 U.S.C. 17001 note) is amended in the
7 table of contents by amending the item related to
8 section 619 to read as follows:

“Sec. 619. Geothermal workforce development.”.

9 (i) REPEALS.—

10 (1) EISA REPEAL.—Subtitle B of title VI of
11 the Energy Independence and Security Act of 2007
12 (42 U.S.C. 17191 et seq.) is amended by striking
13 sections 620 and 621.

14 (2) CONFORMING AMENDMENT.—Section 1(b)
15 of the Energy Independence and Security Act of
16 2007 (42 U.S.C. 17001 note) is amended in the
17 table of contents by striking the item related to sec-
18 tion 620 and 621.

19 (3) ADDITIONAL REPEAL.—The Geothermal
20 Energy Research, Development, and Demonstration
21 Act of 1974 (30 U.S.C. 1101 et seq.) is repealed.

22 (j) AUTHORIZATION OF APPROPRIATIONS.—Section
23 623 of the Energy Independence and Security Act of 2007
24 (42 U.S.C. 17202) is amended to read as follows:

1 **“SEC. 623. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to the Sec-
3 retary to carry out the programs under this subtitle
4 \$170,000,000 for each of fiscal years 2021 through
5 2025.”.

6 (k) INTERNATIONAL GEOTHERMAL ENERGY DEVEL-
7 OPMENT.—Section 624 of the Energy Independence and
8 Security Act of 2007 (42 U.S.C. 17203) is amended—

9 (1) by amending subsection (a) to read as fol-
10 lows:

11 “(a) IN GENERAL.—The Secretary of Energy, in co-
12 ordination with other appropriate Federal and multilateral
13 agencies (including the United States Agency for Inter-
14 national Development) shall support collaborative efforts
15 with international partners to promote the research, devel-
16 opment, and demonstration of geothermal technologies
17 used to develop hydrothermal and enhanced geothermal
18 system resources.”; and

19 (2) by striking subsection (c).

20 (l) REAUTHORIZATION OF HIGH COST REGION GEO-
21 THERMAL ENERGY GRANT PROGRAM.—Section 625 of the
22 Energy Independence and Security Act of 2007 (42
23 U.S.C. 17204) is amended—

24 (1) in subsection (a)(2), by inserting “or heat”
25 after “electrical power”; and

1 (2) by amending subsection (e) to read as fol-
2 lows:

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—Out of
4 funds authorized under section 623, there is authorized
5 to be appropriated to carry out this section \$5,000,000
6 for each of fiscal years 2021 through 2025.”.

7 (m) UPDATE TO GEOTHERMAL RESOURCE ASSESS-
8 MENT.—Section 2501 of the Energy Policy Act of 1992
9 (30 U.S.C. 1028) is amended—

10 (1) by redesignating subsections (a) and (b) as
11 subsections (b) and (d), respectively;

12 (2) by inserting before subsection (b) (as so re-
13 designated) the following:

14 “(a) DEFINITION OF ENHANCED GEOTHERMAL SYS-
15 TEMS.—In this section, the term ‘enhanced geothermal
16 systems’ has the meaning given the term in section 612
17 of the Energy Independence and Security Act of 2007 (42
18 U.S.C. 17191).”;

19 (3) by inserting after subsection (b) (as so re-
20 designated) the following:

21 “(c) UPDATE TO GEOTHERMAL RESOURCE ASSESS-
22 MENT.—The Secretary of the Interior, acting through the
23 United States Geological Survey, and in consultation with
24 the Secretary of Energy, shall update the 2008 United

1 States geothermal resource assessment carried out by the
2 United States Geological Survey, including—

3 “(1) with respect to areas previously identified
4 by the Department of Energy or the United States
5 Geological Survey as having significant potential for
6 hydrothermal energy or enhanced geothermal sys-
7 tems energy, by focusing on—

8 “(A) improving the resolution of resource
9 potential at systematic temperatures and
10 depths, including temperatures and depths ap-
11 propriate for power generation and direct use
12 applications;

13 “(B) quantifying the total potential to co-
14 produce geothermal energy and minerals;

15 “(C) incorporating data relevant to under-
16 ground thermal energy storage and exchange,
17 such as aquifer and soil properties; and

18 “(D) producing high resolution maps, in-
19 cluding—

20 “(i) maps that indicate key subsurface
21 parameters for electric and direct use re-
22 sources; and

23 “(ii) risk maps for induced seismicity
24 based on geologic, geographic, and oper-
25 ational parameters; and

1 “(2) to the maximum extent practicable, by co-
2 ordinating with relevant State officials and institu-
3 tions of higher education to expand geothermal as-
4 sessments, including enhanced geothermal systems
5 assessments, to include assessments for the Com-
6 monwealth of Puerto Rico and the States of Alaska
7 and Hawaii.”; and

8 (4) in subsection (d) (as so redesignated), by
9 striking “necessary” and inserting “necessary”.

10 (n) MODIFYING THE DEFINITION OF RENEWABLE
11 ENERGY TO INCLUDE THERMAL ENERGY.—

12 (o) MODIFYING THE DEFINITION OF RENEWABLE
13 ENERGY TO INCLUDE THERMAL ENERGY.—Section 203
14 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is
15 amended—

16 (1) in subsection (b)(2), by striking “gen-
17 erated” and inserting “produced”; and

18 (2) in subsection (c)—

19 (A) by redesignating paragraphs (1)
20 through (3) as subparagraphs (A) through (C),
21 respectively, and indenting appropriately;

22 (B) in the matter preceding subparagraph
23 (A) (as so redesignated), by striking “For pur-
24 poses” and inserting the following:

25 “(1) IN GENERAL.—For purposes”; and

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

2 “(2) SEPARATE CALCULATION.—

3 “(A) IN GENERAL.—For purposes of deter-
4 mining compliance with the requirement of this
5 section, any energy consumption that is avoided
6 through the use of geothermal energy shall be
7 considered to be renewable energy produced.

8 “(B) EFFICIENCY ACCOUNTING.—Energy
9 consumption that is avoided through the use of
10 geothermal energy that is considered to be re-
11 newable energy under this section shall not be
12 considered energy efficiency for the purpose of
13 compliance with Federal energy efficiency goals,
14 targets, and incentives.”.

15 **SEC. 3003. WIND ENERGY RESEARCH AND DEVELOPMENT.**

16 (a) DEFINITIONS.—In this section:

17 (1) CRITICAL MATERIAL.—The term “critical
18 material” has the meaning given the term in section
19 7002 of this Act.

20 (2) ECONOMICALLY DISTRESSED AREA.—The
21 term “economically distressed area” means an area
22 described in section 301(a) of the Public Works and
23 Economic Development Act of 1965 (42 U.S.C.
24 3161(a)).

1 (3) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) an institution of higher education, in-
4 cluding a minority-serving institution;

5 (B) a National Laboratory;

6 (C) a Federal research agency;

7 (D) a State research agency;

8 (E) a research agency associated with a
9 territory or freely associated state;

10 (F) a Tribal energy development organiza-
11 tion;

12 (G) an Indian Tribe;

13 (H) a Tribal organization;

14 (I) a Native Hawaiian community-based
15 organization;

16 (J) a nonprofit research organization;

17 (K) an industrial entity;

18 (L) any other entity, as determined by the
19 Secretary; and

20 (M) a consortium of 2 or more entities de-
21 scribed in subparagraphs (A) through (L).

22 (4) INDIAN TRIBE.—The term “Indian Tribe”
23 has the meaning given the term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304).

1 (5) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” means—

3 (A) an institution of higher education (as
4 defined in section 101(a) of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1001(a))); or

6 (B) a postsecondary vocational institution
7 (as defined in section 102(c) of the Higher
8 Education Act of 1965 (20 U.S.C. 1002(c))).

9 (6) MINORITY SERVING INSTITUTION.—The
10 term “minority-serving institution” has the meaning
11 given the term “eligible institution” in section
12 371(a) of the Higher Education Act of 1965 (20
13 U.S.C. 1067q(a)).

14 (7) NATIONAL LABORATORY.—The term “Na-
15 tional Laboratory” has the meaning given such term
16 in section 2(3) of the Energy Policy Act of 2005 (42
17 U.S.C. 15801(3)).

18 (8) NATIVE HAWAIIAN COMMUNITY-BASED OR-
19 GANIZATION.—The term “Native Hawaiian commu-
20 nity-based organization” has the meaning given the
21 term in section 6207 of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 7517).

23 (9) PROGRAM.—The term “program” means
24 the program established under subsection (b)(1).

1 (10) SECRETARY.—The term “Secretary”
2 means the Secretary of Energy.

3 (11) TERRITORY OR FREELY ASSOCIATED
4 STATE.—The term “territory or freely associated
5 state” has the meaning given the term “insular
6 area” in section 1404 of the Food and Agriculture
7 Act of 1977 (7 U.S.C. 3103).

8 (12) TRIBAL ENERGY DEVELOPMENT ORGANI-
9 ZATION.—The term “Tribal energy development or-
10 ganization” has the meaning given the term “tribal
11 energy development organization” in section 2601 of
12 the Energy Policy Act of 1992 (25 U.S.C. 3501).

13 (13) TRIBAL ORGANIZATION.—The term “Trib-
14 al organization” has the meaning given the term in
15 section 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act (25 U.S.C. 5304).

17 (b) WIND ENERGY TECHNOLOGY PROGRAM.—

18 (1) ESTABLISHMENT.—

19 (A) IN GENERAL.—The Secretary shall es-
20 tablish a program to conduct research, develop-
21 ment, demonstration, and commercialization of
22 wind energy technologies in accordance with
23 this subsection.

24 (B) PURPOSES.—The purposes of the pro-
25 gram are the following:

1 (i) To improve the energy efficiency,
2 cost effectiveness, reliability, resilience, se-
3 curity, siting, integration,
4 manufacturability, installation, decommis-
5 sioning, and recyclability of wind energy
6 technologies.

7 (ii) To optimize the performance and
8 operation of wind energy components, tur-
9 bines, and systems, including through the
10 development of new materials, hardware,
11 and software.

12 (iii) To optimize the design and
13 adaptability of wind energy technologies to
14 the broadest practical range of geographic,
15 atmospheric, offshore, and other site condi-
16 tions, including—

17 (I) at varying hub heights; and

18 (II) through the use of computer
19 modeling.

20 (iv) To support the integration of
21 wind energy technologies with the electric
22 grid and other energy technologies and sys-
23 tems.

24 (v) To reduce the cost, risk, and other
25 potential negative impacts across the life-

1 span of wind energy technologies, includ-
2 ing—

3 (I) manufacturing, siting, permit-
4 ting, installation, operations, mainte-
5 nance, decommissioning, and recy-
6 cling; and

7 (II) through the development of
8 solutions to transportation barriers to
9 wind components.

10 (vi) To reduce and mitigate potential
11 negative impacts of wind energy tech-
12 nologies on human communities, the envi-
13 ronment, or commerce.

14 (vii) To address barriers to the com-
15 mercialization and export of wind energy
16 technologies.

17 (viii) To support the domestic wind
18 industry, workforce, and supply chain.

19 (C) TARGETS.—Not later than 180 days
20 after the date of enactment of this Act, the Sec-
21 retary shall establish targets for the program
22 relating to near-term (up to 2 years), mid-term
23 (up to 7 years), and long-term (up to 15 years)
24 challenges to the advancement of wind energy

1 technologies, including onshore, offshore, dis-
2 tributed, and off-grid technologies.

3 (2) ACTIVITIES.—

4 (A) TYPES OF ACTIVITIES.—In carrying
5 out the program, the Secretary shall carry out
6 research, development, demonstration, and com-
7 mercialization activities, including—

8 (i) awarding grants and awards, on a
9 competitive, merit-reviewed basis;

10 (ii) performing precompetitive re-
11 search and development;

12 (iii) establishing or maintaining dem-
13 onstration facilities and projects, including
14 through stewardship of existing facilities
15 such as the National Wind Test Center;

16 (iv) providing technical assistance;

17 (v) entering into contracts and cooper-
18 ative agreements;

19 (vi) providing small business vouchers;

20 (vii) establishing prize competitions;

21 (viii) conducting education and out-
22 reach activities;

23 (ix) conducting professional develop-
24 ment activities; and

1 (x) conducting analyses, studies, and
2 reports.

3 (B) SUBJECT AREAS.—The Secretary shall
4 carry out research, development, demonstration,
5 and commercialization activities in the following
6 subject areas:

7 (i) Wind power plant siting, perform-
8 ance, operations, and security.

9 (ii) New materials and designs relat-
10 ing to all hardware, software, and compo-
11 nents of wind energy technologies, includ-
12 ing technologies and strategies that reduce
13 the use of energy, water, critical materials,
14 and other commodities that are determined
15 to be vulnerable to disruption.

16 (iii) Advanced wind energy manufac-
17 turing and installation technologies and
18 practices, including materials, processes,
19 such as onsite or near site manufacturing,
20 and design.

21 (iv) Offshore wind-specific projects
22 and plants, including—

23 (I) fixed and floating sub-
24 structure systems, materials, and
25 components;

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1 (II) the operation of offshore fa-
2 cilities, such as—

3 (aa) an offshore research fa-
4 cility to conduct research for oce-
5 anic, biological, geological, and
6 atmospheric resource character-
7 ization relevant to offshore wind
8 energy development in coordina-
9 tion with the ocean and atmos-
10 pheric science communities; and

11 (bb) an offshore support
12 structure testing facility to con-
13 duct development, demonstration,
14 and commercialization of large-
15 scale and full-scale offshore wind
16 energy support structure compo-
17 nents and systems;

18 (III) the monitoring and analysis
19 of site and environmental consider-
20 ations unique to offshore sites, includ-
21 ing freshwater environments.

22 (v) Integration of wind energy tech-
23 nologies with—

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1 (I) the electric grid, including
2 transmission, distribution, microgrids,
3 and distributed energy systems; and

4 (II) other energy technologies, in-
5 cluding—

6 (aa) other generation
7 sources;

8 (bb) demand response tech-
9 nologies; and

10 (cc) energy storage tech-
11 nologies.

12 (vi) Methods to improve the lifetime,
13 maintenance, decommissioning, recycling,
14 reuse, and sustainability of wind energy
15 components and systems, including tech-
16 nologies and strategies to reduce the use of
17 energy, water, critical materials, and other
18 valuable or harmful inputs.

19 (vii) Wind power forecasting and at-
20 mospheric measurement systems, including
21 for turbines and plant systems of varying
22 height.

23 (viii) Integrated wind energy systems,
24 grid-connected and off-grid, that incor-
25 porate diverse—

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- 1 (I) generation sources;
- 2 (II) loads; and
- 3 (III) storage technologies.
- 4 (ix) Reducing market barriers, includ-
- 5 ing non-hardware and information-based
- 6 barriers, to the adoption of wind energy
- 7 technologies, such as impacts on, or chal-
- 8 lenges relating to—
- 9 (I) distributed wind technologies,
- 10 including the development of best
- 11 practices, models, and voluntary
- 12 streamlined processes for local siting
- 13 and permitting of distributed wind en-
- 14 ergy systems to reduce costs;
- 15 (II) airspace;
- 16 (III) military operations;
- 17 (IV) radar;
- 18 (V) local communities, with spe-
- 19 cial consideration given to economi-
- 20 cally distressed areas, previously dis-
- 21 turbed lands such as landfills and
- 22 former mines, and other areas dis-
- 23 proportionately impacted by environ-
- 24 mental pollution;

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1 (VI) wildlife and wildlife habitats;

2 and

3 (VII) any other appropriate mat-
4 ter, as determined by the Secretary.

5 (x) Technologies or strategies to
6 avoid, minimize, and offset the potential
7 impacts of wind energy facilities on bird
8 species, bat species, marine wildlife, and
9 other sensitive species and habitats.

10 (xi) Advanced physics-based and data
11 analysis computational tools, in coordina-
12 tion with the high-performance computing
13 programs of the Department, to more effi-
14 ciently design, site, permit, manufacture,
15 install, operate, decommission, and recycle
16 wind energy systems.

17 (xii) Technologies for distributed
18 wind, including micro, small, and medium
19 turbines and the components of those tur-
20 bines and their microgrid applications.

21 (xiii) Transformational technologies
22 for harnessing wind energy.

23 (xiv) Other research areas that ad-
24 vance the purposes of the program, as de-
25 termined by the Secretary.

1 (C) PRIORITIZATION.—In carrying out ac-
2 tivities under the program, the Secretary shall,
3 to the maximum extent practicable, give special
4 consideration to—

5 (i) projects that—

6 (I) are located in a geographi-
7 cally diverse range of eligible entities;

8 (II) support the development or
9 demonstration of projects—

10 (aa) in economically dis-
11 tressed areas and areas dis-
12 proportionately impacted by pol-
13 lution; and

14 (bb) that provide the great-
15 est potential to reduce energy
16 costs, as well as promote accessi-
17 bility and community implemen-
18 tation of demonstrated tech-
19 nologies;

20 (III) can be replicated in a vari-
21 ety of regions and climates;

22 (IV) include business commer-
23 cialization plans that have the poten-
24 tial for—

1 (aa) domestic manufacturing
2 and production of wind energy
3 technologies; or

4 (bb) exports of wind energy
5 technologies; and

6 (V) are carried out in collabora-
7 tion with Tribal energy development
8 organizations, Indian Tribes, Tribal
9 organizations, Native Hawaiian com-
10 munity-based organizations, minority-
11 serving institutions, or territories or
12 freely associated States; and

13 (ii) with regards to professional devel-
14 opment, activities that expand the number
15 of individuals from underrepresented
16 groups pursuing and attaining skills rel-
17 evant to wind energy.

18 (D) COORDINATION.—To the maximum ex-
19 tent practicable, the Secretary shall coordinate
20 activities under the program with other relevant
21 programs and capabilities of the Department
22 and other Federal research programs.

23 (E) USE OF FUNDS.—To the extent that
24 funding is not otherwise available through other
25 Federal programs or power purchase agree-

1 ments, funding awarded for demonstration
2 projects may be used for additional nontech-
3 nology costs, as determined to be appropriate
4 by the Secretary, such as engineering or feasi-
5 bility studies.

6 (F) SOLICITATION.—Not less than once
7 every two years, the Secretary shall conduct a
8 national solicitation for applications for dem-
9 onstration projects under this section.

10 (G) REPORT.—

11 (i) IN GENERAL.—Not later than 180
12 days after the date of the enactment of
13 this Act, the Secretary shall submit to the
14 Committee on Science, Space, and Tech-
15 nology of the House of Representatives
16 and the Committee on Energy and Natural
17 Resources of the Senate a report on the
18 potential for, and technical viability of, air-
19 borne wind energy systems to provide a
20 significant source of energy in the United
21 States.

22 (ii) CONTENTS.—The report under
23 paragraph (1) shall include a summary of
24 research, development, demonstration, and
25 commercialization needs, including an esti-

1 mate of Federal funding requirements, to
2 further examine and validate the technical
3 and economic viability of airborne wind en-
4 ergy concepts over the 10-year period be-
5 ginning on the date of the enactment of
6 this Act.

7 (3) WIND TECHNICIAN TRAINING GRANT PRO-
8 GRAM.—The Secretary may award grants, on a com-
9 petitive basis, to eligible entities to purchase large
10 pieces of wind component equipment, such as na-
11 celles, towers, and blades, for use in training wind
12 technician students in onshore or offshore wind ap-
13 plications.

14 (4) WIND ENERGY TECHNOLOGY RECYCLING
15 RESEARCH, DEVELOPMENT, AND DEMONSTRATION
16 PROGRAM.—

17 (A) IN GENERAL.—In addition to the pro-
18 gram activities described in paragraph (2), in
19 carrying out the program, the Secretary shall
20 award financial assistance to eligible entities for
21 research, development, and demonstration, and
22 commercialization projects to create innovative
23 and practical approaches to increase the reuse
24 and recycling of wind energy technologies, in-
25 cluding—

1 (i) by increasing the efficiency and
2 cost effectiveness of the recovery of raw
3 materials from wind energy technology
4 components and systems, including ena-
5 bling technologies such as inverters;

6 (ii) by minimizing potential environ-
7 mental impacts from the recovery and dis-
8 posal processes;

9 (iii) by advancing technologies and
10 processes for the disassembly and recycling
11 of wind energy devices;

12 (iv) by developing alternative mate-
13 rials, designs, manufacturing processes,
14 and other aspects of wind energy tech-
15 nologies and the disassembly and resource
16 recovery process that enable efficient, cost
17 effective, and environmentally responsible
18 disassembly of, and resource recovery
19 from, wind energy technologies; and

20 (v) strategies to increase consumer ac-
21 ceptance of, and participation in, the recy-
22 cling of wind energy technologies.

23 (B) DISSEMINATION OF RESULTS.—The
24 Secretary shall make available to the public and
25 the relevant committees of Congress the results

1 of the projects carried out through financial as-
2 sistance awarded under subparagraph (A), in-
3 cluding—

4 (i) development of best practices or
5 training materials for use in the wind en-
6 ergy technology manufacturing, design, in-
7 stallation, decommissioning, or recycling
8 industries;

9 (ii) dissemination at industry con-
10 ferences;

11 (iii) coordination with information dis-
12 semination programs relating to recycling
13 of electronic devices in general;

14 (iv) demonstration projects; and

15 (v) educational materials.

16 (C) PRIORITY.—In carrying out the activi-
17 ties authorized under this subsection, the Sec-
18 retary shall give special consideration to
19 projects that recover critical materials.

20 (D) SENSITIVE INFORMATION.—In car-
21 rying out the activities authorized under this
22 subsection, the Secretary shall ensure proper
23 security controls are in place to protect propri-
24 etary or sensitive information, as appropriate.

1 (5) WIND ENERGY TECHNOLOGY MATERIALS
2 PHYSICAL PROPERTY DATABASE.—

3 (A) IN GENERAL.—Not later than Sep-
4 tember 1, 2022, the Secretary shall establish a
5 comprehensive physical property database of
6 materials for use in wind energy technologies,
7 which shall identify the type, quantity, country
8 of origin, source, significant uses, projected
9 availability, and physical properties of materials
10 used in wind energy technologies.

11 (B) COORDINATION.—In establishing the
12 database described in subparagraph (A), the
13 Secretary shall coordinate and, to the extent
14 practicable, avoid duplication with—

15 (i) other Department activities, in-
16 cluding those carried out by the Office of
17 Science;

18 (ii) the Director of the National Insti-
19 tute of Standards and Technology;

20 (iii) the Administrator of the Environ-
21 mental Protection Agency;

22 (iv) the Secretary of the Interior; and

23 (v) relevant industry stakeholders, as
24 determined by the Secretary.

1 (6) WIND ENERGY PROGRAM STRATEGIC VI-
2 SION.—

3 (A) IN GENERAL.—Not later than Sep-
4 tember 1, 2022, and every 6 years thereafter,
5 the Secretary shall submit to Congress a report
6 on the strategic vision, progress, goals, and tar-
7 gets of the program, including assessments of
8 wind energy markets and manufacturing.

9 (B) PREPARATION.—The Secretary shall
10 coordinate the preparation of the report under
11 subparagraph (A) with—

12 (i) existing peer review processes;

13 (ii) studies conducted by the National
14 Laboratories; and

15 (iii) the multiyear program planning
16 required under section 994 of the Energy
17 Policy Act of 2005 (42 U.S.C. 16358).

18 (7) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated to the Sec-
20 retary to carry out the program \$125,000,000 for
21 each of fiscal years 2021 through 2025.

22 **SEC. 3004. SOLAR ENERGY RESEARCH AND DEVELOPMENT.**

23 (a) DEFINITIONS.—In this section:

1 (1) CRITICAL MATERIAL.—The term “critical
2 material” has the meaning given the term in section
3 7002 of this Act.

4 (2) ECONOMICALLY DISTRESSED AREA.—The
5 term “economically distressed area” means an area
6 described in section 301(a) of the Public Works and
7 Economic Development Act of 1965 (42 U.S.C.
8 3161(a)).

9 (3) ELIGIBLE ENTITY.—The term “eligible enti-
10 ty” means—

11 (A) an institution of higher education, in-
12 cluding a minority-serving institution;

13 (B) a National Laboratory;

14 (C) a Federal research agency;

15 (D) a State research agency;

16 (E) a research agency associated with a
17 territory or freely associated state;

18 (F) a Tribal energy development organiza-
19 tion;

20 (G) an Indian Tribe;

21 (H) a Tribal organization;

22 (I) a Native Hawaiian community-based
23 organization;

24 (J) a nonprofit research organization;

25 (K) an industrial entity;

1 (L) any other entity, as determined by the
2 Secretary; and

3 (M) a consortium of 2 or more entities de-
4 scribed in subparagraphs (A) through (L).

5 (4) INDIAN TRIBE.—The term “Indian Tribe”
6 has the meaning given the term in section 4 of the
7 Indian Self-Determination and Education Assistance
8 Act (25 U.S.C. 5304).

9 (5) INSTITUTION OF HIGHER EDUCATION.—The
10 term “institution of higher education” has the
11 meaning given the term in section 101 of the Higher
12 Education Act of 1965 (20 U.S.C. 1001).

13 (6) MINORITY-SERVING INSTITUTION.—The
14 term “minority-serving institution” has the meaning
15 given the term “eligible institution” in section
16 371(a) of the Higher Education Act of 1965 (20
17 U.S.C. 1067q(a)).

18 (7) NATIONAL LABORATORY.—The term “Na-
19 tional Laboratory” has the meaning given such term
20 in section 2(3) of the Energy Policy Act of 2005 (42
21 U.S.C. 15801(3)).

22 (8) NATIVE HAWAIIAN COMMUNITY-BASED OR-
23 GANIZATION.—The term “Native Hawaiian commu-
24 nity-based organization” has the meaning given the

1 term in section 6207 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7517).

3 (9) PHOTOVOLTAIC DEVICE.—The term “photo-
4 voltaic device” means—

5 (A) a device that converts light directly
6 into electricity through a solid-state, semicon-
7 ductor process;

8 (B) the photovoltaic cells of a device de-
9 scribed in subparagraph (A); and

10 (C) the electronic and electrical compo-
11 nents of a device described in subparagraph
12 (A).

13 (10) PROGRAM.—The term “program” means
14 the program established under subsection (b)(1)(A).

15 (11) SECRETARY.—The term “Secretary”
16 means the Secretary of Energy.

17 (12) SOLAR ENERGY.—The term “solar energy”
18 means—

19 (A) thermal or electric energy derived from
20 radiation from the Sun; or

21 (B) energy resulting from a chemical reac-
22 tion caused by radiation recently originated in
23 the Sun.

24 (13) TERRITORY OR FREELY ASSOCIATED
25 STATE.—The term “territory or freely associated

1 state” has the meaning given the term “insular
2 area” in section 1404 of the Food and Agriculture
3 Act of 1977 (7 U.S.C. 3103).

4 (14) TRIBAL ENERGY DEVELOPMENT ORGANI-
5 ZATION.—The term “Tribal energy development or-
6 ganization” has the meaning given the term “tribal
7 energy development organization” in section 2601 of
8 the Energy Policy Act of 1992 (25 U.S.C. 3501).

9 (15) TRIBAL ORGANIZATION.—The term “Trib-
10 al organization” has the meaning given the term in
11 section 4 of the Indian Self-Determination and Edu-
12 cation Assistance Act (25 U.S.C. 5304).

13 (b) SOLAR ENERGY TECHNOLOGY PROGRAM.—

14 (1) ESTABLISHMENT.—

15 (A) IN GENERAL.—The Secretary shall es-
16 tablish a program to conduct research, develop-
17 ment, demonstration, and commercialization of
18 solar energy technologies in accordance with
19 this subsection.

20 (B) PURPOSES.—The purposes of the pro-
21 gram are the following:

22 (i) To improve the energy efficiency,
23 cost effectiveness, reliability, resilience, se-
24 curity, siting, integration,
25 manufacturability, installation, decommis-

1 sioning, and recyclability of solar energy
2 technologies.

3 (ii) To optimize the performance and
4 operation of solar energy components,
5 cells, and systems, and enabling tech-
6 nologies, including through the develop-
7 ment of new materials, hardware, and soft-
8 ware.

9 (iii) To optimize the design and
10 adaptability of solar energy systems to the
11 broadest practical range of geographic and
12 atmospheric conditions.

13 (iv) To support the integration of
14 solar energy technologies with the electric
15 grid and complementary energy tech-
16 nologies.

17 (v) To create and improve the conver-
18 sion of solar energy to other useful forms
19 of energy or other products.

20 (vi) To reduce the cost, risk, and
21 other potential negative impacts across the
22 lifespan of solar energy technologies, in-
23 cluding manufacturing, siting, permitting,
24 installation, operations, maintenance, de-
25 commissioning, and recycling.

1 (vii) To reduce and mitigate potential
2 life cycle negative impacts of solar energy
3 technologies on human communities, wild-
4 life, and wildlife habitats.

5 (viii) To address barriers to the com-
6 mercialization and export of solar energy
7 technologies.

8 (ix) To support the domestic solar in-
9 dustry, workforce, and supply chain.

10 (C) TARGETS.—Not later than 180 days
11 after the date of enactment of this Act, the Sec-
12 retary shall establish targets for the program to
13 address near-term (up to 2 years), mid-term
14 (up to 7 years), and long-term (up to 15 years)
15 challenges to the advancement of all types of
16 solar energy systems.

17 (2) ACTIVITIES.—

18 (A) TYPES OF ACTIVITIES.—In carrying
19 out the program, the Secretary shall carry out
20 research, development, demonstration, and com-
21 mercialization activities, including—

22 (i) awarding grants and awards, on a
23 competitive, merit-reviewed basis;

24 (ii) performing precompetitive re-
25 search and development;

- 1 (iii) establishing or maintaining dem-
2 onstration facilities and projects, including
3 through stewardship of existing facilities;
4 (iv) providing technical assistance;
5 (v) entering into contracts and cooper-
6 ative agreements;
7 (vi) providing small business vouchers;
8 (vii) establishing prize competitions;
9 (viii) conducting education and out-
10 reach activities;
11 (ix) conducting workforce development
12 activities; and
13 (x) conducting analyses, studies, and
14 reports.

15 (B) SUBJECT AREAS.—The Secretary shall
16 carry out research, development, demonstration,
17 and commercialization activities in the following
18 subject areas:

- 19 (i) Advanced solar energy technologies
20 of varying scale and power production, in-
21 cluding—

22 (I) new materials, components,
23 designs, and systems, including
24 perovskites, cadmium telluride, and
25 organic materials;

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1 (II) advanced photovoltaic and
2 thin-film devices;

3 (III) concentrated solar power;

4 (IV) solar heating and cooling;

5 and

6 (V) enabling technologies for
7 solar energy systems, including hard-
8 ware and software.

9 (ii) Solar energy technology siting,
10 performance, installation, operations, resil-
11 ience, and security.

12 (iii) Integration of solar energy tech-
13 nologies with—

14 (I) the electric grid, including
15 transmission, distribution, microgrids,
16 and distributed energy systems;

17 (II) other energy technologies, in-
18 cluding—

19 (aa) other generation
20 sources;

21 (bb) demand response tech-
22 nologies; and

23 (cc) energy storage tech-
24 nologies; and

1 (III) other applications, such as
2 in the agriculture, transportation,
3 buildings, industrial, and fuels sectors.

4 (iv) Advanced solar energy manufac-
5 turing technologies and practices, including
6 materials, processes, and design.

7 (v) Methods to improve the lifetime,
8 maintenance, decommissioning, recycling,
9 reuse, and sustainability of solar energy
10 components and systems, including tech-
11 nologies and strategies that reduce the use
12 of energy, water, critical materials, and
13 other commodities that are determined to
14 be vulnerable to disruption.

15 (vi) Solar energy forecasting, mod-
16 eling, and atmospheric measurement sys-
17 tems, including for small-scale, large-scale,
18 and aggregated systems.

19 (vii) Integrated solar energy systems
20 that incorporate diverse—

21 (I) generation sources;

22 (II) loads; and

23 (III) storage technologies.

24 (viii) Reducing market barriers, in-
25 cluding nonhardware and information-

1 based barriers, to the adoption of solar en-
2 ergy technologies, including impacts on, or
3 challenges relating to—

4 (I) distributed and community
5 solar technologies, including the devel-
6 opment of best practices, models, and
7 voluntary streamlined processes for
8 local siting and permitting of distrib-
9 uted solar energy systems to reduce
10 costs;

11 (II) local communities, with spe-
12 cial consideration given to economi-
13 cally distressed areas, previously dis-
14 turbed lands such as landfills and
15 former mines, and other areas dis-
16 proportionately impacted by environ-
17 mental pollution;

18 (III) wildlife and wildlife habi-
19 tats; and

20 (IV) any other appropriate mat-
21 ter, as determined by the Secretary.

22 (ix) Transformational technologies for
23 harnessing solar energy.

1 (x) Other research areas that advance
2 the purposes of the program, as deter-
3 mined by the Secretary.

4 (C) PRIORITIZATION.—In carrying out ac-
5 tivities under the program, the Secretary shall,
6 to the maximum extent practicable, give priority
7 to projects that—

8 (i) are located in a geographically di-
9 verse range of eligible entities;

10 (ii) support the development or dem-
11 onstration of projects—

12 (I) in economically distressed
13 areas and areas disproportionately im-
14 pacted by pollution; or

15 (II) that provide the greatest po-
16 tential to reduce energy costs, as well
17 as promote accessibility and commu-
18 nity implementation of demonstrated
19 technologies;

20 (iii) can be replicated in a variety of
21 regions and climates;

22 (iv) include business commercializa-
23 tion plans that have the potential for—

1 (I) domestic manufacturing and
2 production of solar energy tech-
3 nologies; or

4 (II) exports of solar energy tech-
5 nologies;

6 (v) are carried out in collaboration
7 with Tribal energy development organiza-
8 tions, Indian Tribes, Tribal organizations,
9 Native Hawaiian community-based organi-
10 zations, minority-serving institutions, or
11 territories or freely associated States; and

12 (vi) with regards to workforce develop-
13 ment, activities that expand the number of
14 individuals from underrepresented groups
15 pursuing and attaining skills relevant to
16 solar energy.

17 (D) COORDINATION.—To the maximum ex-
18 tent practicable, the Secretary shall coordinate
19 activities under the program with other relevant
20 programs and capabilities of the Department
21 and other Federal research programs.

22 (E) USE OF FUNDS.—To the extent that
23 funding is not otherwise available through other
24 Federal programs or power purchase agree-
25 ments, funding awarded for demonstration

1 projects may be used for additional nontech-
2 nology costs, as determined to be appropriate
3 by the Secretary, such as engineering or feasi-
4 bility studies.

5 (F) SOLICITATION.—Not less than once
6 every two years, the Secretary shall conduct a
7 national solicitation for applications for dem-
8 onstration projects under this section.

9 (3) ADVANCED SOLAR ENERGY MANUFAC-
10 TURING INITIATIVE.—

11 (A) GRANTS.—In addition to the program
12 activities described in paragraph (2), in car-
13 rying out the program, the Secretary shall
14 award financial assistance to eligible entities for
15 research, development, demonstration, and com-
16 mercialization projects to advance new solar en-
17 ergy manufacturing technologies and tech-
18 niques.

19 (B) PRIORITY.—In awarding grants under
20 subparagraph (A), to the extent practicable, the
21 Secretary shall give priority to solar energy
22 manufacturing projects that—

23 (i) increase efficiency and cost effec-
24 tiveness in—

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1 (I) the manufacturing process;

2 and

3 (II) the use of resources, such as

4 energy, water, and critical materials;

5 (ii) support domestic supply chains for
6 materials and components;

7 (iii) identify and incorporate nonhaz-
8 ardous alternative materials for compo-
9 nents and devices;

10 (iv) operate in partnership with Tribal
11 energy development organizations, Indian
12 Tribes, Tribal organizations, Native Ha-
13 waiian community-based organizations, mi-
14 nority-serving institutions, or territories or
15 freely associated states; or

16 (v) are located in economically dis-
17 tressed areas.

18 (C) EVALUATION.—Not later than 3 years
19 after the date of enactment of this Act, and
20 every 4 years thereafter, the Secretary shall
21 conduct, and make available to the public and
22 the relevant committees of Congress, an inde-
23 pendent review of the progress of the grants
24 awarded under subparagraph (A).

1 (4) SOLAR ENERGY TECHNOLOGY RECYCLING
2 RESEARCH, DEVELOPMENT, AND DEMONSTRATION
3 PROGRAM.—

4 (A) IN GENERAL.—In addition to the pro-
5 gram activities described in paragraph (2), in
6 carrying out the program, the Secretary shall
7 award financial assistance to eligible entities for
8 research, development, demonstration, and com-
9 mercialization projects to create innovative and
10 practical approaches to increase the reuse and
11 recycling of solar energy technologies, includ-
12 ing—

13 (i) by increasing the efficiency and
14 cost effectiveness of the recovery of raw
15 materials from solar energy technology
16 components and systems, including ena-
17 bling technologies such as inverters;

18 (ii) by minimizing potential environ-
19 mental impacts from the recovery and dis-
20 posal processes;

21 (iii) by advancing technologies and
22 processes for the disassembly and recycling
23 of solar energy devices;

24 (iv) by developing alternative mate-
25 rials, designs, manufacturing processes,

1 and other aspects of solar energy tech-
2 nologies and the disassembly and resource
3 recovery process that enable efficient, cost
4 effective, and environmentally responsible
5 disassembly of, and resource recovery
6 from, solar energy technologies; and

7 (v) strategies to increase consumer ac-
8 ceptance of, and participation in, the recy-
9 cling of photovoltaic devices.

10 (B) DISSEMINATION OF RESULTS.—The
11 Secretary shall make available to the public and
12 the relevant committees of Congress the results
13 of the projects carried out through financial as-
14 sistance awarded under subparagraph (A), in-
15 cluding—

16 (i) development of best practices or
17 training materials for use in the
18 photovoltaics manufacturing, design, in-
19 stallation, refurbishing, disposal, or recy-
20 cling industries;

21 (ii) dissemination at industry con-
22 ferences;

23 (iii) coordination with information dis-
24 semination programs relating to recycling
25 of electronic devices in general;

- 1 (iv) demonstration projects; and
2 (v) educational materials.

3 (C) PRIORITY.—In carrying out the activi-
4 ties authorized under this subsection, the Sec-
5 retary shall give special consideration to
6 projects that recover critical materials.

7 (D) SENSITIVE INFORMATION.—In car-
8 rying out the activities authorized under this
9 subsection, the Secretary shall ensure proper
10 security controls are in place to protect propri-
11 etary or sensitive information, as appropriate.

12 (5) SOLAR ENERGY TECHNOLOGY MATERIALS
13 PHYSICAL PROPERTY DATABASE.—

14 (A) IN GENERAL.—Not later than Sep-
15 tember 1, 2022, the Secretary shall establish a
16 comprehensive physical property database of
17 materials for use in solar energy technologies,
18 which shall identify the type, quantity, country
19 of origin, source, significant uses, projected
20 availability, and physical properties of materials
21 used in solar energy technologies.

22 (B) COORDINATION.—In establishing the
23 database described in subparagraph (A), the
24 Secretary shall coordinate with—

1 (i) other Department activities, in-
2 cluding those carried out by the Office of
3 Science;

4 (ii) the Director of the National Insti-
5 tute of Standards and Technology;

6 (iii) the Administrator of the Environ-
7 mental Protection Agency;

8 (iv) the Secretary of the Interior; and

9 (v) relevant industry stakeholders, as
10 determined by the Secretary.

11 (6) SOLAR ENERGY TECHNOLOGY PROGRAM
12 STRATEGIC VISION.—

13 (A) IN GENERAL.—Not later than Sep-
14 tember 1, 2022, and every 6 years thereafter,
15 the Secretary shall submit to Congress a report
16 on the strategic vision, progress, goals, and tar-
17 gets of the program, including assessments of
18 solar energy markets and manufacturing.

19 (B) INCLUSION.—As a part of the report
20 described in subparagraph (A), the Secretary
21 shall include a study that examines the viable
22 market opportunities available for solar energy
23 technology manufacturing in the United States,
24 including—

25 (i) a description of—

1 (I) the ability to competitively
2 manufacture solar technology in the
3 United States, including the manufac-
4 ture of—

5 (aa) new and advanced ma-
6 terials, such as cells made with
7 new, high efficiency materials;

8 (bb) solar module equipment
9 and enabling technologies, includ-
10 ing smart inverters, sensors, and
11 tracking equipment; and

12 (cc) innovative solar module
13 designs and applications, includ-
14 ing those that can directly inte-
15 grate with new and existing
16 buildings and other infrastruc-
17 ture; and

18 (II) opportunities and barriers
19 within the United States and inter-
20 national solar energy technology mar-
21 ket;

22 (ii) policy recommendations for en-
23 hancing solar energy technology manufac-
24 turing in the United States;

1 (iii) a 10-year target and plan to en-
2 hance the competitiveness of solar energy
3 technology manufacturing in the United
4 States; and

5 (iv) any other research areas as deter-
6 mined by the Secretary.

7 (C) PREPARATION.—The Secretary shall
8 coordinate the preparation of the report under
9 subparagraph (A) with—

10 (i) existing peer review processes;

11 (ii) studies conducted by the National
12 Laboratories; and

13 (iii) the multiyear program planning
14 required under section 994 of the Energy
15 Policy Act of 2005 (42 U.S.C. 16358).

16 (7) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated to the Sec-
18 retary to carry out the program \$300,000,000 for
19 each of fiscal years 2021 through 2025.

20 **SEC. 3005. HYDROELECTRIC PRODUCTION INCENTIVES**
21 **AND EFFICIENCY IMPROVEMENTS.**

22 (a) HYDROELECTRIC PRODUCTION INCENTIVES.—
23 Section 242 of the Energy Policy Act of 2005 (42 U.S.C.
24 15881) is amended—

1 (1) in subsection (b), by striking paragraph (1)
2 and inserting the following:

3 “(1) QUALIFIED HYDROELECTRIC FACILITY.—
4 The term ‘qualified hydroelectric facility’ means a
5 turbine or other generating device owned or solely
6 operated by a non-Federal entity—

7 “(A) that generates hydroelectric energy
8 for sale; and

9 “(B)(i) that is added to an existing dam or
10 conduit; or

11 “(ii)(I) that has a generating capacity of
12 not more than 20 megawatts;

13 “(II) for which the non-Federal entity has
14 received a construction authorization from the
15 Federal Energy Regulatory Commission, if ap-
16 plicable; and

17 “(III) that is constructed in an area in
18 which there is inadequate electric service, as de-
19 termined by the Secretary, including by taking
20 into consideration—

21 “(aa) access to the electric grid;

22 “(bb) the frequency of electric out-
23 ages; or

24 “(cc) the affordability of electricity.”;

1 (2) in subsection (c), by striking “10” and in-
2 sserting “22”;

3 (3) in subsection (e)(2), by striking “section
4 29(d)(2)(B)” and inserting “section 45K(d)(2)(B)”;

5 (4) in subsection (f), by striking “20” and in-
6 sserting “32”; and

7 (5) in subsection (g), by striking “each of the
8 fiscal years 2006 through 2015” and inserting “each
9 of fiscal years 2021 through 2036”.

10 (b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—
11 Section 243(c) of the Energy Policy Act of 2005 (42
12 U.S.C. 15882(c)) is amended by striking “each of the fis-
13 cal years 2006 through 2015” and inserting “each of fis-
14 cal years 2021 through 2036”.

15 **SEC. 3006. CONFORMING AMENDMENTS.**

16 (a) RENEWABLE ENERGY AND ENERGY EFFICIENCY
17 TECHNOLOGY COMPETITIVENESS ACT OF 1989.—

18 (1) NATIONAL GOALS AND MULTI-YEAR FUND-
19 ING.—Section 4 of the Renewable Energy and En-
20 ergy Efficiency Technology Competitiveness Act of
21 1989 (42 U.S.C. 12003) is amended—

22 (A) in the section heading, by striking
23 “**WIND, PHOTOVOLTAICS, AND SOLAR**
24 **THERMAL**” and inserting “**ALCOHOL FROM**
25 **BIOMASS AND OTHER TECHNOLOGY**”;

1 (B) in subsection (a)—

2 (i) in the matter preceding paragraph
3 (1), by striking “wind, photovoltaics, and
4 solar thermal energy” and inserting “alco-
5 hol from biomass and other energy tech-
6 nology”;

7 (ii) by striking paragraphs (1)
8 through (3);

9 (iii) by redesignating paragraphs (4)
10 and (5) as paragraphs (1) and (2), respec-
11 tively; and

12 (iv) in paragraph (2) (as so redesign-
13 ated), by striking “Ocean” and inserting
14 “Marine”; and

15 (C) in subsection (c)—

16 (i) in the matter preceding paragraph
17 (1)—

18 (I) by striking “the Wind Energy
19 Research Program, the Photovoltaic
20 Energy Systems Program, the Solar
21 Thermal Energy Systems Program,”;
22 and

23 (II) by striking “Ocean” and in-
24 serting “Marine”;

25 (ii) in paragraph (1)—

1 (I) by striking subparagraph (A);
2 and
3 (II) by redesignating subpara-
4 graphs (B) and (C) as subparagraphs
5 (A) and (B), respectively; and
6 (iii) in paragraph (2)—
7 (I) by striking subparagraph (A);
8 and
9 (II) by redesignating subpara-
10 graphs (B) and (C) as subparagraphs
11 (A) and (B), respectively.

12 (2) REPORTS.—Section 9(c) of the Renewable
13 Energy and Energy Efficiency Technology Competi-
14 tiveness Act of 1989 (42 U.S.C. 12006(c)) is amend-
15 ed by striking “ocean,” and inserting “marine,”.

16 (b) ENERGY POLICY ACT OF 2005.—The Energy
17 Policy Act of 2005 (42 U.S.C. 15801 et seq.) is amend-
18 ed—

19 (1) ASSESSMENT OF RENEWABLE ENERGY RE-
20 SOURCES.—Section 201(a) of the Energy Policy Act
21 of 2005 (42 U.S.C. 15851(a)) is amended by strik-
22 ing “ocean (including tidal, wave, current, and ther-
23 mal)” and inserting “marine”.

1 (2) FEDERAL PURCHASE REQUIREMENT.—Sec-
2 tion 203(b)(2) of the Energy Policy Act of 2005 (42
3 U.S.C. 15852(b)(2)) is amended—

4 (A) by inserting “marine energy (as de-
5 fined in section 632 of the Energy Independ-
6 ence and Security Act of 2007), or” before
7 “electric energy”; and

8 (B) by striking “ocean (including tidal,
9 wave, current, and thermal),”.

10 (3) RENEWABLE ENERGY.—Section 931 of the
11 Energy Policy Act of 2005 (42 U.S.C. 16231) is
12 amended—

13 (A) in subsection (a)(2)—

14 (i) by striking subparagraphs (A) and
15 (B);

16 (ii) by redesignating subparagraphs
17 (C) through (E) as subparagraphs (A)
18 through (C), respectively; and

19 (iii) in subparagraph (C)(i) (as so re-
20 designated), by striking “ocean energy, in-
21 cluding wave energy” and inserting “ma-
22 rine energy (as defined in section 632 of
23 the Energy Independence and Security Act
24 of 2007)”;

25 (B) by striking subsection (d); and

1 (C) by redesignating subsections (e)
2 through (g) as subsections (d) through (f), re-
3 spectively.

4 (c) ENERGY POLICY ACT OF 1992.—Section 1212 of
5 the Energy Policy Act of 1992 (42 U.S.C. 13317) is
6 amended—

7 (1) in subsection (a)(4)(A)(i), by striking
8 “ocean (including tidal, wave, current, and ther-
9 mal)” and inserting “marine energy (as defined in
10 section 632 of the Energy Independence and Secu-
11 rity Act of 2007)”;

12 (2) in subsection (b), in the matter preceding
13 paragraph (1), by striking “ocean (including tidal,
14 wave, current, and thermal)” and inserting “marine
15 energy (as defined in section 632 of the Energy
16 Independence and Security Act of 2007)”; and

17 (3) in subsection (e)(1), in the first sentence, by
18 striking “ocean (including tidal, wave, current, and
19 thermal)” and inserting “marine energy (as defined
20 in section 632 of the Energy Independence and Se-
21 curity Act of 2007)”.

22 (d) FEDERAL NONNUCLEAR ENERGY RESEARCH
23 AND DEVELOPMENT ACT OF 1974.—Section 6(b)(3) of
24 the Federal Nonnuclear Energy Research and Develop-
25 ment Act of 1974 (42 U.S.C. 5905(b)(3)) is amended—

1 (1) by striking subparagraph (L); and

2 (2) by redesignating subparagraphs (M)
3 through (S) as subparagraphs (L) through (R), re-
4 spectively.

5 (e) SOLAR ENERGY RESEARCH, DEVELOPMENT, AND
6 DEMONSTRATION ACT OF 1974.—

7 (1) REPEAL.—The Solar Energy Research, De-
8 velopment, and Demonstration Act of 1974 (42
9 U.S.C. 5551 et seq.) is repealed.

10 (2) SAVINGS PROVISION.—The repeal of the
11 Solar Energy Research, Development, and Dem-
12 onstration Act of 1974 (42 U.S.C. 5551 et seq.)
13 under paragraph (1) shall not affect the authority of
14 the Secretary of Energy to conduct research and de-
15 velopment on solar energy.

16 (f) SOLAR PHOTOVOLTAIC ENERGY RESEARCH, DE-
17 VELOPMENT, AND DEMONSTRATION ACT OF 1978.—The
18 Solar Photovoltaic Energy Research, Development, and
19 Demonstration Act of 1978 (42 U.S.C. 5581 et seq.) is
20 repealed.

21 (g) ENERGY INDEPENDENCE AND SECURITY ACT OF
22 2007.—

23 (1) REPEALS.—Sections 606 and 607 of the
24 Energy Independence and Security Act of 2007 (42
25 U.S.C. 17174, 17175) are repealed.

1 (2) CONFORMING AMENDMENT.—The table of
2 contents in section 1(b) of the Energy Independence
3 and Security Act of 2007 (Public Law 110–140; 121
4 Stat. 1495) is amended by striking the items relat-
5 ing to sections 606 and 607.

6 **Subtitle B—Natural Resources**
7 **Provisions**

8 **SEC. 3101. DEFINITIONS.**

9 In this subtitle:

10 (1) COVERED LAND.—The term “covered land”
11 means land that is—

12 (A) Federal lands administered by the Sec-
13 retary concerned; and

14 (B) not excluded from the development of
15 geothermal, solar, or wind energy under—

16 (i) a land use plan; or

17 (ii) other Federal law.

18 (2) FEDERAL LAND.—The term “Federal land”
19 means—

20 (A) public land as defined by section 103
21 of the Federal Land Policy Management Act of
22 1976 (43 U.S.C. 1702); or

23 (B) land of the National Forest System (as
24 defined in section 11(a) of the Forest and

1 Rangeland Renewable Resources Planning Act
2 of 1974 (16 U.S.C. 1609(a)).

3 (3) LAND USE PLAN.—The term “land use
4 plan” means—

5 (A) for public land, a land use plan estab-
6 lished under the Federal Land Policy and Man-
7 agement Act of 1976 (43 U.S.C. 1701 et seq.);
8 and

9 (B) for National Forest System land, a
10 land management plan approved, amended, or
11 revised under section 6 of the Forest and
12 Rangeland Renewable Resources Planning Act
13 of 1974 (16 U.S.C. 1604).

14 (4) ELIGIBLE PROJECT.—The term “eligible
15 project” means a project carried out on covered land
16 that uses wind, solar, or geothermal energy to gen-
17 erate energy.

18 (5) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 **SEC. 3102. PROGRAM TO IMPROVE ELIGIBLE PROJECT PER-**
21 **MIT COORDINATION.**

22 (a) ESTABLISHMENT.—The Secretary shall establish
23 a national Renewable Energy Coordination Office and
24 State, district, or field offices, as appropriate, with respon-
25 sibility to establish and implement a program to improve

1 Federal permit coordination with respect to eligible
2 projects on covered land and such other activities as the
3 Secretary determines necessary. In carrying out the pro-
4 gram, the Secretary may temporarily assign qualified staff
5 to Renewable Energy Coordination Offices to expedite the
6 permitting of eligible projects.

7 (b) MEMORANDUM OF UNDERSTANDING.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, the Sec-
10 retary shall enter into a memorandum of under-
11 standing for purposes of this section with—

12 (A) the Secretary of Agriculture;

13 (B) the Administrator of the Environ-
14 mental Protection Agency; and

15 (C) the Secretary of Defense.

16 (2) STATE AND TRIBAL PARTICIPATION.—The
17 Secretary may request the Governor of any inter-
18 ested State or any Tribal leader of any interested
19 Indian Tribe (as defined in section 4 of the Indian
20 Self-Determination and Education Assistance Act
21 (25 U.S.C. 5304)) to be a signatory to the memo-
22 randum of understanding under paragraph (1).

23 (c) DESIGNATION OF QUALIFIED STAFF.—

24 (1) IN GENERAL.—Not later than 30 days after
25 the date on which the memorandum of under-

1 standing under subsection (b) is executed, all Fed-
2 eral signatories, as appropriate, shall identify for
3 each of the Bureau of Land Management Renewable
4 Energy Coordination Offices one or more employees
5 who have expertise in the regulatory issues relating
6 to the office in which the employee is employed, in-
7 cluding, as applicable, particular expertise in—

8 (A) consultation regarding, and prepara-
9 tion of, biological opinions under section 7 of
10 the Endangered Species Act of 1973 (16 U.S.C.
11 1536);

12 (B) permits under section 404 of the Fed-
13 eral Water Pollution Control Act (33 U.S.C.
14 1344);

15 (C) regulatory matters under the Clean Air
16 Act (42 U.S.C. 7401 et seq.);

17 (D) the Federal Land Policy and Manage-
18 ment Act of 1976 (43 U.S.C. 1701 et seq.);

19 (E) the Migratory Bird Treaty Act (16
20 U.S.C. 703 et seq.);

21 (F) the preparation of analyses under the
22 National Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.);

24 (G) implementation of the requirements of
25 section 306108 of title 54, United States Code

1 (formerly known as section 106 of the National
2 Historic Preservation Act);

3 (H) planning under section 14 of the Na-
4 tional Forest Management Act of 1976 (16
5 U.S.C. 472a);

6 (I) developing geothermal resources under
7 the Geothermal Steam Act of 1970 (30 U.S.C.
8 1001 et seq.);

9 (J) the Act of June 8, 1940 (16 U.S.C.
10 668 et seq., popularly known as the Bald and
11 Golden Eagle Protection Act); and

12 (K) section 100101(a), chapter 1003, and
13 sections 100751(a), 100752, 100753 and
14 102101 of title 54, United States Code (pre-
15 viously known as the National Park Service Or-
16 ganic Act).

17 (2) DUTIES.—Each employee assigned under
18 paragraph (1) shall—

19 (A) be responsible for addressing all issues
20 relating to the jurisdiction of the home office or
21 agency of the employee; and

22 (B) participate as part of the team of per-
23 sonnel working on proposed energy projects,
24 planning, monitoring, inspection, enforcement,
25 and environmental analyses.

1 (d) ADDITIONAL PERSONNEL.—The Secretary may
2 assign such additional personnel for the Bureau of Land
3 Management Renewable Energy Coordination Offices as
4 are necessary to ensure the effective implementation of
5 any programs administered by the offices in accordance
6 with the multiple use mandate of the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C. 1701 et seq.).

8 (e) TRANSFER OF FUNDS.—To facilitate the coordi-
9 nation and processing of eligible project permits on Fed-
10 eral land under the Renewable Energy Coordination Of-
11 fices, the Secretary may authorize the expenditure or
12 transfer of any funds that are necessary to—

13 (1) the United States Fish and Wildlife Service;

14 (2) the Bureau of Indian Affairs;

15 (3) the Forest Service;

16 (4) the Corps of Engineers;

17 (5) the National Park Service;

18 (6) the Environmental Protection Agency; or

19 (7) the Department of Defense.

20 (f) REPORT TO CONGRESS.—

21 (1) IN GENERAL.—Not later than February 1
22 of the first fiscal year beginning after the date of the
23 enactment of this Act, and each February 1 there-
24 after, the Secretary shall submit to the Committee
25 on Energy and Natural Resources and the Com-

1 mittee on Environment and Public Works of the
2 Senate and the Committee on Natural Resources of
3 the House of Representatives a report describing the
4 progress made under the program established under
5 subsection (a) during the preceding year.

6 (2) INCLUSIONS.—Each report under this sub-
7 section shall include—

8 (A) projections for renewable energy pro-
9 duction and capacity installations; and

10 (B) a description of any problems relating
11 to leasing, permitting, siting, or production.

12 **SEC. 3103. INCREASING ECONOMIC CERTAINTY.**

13 (a) CONSIDERATIONS.—The Secretary may consider
14 acreage rental rates, capacity fees, and other recurring an-
15 nual fees in total when evaluating existing rates paid for
16 the use of Federal land by eligible projects.

17 (b) REDUCTIONS IN BASE RENTAL RATES.—The
18 Secretary may reduce acreage rental rates and capacity
19 fees, or both, for existing and new wind and solar author-
20 izations if the Secretary determines—

21 (1) that the existing rates—

22 (A) exceed fair market value;

23 (B) impose economic hardships;

24 (C) limit commercial interest in a competi-
25 tive lease sale or right-of-way grant; or

1 (D) are not competitively priced compared
2 to other available land; or

3 (2) that a reduced rental rate or capacity fee is
4 necessary to promote the greatest use of wind and
5 solar energy resources.

6 **SEC. 3104. NATIONAL GOAL FOR RENEWABLE ENERGY PRO-**
7 **DUCTION ON FEDERAL LAND.**

8 (a) IN GENERAL.—Not later than September 1,
9 2022, the Secretary shall, in consultation with the Sec-
10 retary of Agriculture and other heads of relevant Federal
11 agencies, establish national goals for renewable energy
12 production on Federal land.

13 (b) MINIMUM PRODUCTION GOAL.—The Secretary
14 shall seek to issue permits that, in total, authorize produc-
15 tion of not less than 25 gigawatts of electricity from wind,
16 solar, and geothermal energy projects by not later than
17 2025, through management of public lands and adminis-
18 tration of Federal laws.

19 **SEC. 3105. FACILITATION OF COPRODUCTION OF GEO-**
20 **THERMAL ENERGY ON OIL AND GAS LEASES.**

21 Section 4(b) of the Geothermal Steam Act of 1970
22 (30 U.S.C. 1003(b)) is amended by adding at the end the
23 following:

24 “(4) LAND SUBJECT TO OIL AND GAS LEASE.—
25 Land under an oil and gas lease issued pursuant to

1 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or
2 the Mineral Leasing Act for Acquired Lands (30
3 U.S.C. 351 et seq.) that is subject to an approved
4 application for permit to drill and from which oil
5 and gas production is occurring may be available for
6 noncompetitive leasing under subsection (c) by the
7 holder of the oil and gas lease—

8 “(A) on a determination that geothermal
9 energy will be produced from a well producing
10 or capable of producing oil and gas; and

11 “(B) to provide for the coproduction of
12 geothermal energy with oil and gas.”.

13 **SEC. 3106. SAVINGS CLAUSE.**

14 Notwithstanding any other provision of this subtitle,
15 the Secretary of the Interior and the Secretary of Agri-
16 culture shall continue to manage public lands under the
17 principles of multiple use and sustained yield in accord-
18 ance with the Federal Land Policy and Management Act
19 of 1976 (43 U.S.C. 1701 et seq.) or the Forest and
20 Rangeland Renewable Resources Planning Act of 1974
21 (16 U.S.C. 1600 et seq.), respectively, including for due
22 consideration of mineral and nonrenewable energy-related
23 projects and other nonrenewable energy uses, for the pur-
24 poses of land use planning, permit processing, and con-
25 ducting environmental reviews.

1 **Subtitle C—Energy Storage**

2 **SEC. 3201. BETTER ENERGY STORAGE TECHNOLOGY.**

3 (a) DEFINITIONS.—In this section:

4 (1) ENERGY STORAGE SYSTEM.—The term “en-
5 ergy storage system” means any system, equipment,
6 facility, or technology that—

7 (A) is capable of absorbing or converting
8 energy, storing the energy for a period of time,
9 and dispatching the energy; and

10 (B)(i) uses mechanical, electrochemical,
11 thermal, electrolysis, or other processes to con-
12 vert and store electric energy that was gen-
13 erated at an earlier time for use at a later time;

14 (ii) uses mechanical, electrochemical, bio-
15 chemical, or thermal processes to convert and
16 store energy generated from mechanical proc-
17 esses that would otherwise be wasted, for deliv-
18 ery at a later time; or

19 (iii) stores energy in an electric, thermal,
20 or gaseous state for direct use for heating or
21 cooling at a later time in a manner that avoids
22 the need to use electricity or other fuel sources
23 at that later time, such as a grid-enabled water
24 heater.

1 (2) PROGRAM.—The term “program” means
2 the Energy Storage System Research, Development,
3 and Deployment Program established under sub-
4 section (b)(1).

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of Energy.

7 (b) ENERGY STORAGE SYSTEM RESEARCH, DEVEL-
8 OPMENT, AND DEPLOYMENT PROGRAM.—

9 (1) ESTABLISHMENT.—Not later than 180 days
10 after the date of enactment of this Act, the Sec-
11 retary shall establish a program, to be known as the
12 Energy Storage System Research, Development, and
13 Deployment Program.

14 (2) INITIAL PROGRAM OBJECTIVES.—The pro-
15 gram shall focus on research, development, and de-
16 ployment of—

17 (A) energy storage systems, components,
18 and materials designed to further the develop-
19 ment of technologies—

20 (i) for large-scale commercial deploy-
21 ment;

22 (ii) for deployment at cost targets es-
23 tablished by the Secretary;

1 (iii) for hourly and subhourly dura-
2 tions required to provide reliability services
3 to the grid;

4 (iv) for daily durations, which have
5 the capacity to discharge energy for a min-
6 imum of 6 hours;

7 (v) for weekly or monthly durations,
8 which have the capacity to discharge en-
9 ergy for 10 to 100 hours, at a minimum;
10 and

11 (vi) for seasonal durations, which have
12 the capability to address seasonal vari-
13 ations in supply and demand;

14 (B) distributed energy storage technologies
15 and applications, including building-grid inte-
16 gration;

17 (C) long-term cost, performance, and dem-
18 onstration targets for different types of energy
19 storage systems and for use in a variety of re-
20 gions, including rural areas;

21 (D) transportation energy storage tech-
22 nologies and applications, including vehicle-grid
23 integration;

24 (E) cost-effective systems and methods
25 for—

1 (i) the sustainable and secure
2 sourcing, reclamation, recycling, and dis-
3 posal of energy storage systems, including
4 critical minerals; and

5 (ii) the reuse and repurposing of en-
6 ergy storage system technologies;

7 (F) advanced control methods for energy
8 storage systems;

9 (G) pumped hydroelectric energy storage
10 systems to advance—

11 (i) adoption of innovative technologies,
12 including—

13 (I) systems with adjustable-speed
14 and other new pumping and gener-
15 ating equipment designs;

16 (II) modular systems;

17 (III) closed-loop systems, includ-
18 ing mines and quarries; and

19 (IV) other innovative equipment
20 and materials as determined by the
21 Secretary; and

22 (ii) reductions of civil works costs and
23 construction times for hydropower and
24 pumped storage systems, including com-
25 prehensive data and systems analysis of

1 hydropower and pumped storage construc-
2 tion technologies and processes in order to
3 identify areas for whole-system efficiency
4 gains;

5 (H) models and tools to demonstrate the
6 costs and benefits of energy storage to—

7 (i) power and water supply systems;

8 (ii) electric generation portfolio opti-
9 mization; and

10 (iii) expanded deployment of other re-
11 newable energy technologies, including in
12 integrated energy storage systems;

13 (I) energy storage use cases from indi-
14 vidual and combination technology applications,
15 including value from various-use cases and en-
16 ergy storage services; and

17 (J) advanced manufacturing technologies
18 that have the potential to improve United
19 States competitiveness in energy storage manu-
20 facturing or reduce United States dependence
21 on critical materials.

22 (3) TESTING AND VALIDATION.—In coordina-
23 tion with 1 or more National Laboratories, the Sec-
24 retary shall support the development, standardized
25 testing, and validation of energy storage systems

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1 under the program, including test-bed and field
2 trials, by developing testing and evaluation meth-
3 odologies for—

4 (A) storage technologies, controls, and
5 power electronics for energy storage systems
6 under a variety of operating conditions;

7 (B) standardized and grid performance
8 testing for energy storage systems, materials,
9 and technologies during each stage of develop-
10 ment;

11 (C) reliability, safety, degradation, and du-
12 rability testing under standard and evolving
13 duty cycles; and

14 (D) accelerated life testing protocols to
15 predict estimated lifetime metrics with accu-
16 racy.

17 (4) PERIODIC EVALUATION OF PROGRAM OB-
18 JECTIVES.—Not less frequently than once every cal-
19 endar year, the Secretary shall evaluate and, if nec-
20 essary, update the program objectives to ensure that
21 the program continues to advance energy storage
22 systems toward widespread commercial deployment
23 by lowering the costs and increasing the duration of
24 energy storage resources.

25 (5) ENERGY STORAGE STRATEGIC PLAN.—

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1 (A) IN GENERAL.—The Secretary shall de-
2 velop a 10-year strategic plan for the program,
3 and update the plan, in accordance with this
4 paragraph.

5 (B) CONTENTS.—The strategic plan devel-
6 oped under subparagraph (A) shall—

7 (i) be coordinated with and integrated
8 across other relevant offices in the Depart-
9 ment;

10 (ii) to the extent practicable, include
11 metrics that can be used to evaluate stor-
12 age technologies;

13 (iii) identify Department programs
14 that—

15 (I) support the research and de-
16 velopment activities described in para-
17 graph (2) and the demonstration
18 projects under subsection (c); and

19 (II)(aa) do not support the ac-
20 tivities or projects described in sub-
21 clause (I); but

22 (bb) are important to the devel-
23 opment of energy storage systems and
24 the mission of the Department, as de-
25 termined by the Secretary;

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1 (iv) include expected timelines for—

2 (I) the accomplishment of rel-
3 evant objectives under current pro-
4 grams of the Department relating to
5 energy storage systems; and

6 (II) the commencement of any
7 new initiatives within the Department
8 relating to energy storage systems to
9 accomplish those objectives; and

10 (v) incorporate relevant activities de-
11 scribed in the Grid Modernization Initia-
12 tive Multi-Year Program Plan.

13 (C) SUBMISSION TO CONGRESS.—Not later
14 than 180 days after the date of enactment of
15 this Act, the Secretary shall submit to the Com-
16 mittee on Energy and Natural Resources of the
17 Senate and the Committees on Energy and
18 Commerce and Science, Space, and Technology
19 of the House of Representatives the strategic
20 plan developed under subparagraph (A).

21 (D) UPDATES TO PLAN.—The Secretary—

22 (i) shall annually review the strategic
23 plan developed under subparagraph (A);
24 and

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1 (ii) may periodically revise the stra-
2 tegic plan as appropriate.

3 (6) LEVERAGING OF RESOURCES.—The pro-
4 gram may be led by a specific office of the Depart-
5 ment, but shall be cross-cutting in nature, so that in
6 carrying out activities under the program, the Sec-
7 retary (or a designee of the Secretary charged with
8 leading the program) shall leverage existing Federal
9 resources, including, at a minimum, the expertise
10 and resources of—

11 (A) the Office of Electricity;

12 (B) the Office of Energy Efficiency and
13 Renewable Energy, including the Water Power
14 Technologies Office; and

15 (C) the Office of Science, including—

16 (i) the Basic Energy Sciences Pro-
17 gram;

18 (ii) the Advanced Scientific Com-
19 puting Research Program;

20 (iii) the Biological and Environmental
21 Research Program; and

22 (D) the Electricity Storage Research Ini-
23 tiative established under section 975 of the En-
24 ergy Policy Act of 2005 (42 U.S.C. 16315).

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1 (7) PROTECTING PRIVACY AND SECURITY.—In
2 carrying out this subsection, the Secretary shall
3 identify, incorporate, and follow best practices for
4 protecting the privacy of individuals and businesses
5 and the respective sensitive data of the individuals
6 and businesses, including by managing privacy risk
7 and implementing the Fair Information Practice
8 Principles of the Federal Trade Commission for the
9 collection, use, disclosure, and retention of individual
10 electric consumer information in accordance with the
11 Office of Management and Budget Circular A–130
12 (or successor circulars).

13 (c) ENERGY STORAGE DEMONSTRATION PROJECTS;
14 PILOT GRANT PROGRAM.—

15 (1) DEMONSTRATION PROJECTS.—Not later
16 than September 30, 2023, the Secretary shall, to the
17 maximum extent practicable, enter into agreements
18 to carry out 3 energy storage system demonstration
19 projects, including at least 1 energy storage system
20 demonstration project designed to further the devel-
21 opment of technologies described in clause (v) or (vi)
22 of subsection (b)(2)(A).

23 (2) ENERGY STORAGE PILOT GRANT PRO-
24 GRAM.—

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1 (A) DEFINITION OF ELIGIBLE ENTITY.—In
2 this paragraph, the term “eligible entity”
3 means—

4 (i) a State energy office (as defined in
5 section 124(a) of the Energy Policy Act of
6 2005 (42 U.S.C. 15821(a)));

7 (ii) an Indian Tribe (as defined in sec-
8 tion 4 of the Native American Housing As-
9 sistance and Self-Determination Act of
10 1996 (25 U.S.C. 4103);

11 (iii) a Tribal organization (as defined
12 in section 3765 of title 38, United States
13 Code);

14 (iv) an institution of higher education
15 (as defined in section 101 of the Higher
16 Education Act of 1965 (20 U.S.C. 1001));

17 (v) an electric utility, including—

18 (I) an electric cooperative;

19 (II) a political subdivision of a
20 State, such as a municipally owned
21 electric utility, or any agency, author-
22 ity, corporation, or instrumentality of
23 a State political subdivision; and

24 (III) an investor-owned utility;

25 and

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1 (vi) a private energy storage company.

2 (B) ESTABLISHMENT.—The Secretary
3 shall establish a competitive grant program
4 under which the Secretary shall award grants
5 to eligible entities to carry out demonstration
6 projects for pilot energy storage systems.

7 (C) SELECTION REQUIREMENTS.—In se-
8 lecting eligible entities to receive a grant under
9 subparagraph (B), the Secretary shall, to the
10 maximum extent practicable—

11 (i) ensure regional diversity among el-
12 igible entities awarded grants, including
13 ensuring participation of eligible entities
14 that are rural States and States with high
15 energy costs;

16 (ii) ensure that grants are awarded
17 for demonstration projects that—

18 (I) expand on the existing tech-
19 nology demonstration programs of the
20 Department;

21 (II) are designed to achieve 1 or
22 more of the objectives described in
23 subparagraph (D); and

24 (III) inject or withdraw energy
25 from the bulk power system, electric

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1 distribution system, building energy
2 system, or microgrid (grid-connected
3 or islanded mode) where the project is
4 located;

5 (iii) give consideration to proposals
6 from eligible entities for securing energy
7 storage through competitive procurement
8 or contract for service; and

9 (iv) prioritize projects that leverage
10 matching funds from non-Federal sources.

11 (D) OBJECTIVES.—Each demonstration
12 project carried out by a grant awarded under
13 subparagraph (B) shall have 1 or more of the
14 following objectives:

15 (i) To improve the security of critical
16 infrastructure and emergency response sys-
17 tems.

18 (ii) To improve the reliability of trans-
19 mission and distribution systems, particu-
20 larly in rural areas, including high-energy
21 cost rural areas.

22 (iii) To optimize transmission or dis-
23 tribution system operation and power qual-
24 ity to defer or avoid costs of replacing or

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1 upgrading electric grid infrastructure, in-
2 cluding transformers and substations.

3 (iv) To supply energy at peak periods
4 of demand on the electric grid or during
5 periods of significant variation of electric
6 grid supply.

7 (v) To reduce peak loads of homes
8 and businesses.

9 (vi) To improve and advance power
10 conversion systems.

11 (vii) To provide ancillary services for
12 grid stability and management.

13 (viii) To integrate renewable energy
14 resource production.

15 (ix) To increase the feasibility of
16 microgrids (grid-connected or islanded
17 mode).

18 (x) To enable the use of stored energy
19 in forms other than electricity to support
20 the natural gas system and other industrial
21 processes.

22 (xi) To integrate fast charging of elec-
23 tric vehicles.

24 (xii) To improve energy efficiency.

1 (3) REPORTS.—Not less frequently than once
2 every 3 years for the duration of the programs
3 under paragraphs (1) and (2), the Secretary shall
4 submit to Congress and make publicly available a re-
5 port describing the performance of those programs.

6 (4) NO PROJECT OWNERSHIP INTEREST.—The
7 Federal Government shall not hold any equity or
8 other ownership interest in any energy storage sys-
9 tem that is part of a project under this subsection
10 unless the holding is agreed to by each participant
11 of the project.

12 (d) LONG-DURATION DEMONSTRATION INITIATIVE
13 AND JOINT PROGRAM.—

14 (1) DEFINITIONS.—In this subsection:

15 (A) INITIATIVE.—The term “Initiative”
16 means the demonstration initiative established
17 under paragraph (2).

18 (B) JOINT PROGRAM.—The term “Joint
19 Program” means the joint program established
20 under paragraph (4).

21 (2) ESTABLISHMENT OF INITIATIVE.—Not later
22 than 180 days after the date of enactment of this
23 Act, the Secretary shall establish a demonstration
24 initiative composed of demonstration projects fo-

1 cused on the development of long-duration energy
2 storage technologies.

3 (3) SELECTION OF PROJECTS.—To the max-
4 imum extent practicable, in selecting demonstration
5 projects to participate in the Initiative, the Secretary
6 shall—

7 (A) ensure a range of technology types;

8 (B) ensure regional diversity among
9 projects; and

10 (C) consider bulk power level, distribution
11 power level, behind-the-meter, microgrid
12 (gridconnected or islanded mode), and off-grid
13 applications.

14 (4) JOINT PROGRAM.—

15 (A) ESTABLISHMENT.—As part of the Ini-
16 tiative, the Secretary, in consultation with the
17 Secretary of Defense, shall establish within the
18 Department a joint program to carry out
19 projects—

20 (i) to demonstrate promising long-du-
21 ration energy storage technologies at dif-
22 ferent scales; and

23 (ii) to help new, innovative long-dura-
24 tion energy storage technologies become
25 commercially viable.

1 (B) MEMORANDUM OF UNDERSTANDING.—
2 Not later than 200 days after the date of enact-
3 ment of this Act, the Secretary shall enter into
4 a memorandum of understanding with the Sec-
5 retary of Defense to administer the Joint Pro-
6 gram.

7 (C) INFRASTRUCTURE.—In carrying out
8 the Joint Program, the Secretary and the Sec-
9 retary of Defense shall—

10 (i) use existing test-bed infrastructure
11 at—

12 (I) Department facilities; and

13 (II) Department of Defense in-
14 stallations; and

15 (ii) develop new infrastructure for
16 identified projects, if appropriate.

17 (D) GOALS AND METRICS.—The Secretary
18 and the Secretary of Defense shall develop goals
19 and metrics for technological progress under
20 the Joint Program consistent with energy resil-
21 ience and energy security policies.

22 (E) SELECTION OF PROJECTS.—

23 (i) IN GENERAL.—To the maximum
24 extent practicable, in selecting projects to
25 participate in the Joint Program, the Sec-

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1 retary and the Secretary of Defense
2 shall—

3 (I) ensure that projects are car-
4 ried out under conditions that rep-
5 resent a variety of environments with
6 different physical conditions and mar-
7 ket constraints; and

8 (II) ensure an appropriate bal-
9 ance of—

10 (aa) larger, higher-cost
11 projects; and

12 (bb) smaller, lower-cost
13 projects.

14 (ii) PRIORITY.—In carrying out the
15 Joint Program, the Secretary and the Sec-
16 retary of Defense shall give priority to
17 demonstration projects that—

18 (I) make available to the public
19 project information that will accel-
20 erate deployment of long-duration en-
21 ergy storage technologies; and

22 (II) will be carried out in the
23 field.

24 (e) CRITICAL MATERIAL RECYCLING AND REUSE RE-
25 SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-

1 GRAM.—The United States Energy Storage Competitive-
2 ness Act of 2007 (42 U.S.C. 17231) is amended by adding
3 at the end the following:

4 “(q) CRITICAL MATERIAL RECYCLING AND REUSE
5 RESEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-
6 GRAM.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) CRITICAL MATERIAL.—The term
9 ‘critical material’ has the meaning given the
10 term in 7002 of the Energy Act of 2020.

11 “(B) CRITICAL MATERIAL RECYCLING.—
12 The term ‘critical material recycling’ means the
13 separation and recovery of critical materials
14 embedded within an energy storage system
15 through physical or chemical means for the pur-
16 pose of reuse of those critical materials in other
17 technologies.

18 “(2) ESTABLISHMENT.—Not later than 180
19 days after the date of enactment of this subsection,
20 the Secretary shall establish a research, develop-
21 ment, and demonstration program for critical mate-
22 rial recycling and reuse of energy storage systems
23 containing critical materials.

24 “(3) RESEARCH, DEVELOPMENT, AND DEM-
25 ONSTRATION.—In carrying out the program estab-

1 lished under paragraph (1), the Secretary shall con-
2 duct—

3 “(A) research, development, and dem-
4 onstration activities for—

5 “(i) technologies, process improve-
6 ments, and design optimizations that facili-
7 tate and promote critical material recycling
8 of energy storage systems, including sepa-
9 ration and sorting of component materials
10 of such systems, and extraction, recovery,
11 and reuse of critical materials from such
12 systems;

13 “(ii) technologies and methods that
14 mitigate emissions and environmental im-
15 pacts that arise from critical material recy-
16 cling, including disposal of toxic reagents
17 and byproducts related to critical material
18 recycling processes;

19 “(iii) technologies to enable extrac-
20 tion, recovery, and reuse of energy storage
21 systems from electric vehicles and critical
22 material recycling from such vehicles; and

23 “(iv) technologies and methods to en-
24 able the safe transport, storage, and dis-
25 posal of energy storage systems containing

1 critical materials, including waste mate-
2 rials and components recovered during the
3 critical material recycling process; and

4 “(B) research on nontechnical barriers to
5 improve the collection and critical material re-
6 cycling of energy storage systems, including
7 strategies to improve consumer education of,
8 acceptance of, and participation in, the critical
9 material recycling of energy storage systems.

10 “(4) REPORT TO CONGRESS.—Not later than 2
11 years after the date of enactment of this subsection,
12 and every 3 years thereafter, the Secretary shall
13 submit to the Committee on Science, Space, and
14 Technology and the Committee on Energy and Com-
15 merce of the House of Representatives and the Com-
16 mittee on Energy and Natural Resources of the Sen-
17 ate a report summarizing the activities, findings,
18 and progress of the program.”.

19 (f) COORDINATION.—To the maximum extent prac-
20 ticable, the Secretary shall coordinate the activities under
21 this section (including activities conducted pursuant to the
22 amendments made by this section) among the offices and
23 employees of the Department, other Federal agencies, and
24 other relevant entities—

25 (1) to ensure appropriate collaboration;

1 (2) to avoid unnecessary duplication of those
2 activities; and

3 (3) to increase domestic manufacturing and
4 production of energy storage systems, such as those
5 within the Department and within the National In-
6 stitute of Standards and Technology.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated—

9 (1) to carry out subsection (b), \$100,000,000
10 for each of fiscal years 2021 through 2025, to re-
11 main available until expended;

12 (2) to carry out subsection (c), \$71,000,000 for
13 each of fiscal years 2021 through 2025, to remain
14 available until expended; and

15 (3) to carry out subsection (d), \$30,000,000 for
16 each of fiscal years 2021 through 2025, to remain
17 available until expended.

18 **SEC. 3202. ENERGY STORAGE TECHNOLOGY AND**

19 **MICROGRID ASSISTANCE PROGRAM.**

20 (a) DEFINITIONS.—In this section:

21 (1) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” means—

23 (A) a rural electric cooperative;

24 (B) an agency, authority, or instrumen-
25 tality of a State or political subdivision of a

1 State that sells or otherwise uses electrical en-
2 ergy to provide electric services for customers;
3 or

4 (C) a nonprofit organization working with
5 at least 6 entities described in subparagraph
6 (A) or (B).

7 (2) ENERGY STORAGE TECHNOLOGY.—The
8 term “energy storage technology” includes grid-en-
9 abled water heaters, building heating or cooling sys-
10 tems, electric vehicles, the production of hydrogen
11 for transportation or industrial use, or other tech-
12 nologies that store energy.

13 (3) MICROGRID.—The term “microgrid” means
14 a localized grid that operates autonomously regard-
15 less of whether the grid can operate in connection
16 with another grid.

17 (4) RENEWABLE ENERGY SOURCE.—The term
18 “renewable energy source” has the meaning given
19 the term in section 609(a) of the Public Utility Reg-
20 ulatory Policies Act of 1978 (7 U.S.C. 918c(a)).

21 (5) RURAL ELECTRIC COOPERATIVE.—The term
22 “rural electric cooperative” means an electric coop-
23 erative (as defined in section 3 of the Federal Power
24 Act (16 U.S.C. 796)) that sells electric energy to
25 persons in rural areas.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Energy.

3 (b) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary shall es-
5 tablish a program under which the Secretary shall—

6 (1) provide grants to eligible entities under sub-
7 section (d);

8 (2) provide technical assistance to eligible enti-
9 ties under subsection (e); and

10 (3) disseminate information to eligible entities
11 on—

12 (A) the activities described in subsections
13 (d)(1) and (e); and

14 (B) potential and existing energy storage
15 technology and microgrid projects.

16 (c) COOPERATIVE AGREEMENT.—The Secretary may
17 enter into a cooperative agreement with an eligible entity
18 to carry out subsection (b).

19 (d) GRANTS.—

20 (1) IN GENERAL.—The Secretary may award
21 grants to eligible entities for identifying, evaluating,
22 designing, and demonstrating energy storage tech-
23 nology and microgrid projects that utilize energy
24 from renewable energy sources.

1 (2) APPLICATION.—To be eligible to receive a
2 grant under paragraph (1), an eligible entity shall
3 submit to the Secretary an application at such time,
4 in such manner, and containing such information as
5 the Secretary may require.

6 (3) USE OF GRANT.—An eligible entity that re-
7 ceives a grant under paragraph (1)—

8 (A) shall use the grant—

9 (i) to conduct feasibility studies to as-
10 sess the potential for implementation or
11 improvement of energy storage technology
12 or microgrid projects;

13 (ii) to analyze and implement strate-
14 gies to overcome barriers to energy storage
15 technology or microgrid project implemen-
16 tation, including financial, contracting,
17 siting, and permitting barriers;

18 (iii) to conduct detailed engineering of
19 energy storage technology or microgrid
20 projects;

21 (iv) to perform a cost-benefit analysis
22 with respect to an energy storage tech-
23 nology or microgrid project;

24 (v) to plan for both the short- and
25 long-term inclusion of energy storage tech-

1 nology or microgrid projects into the fu-
2 ture development plans of the eligible enti-
3 ty; or

4 (vi) to purchase and install necessary
5 equipment, materials, and supplies for
6 demonstration of emerging technologies;
7 and

8 (B) may use the grant to obtain technical
9 assistance from experts in carrying out the ac-
10 tivities described in subparagraph (A).

11 (4) CONDITION.—As a condition of receiving a
12 grant under paragraph (1), an eligible entity shall—

13 (A) implement a public awareness cam-
14 paign, in coordination with the Secretary, about
15 the project implemented under the grant in the
16 community in which the eligible entity is lo-
17 cated, which campaign shall include providing
18 projected environmental benefits achieved under
19 the project, where to find more information
20 about the program established under this sec-
21 tion, and any other information the Secretary
22 determines necessary;

23 (B) submit to the Secretary, and make
24 available to the public, a report that de-
25 scribes—

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1 (i) any energy cost savings and envi-
2 ronmental benefits achieved under the
3 project; and

4 (ii) the results of the project, includ-
5 ing quantitative assessments to the extent
6 practicable, associated with each activity
7 described in paragraph (3)(A); and

8 (C) create and disseminate tools and re-
9 sources that will benefit other rural electric co-
10 operatives, which may include cost calculators,
11 guidebooks, handbooks, templates, and training
12 courses.

13 (5) COST-SHARE.—Activities under this sub-
14 section shall be subject to the cost-sharing require-
15 ments of section 988 of the Energy Policy Act of
16 2005 (42 U.S.C. 16352).

17 (e) TECHNICAL ASSISTANCE.—

18 (1) IN GENERAL.—In carrying out the program
19 established under subsection (b), the Secretary may
20 provide eligible entities with technical assistance re-
21 lating to—

22 (A) identifying opportunities for energy
23 storage technology and microgrid projects;

1 (B) understanding the technical and eco-
2 nomic characteristics of energy storage tech-
3 nology or microgrid projects;

4 (C) understanding financing alternatives;

5 (D) permitting and siting issues;

6 (E) obtaining case studies of similar and
7 successful energy storage technology or
8 microgrid projects;

9 (F) reviewing and obtaining computer soft-
10 ware for assessment, design, and operation and
11 maintenance of energy storage technology or
12 microgrid systems; and

13 (G) understanding and utilizing the reli-
14 ability and resiliency benefits of energy storage
15 technology and microgrid projects.

16 (2) EXTERNAL CONTRACTS.—In carrying out
17 paragraph (1), the Secretary may enter into con-
18 tracts with third-party experts, including engineer-
19 ing, finance, and insurance experts, to provide tech-
20 nical assistance to eligible entities relating to the ac-
21 tivities described in such paragraph, or other rel-
22 evant activities, as determined by the Secretary.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to carry out this section \$15,000,000
3 for each of fiscal years 2021 through 2025.

4 (2) ADMINISTRATIVE COSTS.—Not more than 5
5 percent of the amount appropriated under para-
6 graph (1) for each fiscal year shall be used for ad-
7 ministrative expenses.

8 **TITLE IV—CARBON** 9 **MANAGEMENT**

10 **SEC. 4001. FOSSIL ENERGY.**

11 Section 961(a) of the Energy Policy Act of 2005 (42
12 U.S.C. 16291(a)) is amended—

13 (1) by redesignating paragraphs (1) through
14 (7) as subparagraphs (A) through (G), respectively,
15 and indenting appropriately;

16 (2) in subparagraph (F) (as so redesignated),
17 by inserting “, including technology development to
18 reduce emissions of carbon dioxide and associated
19 emissions of heavy metals within coal combustion
20 residues and gas streams resulting from fossil fuel
21 use and production” before the period at the end;

22 (3) by striking subparagraph (G) (as so redesi-
23 gnated) and inserting the following:

24 “(G) Increasing the export of fossil energy-
25 related equipment, technology, including emis-

1 sions control technologies, and services from the
2 United States.

3 “(H) Decreasing the cost of emissions con-
4 trol technologies for fossil energy production,
5 generation, and delivery.

6 “(I) Significantly lowering greenhouse gas
7 emissions for all fossil fuel production, genera-
8 tion, delivery, and utilization technologies.

9 “(J) Developing carbon removal and utili-
10 zation technologies, products, and methods that
11 result in net reductions in greenhouse gas emis-
12 sions, including direct air capture and storage,
13 and carbon use and reuse for commercial appli-
14 cation.

15 “(K) Improving the conversion, use, and
16 storage of carbon oxides produced from fossil
17 fuels.

18 “(L) Reducing water use, improving water
19 reuse, and minimizing surface and subsurface
20 environmental impact in the development of un-
21 conventional domestic oil and natural gas re-
22 sources.”;

23 (4) by striking the subsection designation and
24 all that follows through “The Secretary” in the first

1 sentence of the matter preceding subparagraph (A)
2 (as so redesignated) and inserting the following:

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Secretary”;

5 (5) in paragraph (1) (as so designated), in the
6 second sentence of the matter preceding subpara-
7 graph (A) (as so redesignated), by striking “Such
8 programs” and inserting the following:

9 “(2) OBJECTIVES.—The programs described in
10 paragraph (1) shall”; and

11 (6) by adding at the end the following:

12 “(3) PRIORITY.—In carrying out the objectives
13 described in subparagraphs (F) through (K) of para-
14 graph (2), the Secretary shall prioritize activities
15 and strategies that have the potential to significantly
16 reduce emissions for each technology relevant to the
17 applicable objective and the international commit-
18 ments of the United States.”.

19 **SEC. 4002. ESTABLISHMENT OF CARBON CAPTURE TECH-**
20 **NOLOGY PROGRAM.**

21 (a) IN GENERAL.—The Energy Policy Act of 2005
22 is amended by striking section 962 (42 U.S.C. 16292) and
23 inserting the following:

24 **“SEC. 962. CARBON CAPTURE TECHNOLOGY PROGRAM.**

25 “(a) DEFINITIONS.—In this section:

1 “(1) LARGE-SCALE PILOT PROJECT.—The term
2 ‘large-scale pilot project’ means a pilot project
3 that—

4 “(A) represents the scale of technology de-
5 velopment beyond laboratory development and
6 bench scale testing, but not yet advanced to the
7 point of being tested under real operational con-
8 ditions at commercial scale;

9 “(B) represents the scale of technology
10 necessary to gain the operational data needed
11 to understand the technical and performance
12 risks of the technology before the application of
13 that technology at commercial scale or in com-
14 mercial-scale demonstration; and

15 “(C) is large enough—

16 “(i) to validate scaling factors; and

17 “(ii) to demonstrate the interaction
18 between major components so that control
19 philosophies for a new process can be de-
20 veloped and enable the technology to ad-
21 vance from large-scale pilot project appli-
22 cation to commercial-scale demonstration
23 or application.

24 “(2) NATURAL GAS.—The term ‘natural gas’
25 means any fuel consisting in whole or in part of—

1 “(A) natural gas;

2 “(B) liquid petroleum gas;

3 “(C) synthetic gas derived from petroleum
4 or natural gas liquids;

5 “(D) any mixture of natural gas and syn-
6 thetic gas; or

7 “(E) biomethane.

8 “(3) NATURAL GAS ELECTRIC GENERATION FA-
9 CILITY.—

10 “(A) IN GENERAL.—The term ‘natural gas
11 electric generation facility’ means a facility that
12 generates electric energy using natural gas as
13 the fuel.

14 “(B) INCLUSIONS.—The term ‘natural gas
15 electric generation facility’ includes without lim-
16 itation a new or existing—

17 “(i) simple cycle plant;

18 “(ii) combined cycle plant;

19 “(iii) combined heat and power plant;

20 or

21 “(iv) steam methane reformer that
22 produces hydrogen from natural gas for
23 use in the production of electric energy.

24 “(4) PROGRAM.—The term ‘program’ means
25 the program established under subsection (b)(1).

1 “(5) TRANSFORMATIONAL TECHNOLOGY.—

2 “(A) IN GENERAL.—The term ‘trans-
3 formational technology’ means a technology
4 that represents a significant change in the
5 methods used to convert energy that will enable
6 a step change in performance, efficiency, cost of
7 electricity, and reduction of emissions as com-
8 pared to the technology in existence on the date
9 of enactment of the Energy Act of 2020.

10 “(B) INCLUSIONS.—The term ‘trans-
11 formational technology’ includes a broad range
12 of potential technology improvements, includ-
13 ing—

14 “(i) thermodynamic improvements in
15 energy conversion and heat transfer, in-
16 cluding—

17 “(I) advanced combustion sys-
18 tems, including oxygen combustion
19 systems and chemical looping; and

20 “(II) the replacement of steam
21 cycles with supercritical carbon diox-
22 ide cycles;

23 “(ii) improvements in steam or carbon
24 dioxide turbine technology;

1 “(iii) improvements in carbon capture,
2 utilization, and storage systems technology;

3 “(iv) improvements in small-scale and
4 modular coal-fired technologies with re-
5 duced carbon output or carbon capture
6 that can support incremental power gen-
7 eration capacity additions;

8 “(v) fuel cell technologies for low-cost,
9 high-efficiency modular power systems;

10 “(vi) advanced gasification systems;

11 “(vii) thermal cycling technologies;

12 and

13 “(viii) any other technology the Sec-
14 retary recognizes as transformational tech-
15 nology.

16 “(b) CARBON CAPTURE TECHNOLOGY PROGRAM.—

17 “(1) IN GENERAL.—The Secretary shall estab-
18 lish a carbon capture technology program for the de-
19 velopment of transformational technologies that will
20 significantly improve the efficiency, effectiveness,
21 costs, emissions reductions, and environmental per-
22 formance of coal and natural gas use, including in
23 manufacturing and industrial facilities.

24 “(2) REQUIREMENTS.—The program shall in-
25 clude—

1 “(A) a research and development program;

2 “(B) large-scale pilot projects;

3 “(C) demonstration projects, in accordance
4 with paragraph (4); and

5 “(D) a front-end engineering and design
6 program.

7 “(3) PROGRAM GOALS AND OBJECTIVES.—In
8 consultation with the interested entities described in
9 paragraph (6)(C), the Secretary shall develop goals
10 and objectives for the program to be applied to the
11 transformational technologies developed within the
12 program, taking into consideration the following:

13 “(A) Increasing the performance of coal
14 electric generation facilities and natural gas
15 electric generation facilities, including by—

16 “(i) ensuring reliable, low-cost power
17 from new and existing coal electric genera-
18 tion facilities and natural gas electric gen-
19 eration facilities;

20 “(ii) achieving high conversion effi-
21 ciencies;

22 “(iii) addressing emissions of carbon
23 dioxide and other air pollutants;

24 “(iv) developing small-scale and mod-
25 ular technologies to support incremental

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1 capacity additions and load following gen-
2 eration, in addition to large-scale genera-
3 tion technologies;

4 “(v) supporting dispatchable oper-
5 ations for new and existing applications of
6 coal and natural gas generation; and

7 “(vi) accelerating the development of
8 technologies that have transformational en-
9 ergy conversion characteristics.

10 “(B) Using carbon capture, utilization, and
11 sequestration technologies to decrease the car-
12 bon dioxide emissions, and the environmental
13 impact from carbon dioxide emissions, from new
14 and existing coal electric generation facilities
15 and natural gas electric generation facilities, in-
16 cluding by—

17 “(i) accelerating the development, de-
18 ployment, and commercialization of tech-
19 nologies to capture and sequester carbon
20 dioxide emissions from new and existing
21 coal electric generation facilities and nat-
22 ural gas electric generation facilities;

23 “(ii) supporting sites for safe geologi-
24 cal storage of large volumes of anthropo-
25 genic sources of carbon dioxide and the de-

1 velopment of the infrastructure needed to
2 support a carbon dioxide utilization and
3 storage industry;

4 “(iii) improving the conversion, utili-
5 zation, and storage of carbon dioxide pro-
6 duced from fossil fuels and other anthropo-
7 genic sources of carbon dioxide;

8 “(iv) lowering greenhouse gas emis-
9 sions for all fossil fuel production, genera-
10 tion, delivery, and use, to the maximum ex-
11 tent practicable;

12 “(v) developing carbon utilization
13 technologies, products, and methods, in-
14 cluding carbon use and reuse for commer-
15 cial application;

16 “(vi) developing net-negative carbon
17 dioxide emissions technologies; and

18 “(vii) developing technologies for the
19 capture of carbon dioxide produced during
20 the production of hydrogen from natural
21 gas.

22 “(C) Decreasing the non-carbon dioxide
23 relevant environmental impacts of coal and nat-
24 ural gas production, including by—

1 “(i) further reducing non-carbon diox-
2 ide air emissions; and

3 “(ii) reducing the use, and managing
4 the discharge, of water in power plant op-
5 erations.

6 “(D) Accelerating the development of tech-
7 nologies to significantly decrease emissions from
8 manufacturing and industrial facilities, includ-
9 ing—

10 “(i) nontraditional fuel manufacturing
11 facilities, including ethanol or other biofuel
12 production plants or hydrogen production
13 plants; and

14 “(ii) energy-intensive manufacturing
15 facilities that produce carbon dioxide as a
16 byproduct of operations.

17 “(E) Entering into cooperative agreements
18 to carry out and expedite demonstration
19 projects (including pilot projects) to dem-
20 onstrate the technical and commercial viability
21 of technologies to reduce carbon dioxide emis-
22 sions released from coal electric generation fa-
23 cilities and natural gas electric generation facili-
24 ties for commercial deployment.

1 “(F) Identifying any barriers to the com-
2 mercial deployment of any technologies under
3 development for the capture of carbon dioxide
4 produced by coal electric generation facilities
5 and natural gas electric generation facilities.

6 “(4) DEMONSTRATION PROJECTS.—

7 “(A) IN GENERAL.—In carrying out the
8 program, the Secretary shall establish a dem-
9 onstration program under which the Secretary,
10 through a competitive, merit-reviewed process,
11 shall enter into cooperative agreements by not
12 later than September 30, 2025, for demonstra-
13 tion projects to demonstrate the construction
14 and operation of 6 facilities to capture carbon
15 dioxide from coal electric generation facilities,
16 natural gas electric generation facilities, and in-
17 dustrial facilities.

18 “(B) TECHNICAL ASSISTANCE.—The Sec-
19 retary, to the maximum extent practicable, shall
20 provide technical assistance to any eligible enti-
21 ty seeking to enter into a cooperative agreement
22 described in subparagraph (A) for the purpose
23 of obtaining any necessary permits and licenses
24 to demonstrate qualifying technologies.

1 “(C) ELIGIBLE ENTITIES.—The Secretary
2 may enter into cooperative agreements under
3 subparagraph (A) with industry stakeholders,
4 including any industry stakeholder operating in
5 partnership with the National Laboratories, in-
6 stitutions of higher education, multiinstitutional
7 collaborations, and other appropriate entities.

8 “(D) COMMERCIAL-SCALE DEMONSTRA-
9 TION PROJECTS.—

10 “(i) IN GENERAL.—In carrying out
11 the program, the Secretary shall establish
12 a carbon capture technology commer-
13 cialization program to demonstrate sub-
14 stantial improvements in the efficiency, ef-
15 fectiveness, cost, and environmental per-
16 formance of carbon capture technologies
17 for power, industrial, and other commercial
18 applications.

19 “(ii) REQUIREMENT.—The program
20 established under clause (i) shall include
21 funding for commercial-scale carbon cap-
22 ture technology demonstrations of projects
23 supported by the Department, including
24 projects in addition to the projects de-
25 scribed in subparagraph (A), including

1 funding for not more than 2 projects to
2 demonstrate substantial improvements in a
3 particular technology type beyond the first
4 of a kind demonstration and to account for
5 considerations described in subparagraph
6 (G).

7 “(E) REQUIREMENT.—Of the demonstra-
8 tion projects carried out under subparagraph
9 (A)—

10 “(i) 2 shall be designed to capture
11 carbon dioxide from a natural gas electric
12 generation facility;

13 “(ii) 2 shall be designed to capture
14 carbon dioxide from a coal electric genera-
15 tion facility; and

16 “(iii) 2 shall be designed to capture
17 carbon dioxide from an industrial facility
18 not purposed for electric generation.

19 “(F) GOALS.—Each demonstration project
20 under the demonstration program under sub-
21 paragraph (A)—

22 “(i) shall be designed to further the
23 development, deployment, and commer-
24 cialization of technologies to capture and
25 sequester carbon dioxide emissions from

1 new and existing coal electric generation
2 facilities, natural gas electric generation
3 facilities, and industrial facilities;

4 “(ii) shall be financed in part by the
5 private sector; and

6 “(iii) if necessary, shall secure agree-
7 ments for the offtake of carbon dioxide
8 emissions captured by qualifying tech-
9 nologies during the project.

10 “(G) APPLICATIONS.—

11 “(i) IN GENERAL.—To be eligible to
12 enter into an agreement with the Secretary
13 for a demonstration project under subpara-
14 graphs (A) and (D), an entity shall submit
15 to the Secretary an application at such
16 time, in such manner, and containing such
17 information as the Secretary may require.

18 “(ii) REVIEW OF APPLICATIONS.—In
19 reviewing applications submitted under
20 clause (i), the Secretary, to the maximum
21 extent practicable, shall—

22 “(I) ensure a broad geographic
23 distribution of project sites;

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1 “(II) ensure that a broad selec-
2 tion of electric generation facilities are
3 represented;

4 “(III) ensure that a broad selec-
5 tion of technologies are represented;
6 and

7 “(IV) leverage existing public-pri-
8 vate partnerships and Federal re-
9 sources.

10 “(H) GAO STUDY AND REPORT.—

11 “(i) STUDY AND REPORT.—

12 “(I) IN GENERAL.—Not later
13 than 1 year after the date of enact-
14 ment of the Energy Act of 2020, the
15 Comptroller General of the United
16 States shall conduct, and submit to
17 the Committee on Energy and Nat-
18 ural Resources of the Senate and the
19 Committee on Science, Space, and
20 Technology of the House of Rep-
21 resentatives a report on the results of,
22 a study of the successes, failures,
23 practices, and improvements of the
24 Department in carrying out dem-

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1 onstration projects under this para-
2 graph.

3 “(II) CONSIDERATIONS.—In con-
4 ducting the study under subclause (I),
5 the Comptroller General of the United
6 States shall consider—

7 “(aa) applicant and con-
8 tractor qualifications;

9 “(bb) project management
10 practices at the Department;

11 “(cc) economic or market
12 changes and other factors im-
13 pacting project viability;

14 “(dd) completion of third-
15 party agreements, including
16 power purchase agreements and
17 carbon dioxide offtake agree-
18 ments;

19 “(ee) regulatory challenges;
20 and

21 “(ff) construction chal-
22 lenges.

23 “(ii) RECOMMENDATIONS.—The Sec-
24 retary shall—

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1 “(I) consider any relevant rec-
2 ommendations, as determined by the
3 Secretary, provided in the report re-
4 quired under clause (i)(I); and

5 “(II) adopt such recommenda-
6 tions as the Secretary considers ap-
7 propriate.

8 “(I) REPORT.—

9 “(i) IN GENERAL.—Not later than
10 180 days after the date on which the Sec-
11 retary solicits applications under subpara-
12 graph (G), and annually thereafter, the
13 Secretary shall submit to the appropriate
14 committees of jurisdiction of the Senate
15 and the House of Representatives a report
16 that includes a detailed description of how
17 the applications under the demonstration
18 program established under subparagraph
19 (A) were or will be solicited and how the
20 applications were or will be evaluated, in-
21 cluding—

22 “(I) a list of any activities car-
23 ried out by the Secretary to solicit or
24 evaluate the applications; and

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1 “(II) a process for ensuring that
2 any projects carried out under a coop-
3 erative agreement entered into under
4 subparagraph (A) are designed to re-
5 sult in the development or demonstra-
6 tion of qualifying technologies.

7 “(ii) INCLUSIONS.—The Secretary
8 shall include—

9 “(I) in the first report required
10 under clause (i), a detailed list of
11 technical milestones for the develop-
12 ment and demonstration of each
13 qualifying technology pursued under
14 the demonstration program estab-
15 lished under subparagraph (A);

16 “(II) in each subsequent report
17 required under clause (i), a descrip-
18 tion of the progress made towards
19 achieving the technical milestones de-
20 scribed in subclause (I) during the ap-
21 plicable period covered by the report;
22 and

23 “(III) in each report required
24 under clause (i)—

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1 “(aa) an estimate of the cost
2 of licensing, permitting, con-
3 structing, and operating each
4 carbon capture facility expected
5 to be constructed under the dem-
6 onstration program established
7 under subparagraph (A);

8 “(bb) a schedule for the
9 planned construction and oper-
10 ation of each demonstration or
11 pilot project under the dem-
12 onstration program; and

13 “(cc) an estimate of any fi-
14 nancial assistance, compensation,
15 or incentives proposed to be paid
16 by the host State, Indian Tribe,
17 or local government with respect
18 to each facility described in item
19 (aa).

20 “(5) INTRAAGENCY COORDINATION FOR CAR-
21 BON CAPTURE, UTILIZATION, AND SEQUESTRATION
22 ACTIVITIES.—The carbon capture, utilization, and
23 sequestration activities described in paragraph
24 (3)(B) shall be carried out by the Assistant Sec-
25 retary for Fossil Energy, in coordination with the

1 heads of other relevant offices of the Department
2 and the National Laboratories.

3 “(6) CONSULTATIONS REQUIRED.—In carrying
4 out the program, the Secretary shall—

5 “(A) undertake international collabora-
6 tions, taking into consideration the rec-
7 ommendations of the National Coal Council and
8 the National Petroleum Council;

9 “(B) use existing authorities to encourage
10 international cooperation; and

11 “(C) consult with interested entities, in-
12 cluding—

13 “(i) coal and natural gas producers;

14 “(ii) industries that use coal and nat-
15 ural gas;

16 “(iii) organizations that promote coal,
17 advanced coal, and natural gas tech-
18 nologies;

19 “(iv) environmental organizations;

20 “(v) organizations representing work-
21 ers; and

22 “(vi) organizations representing con-
23 sumers.

24 “(c) REPORT.—

1 “(1) IN GENERAL.—Not later than 18 months
2 after the date of enactment of the Energy Act of
3 2020, the Secretary shall submit to Congress a re-
4 port describing the program goals and objectives
5 adopted under subsection (b)(3).

6 “(2) UPDATE.—Not less frequently than once
7 every 2 years after the initial report is submitted
8 under paragraph (1), the Secretary shall submit to
9 Congress a report describing the progress made to-
10 wards achieving the program goals and objectives
11 adopted under subsection (b)(3).

12 “(d) FUNDING.—

13 “(1) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to the Sec-
15 retary to carry out this section, to remain available
16 until expended—

17 “(A) for activities under the research and
18 development program component described in
19 subsection (b)(2)(A)—

20 “(i) \$230,000,000 for each of fiscal
21 years 2021 and 2022; and

22 “(ii) \$150,000,000 for each of fiscal
23 years 2023 through 2025;

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1 “(B) subject to paragraph (2), for activi-
2 ties under the large-scale pilot projects program
3 component described in subsection (b)(2)(B)—

4 “(i) \$225,000,000 for each of fiscal
5 years 2021 and 2022;

6 “(ii) \$200,000,000 for each of fiscal
7 years 2023 and 2024; and

8 “(iii) \$150,000,000 for fiscal year
9 2025;

10 “(C) for activities under the demonstration
11 projects program component described in sub-
12 section (b)(2)(C)—

13 “(i) \$500,000,000 for each of fiscal
14 years 2021 through 2024; and

15 “(ii) \$600,000,000 for fiscal year
16 2025; and

17 “(D) for activities under the front-end en-
18 gineering and design program described in sub-
19 section (b)(2)(D), \$50,000,000 for each of fis-
20 cal years 2021 through 2024.

21 “(2) COST SHARING FOR LARGE-SCALE PILOT
22 PROJECTS.—Activities under subsection (b)(2)(B)
23 shall be subject to the cost-sharing requirements of
24 section 988(b).

25 “(e) CARBON CAPTURE TEST CENTERS.—

1 “(1) IN GENERAL.—Not later than 2 years
2 after the date of enactment of the Energy Act of
3 2020, the Secretary shall award grants to 1 or more
4 entities for the operation of 1 or more test centers
5 (referred to in this subsection as a ‘Center’) to pro-
6 vide distinct testing capabilities for innovative car-
7 bon capture technologies.

8 “(2) PURPOSE.—Each Center shall—

9 “(A) advance research, development, dem-
10 onstration, and commercial application of car-
11 bon capture technologies;

12 “(B) support large-scale pilot projects and
13 demonstration projects and test carbon capture
14 technologies; and

15 “(C) develop front-end engineering design
16 and economic analysis.

17 “(3) SELECTION.—

18 “(A) IN GENERAL.—The Secretary shall
19 select entities to receive grants under this sub-
20 section according to such criteria as the Sec-
21 retary may develop.

22 “(B) COMPETITIVE BASIS.—The Secretary
23 shall select entities to receive grants under this
24 subsection on a competitive basis.

1 “(C) PRIORITY CRITERIA.—In selecting en-
2 tities to receive grants under this subsection,
3 the Secretary shall prioritize consideration of
4 applicants that—

5 “(i) have access to existing or planned
6 research facilities for carbon capture tech-
7 nologies;

8 “(ii) are institutions of higher edu-
9 cation with established expertise in engi-
10 neering for carbon capture technologies, or
11 partnerships with such institutions of high-
12 er education; or

13 “(iii) have access to existing research
14 and test facilities for bulk materials design
15 and testing, component design and testing,
16 or professional engineering design.

17 “(D) EXISTING CENTERS.—In selecting
18 entities to receive grants under this subsection,
19 the Secretary shall prioritize carbon capture
20 test centers in existence on the date of enact-
21 ment of the Energy Act of 2020.

22 “(4) FORMULA FOR AWARDING GRANTS.—The
23 Secretary may develop a formula for awarding
24 grants under this subsection.

25 “(5) SCHEDULE.—

1 “(A) IN GENERAL.—Each grant awarded
2 under this subsection shall be for a term of not
3 more than 5 years, subject to the availability of
4 appropriations.

5 “(B) RENEWAL.—The Secretary may
6 renew a grant for 1 or more additional 5-year
7 terms, subject to a competitive merit review and
8 the availability of appropriations.

9 “(6) TERMINATION.—To the extent otherwise
10 authorized by law, the Secretary may eliminate, and
11 terminate grant funding under this subsection for, a
12 Center during any 5-year term described in para-
13 graph (5) if the Secretary determines that the Cen-
14 ter is underperforming.

15 “(7) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to carry out
17 this subsection \$25,000,000 for each of fiscal years
18 2021 through 2025.”.

19 (b) TECHNICAL AMENDMENT.—The table of contents
20 for the Energy Policy Act of 2005 (Public Law 109–58;
21 119 Stat. 600) is amended by striking the item relating
22 to section 962 and inserting the following:

 “Sec. 962. Carbon capture technology program.”.

23 **SEC. 4003. CARBON STORAGE VALIDATION AND TESTING.**

24 (a) IN GENERAL.—Section 963 of the Energy Policy
25 Act of 2005 (42 U.S.C. 16293) is amended—

1 (1) by striking subsection (d) and inserting the
2 following:

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary to carry
5 out this section—

6 “(1) \$200,000,000 for fiscal year 2021;

7 “(2) \$200,000,000 for fiscal year 2022;

8 “(3) \$150,000,000 for fiscal year 2023;

9 “(4) \$150,000,000 for fiscal year 2024; and

10 “(5) \$100,000,000 for fiscal year 2025.”;

11 (2) in subsection (c)—

12 (A) by striking paragraphs (5) and (6) and
13 inserting the following:

14 “(f) COST SHARING.—Activities carried out under
15 this section shall be subject to the cost-sharing require-
16 ments of section 988.”; and

17 (B) by redesignating paragraph (4) as sub-
18 section (e) and indenting appropriately;

19 (3) in subsection (e) (as so redesignated)—

20 (A) by redesignating subparagraphs (A)
21 and (B) as paragraphs (1) and (2), respectively,
22 and indenting appropriately; and

23 (B) by striking “subsection” each place it
24 appears and inserting “section”; and

1 (4) by striking the section designation and
2 heading and all that follows through the end of sub-
3 section (c)(3) and inserting the following:

4 **“SEC. 963. CARBON STORAGE VALIDATION AND TESTING.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) LARGE-SCALE CARBON SEQUESTRATION.—

7 The term ‘large-scale carbon sequestration’ means a
8 scale that—

9 “(A) demonstrates the ability to inject into
10 geologic formations and sequester carbon diox-
11 ide; and

12 “(B) has a goal of sequestering not less
13 than 50 million metric tons of carbon dioxide
14 over a 10-year period.

15 “(2) PROGRAM.—The term ‘program’ means
16 the program established under subsection (b)(1).

17 “(b) CARBON STORAGE PROGRAM.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish a program of research, development, and dem-
20 onstration for carbon storage.

21 “(2) PROGRAM ACTIVITIES.—Activities under
22 the program shall include—

23 “(A) in coordination with relevant Federal
24 agencies, developing and maintaining mapping

1 tools and resources that assess the capacity of
2 geologic storage formation in the United States;

3 “(B) developing monitoring tools, modeling
4 of geologic formations, and analyses—

5 “(i) to predict carbon dioxide contain-
6 ment; and

7 “(ii) to account for sequestered car-
8 bon dioxide in geologic storage sites;

9 “(C) researching—

10 “(i) potential environmental, safety,
11 and health impacts in the event of a leak
12 into the atmosphere or to an aquifer; and

13 “(ii) any corresponding mitigation ac-
14 tions or responses to limit harmful con-
15 sequences of such a leak;

16 “(D) evaluating the interactions of carbon
17 dioxide with formation solids and fluids, includ-
18 ing the propensity of injections to induce seis-
19 mic activity;

20 “(E) assessing and ensuring the safety of
21 operations relating to geologic sequestration of
22 carbon dioxide;

23 “(F) determining the fate of carbon diox-
24 ide concurrent with and following injection into
25 geologic formations;

1 “(G) supporting cost and business model
2 assessments to examine the economic viability
3 of technologies and systems developed under the
4 program; and

5 “(H) providing information to the Environ-
6 mental Protection Agency, States, local govern-
7 ments, Tribal governments, and other appro-
8 priate entities, to ensure the protection of
9 human health and the environment.

10 “(3) GEOLOGIC SETTINGS.—In carrying out re-
11 search activities under this subsection, the Secretary
12 shall consider a variety of candidate onshore and off-
13 shore geologic settings, including—

14 “(A) operating oil and gas fields;

15 “(B) depleted oil and gas fields;

16 “(C) residual oil zones;

17 “(D) unconventional reservoirs and rock
18 types;

19 “(E) unmineable coal seams;

20 “(F) saline formations in both sedimentary
21 and basaltic geologies;

22 “(G) geologic systems that may be used as
23 engineered reservoirs to extract economical
24 quantities of brine from geothermal resources of
25 low permeability or porosity; and

1 “(H) geologic systems containing in situ
2 carbon dioxide mineralization formations.

3 “(c) LARGE-SCALE CARBON SEQUESTRATION DEM-
4 ONSTRATION PROGRAM.—

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish a demonstration program under which the Sec-
7 retary shall provide funding for demonstration
8 projects to collect and validate information on the
9 cost and feasibility of commercial deployment of
10 large-scale carbon sequestration technologies.

11 “(2) EXISTING REGIONAL CARBON SEQUESTRATION PARTNERSHIPS.—In carrying out paragraph
12 (1), the Secretary may provide additional funding to
13 regional carbon sequestration partnerships that are
14 carrying out or have completed a large-scale carbon
15 sequestration demonstration project under this sec-
16 tion (as in effect on the day before the date of enact-
17 ment of the Energy Act of 2020) for additional work
18 on that project.

19 “(3) DEMONSTRATION COMPONENTS.—Each
20 demonstration project carried out under this sub-
21 section shall include longitudinal tests involving car-
22 bon dioxide injection and monitoring, mitigation,
23 and verification operations.
24

1 “(4) CLEARINGHOUSE.—The National Energy
2 Technology Laboratory shall act as a clearinghouse
3 of shared information and resources for—

4 “(A) existing or completed demonstration
5 projects receiving additional funding under
6 paragraph (2); and

7 “(B) any new demonstration projects fund-
8 ed under this subsection.

9 “(5) REPORT.—Not later than 1 year after the
10 date of enactment of the Energy Act of 2020, the
11 Secretary shall submit to the Committee on Energy
12 and Natural Resources of the Senate and the Com-
13 mittee on Science, Space, and Technology of the
14 House of Representatives a report that—

15 “(A) assesses the progress of all regional
16 carbon sequestration partnerships carrying out
17 a demonstration project under this subsection;

18 “(B) identifies the remaining challenges in
19 achieving large-scale carbon sequestration that
20 is reliable and safe for the environment and
21 public health; and

22 “(C) creates a roadmap for carbon storage
23 research and development activities of the De-
24 partment through 2025, with the goal of reduc-

1 ing economic and policy barriers to commercial
2 carbon sequestration.

3 “(d) INTEGRATED STORAGE.—

4 “(1) IN GENERAL.—The Secretary may transi-
5 tion large-scale carbon sequestration demonstration
6 projects under subsection (c) into integrated com-
7 mercial storage complexes.

8 “(2) GOALS AND OBJECTIVES.—The goals and
9 objectives of the Secretary in seeking to transition
10 large-scale carbon sequestration demonstration
11 projects into integrated commercial storage com-
12 plexes under paragraph (1) shall be—

13 “(A) to identify geologic storage sites that
14 are able to accept large volumes of carbon diox-
15 ide acceptable for commercial contracts;

16 “(B) to understand the technical and com-
17 mercial viability of carbon dioxide geologic stor-
18 age sites; and

19 “(C) to carry out any other activities nec-
20 essary to transition the large-scale carbon se-
21 questration demonstration projects under sub-
22 section (c) into integrated commercial storage
23 complexes.”.

24 (b) TECHNICAL AMENDMENT.—The table of contents
25 for the Energy Policy Act of 2005 (Public Law 109–58;

1 119 Stat. 600; 121 Stat. 1708) is amended by striking
2 the item relating to section 963 and inserting the fol-
3 lowing:

“Sec. 963. Carbon storage validation and testing.”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) Section 703(a)(3) of the Department of En-
6 ergy Carbon Capture and Sequestration Research,
7 Development, and Demonstration Act of 2007 (42
8 U.S.C. 17251(a)(3)) is amended, in the first sen-
9 tence of the matter preceding subparagraph (A),
10 by—

11 (A) striking “section 963(c)(3)” and in-
12 serting “section 963(c)”; and

13 (B) striking “16293(c)(3)” and inserting
14 “16293(c)”.

15 (2) Section 704 of the Department of Energy
16 Carbon Capture and Sequestration Research, Devel-
17 opment, and Demonstration Act of 2007 (42 U.S.C.
18 17252) is amended, in the first sentence, by—

19 (A) striking “section 963(c)(3)” and in-
20 serting “section 963(c)”; and

21 (B) striking “16293(c)(3)” and inserting
22 “16293(c)”.

23 **SEC. 4004. CARBON UTILIZATION PROGRAM.**

24 (a) CARBON UTILIZATION PROGRAM.—

1 (1) IN GENERAL.—Subtitle F of title IX of the
2 Energy Policy Act of 2005 (42 U.S.C. 16291 et
3 seq.) is amended by adding at the end the following:

4 **“SEC. 969A. CARBON UTILIZATION PROGRAM.**

5 “(a) IN GENERAL.—The Secretary shall establish a
6 program of research, development, and demonstration for
7 carbon utilization—

8 “(1) to assess and monitor—

9 “(A) potential changes in lifecycle carbon
10 dioxide and other greenhouse gas emissions;
11 and

12 “(B) other environmental safety indicators
13 of new technologies, practices, processes, or
14 methods used in enhanced hydrocarbon recovery
15 as part of the activities authorized under sec-
16 tion 963;

17 “(2) to identify and assess novel uses for car-
18 bon, including the conversion of carbon and carbon
19 oxides for commercial and industrial products and
20 other products with potential market value;

21 “(3) to identify and assess carbon capture tech-
22 nologies for industrial systems; and

23 “(4) to identify and assess alternative uses for
24 raw coal and processed coal products in all phases
25 that result in no significant emissions of carbon di-

1 oxide or other pollutants, including products derived
2 from carbon engineering, carbon fiber, and coal con-
3 version methods.

4 “(b) DEMONSTRATION PROGRAMS FOR THE PUR-
5 POSE OF COMMERCIALIZATION.—

6 “(1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of the Energy Act of
8 2020, as part of the program established under sub-
9 section (a), the Secretary shall establish a 2-year
10 demonstration program in each of the 2 major coal-
11 producing regions of the United States for the pur-
12 pose of partnering with private institutions in coal
13 mining regions to accelerate the commercial deploy-
14 ment of coal-carbon products.

15 “(2) COST SHARING.—Activities under para-
16 graph (1) shall be subject to the cost-sharing re-
17 quirements of section 988.

18 “(c) CARBON UTILIZATION RESEARCH CENTER.—

19 “(1) IN GENERAL.—In carrying out the pro-
20 gram under subsection (a), the Secretary shall es-
21 tablish and operate a national Carbon Utilization
22 Research Center (referred to in this subsection as
23 the ‘Center’), which shall focus on early stage re-
24 search and development activities including—

1 “(A) post-combustion and pre-combustion
2 capture of carbon dioxide;

3 “(B) advanced compression technologies
4 for new and existing fossil fuel-fired power
5 plants;

6 “(C) technologies to convert carbon dioxide
7 to valuable products and commodities; and

8 “(D) advanced carbon dioxide storage tech-
9 nologies that consider a range of storage re-
10 gimes.

11 “(2) SELECTION.—The Secretary shall—

12 “(A) select the Center under this sub-
13 section on a competitive, merit-reviewed basis;
14 and

15 “(B) consider applications from the Na-
16 tional Laboratories, institutions of higher edu-
17 cation, multiinstitutional collaborations, and
18 other appropriate entities.

19 “(3) EXISTING CENTERS.—In selecting the
20 Center under this subsection, the Secretary shall
21 prioritize carbon utilization research centers in exist-
22 ence on the date of enactment of the Energy Act of
23 2020.

24 “(4) DURATION.—The Center established under
25 this subsection shall receive support for a period of

1 not more than 5 years, subject to the availability of
2 appropriations.

3 “(5) RENEWAL.—On the expiration of any pe-
4 riod of support of the Center, the Secretary may
5 renew support for the Center, on a merit-reviewed
6 basis, for a period of not more than 5 years.

7 “(6) TERMINATION.—Consistent with the exist-
8 ing authorities of the Department, the Secretary
9 may terminate the Center for cause during the per-
10 formance period.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary to carry
13 out this section—

14 “(1) \$54,000,000 for fiscal year 2021;

15 “(2) \$55,250,000 for fiscal year 2022;

16 “(3) \$56,562,500 for fiscal year 2023;

17 “(4) \$57,940,625 for fiscal year 2024; and

18 “(5) \$59,387,656 for fiscal year 2025.

19 “(e) COORDINATION.—The Secretary shall coordinate
20 the activities authorized in this section with the activities
21 authorized in section 969 as part of one consolidated pro-
22 gram at the Department. Nothing in section 969 shall be
23 construed as limiting the authorities provided in this sec-
24 tion.”.

1 (2) TECHNICAL AMENDMENT.—The table of
2 contents for the Energy Policy Act of 2005 (Public
3 Law 109–58; 119 Stat. 600) is amended by adding
4 at the end of the items relating to subtitle F of title
5 IX the following:

“Sec. 969A. Carbon utilization program.”.

6 (b) STUDY.—

7 (1) IN GENERAL.—The Secretary of Energy (in
8 this section referred to as the “Secretary”) shall
9 enter into an agreement with the National Acad-
10 emies of Sciences, Engineering, and Medicine under
11 which the National Academies of Sciences, Engineer-
12 ing, and Medicine shall conduct a study to assess
13 any barriers and opportunities relating to commer-
14 cializing carbon, coal-derived carbon, and carbon di-
15 oxide in the United States.

16 (2) REQUIREMENTS.—The study under para-
17 graph (1) shall—

18 (A) analyze challenges to commercializing
19 carbon dioxide, including—

20 (i) expanding carbon dioxide pipeline
21 capacity;

22 (ii) mitigating environmental impacts;

23 (iii) access to capital;

24 (iv) geographic barriers; and

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1 (v) regional economic challenges and
2 opportunities;

3 (B) identify potential markets, industries,
4 or sectors that may benefit from greater access
5 to commercial carbon dioxide;

6 (C) determine the feasibility of, and oppor-
7 tunities for, the commercialization of coal-de-
8 rived carbon products, including for—

9 (i) commercial purposes;

10 (ii) industrial purposes;

11 (iii) defense and military purposes;

12 (iv) agricultural purposes, including
13 soil amendments and fertilizers;

14 (v) medical and pharmaceutical appli-
15 cations;

16 (vi) construction and building applica-
17 tions;

18 (vii) energy applications; and

19 (viii) production of critical minerals;

20 (D) assess—

21 (i) the state of infrastructure as of
22 the date of the study; and

23 (ii) any necessary updates to infra-
24 structure to allow for the integration of

1 safe and reliable carbon dioxide transpor-
2 tation, use, and storage;

3 (E) describe the economic, climate, and en-
4 vironmental impacts of any well-integrated na-
5 tional carbon dioxide pipeline system, including
6 suggestions for policies that could—

7 (i) improve the economic impact of
8 the system; and

9 (ii) mitigate impacts of the system;

10 (F) assess the global status and progress
11 of chemical and biological carbon utilization
12 technologies in practice as of the date of the
13 study that utilize anthropogenic carbon, includ-
14 ing carbon dioxide, carbon monoxide, methane,
15 and biogas, from power generation, biofuels
16 production, and other industrial processes;

17 (G) identify emerging technologies and ap-
18 proaches for carbon utilization that show prom-
19 ise for scale-up, demonstration, deployment,
20 and commercialization;

21 (H) analyze the factors associated with
22 making carbon utilization technologies viable at
23 a commercial scale, including carbon waste
24 stream availability, economics, market capacity,
25 energy, and lifecycle requirements;

1 (I)(i) assess the major technical challenges
2 associated with increasing the commercial via-
3 bility of carbon reuse technologies; and

4 (ii) identify the research and development
5 questions that will address the challenges de-
6 scribed in clause (i);

7 (J)(i) assess research efforts being carried
8 out as of the date of the study, including basic,
9 applied, engineering, and computational re-
10 search efforts, that are addressing the chal-
11 lenges described in subparagraph (I)(i); and

12 (ii) identify gaps in the research efforts
13 under clause (i);

14 (K) develop a comprehensive research
15 agenda that addresses long- and short-term re-
16 search needs and opportunities for technologies
17 that may be important to minimizing net green-
18 house gas emissions from the use of coal and
19 natural gas; and

20 (L)(i) identify appropriate Federal agen-
21 cies with capabilities to support small business
22 entities; and

23 (ii) determine what assistance the Federal
24 agencies identified under clause (i) could pro-
25 vide to small business entities to further the de-

1 velopment and commercial deployment of car-
2 bon dioxide-based products.

3 (3) DEADLINE.—Not later than 180 days after
4 the date of enactment of this Act, the National
5 Academies of Sciences, Engineering, and Medicine
6 shall submit to the Secretary a report describing the
7 results of the study under paragraph (1).

8 **SEC. 4005. HIGH EFFICIENCY TURBINES.**

9 (a) IN GENERAL.—Subtitle F of title IX of the En-
10 ergy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is fur-
11 ther amended by adding at the end the following:

12 **“SEC. 969B. HIGH EFFICIENCY TURBINES.**

13 “(a) IN GENERAL.—The Secretary, acting through
14 the Assistant Secretary for Fossil Energy (referred to in
15 this section as the ‘Secretary’), shall establish a multiyear,
16 multiphase program (referred to in this section as the
17 ‘program’) of research, development, and technology dem-
18 onstration to improve the efficiency of gas turbines used
19 in power generation systems and aviation.

20 “(b) PROGRAM ELEMENTS.—The program shall—

21 “(1) support first-of-a-kind engineering and de-
22 tailed gas turbine design for small-scale and utility-
23 scale electric power generation, including—

24 “(A) high temperature materials, including
25 superalloys, coatings, and ceramics;

1 “(B) improved heat transfer capability;

2 “(C) manufacturing technology required to
3 construct complex 3-dimensional geometry parts
4 with improved aerodynamic capability;

5 “(D) combustion technology to produce
6 higher firing temperature while lowering nitro-
7 gen oxide and carbon monoxide emissions per
8 unit of output;

9 “(E) advanced controls and systems inte-
10 gration;

11 “(F) advanced high performance com-
12 pressor technology; and

13 “(G) validation facilities for the testing of
14 components and subsystems;

15 “(2) include technology demonstration through
16 component testing, subscale testing, and full-scale
17 testing in existing fleets;

18 “(3) include field demonstrations of the devel-
19 oped technology elements to demonstrate technical
20 and economic feasibility;

21 “(4) assess overall combined cycle and simple
22 cycle system performance;

23 “(5) increase fuel flexibility by enabling gas
24 turbines to operate with high proportions of, or
25 pure, hydrogen or other renewable gas fuels;

1 “(6) enhance foundational knowledge needed
2 for low-emission combustion systems that can work
3 in high-pressure, high-temperature environments re-
4 quired for high-efficiency cycles;

5 “(7) increase operational flexibility by reducing
6 turbine start-up times and improving the ability to
7 accommodate flexible power demand; and

8 “(8) include any other elements necessary to
9 achieve the goals described in subsection (c), as de-
10 termined by the Secretary, in consultation with pri-
11 vate industry.

12 “(c) PROGRAM GOALS.—

13 “(1) IN GENERAL.—The goals of the program
14 shall be—

15 “(A) in phase I, to develop a conceptual
16 design of, and to develop and demonstrate the
17 technology required for—

18 “(i) advanced high efficiency gas tur-
19 bines to achieve, on a lower heating value
20 basis—

21 “(I) a combined cycle efficiency
22 of not less than 65 percent; or

23 “(II) a simple cycle efficiency of
24 not less than 47 percent; and

1 “(ii) aviation gas turbines to achieve a
2 25 percent reduction in fuel burn by im-
3 proving fuel efficiency to existing best-in-
4 class turbo-fan engines; and

5 “(B) in phase II, to develop a conceptual
6 design of advanced high efficiency gas turbines
7 that can achieve, on a lower heating value
8 basis—

9 “(i) a combined cycle efficiency of not
10 less than 67 percent; or

11 “(ii) a simple cycle efficiency of not
12 less than 50 percent.

13 “(2) ADDITIONAL GOALS.—If a goal described
14 in paragraph (1) has been achieved, the Secretary,
15 in consultation with private industry and the Na-
16 tional Academy of Sciences, may develop additional
17 goals or phases for advanced gas turbine research
18 and development.

19 “(d) FINANCIAL ASSISTANCE.—

20 “(1) IN GENERAL.—The Secretary may provide
21 financial assistance, including grants, to carry out
22 the program.

23 “(2) PROPOSALS.—Not later than 180 days
24 after the date of enactment of the Energy Act of
25 2020, the Secretary shall solicit proposals from in-

1 industry, small businesses, universities, and other ap-
2 propriate parties for conducting activities under this
3 section.

4 “(3) CONSIDERATIONS.—In selecting proposed
5 projects to receive financial assistance under this
6 subsection, the Secretary shall give special consider-
7 ation to the extent to which the proposed project
8 will—

9 “(A) stimulate the creation or increased
10 retention of jobs in the United States; and

11 “(B) promote and enhance technology
12 leadership in the United States.

13 “(4) COMPETITIVE AWARDS.—The Secretary
14 shall provide financial assistance under this sub-
15 section on a competitive basis, with an emphasis on
16 technical merit.

17 “(5) COST SHARING.—Financial assistance pro-
18 vided under this subsection shall be subject to the
19 cost sharing requirements of section 988.

20 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 \$50,000,000 for each of fiscal years 2021 through 2025.”.

23 (b) TECHNICAL AMENDMENT.—The table of contents
24 for the Energy Policy Act of 2005 (Public Law 109–58;

1 119 Stat. 600) is further amended by adding at the end
2 of the items relating to subtitle F of title IX the following:

“Sec. 969B. High efficiency gas turbines.”.

3 **SEC. 4006. NATIONAL ENERGY TECHNOLOGY LABORATORY**
4 **REFORMS.**

5 (a) IN GENERAL.—Subtitle F of title IX of the En-
6 ergy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is fur-
7 ther amended by adding at the end the following:

8 **“SEC. 969C. NATIONAL ENERGY TECHNOLOGY LABORA-**
9 **TORY REFORMS.**

10 “(a) SPECIAL HIRING AUTHORITY FOR SCIENTIFIC,
11 ENGINEERING, AND PROJECT MANAGEMENT PER-
12 SONNEL.—

13 “(1) IN GENERAL.—The Director of the Na-
14 tional Energy Technology Laboratory (referred to in
15 this section as the ‘Director’) may—

16 “(A) make appointments to positions in
17 the National Energy Technology Laboratory to
18 assist in meeting a specific project or research
19 need, without regard to civil service laws, of in-
20 dividuals who—

21 “(i) have an advanced scientific or en-
22 gineering background; or

23 “(ii) have a business background and
24 can assist in specific technology-to-market
25 needs;

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1 “(B) fix the basic pay of any employee ap-
2 pointed under subparagraph (A) at a rate not
3 to exceed level II of the Executive Schedule
4 under section 5313 of title 5, United States
5 Code; and

6 “(C) pay any employee appointed under
7 subparagraph (A) payments in addition to the
8 basic pay fixed under subparagraph (B), sub-
9 ject to the condition that the total amount of
10 additional payments paid to an employee under
11 this subparagraph for any 12-month period
12 shall not exceed the least of—

13 “(i) \$25,000;

14 “(ii) the amount equal to 25 percent
15 of the annual rate of basic pay of that em-
16 ployee; and

17 “(iii) the amount of the limitation
18 that is applicable for a calendar year under
19 section 5307(a)(1) of title 5, United States
20 Code.

21 “(2) LIMITATIONS.—

22 “(A) IN GENERAL.—The term of any em-
23 ployee appointed under paragraph (1)(A) shall
24 not exceed 3 years.

1 “(B) FULL-TIME EMPLOYEES.—Not more
2 than 10 full-time employees appointed under
3 paragraph (1)(A) may be employed at the Na-
4 tional Energy Technology Laboratory at any
5 given time.

6 “(b) LABORATORY-DIRECTED RESEARCH AND DE-
7 VELOPMENT.—

8 “(1) IN GENERAL.—Beginning in fiscal year
9 2021, the National Energy Technology Laboratory
10 shall be eligible for laboratory-directed research and
11 development funding.

12 “(2) AUTHORIZATION OF FUNDING.—

13 “(A) IN GENERAL.—Each fiscal year, of
14 funds made available to the National Energy
15 Technology Laboratory, the Secretary may de-
16 posit an amount, not to exceed the rate made
17 available to the National Laboratories for lab-
18 oratory-directed research and development, in a
19 special fund account.

20 “(B) USE.—Amounts in the account under
21 subparagraph (A) shall only be available for
22 laboratory-directed research and development.

23 “(C) REQUIREMENTS.—The account under
24 subparagraph (A)—

1 “(i) shall be administered by the Sec-
2 retary;

3 “(ii) shall be available without fiscal
4 year limitation; and

5 “(iii) shall not be subject to appro-
6 priation.

7 “(3) REQUIREMENT.—The Director shall carry
8 out laboratory-directed research and development ac-
9 tivities at the National Energy Technology Labora-
10 tory consistent with Department of Energy Order
11 413.2C, dated August 2, 2018 (or a successor
12 order).

13 “(4) ANNUAL REPORT ON USE OF AUTHOR-
14 ITY.—Annually, the Secretary shall submit to the
15 Committee on Energy and Natural Resources of the
16 Senate and the Committee on Science, Space, and
17 Technology of the House of Representatives a report
18 on the use of the authority provided under this sub-
19 section during the preceding fiscal year.

20 “(c) LABORATORY OPERATIONS.—The Secretary
21 shall delegate human resources operations of the National
22 Energy Technology Laboratory to the Director to assist
23 in carrying out this section.

24 “(d) REVIEW.—Not later than 2 years after the date
25 of enactment of the Energy Act of 2020, the Secretary

1 shall submit to the Committee on Energy and Natural Re-
2 sources of the Senate and the Committee on Science,
3 Space, and Technology of the House of Representatives
4 a report assessing the management and research activities
5 of the National Energy Technology Laboratory, which
6 shall include—

7 “(1) an assessment of the quality of science and
8 research at the National Energy Technology Labora-
9 tory, relative to similar work at other National Lab-
10 oratories;

11 “(2) a review of the effectiveness of authorities
12 provided in subsections (a) and (b); and

13 “(3) recommendations for policy changes within
14 the Department and legislative changes to provide
15 the National Energy Technology Laboratory with
16 the necessary tools and resources to advance the re-
17 search mission of the National Energy Technology
18 Laboratory.”.

19 (b) TECHNICAL AMENDMENT.—The table of contents
20 for the Energy Policy Act of 2005 (Public Law 109–58;
21 119 Stat. 600) is further amended by adding at the end
22 of the items relating to subtitle F of title IX the following:
 “Sec. 969C. National energy technology laboratory reforms.”.

23 **SEC. 4007. STUDY ON BLUE HYDROGEN TECHNOLOGY.**

24 (a) STUDY.—The Secretary of Energy shall conduct
25 a study to examine opportunities for research and develop-

1 ment in integrating blue hydrogen technology in the indus-
2 trial power sector and how that could enhance the deploy-
3 ment and adoption of carbon capture and storage.

4 (b) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Secretary of Energy shall
6 submit to the Committee on Energy and Natural Re-
7 sources of the Senate and the Committee on Science,
8 Space, and Technology of the House of Representatives
9 a report that describes the results of the study under sub-
10 section (a).

11 **SEC. 4008. PRODUCED WATER RESEARCH AND DEVELOP-**
12 **MENT.**

13 (a) ESTABLISHMENT.—As soon as possible after the
14 date of enactment of this Act, the Secretary of Energy
15 (in this section referred to as the “Secretary”) shall estab-
16 lish a research and development program on produced
17 water to develop—

18 (1) new technologies and practices to reduce the
19 environmental impact; and

20 (2) opportunities for reprocessing of produced
21 water at natural gas or oil development sites.

22 (b) PRIORITIZATION.—In carrying out the program
23 established under subsection (a), the Secretary shall give
24 priority to projects that develop and bring to market—

1 (1) effective systems for on-site management or
2 repurposing of produced water; and

3 (2) new technologies or approaches to reduce
4 the environmental impact of produced water on local
5 water sources and the environment.

6 (c) CONDUCT OF PROGRAM.—In carrying out the
7 program established under subsection (a), the Secretary
8 shall carry out science-based research and development ac-
9 tivities to pursue—

10 (1) improved efficiency, technologies, and tech-
11 niques for produced water recycling stations; and

12 (2) alternative approaches to treating, reusing,
13 storing, or decontaminating produced water.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 \$10,000,000 for each of fiscal years 2021 through 2025.

17 **TITLE V—CARBON REMOVAL**

18 **SEC. 5001. CARBON REMOVAL.**

19 (a) IN GENERAL.—Subtitle F of title IX of the En-
20 ergy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is fur-
21 ther amended by adding at the end the following:

22 **“SEC. 969D. CARBON REMOVAL.**

23 “(a) ESTABLISHMENT.—The Secretary, in coordina-
24 tion with the heads of appropriate Federal agencies, in-
25 cluding the Secretary of Agriculture, shall establish a re-

1 search, development, and demonstration program (re-
2 ferred to in this section as the ‘program’) to test, validate,
3 or improve technologies and strategies to remove carbon
4 dioxide from the atmosphere on a large scale.

5 “(b) INTRAAGENCY COORDINATION.—The Secretary
6 shall ensure that the program includes the coordinated
7 participation of the Office of Fossil Energy, the Office of
8 Science, and the Office of Energy Efficiency and Renew-
9 able Energy.

10 “(c) PROGRAM ACTIVITIES.—The program may in-
11 clude research, development, and demonstration activities
12 relating to—

13 “(1) direct air capture and storage technologies;

14 “(2) bioenergy with carbon capture and seques-
15 tration;

16 “(3) enhanced geological weathering;

17 “(4) agricultural practices;

18 “(5) forest management and afforestation; and

19 “(6) planned or managed carbon sinks, includ-
20 ing natural and artificial.

21 “(d) REQUIREMENTS.—In developing and identifying
22 carbon removal technologies and strategies under the pro-
23 gram, the Secretary shall consider—

24 “(1) land use changes, including impacts on
25 natural and managed ecosystems;

- 1 “(2) ocean acidification;
2 “(3) net greenhouse gas emissions;
3 “(4) commercial viability;
4 “(5) potential for near-term impact;
5 “(6) potential for carbon reductions on a
6 gigaton scale; and
7 “(7) economic cobenefits.

8 “(e) AIR CAPTURE PRIZE COMPETITIONS.—

- 9 “(1) DEFINITIONS.—In this subsection:

10 “(A) DILUTE MEDIA.—The term ‘dilute
11 media’ means media in which the concentration
12 of carbon dioxide is less than 1 percent by vol-
13 ume.

14 “(B) PRIZE COMPETITION.—The term
15 ‘prize competition’ means the competitive tech-
16 nology prize competition established under
17 paragraph (2).

18 “(C) QUALIFIED CARBON DIOXIDE.—

19 “(i) IN GENERAL.—The term ‘quali-
20 fied carbon dioxide’ means any carbon di-
21 oxide that—

22 “(I) is captured directly from the
23 ambient air; and

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1 “(II) is measured at the source
2 of capture and verified at the point of
3 disposal, injection, or utilization.

4 “(ii) INCLUSION.—The term ‘qualified
5 carbon dioxide’ includes the initial deposit
6 of captured carbon dioxide used as a ter-
7 tiary injectant.

8 “(iii) EXCLUSION.—The term ‘quali-
9 fied carbon dioxide’ does not include car-
10 bon dioxide that is recaptured, recycled,
11 and reinjected as part of the enhanced oil
12 and natural gas recovery process.

13 “(D) QUALIFIED DIRECT AIR CAPTURE FA-
14 CILITY.—

15 “(i) IN GENERAL.—The term ‘quali-
16 fied direct air capture facility’ means any
17 facility that—

18 “(I) uses carbon capture equip-
19 ment to capture carbon dioxide di-
20 rectly from the ambient air; and

21 “(II) captures more than 50,000
22 metric tons of qualified carbon dioxide
23 annually.

24 “(ii) EXCLUSION.—The term ‘quali-
25 fied direct air capture facility’ does not in-

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1 clude any facility that captures carbon di-
2 oxide—

3 “(I) that is deliberately released
4 from naturally occurring subsurface
5 springs; or

6 “(II) using natural photosyn-
7 thesis.

8 “(2) ESTABLISHMENT.—Not later than 2 years
9 after the date of enactment of the Energy Act of
10 2020, the Secretary, in consultation with the Admin-
11 istrator of the Environmental Protection Agency,
12 shall establish as part of the program a competitive
13 technology prize competition to award prizes for—

14 “(A) precommercial carbon dioxide capture
15 from dilute media; and

16 “(B) commercial applications of direct air
17 capture technologies.

18 “(3) REQUIREMENTS.—In carrying out this
19 subsection, the Secretary, in accordance with section
20 24 of the Stevenson-Wydler Technology Innovation
21 Act of 1980 (15 U.S.C. 3719), shall develop require-
22 ments for—

23 “(A) the prize competition process; and

1 “(B) monitoring and verification proce-
2 dures for projects selected to receive a prize
3 under the prize competition.

4 “(4) ELIGIBLE PROJECTS.—

5 “(A) PRECOMMERCIAL AIR CAPTURE
6 PROJECTS.—With respect to projects described
7 in paragraph (2)(A), to be eligible to be award-
8 ed a prize under the prize competition, a project
9 shall—

10 “(i) meet minimum performance
11 standards set by the Secretary;

12 “(ii) meet minimum levels set by the
13 Secretary for the capture of carbon dioxide
14 from dilute media; and

15 “(iii) demonstrate in the application
16 of the project for a prize—

17 “(I) a design for a promising car-
18 bon capture technology that will—

19 “(aa) be operated on a dem-
20 onstration scale; and

21 “(bb) have the potential to
22 achieve significant reduction in
23 the level of carbon dioxide in the
24 atmosphere;

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1 “(II) a successful bench-scale
2 demonstration of a carbon capture
3 technology; or

4 “(III) an operational carbon cap-
5 ture technology on a commercial scale.

6 “(B) COMMERCIAL DIRECT AIR CAPTURE
7 PROJECTS.—

8 “(i) IN GENERAL.—With respect to
9 projects described in paragraph (2)(B), the
10 Secretary shall award prizes under the
11 prize competition to qualified direct air
12 capture facilities for metric tons of quali-
13 fied carbon dioxide captured and verified
14 at the point of disposal, injection, or utili-
15 zation.

16 “(ii) AMOUNT OF AWARD.—The
17 amount of the award per metric ton under
18 clause (i)—

19 “(I) shall be equal for each quali-
20 fied direct air capture facility selected
21 for a prize under the prize competi-
22 tion; and

23 “(II) shall be determined by the
24 Secretary and in any case shall not
25 exceed—

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1 “(aa) \$180 for qualified car-
2 bon dioxide captured and stored
3 in saline storage formations;

4 “(bb) a lesser amount, as
5 determined by the Secretary, for
6 qualified carbon dioxide captured
7 and stored in conjunction with
8 enhanced oil recovery operations;
9 or

10 “(cc) a lesser amount, as de-
11 termined by the Secretary, for
12 qualified carbon dioxide captured
13 and utilized in any activity con-
14 sistent with section 45Q(f)(5) of
15 the Internal Revenue Code of
16 1986.

17 “(iii) REQUIREMENT.—The Secretary
18 shall make awards under this subpara-
19 graph until appropriated funds are ex-
20 pended.

21 “(f) DIRECT AIR CAPTURE TEST CENTER.—

22 “(1) IN GENERAL.—Not later than 2 years
23 after the date of enactment of the Energy Act of
24 2020, the Secretary shall award grants to 1 or more
25 entities for the operation of 1 or more test centers

1 (referred to in this subsection as a ‘Center’) to pro-
2 vide distinct testing capabilities for innovative direct
3 air capture and storage technologies.

4 “(2) PURPOSE.—Each Center shall—

5 “(A) advance research, development, dem-
6 onstration, and commercial application of direct
7 air capture and storage technologies;

8 “(B) support large-scale pilot and dem-
9 onstration projects and test direct air capture
10 and storage technologies; and

11 “(C) develop front-end engineering design
12 and economic analysis.

13 “(3) SELECTION.—

14 “(A) IN GENERAL.—The Secretary shall
15 select entities to receive grants under this sub-
16 section according to such criteria as the Sec-
17 retary may develop.

18 “(B) COMPETITIVE BASIS.—The Secretary
19 shall select entities to receive grants under this
20 subsection on a competitive basis.

21 “(C) PRIORITY CRITERIA.—In selecting en-
22 tities to receive grants under this subsection,
23 the Secretary shall prioritize consideration of
24 applicants that—

1 “(i) have access to existing or planned
2 research facilities for direct air capture
3 and storage technologies;

4 “(ii) are institutions of higher edu-
5 cation with established expertise in engi-
6 neering for direct air capture and storage
7 technologies, or partnerships with such in-
8 stitutions of higher education; or

9 “(iii) have access to existing research
10 and test facilities for bulk materials design
11 and testing, component design and testing,
12 or professional engineering design.

13 “(4) FORMULA FOR AWARDING GRANTS.—The
14 Secretary may develop a formula for awarding
15 grants under this subsection.

16 “(5) SCHEDULE.—

17 “(A) IN GENERAL.—Each grant awarded
18 under this subsection shall be for a term of not
19 more than 5 years, subject to the availability of
20 appropriations.

21 “(B) RENEWAL.—The Secretary may
22 renew a grant for 1 or more additional 5-year
23 terms, subject to a competitive merit review and
24 the availability of appropriations.

1 “(6) TERMINATION.—To the extent otherwise
2 authorized by law, the Secretary may eliminate, and
3 terminate grant funding under this subsection for, a
4 Center during any 5-year term described in para-
5 graph (5) if the Secretary determines that the Cen-
6 ter is underperforming.

7 “(g) PILOT AND DEMONSTRATION PROJECTS.—In
8 supporting the technology development activities under
9 this section, the Secretary is encouraged to support carbon
10 removal pilot and demonstration projects, including—

11 “(1) pilot projects that test direct air capture
12 systems capable of capturing 10 to 100 tonnes of
13 carbon oxides per year to provide data for dem-
14 onstration-scale projects; and

15 “(2) direct air capture demonstration projects
16 capable of capturing greater than 1,000 tonnes of
17 carbon oxides per year.

18 “(h) INTRAAGENCY COLLABORATION.—In carrying
19 out the program, the Secretary shall encourage and pro-
20 mote collaborations among relevant offices and agencies
21 within the Department.

22 “(i) ACCOUNTING.—The Secretary shall collaborate
23 with the Administrator of the Environmental Protection
24 Agency and the heads of other relevant Federal agencies
25 to develop and improve accounting frameworks and tools

1 to accurately measure carbon removal and sequestration
2 methods and technologies.

3 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary to carry
5 out this section—

6 “(1) \$175,000,000 for fiscal year 2021, of
7 which—

8 “(A) \$15,000,000 shall be used to carry
9 out subsection (e)(2)(A), to remain available
10 until expended; and

11 “(B) \$100,000,000 shall be used to carry
12 out subsection (e)(2)(B), to remain available
13 until expended;

14 “(2) \$63,500,000 for fiscal year 2022;

15 “(3) \$66,150,000 for fiscal year 2023;

16 “(4) \$69,458,000 for fiscal year 2024; and

17 “(5) \$72,930,000 for fiscal year 2025.”.

18 (b) TECHNICAL AMENDMENT.—The table of contents
19 for the Energy Policy Act of 2005 (Public Law 109–58;
20 119 Stat. 600) is further amended by adding at the end
21 of the items relating to subtitle F of title IX the following:

“Sec. 969D. Carbon removal.”.

22 **SEC. 5002. CARBON DIOXIDE REMOVAL TASK FORCE AND**
23 **REPORT.**

24 (a) DEFINITION OF CARBON DIOXIDE REMOVAL.—

25 In this section, the term “carbon dioxide removal” means

1 the capture of carbon dioxide directly from ambient air
2 or, in dissolved form, from seawater, combined with the
3 sequestration of that carbon dioxide, including through—

- 4 (1) direct air capture and sequestration;
- 5 (2) enhanced carbon mineralization;
- 6 (3) bioenergy with carbon capture and seques-
7 tration;
- 8 (4) forest restoration;
- 9 (5) soil carbon management; and
- 10 (6) direct ocean capture.

11 (b) REPORT.—Not later than 180 days after the date
12 of enactment of this Act, the Secretary of Energy (in this
13 section referred to as the “Secretary”), in consultation
14 with the heads of any other relevant Federal agencies,
15 shall prepare a report that—

- 16 (1) estimates the magnitude of excess carbon
17 dioxide in the atmosphere that will need to be re-
18 moved by 2050 to achieve net-zero emissions and
19 stabilize the climate;
- 20 (2) inventories current and emerging ap-
21 proaches of carbon dioxide removal and evaluates
22 the advantages and disadvantages of each of the ap-
23 proaches; and
- 24 (3) identifies recommendations for legislation,
25 funding, rules, revisions to rules, financing mecha-

1 nisms, or other policy tools that the Federal Govern-
2 ment can use to sufficiently advance the deployment
3 of carbon dioxide removal projects in order to meet,
4 in the aggregate, the magnitude of needed removals
5 estimated under paragraph (1), including policy
6 tools, such as—

7 (A) grants;

8 (B) loans or loan guarantees;

9 (C) public-private partnerships;

10 (D) direct procurement;

11 (E) incentives, including subsidized Fed-
12 eral financing mechanisms available to project
13 developers;

14 (F) advance market commitments;

15 (G) regulations; and

16 (H) any other policy mechanism deter-
17 mined by the Secretary to be beneficial for ad-
18 vancing carbon dioxide removal methods and
19 the deployment of carbon dioxide removal
20 projects.

21 (c) SUBMISSION; PUBLICATION.—The Secretary
22 shall—

23 (1) submit the report prepared under sub-
24 section (b) to the Committee on Energy and Natural
25 Resources of the Senate and the Committees on En-

1 ergy and Commerce and Science, Space, and Tech-
2 nology of the House of Representatives; and

3 (2) as soon as practicable after completion of
4 the report, make the report publicly available.

5 (d) EVALUATION; REVISION.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date on which the Secretary publishes the report
8 under subsection (c)(2), and every 2 years there-
9 after, the Secretary shall evaluate the findings and
10 recommendations of the report, or the most recent
11 updated report submitted under paragraph (2)(B),
12 as applicable, taking into consideration any issues
13 and recommendations identified by the task force es-
14 tablished under subsection (e)(1).

15 (2) REVISION.—After completing each evalua-
16 tion under paragraph (1), the Secretary shall—

17 (A) revise the report as necessary; and

18 (B) if the Secretary revises the report
19 under subparagraph (A), submit and publish
20 the updated report in accordance with sub-
21 section (c).

22 (e) TASK FORCE.—

23 (1) ESTABLISHMENT AND DUTIES.—Not later
24 than 60 days after the date of enactment of this
25 Act, the Secretary shall establish a task force—

1 (A) to identify barriers to advancement of
2 carbon dioxide removal methods and the deploy-
3 ment of carbon dioxide removal projects;

4 (B) to inventory existing or potential Fed-
5 eral legislation, rules, revisions to rules, financ-
6 ing mechanisms, or other policy tools that are
7 capable of advancing carbon dioxide removal
8 methods and the deployment of carbon dioxide
9 removal projects;

10 (C) to assist in preparing the report de-
11 scribed in subsection (b) and any updates to the
12 report under subsection (d); and

13 (D) to advise the Secretary on matters
14 pertaining to carbon dioxide removal.

15 (2) MEMBERS AND SELECTION.—The Secretary
16 shall—

17 (A) develop criteria for the selection of
18 members to the task force established under
19 paragraph (1); and

20 (B) select members for the task force in
21 accordance with the criteria developed under
22 subparagraph (A).

23 (3) MEETINGS.—The task force shall meet not
24 less frequently than once each year.

1 (4) EVALUATION.—Not later than 7 years after
2 the date of enactment of this Act, the Secretary
3 shall—

4 (A) reevaluate the need for the task force
5 established under paragraph (1); and

6 (B) submit to Congress a recommendation
7 as to whether the task force should continue.

8 **TITLE VI—INDUSTRIAL AND**
9 **MANUFACTURING TECH-**
10 **NOLOGIES**

11 **SEC. 6001. PURPOSE.**

12 The purpose of this title and the amendments made
13 by this title is to encourage the development and evalua-
14 tion of innovative technologies aimed at increasing—

15 (1) the technological and economic competitive-
16 ness of industry and manufacturing in the United
17 States; and

18 (2) the emissions reduction of nonpower indus-
19 trial sectors.

20 **SEC. 6002. COORDINATION OF RESEARCH AND DEVELOP-**
21 **MENT OF ENERGY EFFICIENT TECH-**
22 **NOLOGIES FOR INDUSTRY.**

23 Section 6(a) of the American Energy Manufacturing
24 Technical Corrections Act (42 U.S.C. 6351(a)) is amend-
25 ed—

1 (1) by striking “Industrial Technologies Pro-
2 gram” each place it appears and inserting “Ad-
3 vanced Manufacturing Office”; and

4 (2) in the matter preceding paragraph (1), by
5 striking “Office of Energy” and all that follows
6 through “Office of Science” and inserting “Depart-
7 ment of Energy”.

8 **SEC. 6003. INDUSTRIAL EMISSIONS REDUCTION TECH-**
9 **NOLOGY DEVELOPMENT PROGRAM.**

10 (a) IN GENERAL.—Subtitle D of title IV of the En-
11 ergy Independence and Security Act of 2007 is amended
12 by adding at the end the following:

13 **“SEC. 454. INDUSTRIAL EMISSIONS REDUCTION TECH-**
14 **NOLOGY DEVELOPMENT PROGRAM.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) DIRECTOR.—The term ‘Director’ means
17 the Director of the Office of Science and Technology
18 Policy.

19 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) a scientist or other individual with
22 knowledge and expertise in emissions reduction;

23 “(B) an institution of higher education;

24 “(C) a nongovernmental organization;

25 “(D) a National Laboratory;

1 “(E) a private entity; and

2 “(F) a partnership or consortium of 2 or
3 more entities described in subparagraphs (B)
4 through (E).

5 “(3) EMISSIONS REDUCTION.—

6 “(A) IN GENERAL.—The term ‘emissions
7 reduction’ means the reduction, to the max-
8 imum extent practicable, of net nonwater green-
9 house gas emissions to the atmosphere by en-
10 ergy services and industrial processes.

11 “(B) EXCLUSION.—The term ‘emissions
12 reduction’ does not include the elimination of
13 carbon embodied in the principal products of in-
14 dustrial manufacturing.

15 “(4) PROGRAM.—The term ‘program’ means
16 the program established under subsection (b)(1).

17 “(5) CRITICAL MATERIAL OR MINERAL.—The
18 term ‘critical material or mineral’ means a material
19 or mineral that serves an essential function in the
20 manufacturing of a product and has a high risk of
21 a supply disruption, such that a shortage of such a
22 material or mineral would have significant con-
23 sequences for United States economic or national se-
24 curity.

1 “(b) INDUSTRIAL EMISSIONS REDUCTION TECH-
2 NOLOGY DEVELOPMENT PROGRAM.—

3 “(1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of the Energy Act of 2020,
5 the Secretary, in consultation with the Director, the
6 heads of relevant Federal agencies, National Labora-
7 tories, industry, and institutions of higher education,
8 shall establish a crosscutting industrial emissions re-
9 duction technology development program of re-
10 search, development, demonstration, and commercial
11 application to advance innovative technologies that—

12 “(A) increase the technological and eco-
13 nomic competitiveness of industry and manufac-
14 turing in the United States;

15 “(B) increase the viability and competitive-
16 ness of United States industrial technology ex-
17 ports; and

18 “(C) achieve emissions reduction in
19 nonpower industrial sectors.

20 “(2) COORDINATION.—In carrying out the pro-
21 gram, the Secretary shall—

22 “(A) coordinate with each relevant office in
23 the Department and any other Federal agency;

1 “(B) coordinate and collaborate with the
2 Industrial Technology Innovation Advisory
3 Committee established under section 456; and

4 “(C) coordinate and seek to avoid duplica-
5 tion with the energy-intensive industries pro-
6 gram established under section 452.

7 “(3) LEVERAGE OF EXISTING RESOURCES.—In
8 carrying out the program, the Secretary shall lever-
9 age, to the maximum extent practicable—

10 “(A) existing resources and programs of
11 the Department and other relevant Federal
12 agencies; and

13 “(B) public-private partnerships.

14 “(c) FOCUS AREAS.—The program shall focus on—

15 “(1) industrial production processes, including
16 technologies and processes that—

17 “(A) achieve emissions reduction in high
18 emissions industrial materials production pro-
19 cesses, including production processes for iron,
20 steel, steel mill products, aluminum, cement,
21 concrete, glass, pulp, paper, and industrial ce-
22 ramics;

23 “(B) achieve emissions reduction in
24 medium- and high-temperature heat generation,
25 including—

1 “(i) through electrification of heating
2 processes;

3 “(ii) through renewable heat genera-
4 tion technology;

5 “(iii) through combined heat and
6 power; and

7 “(iv) by switching to alternative fuels,
8 including hydrogen and nuclear energy;

9 “(C) achieve emissions reduction in chem-
10 ical production processes, including by incor-
11 porating, if appropriate and practicable, prin-
12 ciples, practices, and methodologies of sustain-
13 able chemistry and engineering;

14 “(D) leverage smart manufacturing tech-
15 nologies and principles, digital manufacturing
16 technologies, and advanced data analytics to de-
17 velop advanced technologies and practices in in-
18 formation, automation, monitoring, computa-
19 tion, sensing, modeling, and networking to—

20 “(i) model and simulate manufac-
21 turing production lines;

22 “(ii) monitor and communicate pro-
23 duction line status;

1 “(iii) manage and optimize energy
2 productivity and cost throughout produc-
3 tion; and

4 “(iv) model, simulate, and optimize
5 the energy efficiency of manufacturing
6 processes;

7 “(E) leverage the principles of sustainable
8 manufacturing to minimize the potential nega-
9 tive environmental impacts of manufacturing
10 while conserving energy and resources, includ-
11 ing—

12 “(i) by designing products that enable
13 reuse, refurbishment, remanufacturing,
14 and recycling;

15 “(ii) by minimizing waste from indus-
16 trial processes, including through the reuse
17 of waste as other resources in other indus-
18 trial processes for mutual benefit; and

19 “(iii) by increasing resource efficiency;
20 and

21 “(F) increase the energy efficiency of in-
22 dustrial processes;

23 “(2) alternative materials that produce fewer
24 emissions during production and result in fewer
25 emissions during use, including—

1 “(A) high-performance lightweight mate-
2 rials; and

3 “(B) substitutions for critical materials
4 and minerals;

5 “(3) development of net-zero emissions liquid
6 and gaseous fuels;

7 “(4) emissions reduction in shipping, aviation,
8 and long distance transportation;

9 “(5) carbon capture technologies for industrial
10 processes;

11 “(6) other technologies that achieve net-zero
12 emissions in nonpower industrial sectors, as deter-
13 mined by the Secretary, in consultation with the Di-
14 rector; and

15 “(7) high-performance computing to develop ad-
16 vanced materials and manufacturing processes con-
17 tributing to the focus areas described in paragraphs
18 (1) through (6), including—

19 “(A) modeling, simulation, and optimiza-
20 tion of the design of energy efficient and sus-
21 tainable products; and

22 “(B) the use of digital prototyping and ad-
23 ditive manufacturing to enhance product de-
24 sign.

1 “(8) incorporation of sustainable chemistry and
2 engineering principles, practices, and methodologies,
3 as the Secretary determines appropriate; and

4 “(9) other research or technology areas identi-
5 fied in the Strategic Plan authorized in section 455.

6 “(d) GRANTS, CONTRACTS, COOPERATIVE AGREE-
7 MENTS, AND DEMONSTRATION PROJECTS.—

8 “(1) GRANTS.—In carrying out the program,
9 the Secretary shall award grants on a competitive
10 basis to eligible entities for projects that the Sec-
11 retary determines would best achieve the goals of the
12 program.

13 “(2) CONTRACTS AND COOPERATIVE AGREE-
14 MENTS.—In carrying out the program, the Secretary
15 may enter into contracts and cooperative agreements
16 with eligible entities and Federal agencies for
17 projects that the Secretary determines would further
18 the purposes of the program.

19 “(3) DEMONSTRATION PROJECTS.—In sup-
20 porting technologies developed under this section,
21 the Secretary shall fund demonstration projects that
22 test and validate technologies described in subsection
23 (c).

24 “(4) APPLICATION.—An entity seeking funding
25 or a contract or agreement under this subsection

1 shall submit to the Secretary an application at such
2 time, in such manner, and containing such informa-
3 tion as the Secretary may require.

4 “(5) COST SHARING.—In awarding funds under
5 this section, the Secretary shall require cost sharing
6 in accordance with section 988 of the Energy Policy
7 Act of 2005 (42 U.S.C. 16352).

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to the Secretary to carry
10 out the demonstration projects authorized in subsection
11 (d)(3)—

12 “(1) \$20,000,000 for fiscal year 2021;

13 “(2) \$80,000,000 for fiscal year 2022;

14 “(3) \$100,000,000 for fiscal year 2023;

15 “(4) \$150,000,000 for fiscal year 2024; and

16 “(5) \$150,000,000 for fiscal year 2025.

17 “(f) COORDINATION.—The Secretary shall carry out
18 the activities authorized in this section in accordance with
19 section 203 of the Department of Energy Research and
20 Innovation Act (42 U.S.C. 18631).”

21 (b) TECHNICAL AMENDMENT.—The table of contents
22 of the Energy Independence and Security Act of 2007
23 (Public Law 110–140; 121 Stat. 1494) is amended by in-
24 serting after the item relating to section 453 the following:

“Sec. 454. Industrial emissions reduction technology development program.”

1 **SEC. 6004. INDUSTRIAL TECHNOLOGY INNOVATION ADVI-**
2 **SORY COMMITTEE.**

3 (a) IN GENERAL.—Subtitle D of title IV of the En-
4 ergy Independence and Security Act of 2007, as amended
5 by section 6003, is amended by adding at the end the fol-
6 lowing:

7 **“SEC. 455. INDUSTRIAL TECHNOLOGY INNOVATION ADVI-**
8 **SORY COMMITTEE.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) COMMITTEE.—The term ‘Committee’
11 means the Industrial Technology Innovation Advi-
12 sory Committee established under subsection (b).

13 “(2) DIRECTOR.—The term ‘Director’ means
14 the Director of the Office of Science and Technology
15 Policy.

16 “(3) EMISSIONS REDUCTION.—The term ‘emis-
17 sions reduction’ has the meaning given the term in
18 section 454(a).

19 “(4) PROGRAM.—The term ‘program’ means
20 the industrial emissions reduction technology devel-
21 opment program established under section
22 454(b)(1).

23 “(b) ESTABLISHMENT.—Not later than 180 days
24 after the date of enactment of the Energy Act of 2020,
25 the Secretary, in consultation with the Director, shall es-

1 tablish an advisory committee, to be known as the ‘Indus-
2 trial Technology Innovation Advisory Committee’.

3 “(c) MEMBERSHIP.—

4 “(1) APPOINTMENT.—The Committee shall be
5 comprised of not fewer than 16 members and not
6 more than 20 members, who shall be appointed by
7 the Secretary, in consultation with the Director.

8 “(2) REPRESENTATION.—Members appointed
9 pursuant to paragraph (1) shall include—

10 “(A) not less than 1 representative of each
11 relevant Federal agency, as determined by the
12 Secretary;

13 “(B) the Chair of the Secretary of Energy
14 Advisory Board, if that position is filled;

15 “(C) not less than 2 representatives of
16 labor groups;

17 “(D) not less than 3 representatives of the
18 research community, which shall include aca-
19 demia and National Laboratories;

20 “(E) not less than 2 representatives of
21 nongovernmental organizations;

22 “(F) not less than 6 representatives of
23 small- and large-scale industry, the collective
24 expertise of which shall cover every focus area
25 described in section 454(e); and

1 “(F) not less than 1 representative of a
2 State government; and

3 “(G) any other individuals the Secretary,
4 in coordination with the Director, determines to
5 be necessary to ensure that the Committee is
6 comprised of a diverse group of representatives
7 of industry, academia, independent researchers,
8 and public and private entities.

9 “(3) CHAIR.—The Secretary shall designate a
10 member of the Committee to serve as Chair.

11 “(d) DUTIES.—

12 “(1) IN GENERAL.—The Committee shall—

13 “(A) in consultation with the Secretary
14 and the Director, propose missions and goals
15 for the program, which shall be consistent with
16 the purposes of the program described in sec-
17 tion 454(b)(1); and

18 “(B) advise the Secretary with respect to
19 the program—

20 “(i) by identifying and evaluating any
21 technologies being developed by the private
22 sector relating to the focus areas described
23 in section 454(c);

24 “(ii) by identifying technology gaps in
25 the private sector or other Federal agen-

1 cies in those focus areas, and making rec-
2 ommendations to address those gaps;

3 “ (iii) by surveying and analyzing fac-
4 tors that prevent the adoption of emissions
5 reduction technologies by the private sec-
6 tor; and

7 “ (iv) by recommending technology
8 screening criteria for technology developed
9 under the program to encourage adoption
10 of the technology by the private sector; and

11 “ (C) develop the strategic plan described
12 in paragraph (2).

13 “ (2) STRATEGIC PLAN.—

14 “ (A) PURPOSE.—The purpose of the stra-
15 tegic plan developed under paragraph (1)(C) is
16 to set forth a plan for achieving the goals of the
17 program established in section 454(b)(1), in-
18 cluding for the focus areas described in section
19 454(c).

20 “ (B) CONTENTS.—The strategic plan de-
21 veloped under paragraph (1)(C) shall—

22 “ (i) specify near-term and long-term
23 qualitative and quantitative objectives re-
24 lating to each focus area described in sec-
25 tion 454(c), including research, develop-

1 ment, demonstration, and commercial ap-
2 plication objectives;

3 “(ii) leverage existing roadmaps rel-
4 evant to the program in section 454(b)(1)
5 and the focus areas in section 454(c);

6 “(iii) specify the anticipated time-
7 frame for achieving the objectives specified
8 under clause (i);

9 “(iv) include plans for developing
10 emissions reduction technologies that are
11 globally cost-competitive, including, as ap-
12 plicable, in developing economies;

13 “(v) identify the appropriate role for
14 investment by the Federal Government, in
15 coordination with the private sector, to
16 achieve the objectives specified under
17 clause (i);

18 “(vi) identify the public and private
19 costs of achieving the objectives specified
20 under clause (i); and

21 “(vii) estimate the economic and em-
22 ployment impact in the United States of
23 achieving those objectives.

24 “(e) MEETINGS.—

1 “(1) FREQUENCY.—The Committee shall meet
2 not less frequently than 2 times per year, at the call
3 of the Chair.

4 “(2) INITIAL MEETING.—Not later than 30
5 days after the date on which the members are ap-
6 pointed under subsection (b), the Committee shall
7 hold its first meeting.

8 “(f) COMMITTEE REPORT.—

9 “(1) IN GENERAL.—Not later than 2 years
10 after the date of enactment of the Energy Act of
11 2020, and not less frequently than once every 3
12 years thereafter, the Committee shall submit to the
13 Secretary a report on the progress of achieving the
14 purposes of the program.

15 “(2) CONTENTS.—The report under paragraph
16 (1) shall include—

17 “(A) a description of any technology inno-
18 vation opportunities identified by the Com-
19 mittee;

20 “(B) a description of any technology gaps
21 identified by the Committee under subsection
22 (d)(1)(B)(ii);

23 “(C) recommendations for improving tech-
24 nology screening criteria and management of
25 the program;

1 “(D) an evaluation of the progress of the
2 program and the research, development, and
3 demonstration activities funded under the pro-
4 gram;

5 “(E) any recommended changes to the
6 focus areas of the program described in section
7 454(c);

8 “(F) a description of the manner in which
9 the Committee has carried out the duties de-
10 scribed in subsection (d)(1) and any relevant
11 findings as a result of carrying out those duties;

12 “(G) if necessary, an update to the stra-
13 tegic plan developed by the Committee under
14 subsection (d)(1)(C);

15 “(H) the progress made in achieving the
16 goals set out in that strategic plan;

17 “(I) a review of the management, coordina-
18 tion, and industry utility of the program;

19 “(J) an assessment of the extent to which
20 progress has been made under the program in
21 developing commercial, cost-competitive tech-
22 nologies in each focus area described in section
23 454(c); and

24 “(K) an assessment of the effectiveness of
25 the program in coordinating efforts within the

1 Department and with other Federal agencies to
2 achieve the purposes of the program.

3 “(g) REPORT TO CONGRESS.—Not later than 60 days
4 after receiving a report from the Committee under sub-
5 section (f), the Secretary shall submit a copy of that re-
6 port to the Committees on Appropriations and Science,
7 Space, and Technology of the House of Representatives,
8 the Committees on Appropriations and Energy and Nat-
9 ural Resources of the Senate, and any other relevant Com-
10 mittee of Congress.

11 “(h) APPLICABILITY OF FEDERAL ADVISORY COM-
12 MITTEE ACT.—Except as otherwise provided in this sec-
13 tion, the Federal Advisory Committee Act (5 U.S.C. App.)
14 shall apply to the Committee.”.

15 (b) TECHNICAL AMENDMENT.—The table of contents
16 of the Energy Independence and Security Act of 2007
17 (Public Law 110–140; 121 Stat. 1494) (as amended by
18 section 6003(b)) is amended by inserting after the item
19 relating to section 454 the following:

“Sec. 455. Industrial Technology Innovation Advisory Committee.”.

20 **SEC. 6005. TECHNICAL ASSISTANCE PROGRAM TO IMPLE-**
21 **MENT INDUSTRIAL EMISSIONS REDUCTION.**

22 (a) IN GENERAL.—Subtitle D of title IV of the En-
23 ergy Independence and Security Act of 2007, as amended
24 by section 6004, is amended by adding at the end the fol-
25 lowing:

1 **“SEC. 456. TECHNICAL ASSISTANCE PROGRAM TO IMPLE-**
2 **MENT INDUSTRIAL EMISSIONS REDUCTION.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means—

6 “(A) a State;

7 “(B) a unit of local government;

8 “(C) a territory or possession of the
9 United States;

10 “(D) a relevant State or local office, in-
11 cluding an energy office;

12 “(E) a tribal organization (as defined in
13 section 3765 of title 38, United States Code);

14 “(F) an institution of higher education;
15 and

16 “(G) a private entity; and

17 “(H) a trade association or technical soci-
18 ety.

19 “(2) EMISSIONS REDUCTION.—The term ‘emis-
20 sions reduction’ has the meaning given the term in
21 section 454(a).

22 “(3) PROGRAM.—The term ‘program’ means
23 the program established under subsection (b).

24 “(b) ESTABLISHMENT.—Not later than 1 year after
25 the date of enactment of the Energy Act of 2020, the Sec-
26 retary shall establish a program to provide technical as-

1 sistance to eligible entities to promote the commercial ap-
2 plication of emission reduction technologies developed
3 through the program established in section 454(b).

4 “(c) APPLICATIONS.—

5 “(1) IN GENERAL.—An eligible entity desiring
6 technical assistance under the program shall submit
7 to the Secretary an application at such time, in such
8 manner, and containing such information as the Sec-
9 retary may require.

10 “(2) APPLICATION PROCESS.—The Secretary
11 shall seek applications for technical assistance under
12 the program on a periodic basis, but not less fre-
13 quently than once every 12 months.

14 “(3) FACTORS FOR CONSIDERATION.—In select-
15 ing eligible entities for technical assistance under the
16 program, the Secretary shall, to the maximum ex-
17 tent practicable—

18 “(A) give priority to—

19 “(i) activities carried out with tech-
20 nical assistance under the program that
21 have the greatest potential for achieving
22 emissions reduction in nonpower industrial
23 sectors;

24 “(ii) activities carried out in a State
25 in which there are active or inactive indus-

1 trial facilities that may be used or retro-
2 fitted to carry out activities under the
3 focus areas described in section 454(c);
4 and

5 “(iii) activities carried out in an eco-
6 nomically distressed area (as described in
7 section 301(a) of the Public Works and
8 Economic Development Act of 1965 (42
9 U.S.C. 3161(a)); and

10 “(B) ensure that—

11 “(i) there is geographic diversity
12 among the eligible entities selected; and

13 “(ii) the activities carried out with
14 technical assistance under the program re-
15 flect a majority of the focus areas de-
16 scribed in section 454(c).”.

17 (b) TECHNICAL AMENDMENT.—The table of contents
18 of the Energy Independence and Security Act of 2007
19 (Public Law 110–140; 121 Stat. 1494) (as amended by
20 section 6004(b)) is amended by inserting after the item
21 relating to section 455 the following:

“Sec. 456. Technical assistance program to implement industrial emissions re-
duction.”.

1 **SEC. 6006. DEVELOPMENT OF NATIONAL SMART MANUFAC-**
2 **TURING PLAN.**

3 (a) IN GENERAL.—Not later than 3 years after the
4 date of enactment of this Act, the Secretary of Energy
5 (in this section referred to as the “Secretary”), in con-
6 sultation with the National Academies, shall develop and
7 complete a national plan for smart manufacturing tech-
8 nology development and deployment to improve the pro-
9 ductivity and energy efficiency of the manufacturing sec-
10 tor of the United States.

11 (b) CONTENT.—

12 (1) IN GENERAL.—The plan developed under
13 subsection (a) shall identify areas in which agency
14 actions by the Secretary and other heads of relevant
15 Federal agencies would—

16 (A) facilitate quicker development, deploy-
17 ment, and adoption of smart manufacturing
18 technologies and processes;

19 (B) result in greater energy efficiency and
20 lower environmental impacts for all American
21 manufacturers; and

22 (C) enhance competitiveness and strength-
23 en the manufacturing sectors of the United
24 States.

25 (2) INCLUSIONS.—Agency actions identified
26 under paragraph (1) shall include—

1 (A) an assessment of previous and current
2 actions of the Department relating to smart
3 manufacturing;

4 (B) the establishment of voluntary inter-
5 connection protocols and performance stand-
6 ards;

7 (C) the use of smart manufacturing to im-
8 prove energy efficiency and reduce emissions in
9 supply chains across multiple companies;

10 (D) actions to increase cybersecurity in
11 smart manufacturing infrastructure;

12 (E) deployment of existing research re-
13 sults;

14 (F) the leveraging of existing high-per-
15 formance computing infrastructure; and

16 (G) consideration of the impact of smart
17 manufacturing on existing manufacturing jobs
18 and future manufacturing jobs.

19 (c) BIENNIAL REVISIONS.—Not later than 2 years
20 after the date on which the Secretary completes the plan
21 under subsection (a), and not less frequently than once
22 every 2 years thereafter, the Secretary shall revise the
23 plan to account for advancements in information and com-
24 munication technology and manufacturing needs.

1 (d) REPORT.—Annually until the completion of the
2 plan under subsection (a), the Secretary shall submit to
3 Congress a report on the progress made in developing the
4 plan.

5 (e) DEFINITION.—In this section, the term “smart
6 manufacturing” means advanced technologies in informa-
7 tion, automation, monitoring, computation, sensing, mod-
8 eling, artificial intelligence, analytics, and networking
9 that—

10 (1) digitally—

11 (A) simulate manufacturing production
12 lines;

13 (B) operate computer-controlled manufac-
14 turing equipment;

15 (C) monitor and communicate production
16 line status; and

17 (D) manage and optimize energy produc-
18 tivity and cost throughout production;

19 (2) model, simulate, and optimize the energy ef-
20 ficiency of a factory building;

21 (3) monitor and optimize building energy per-
22 formance;

23 (4) model, simulate, and optimize the design of
24 energy efficient and sustainable products, including

1 the use of digital prototyping and additive manufac-
2 turing to enhance product design;

3 (5) connect manufactured products in networks
4 to monitor and optimize the performance of the net-
5 works, including automated network operations; and

6 (6) digitally connect the supply chain network.

7 **TITLE VII—CRITICAL MINERALS**

8 **SEC. 7001. RARE EARTH ELEMENTS.**

9 (a) RESEARCH PROGRAM.—

10 (1) IN GENERAL.—The Secretary of Energy,
11 acting through the Assistant Secretary for Fossil
12 Energy (referred to in this section as the “Sec-
13 retary”), shall conduct a program of research and
14 development—

15 (A) to develop and assess advanced separa-
16 tion technologies for the extraction and recovery
17 of rare earth elements and other critical mate-
18 rials from coal and coal byproducts; and

19 (B) to determine if there are, and mitigate,
20 any potential environmental or public health im-
21 pacts that could arise from the recovery of rare
22 earth elements from coal-based resources.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Sec-

1 retary to carry out the program described in para-
2 graph (1)—

3 (A) \$23,000,000 for each of fiscal years
4 2021 and 2022;

5 (B) \$24,200,000 for fiscal year 2023;

6 (C) \$25,400,000 for fiscal year 2024;

7 (D) \$26,600,000 for fiscal year 2025; and

8 (E) \$27,800,000 for fiscal year 2026.

9 (b) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Secretary shall submit to
11 the Committee on Energy and Natural Resources of the
12 Senate and the Committees on Science, Space, and Tech-
13 nology and Energy and Commerce of the House of Rep-
14 resentatives a report evaluating the development of ad-
15 vanced separation technologies for the extraction and re-
16 covery of rare earth elements and other critical materials
17 from coal and coal byproducts, including acid mine drain-
18 age from coal mines.

19 (c) CRITICAL MATERIAL.—In this section, the term
20 “critical material” has the meaning given the term in sec-
21 tion 7002 of this Act.

22 **SEC. 7002. MINERAL SECURITY.**

23 (a) DEFINITIONS.—In this section:

24 (1) BYPRODUCT.—The term “byproduct”
25 means a critical mineral—

1 (A) the recovery of which depends on the
2 production of a host mineral that is not des-
3 ignated as a critical mineral; and

4 (B) that exists in sufficient quantities to
5 be recovered during processing or refining.

6 (2) CRITICAL MATERIAL.—The term “critical
7 material” means—

8 (A) any non-fuel mineral, element, sub-
9 stance, or material that the Secretary of En-
10 ergy determines—

11 (i) has a high risk of a supply chain
12 disruption; and

13 (ii) serves an essential function in 1
14 or more energy technologies, including
15 technologies that produce, transmit, store,
16 and conserve energy; or

17 (B) a critical mineral.

18 (3) CRITICAL MINERAL.—

19 (A) IN GENERAL.—The term “critical min-
20 eral” means any mineral, element, substance, or
21 material designated as critical by the Secretary
22 under subsection (c).

23 (B) EXCLUSIONS.—The term “critical
24 mineral” does not include—

25 (i) fuel minerals;

1 (ii) water, ice, or snow;

2 (iii) common varieties of sand, gravel,
3 stone, pumice, cinders, and clay.

4 (4) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (6) STATE.—The term “State” means—

11 (A) a State;

12 (B) the District of Columbia;

13 (C) the Commonwealth of Puerto Rico;

14 (D) Guam;

15 (E) American Samoa;

16 (F) the Commonwealth of the Northern
17 Mariana Islands; and

18 (G) the United States Virgin Islands.

19 (7) INSTITUTION OF HIGHER EDUCATION.—The
20 term “institution of higher education” means—

21 (A) an institution of higher education (as
22 defined in section 101(a) of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1001(a))); or

1 (B) a postsecondary vocational institution
2 (as defined in section 102(c) of the Higher
3 Education Act of 1965 (20 U.S.C. 1002(c))).

4 (b) POLICY.—

5 (1) IN GENERAL.—Section 3 of the National
6 Materials and Minerals Policy, Research and Devel-
7 opment Act of 1980 (30 U.S.C. 1602) is amended—

8 (A) by striking paragraph (3) and insert-
9 ing the following:

10 “(3) establish an analytical and forecasting ca-
11 pability for identifying critical mineral demand, sup-
12 ply, and other factors to allow informed actions to
13 be taken to avoid supply shortages, mitigate price
14 volatility, and prepare for demand growth and other
15 market shifts;”;

16 (B) in paragraph (6), by striking “and”
17 after the semicolon at the end; and

18 (C) by striking paragraph (7) and insert-
19 ing the following:

20 “(7) facilitate the availability, development, and
21 environmentally responsible production of domestic
22 resources to meet national material or critical min-
23 eral needs;

24 “(8) avoid duplication of effort, prevent unnec-
25 essary paperwork, and minimize delays in the ad-

1 ministration of applicable laws (including regula-
2 tions) and the issuance of permits and authoriza-
3 tions necessary to explore for, develop, and produce
4 critical minerals and to construct critical mineral
5 manufacturing facilities in accordance with applica-
6 ble environmental and land management laws;

7 “(9) strengthen—

8 “(A) educational and research capabilities
9 at not lower than the secondary school level;
10 and

11 “(B) workforce training for exploration
12 and development of critical minerals and critical
13 mineral manufacturing;

14 “(10) bolster international cooperation through
15 technology transfer, information sharing, and other
16 means;

17 “(11) promote the efficient production, use, and
18 recycling of critical minerals;

19 “(12) develop alternatives to critical minerals;
20 and

21 “(13) establish contingencies for the production
22 of, or access to, critical minerals for which viable
23 sources do not exist within the United States.”.

24 (2) CONFORMING AMENDMENT.—Section 2(b)
25 of the National Materials and Minerals Policy, Re-

1 search and Development Act of 1980 (30 U.S.C.
2 1601(b)) is amended by striking “(b) As used in this
3 Act, the term” and inserting the following:

4 “(b) DEFINITIONS.—In this Act:

5 “(1) CRITICAL MINERAL.—The term ‘critical
6 mineral’ means any mineral, element, substance, or
7 material designated as critical by the Secretary
8 under section 7002(c) of the Energy Act of 2020.

9 “(2) MATERIALS.—The term”.

10 (c) CRITICAL MINERAL DESIGNATIONS.—

11 (1) DRAFT METHODOLOGY AND LIST.—The
12 Secretary, acting through the Director of the United
13 States Geological Survey (referred to in this sub-
14 section as the “Secretary”), shall publish in the Fed-
15 eral Register for public comment—

16 (A) a description of the draft methodology
17 used to identify a draft list of critical minerals;

18 (B) a draft list of minerals, elements, sub-
19 stances, and materials that qualify as critical
20 minerals; and

21 (C) a draft list of critical minerals recov-
22 ered as byproducts and their host minerals.

23 (2) AVAILABILITY OF DATA.—If available data
24 is insufficient to provide a quantitative basis for the

1 methodology developed under this subsection, quali-
2 tative evidence may be used to the extent necessary.

3 (3) FINAL METHODOLOGY AND LIST.—After re-
4 viewing public comments on the draft methodology
5 and the draft lists published under paragraph (1)
6 and updating the methodology and lists as appro-
7 priate, not later than 45 days after the date on
8 which the public comment period with respect to the
9 draft methodology and draft lists closes, the Sec-
10 retary shall publish in the Federal Register—

11 (A) a description of the final methodology
12 for determining which minerals, elements, sub-
13 stances, and materials qualify as critical min-
14 erals;

15 (B) the final list of critical minerals; and

16 (C) the final list of critical minerals recov-
17 ered as byproducts and their host minerals.

18 (4) DESIGNATIONS.—

19 (A) IN GENERAL.—For purposes of car-
20 rying out this subsection, the Secretary shall
21 maintain a list of minerals, elements, sub-
22 stances, and materials designated as critical,
23 pursuant to the final methodology published
24 under paragraph (3), that the Secretary deter-
25 mines—

1 (i) are essential to the economic or
2 national security of the United States;

3 (ii) the supply chain of which is vul-
4 nerable to disruption (including restrictions
5 associated with foreign political risk, ab-
6 rupt demand growth, military conflict, vio-
7 lent unrest, anti-competitive or protec-
8 tionist behaviors, and other risks through-
9 out the supply chain); and

10 (iii) serve an essential function in the
11 manufacturing of a product (including en-
12 ergy technology-, defense-, currency-, agri-
13 culture-, consumer electronics-, and health
14 care-related applications), the absence of
15 which would have significant consequences
16 for the economic or national security of the
17 United States.

18 (B) INCLUSIONS.—Notwithstanding the
19 criteria under paragraph (3), the Secretary may
20 designate and include on the list any mineral,
21 element, substance, or material determined by
22 another Federal agency to be strategic and crit-
23 ical to the defense or national security of the
24 United States.

1 (C) REQUIRED CONSULTATION.—The Sec-
2 retary shall consult with the Secretaries of De-
3 fense, Commerce, Agriculture, and Energy and
4 the United States Trade Representative in des-
5 ignating minerals, elements, substances, and
6 materials as critical under this paragraph.

7 (5) SUBSEQUENT REVIEW.—

8 (A) IN GENERAL.—The Secretary, in con-
9 sultation with the Secretaries of Defense, Com-
10 merce, Agriculture, and Energy and the United
11 States Trade Representative, shall review the
12 methodology and list under paragraph (3) and
13 the designations under paragraph (4) at least
14 every 3 years, or more frequently as the Sec-
15 retary considers to be appropriate.

16 (B) REVISIONS.—Subject to paragraph
17 (4)(A), the Secretary may—

18 (i) revise the methodology described in
19 this subsection;

20 (ii) determine that minerals, elements,
21 substances, and materials previously deter-
22 mined to be critical minerals are no longer
23 critical minerals; and

1 (iii) designate additional minerals, ele-
2 ments, substances, or materials as critical
3 minerals.

4 (6) NOTICE.—On finalization of the method-
5 ology and the list under paragraph (3), or any revi-
6 sion to the methodology or list under paragraph (5),
7 the Secretary shall submit to Congress written no-
8 tice of the action.

9 (d) RESOURCE ASSESSMENT.—

10 (1) IN GENERAL.—Not later than 4 years after
11 the date of enactment of this Act, in consultation
12 with applicable State (including geological surveys),
13 local, academic, industry, and other entities, the Sec-
14 retary (acting through the Director of the United
15 States Geological Survey) or a designee of the Sec-
16 retary, shall complete a comprehensive national as-
17 sessment of each critical mineral that—

18 (A) identifies and quantifies known critical
19 mineral resources, using all available public and
20 private information and datasets, including ex-
21 ploration histories; and

22 (B) provides a quantitative and qualitative
23 assessment of undiscovered critical mineral re-
24 sources throughout the United States, including
25 probability estimates of tonnage and grade,

1 using all available public and private informa-
2 tion and datasets, including exploration his-
3 tories.

4 (2) SUPPLEMENTARY INFORMATION.—In car-
5 rying out this subsection, the Secretary may carry
6 out surveys and field work (including drilling, re-
7 mote sensing, geophysical surveys, topographical and
8 geological mapping, and geochemical sampling and
9 analysis) to supplement existing information and
10 datasets available for determining the existence of
11 critical minerals in the United States.

12 (3) PUBLIC ACCESS.—Subject to applicable law,
13 to the maximum extent practicable, the Secretary
14 shall make all data and metadata collected from the
15 comprehensive national assessment carried out
16 under paragraph (1) publically and electronically ac-
17 cessible.

18 (4) TECHNICAL ASSISTANCE.—At the request of
19 the Governor of a State or the head of an Indian
20 Tribe, the Secretary may provide technical assist-
21 ance to State governments and Indian Tribes con-
22 ducting critical mineral resource assessments on
23 non-Federal land.

24 (5) PRIORITIZATION.—

1 (A) IN GENERAL.—The Secretary may se-
2 quence the completion of resource assessments
3 for each critical mineral such that critical min-
4 erals considered to be most critical under the
5 methodology established under subsection (c)
6 are completed first.

7 (B) REPORTING.—During the period be-
8 ginning not later than 1 year after the date of
9 enactment of this Act and ending on the date
10 of completion of all of the assessments required
11 under this subsection, the Secretary shall sub-
12 mit to Congress on an annual basis an interim
13 report that—

14 (i) identifies the sequence and sched-
15 ule for completion of the assessments if the
16 Secretary sequences the assessments; or

17 (ii) describes the progress of the as-
18 sessments if the Secretary does not se-
19 quence the assessments.

20 (6) UPDATES.—The Secretary may periodically
21 update the assessments conducted under this sub-
22 section based on—

23 (A) the generation of new information or
24 datasets by the Federal Government; or

1 (B) the receipt of new information or
2 datasets from critical mineral producers, State
3 geological surveys, academic institutions, trade
4 associations, or other persons.

5 (7) ADDITIONAL SURVEYS.—The Secretary
6 shall complete a resource assessment for each addi-
7 tional mineral or element subsequently designated as
8 a critical mineral under subsection (e)(5)(B) not
9 later than 2 years after the designation of the min-
10 eral or element.

11 (8) REPORT.—Not later than 2 years after the
12 date of enactment of this Act, the Secretary shall
13 submit to Congress a report describing the status of
14 geological surveying of Federal land for any mineral
15 commodity—

16 (A) for which the United States was de-
17 pendent on a foreign country for more than 25
18 percent of the United States supply, as depicted
19 in the report issued by the United States Geo-
20 logical Survey entitled “Mineral Commodity
21 Summaries 2021”; but

22 (B) that is not designated as a critical
23 mineral under subsection (e).

24 (e) REPORT OF SMALL BUSINESS ADMINISTRA-
25 TION.—Not later than 1 year and 300 days after the date

1 of enactment of this Act, the Administrator of the Small
2 Business Administration shall submit to the applicable
3 committees of Congress a report that assesses the per-
4 formance of Federal agencies with respect to—

5 (1) complying with chapter 6 of title 5, United
6 States Code (commonly known as the “Regulatory
7 Flexibility Act”), in promulgating regulations appli-
8 cable to the critical minerals industry; and

9 (2) performing an analysis of the efficiency of
10 regulations applicable to the critical minerals indus-
11 try, including those that are disproportionately bur-
12 densome to small businesses.

13 (f) FEDERAL REGISTER PROCESS.—

14 (1) DEPARTMENTAL REVIEW.—Absent any ex-
15 traordinary circumstance, and except as otherwise
16 required by law, the Secretary and the Secretary of
17 Agriculture shall ensure that each Federal Register
18 notice described in paragraph (2) shall be—

19 (A) subject to any required reviews within
20 the Department of the Interior or the Depart-
21 ment of Agriculture; and

22 (B) published in final form in the Federal
23 Register not later than 45 days after the date
24 of initial preparation of the notice.

1 (2) PREPARATION.—The preparation of Federal
2 Register notices required by law associated with the
3 issuance of a critical mineral exploration or mine
4 permit shall be delegated to the organizational level
5 within the agency responsible for issuing the critical
6 mineral exploration or mine permit.

7 (3) TRANSMISSION.—All Federal Register no-
8 tices regarding official document availability, an-
9 nouncements of meetings, or notices of intent to un-
10 dertake an action shall be originated in, and trans-
11 mitted to the Federal Register from, the office in
12 which, as applicable—

13 (A) the documents or meetings are held; or

14 (B) the activity is initiated.

15 (4) APPLICATION OF CERTAIN PROVISIONS.—

16 (A) IN GENERAL.—Subsection (f) shall
17 also apply to—

18 (i) an exploration project in which the
19 presence of a byproduct is reasonably ex-
20 pected, based on known mineral
21 companionship, geologic formation, min-
22 eralogy, or other factors; and

23 (ii) a project that demonstrates that a
24 byproduct is of sufficient grade that, when
25 combined with the production of a host

1 mineral, the byproduct is economic to re-
2 cover, as determined by the applicable Sec-
3 retary in accordance with subparagraph
4 (B), and that the byproduct will be recov-
5 ered in commercial quantities.

6 (B) REQUIREMENT.—In making the deter-
7 mination under subparagraph (A)(ii), the appli-
8 cable Secretary shall consider the cost effective-
9 ness of the byproducts recovery.

10 (g) RECYCLING, INNOVATION, EFFICIENCY, AND AL-
11 TERNATIVES.—

12 (1) ESTABLISHMENT.—The Secretary of En-
13 ergy (referred to in this subsection as the “Sec-
14 retary”) shall conduct a program (referred to in this
15 subsection as the “program”) of research, develop-
16 ment, demonstration, and commercialization—

17 (A) to develop alternatives to critical mate-
18 rials that do not occur in significant abundance
19 in the United States;

20 (B) to promote the efficient production,
21 use, and recycling of critical materials, with
22 special consideration for domestic critical mate-
23 rials, throughout the supply chain;

24 (C) to ensure the long-term, secure, and
25 sustainable supply of critical materials; and

1 (D) to prioritize work in areas that the pri-
2 vate sector by itself is not likely to undertake
3 due to financial or technical limitations.

4 (2) COOPERATION.—In carrying out the pro-
5 gram, the Secretary shall cooperate with appro-
6 priate—

7 (A) Federal agencies, including the De-
8 partment of the Interior;

9 (B) the National Laboratories;

10 (C) critical material producers, processors,
11 and manufacturers;

12 (D) trade associations;

13 (E) academic institutions (including stu-
14 dents and postdoctoral staff at institutions of
15 higher education);

16 (F) small businesses;

17 (G) nongovernmental organizations; and

18 (H) other relevant entities or individuals.

19 (3) ENERGY INNOVATION HUB.—In carrying
20 out the program, the Secretary may use an Energy
21 Innovation Hub authorized under section 206 of the
22 Department of Energy Research Coordination Act
23 (42 U.S.C. 18632).

1 (4) ACTIVITIES.—Under the program, the Sec-
2 retary shall carry out activities that include the iden-
3 tification and development of—

4 (A) alternative materials, particularly ma-
5 terials available in abundance within the United
6 States and not subject to potential supply re-
7 strictions, that lessen the need for critical mate-
8 rials;

9 (B) alternative energy technologies or al-
10 ternative designs of existing energy tech-
11 nologies, particularly technologies or designs
12 that use materials that—

13 (i) occur in abundance in the United
14 States; and

15 (ii) are not subject to potential supply
16 restrictions;

17 (C) technologies or process improvements
18 that minimize the use and content, or lead to
19 more efficient use, of critical materials across
20 the full supply chain;

21 (D) innovative technologies and practices
22 to diversify commercially viable and sustainable
23 domestic sources of critical materials, including
24 technologies for recovery from waste streams;

1 (E) technologies, process improvements, or
2 design optimizations that facilitate the recycling
3 of critical materials, and options for improving
4 the rates of collection of products and scrap
5 containing critical materials from post-con-
6 sumer, industrial, or other waste streams;

7 (F) advanced critical material extraction,
8 production, separation, alloying, or processing
9 technologies that decrease the energy consump-
10 tion, environmental impact, and costs of those
11 activities, including—

12 (i) efficient water and wastewater
13 management strategies;

14 (ii) technologies and management
15 strategies to control the environmental im-
16 pacts of radionuclides in ore tailings;

17 (iii) technologies for separation and
18 processing; and

19 (iv) technologies for increasing the re-
20 covery rates of coproducts and byproducts
21 from host metal ores;

22 (G) commercial markets, advanced storage
23 methods, energy applications, and other bene-
24 ficial uses of critical materials; and

1 (H) advanced theoretical, computational,
2 and experimental tools necessary to support the
3 crosscutting research and development needs of
4 diverse critical minerals stakeholders.

5 (5) PLAN.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of this Act, the Sec-
8 retary shall submit to Congress a plan to carry
9 out the program.

10 (B) INCLUSIONS.—The plan under sub-
11 paragraph (A) shall include a description of—

12 (i) the research and development ac-
13 tivities to be carried out under the pro-
14 gram during the subsequent 2 years;

15 (ii) the expected contributions under
16 the program to the creation of innovative
17 methods and technologies for the efficient
18 and sustainable provision of critical mate-
19 rials to the domestic economy;

20 (iii) the expected activities under the
21 program to mitigate the environmental and
22 health impacts of the extraction, proc-
23 essing, manufacturing, use, recovery, and
24 recycling of critical materials; and

1 (iv) how the program will promote the
2 broadest possible participation by aca-
3 demic, industrial, and other contributors
4 and the public.

5 (6) COORDINATION AND NONDUPLICATION.—To
6 the maximum extent practicable, the Secretary shall
7 ensure that the activities carried out under this sub-
8 section are coordinated with, and do not duplicate
9 the efforts of, other programs within the Federal
10 Government, including the work underway by the
11 Critical Materials Institute and the National Min-
12 erals Information Center.

13 (7) STANDARD OF REVIEW.—Not later than 2
14 years after the date of enactment of this Act, the
15 Secretary shall conduct a review of activities carried
16 out under the program to determine the achievement
17 of the technical milestones identified under para-
18 graph (8)(D)(i)(I).

19 (8) CRITICAL MATERIALS CONSORTIUM.—

20 (A) IN GENERAL.—Not later than 1 year
21 after the date of enactment of this Act, the Sec-
22 retary shall establish and operate a Critical Ma-
23 terials Consortium (referred to in this para-
24 graph as the “Consortium”) for the purpose of
25 supporting the program by providing, to the

1 maximum extent practicable, a centralized enti-
2 ty for multidisciplinary, collaborative, critical
3 materials research and development.

4 (B) LEADERSHIP.—If an Energy Innova-
5 tion Hub authorized under section 206 of the
6 Department of Energy Research Coordination
7 Act (42 U.S.C. 18632) that is focused on crit-
8 ical materials exists on the date of enactment of
9 this Act, the Secretary shall leverage the per-
10 sonnel and expertise of the Energy Innovation
11 Hub to manage the Consortium for not less
12 than 3 years following the date on which the
13 Consortium is established.

14 (C) MEMBERSHIP.—The members of the
15 Consortium shall be representatives from rel-
16 evant Federal agencies, the National Labora-
17 tories, the National Minerals Information Cen-
18 ter, institutions of higher education, private sec-
19 tor entities, multiinstitutional collaborations,
20 and other appropriate entities.

21 (D) RESPONSIBILITIES.—The Consortium
22 shall—

23 (i) develop and implement a multiyear
24 plan that—

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1 (I) identifies technical goals and
2 milestones for the program;

3 (II) utilizes the high performance
4 computing capabilities of the Depart-
5 ment; and

6 (III) leverages the expertise of
7 the National Laboratories and the
8 United States Geological Survey; and

9 (ii) submit an annual report to the
10 Secretary summarizing the activities of the
11 Consortium, including an evaluation of the
12 role of the Consortium in the achievement
13 of the technical milestones identified under
14 clause (i)(I).

15 (E) SUNSET; TERMINATION.—

16 (i) IN GENERAL.—The Secretary may
17 provide support to the Consortium for a
18 period of not more than 10 years, subject
19 to the availability of appropriations.

20 (ii) MERIT REVIEW.—Not later than 5
21 years after the date on which the Consor-
22 tium is established, the Secretary shall
23 conduct a rigorous merit review to deter-
24 mine whether the Consortium helped the

1 program achieve the technical milestones
2 identified under subparagraph (D)(i)(I).

3 (iii) TERMINATION.—If the Secretary
4 determines that the Consortium has not
5 helped the program achieve the technical
6 milestones identified under subparagraph
7 (D)(i)(I), the Secretary may terminate any
8 financial or technical support that the De-
9 partment provides to the Consortium.

10 (9) REPORTS.—Not later than 2 years after the
11 date of enactment of this Act, and annually there-
12 after, the Secretary shall submit to Congress a re-
13 port summarizing the activities, findings, and
14 progress of the program.

15 (10) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to the Sec-
17 retary to carry out this subsection—

18 (A) \$125,000,000 for fiscal year 2021;

19 (B) \$105,000,000 for fiscal year 2022;

20 (C) \$100,000,000 for fiscal year 2023;

21 (D) \$135,000,000 for fiscal year 2024;

22 and

23 (E) \$135,000,000 for fiscal year 2025.

24 (h) CRITICAL MATERIALS SUPPLY CHAIN RESEARCH
25 FACILITY.—

1 (1) IN GENERAL.—The Secretary of Energy
2 (referred to in this subsection as the “Secretary”)
3 shall support construction of a Critical Materials
4 Supply Chain Research Facility (referred to in this
5 subsection as the “facility”).

6 (2) REQUIREMENTS.—The facility—

7 (A) shall be used to further enable re-
8 search, development, demonstration, and com-
9 mercialization activities throughout the supply
10 chain for critical materials; and

11 (B) shall provide an integrated, rapidly
12 reconfigurable research platform.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—

14 There are authorized to be appropriated to the Sec-
15 retary to fund the design and construction of the fa-
16 cility, to remain available until expended—

17 (A) \$10,000,000 for fiscal year 2021;

18 (B) \$30,000,000 for fiscal year 2022; and

19 (C) \$35,000,000 for fiscal year 2023.

20 (i) CRITICAL MATERIALS RESEARCH DATABASE AND
21 INFORMATION PORTAL.—

22 (1) IN GENERAL.—In carrying out the program
23 established under subsection (g)(1), the Secretary
24 and the Secretary of Energy (referred to in this sub-
25 section as the “Secretaries”), in consultation with

1 the Director of the National Science Foundation,
2 shall establish and operate a Critical Materials In-
3 formation Portal (referred to in this subsection as
4 the “Portal”) to collect, catalogue, disseminate, and
5 archive information on critical materials.

6 (2) COOPERATION.—In carrying out paragraph
7 (1), the Secretaries shall leverage the expertise of
8 the National Minerals Information Center, the Of-
9 fice of Scientific and Technical Information, and the
10 Critical Materials Consortium established under sub-
11 section (g)(8)(A).

12 (3) PURPOSE.—The purpose of the Portal is to
13 support the development of a web-based platform to
14 provide public access to a database of computed in-
15 formation on known and predicted critical materials
16 and related material properties and computational
17 tools in order—

18 (A) to accelerate breakthroughs in critical
19 materials identification and design;

20 (B) to strengthen the foundation for tech-
21 nologies that will enable more sustainable recy-
22 cling, substitution, use, and recovery and mini-
23 mize the environmental impacts of methods for
24 extraction, processing, and manufacturing of
25 critical materials; and

1 (C) to drive the development of advanced
2 materials for applications that span the mis-
3 sions of the Department of Energy and the De-
4 partment of the Interior (referred to in this
5 subsection as the “Departments”) in energy,
6 environment, and national security.

7 (4) ACTIVITIES.—In carrying out this sub-
8 section, the Secretaries shall—

9 (A) conduct cooperative research with in-
10 dustry, academia, and other research institu-
11 tions to facilitate the design of novel materials,
12 including critical materials and substitutes for
13 critical materials;

14 (B) leverage existing high-performance
15 computing systems to conduct high throughput
16 calculations and develop computing and data
17 mining algorithms for the prediction of material
18 properties, including a focus on critical mate-
19 rials;

20 (C) leverage and support research in min-
21 eralogy and mineral chemistry to enhance the
22 understanding, prediction, and manipulation of
23 critical materials;

24 (D) assist scientists and engineers in mak-
25 ing the fullest possible use of the relevant data

1 holdings of the Departments, including the sci-
2 entific and technical data generated by the re-
3 search and development activities funded under
4 subsection (g);

5 (E) seek and incorporate other information
6 on critical materials to enhance the Depart-
7 ments' utility for program participants and
8 other users; and

9 (F) manage and make available to re-
10 searchers and the public accessible, curated,
11 standardized, secure, and privacy-protected
12 data sets from the public and private sectors
13 for the purposes of critical materials research
14 and development activities.

15 (5) PROPRIETARY INFORMATION.—In carrying
16 out this subsection, the Secretaries shall ensure, con-
17 sistent with section 5(f) of the National Materials
18 and Minerals Policy, Research and Development Act
19 of 1980 (30 U.S.C. 1604(f)), that—

20 (A) no person uses the information and
21 data collected for the Portal for a purpose other
22 than the development of, or reporting of, aggre-
23 gate data in a manner such that the identity of
24 the person or firm who supplied the information

1 is not discernible and is not material to the in-
2 tended uses of the information;

3 (B) no person discloses any information or
4 data collected for the Portal unless the informa-
5 tion or data has been transformed into a statis-
6 tical or aggregate form that does not allow the
7 identification of the person or firm who sup-
8 plied particular information; and

9 (C) procedures are established to require
10 the withholding of any information or data col-
11 lected for the Portal if at least 1 of the Secre-
12 taries determines that the withholding is nec-
13 essary to protect proprietary information, in-
14 cluding any trade secrets or other confidential
15 information.

16 (j) ANALYSIS AND FORECASTING.—

17 (1) CAPABILITIES.—In order to evaluate exist-
18 ing critical mineral policies and inform future ac-
19 tions that may be taken to avoid supply shortages,
20 mitigate price volatility, and prepare for demand
21 growth and other market shifts, the Secretary (act-
22 ing through the Director of the United States Geo-
23 logical Survey) or a designee of the Secretary, in
24 consultation with the Energy Information Adminis-
25 tration, academic institutions, and others in order to

1 maximize the application of existing competencies re-
2 lated to developing and maintaining computer-mod-
3 els and similar analytical tools, shall conduct and
4 publish the results of an annual report that in-
5 cludes—

6 (A) as part of the annually published Min-
7 eral Commodity Summaries from the United
8 States Geological Survey, a comprehensive re-
9 view of critical mineral production, consump-
10 tion, and recycling patterns, including—

11 (i) the quantity of each critical min-
12 eral domestically produced during the pre-
13 ceding year;

14 (ii) the quantity of each critical min-
15 eral domestically consumed during the pre-
16 ceding year;

17 (iii) market price data or other price
18 data for each critical mineral;

19 (iv) an assessment of—

20 (I) critical mineral requirements
21 to meet the national security, energy,
22 economic, industrial, technological,
23 and other needs of the United States
24 during the preceding year;

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1 (II) the reliance of the United
2 States on foreign sources to meet
3 those needs during the preceding year;
4 and

5 (III) the implications of any sup-
6 ply shortages, restrictions, or disrup-
7 tions during the preceding year;

8 (v) the quantity of each critical min-
9 eral domestically recycled during the pre-
10 ceding year;

11 (vi) the market penetration during the
12 preceding year of alternatives to each crit-
13 ical mineral;

14 (vii) a discussion of international
15 trends associated with the discovery, pro-
16 duction, consumption, use, costs of produc-
17 tion, prices, and recycling of each critical
18 mineral as well as the development of al-
19 ternatives to critical minerals; and

20 (viii) such other data, analyses, and
21 evaluations as the Secretary finds are nec-
22 essary to achieve the purposes of this sub-
23 section; and

24 (B) a comprehensive forecast, entitled the
25 “Annual Critical Minerals Outlook”, of pro-

1 jected critical mineral production, consumption,
2 and recycling patterns, including—

3 (i) the quantity of each critical min-
4 eral projected to be domestically produced
5 over the subsequent 1-year, 5-year, and
6 10-year periods;

7 (ii) the quantity of each critical min-
8 eral projected to be domestically consumed
9 over the subsequent 1-year, 5-year, and
10 10-year periods;

11 (iii) an assessment of—

12 (I) critical mineral requirements
13 to meet projected national security,
14 energy, economic, industrial, techno-
15 logical, and other needs of the United
16 States;

17 (II) the projected reliance of the
18 United States on foreign sources to
19 meet those needs; and

20 (III) the projected implications of
21 potential supply shortages, restric-
22 tions, or disruptions;

23 (iv) the quantity of each critical min-
24 eral projected to be domestically recycled

1 over the subsequent 1-year, 5-year, and
2 10-year periods;

3 (v) the market penetration of alter-
4 natives to each critical mineral projected to
5 take place over the subsequent 1-year, 5-
6 year, and 10-year periods;

7 (vi) a discussion of reasonably foresee-
8 able international trends associated with
9 the discovery, production, consumption,
10 use, costs of production, and recycling of
11 each critical mineral as well as the develop-
12 ment of alternatives to critical minerals;
13 and

14 (vii) such other projections relating to
15 each critical mineral as the Secretary de-
16 termines to be necessary to achieve the
17 purposes of this subsection.

18 (2) PROPRIETARY INFORMATION.—In preparing
19 a report described in paragraph (1), the Secretary
20 shall ensure, consistent with section 5(f) of the Na-
21 tional Materials and Minerals Policy, Research and
22 Development Act of 1980 (30 U.S.C. 1604(f)),
23 that—

24 (A) no person uses the information and
25 data collected for the report for a purpose other

1 than the development of or reporting of aggregate
2 data in a manner such that the identity of
3 the person or firm who supplied the information
4 is not discernible and is not material to the intended
5 uses of the information;

6 (B) no person discloses any information or
7 data collected for the report unless the information
8 or data has been transformed into a statistical
9 or aggregate form that does not allow the
10 identification of the person or firm who supplied
11 particular information; and

12 (C) procedures are established to require
13 the withholding of any information or data collected
14 for the report if the Secretary determines
15 that withholding is necessary to protect proprietary
16 information, including any trade secrets
17 or other confidential information.

18 (k) EDUCATION AND WORKFORCE.—

19 (1) WORKFORCE ASSESSMENT.—Not later than
20 1 year and 300 days after the date of enactment of
21 this Act, the Secretary of Labor (in consultation
22 with the Secretary, the Director of the National
23 Science Foundation, institutions of higher education
24 with substantial expertise in mining, institutions of
25 higher education with significant expertise in min-

1 erals research, including fundamental research into
2 alternatives, and employers in the critical minerals
3 sector) shall submit to Congress an assessment of
4 the domestic availability of technically trained per-
5 sonnel necessary for critical mineral exploration, de-
6 velopment, assessment, production, manufacturing,
7 recycling, analysis, forecasting, education, and re-
8 search, including an analysis of—

9 (A) skills that are in the shortest supply as
10 of the date of the assessment;

11 (B) skills that are projected to be in short
12 supply in the future;

13 (C) the demographics of the critical min-
14 erals industry and how the demographics will
15 evolve under the influence of factors such as an
16 aging workforce;

17 (D) the effectiveness of training and edu-
18 cation programs in addressing skills shortages;

19 (E) opportunities to hire locally for new
20 and existing critical mineral activities;

21 (F) the sufficiency of personnel within rel-
22 evant areas of the Federal Government for
23 achieving the policies described in section 3 of
24 the National Materials and Minerals Policy, Re-

1 search and Development Act of 1980 (30
2 U.S.C. 1602); and

3 (G) the potential need for new training
4 programs to have a measurable effect on the
5 supply of trained workers in the critical min-
6 erals industry.

7 (2) CURRICULUM STUDY.—

8 (A) IN GENERAL.—The Secretary and the
9 Secretary of Labor shall jointly enter into an
10 arrangement with the National Academy of
11 Sciences and the National Academy of Engi-
12 neering under which the Academies shall co-
13 ordinate with the National Science Foundation
14 on conducting a study—

15 (i) to design an interdisciplinary pro-
16 gram on critical minerals that will support
17 the critical mineral supply chain and im-
18 prove the ability of the United States to
19 increase domestic, critical mineral explo-
20 ration, development, production, manufac-
21 turing, research, including fundamental re-
22 search into alternatives, and recycling;

23 (ii) to address undergraduate and
24 graduate education, especially to assist in
25 the development of graduate level pro-

1 grams of research and instruction that
2 lead to advanced degrees with an emphasis
3 on the critical mineral supply chain or
4 other positions that will increase domestic,
5 critical mineral exploration, development,
6 production, manufacturing, research, in-
7 cluding fundamental research into alter-
8 natives, and recycling;

9 (iii) to develop guidelines for pro-
10 posals from institutions of higher edu-
11 cation with substantial capabilities in the
12 required disciplines for activities to im-
13 prove the critical mineral supply chain and
14 advance the capacity of the United States
15 to increase domestic, critical mineral explo-
16 ration, research, development, production,
17 manufacturing, and recycling; and

18 (iv) to outline criteria for evaluating
19 performance and recommendations for the
20 amount of funding that will be necessary
21 to establish and carry out the program de-
22 scribed in paragraph (3).

23 (B) REPORT.—Not later than 2 years after
24 the date of enactment of this Act, the Secretary
25 shall submit to Congress a description of the re-

1 sults of the study required under subparagraph
2 (A).

3 (3) PROGRAM.—

4 (A) ESTABLISHMENT.—The Secretary and
5 the Secretary of Labor shall jointly conduct a
6 competitive grant program under which institu-
7 tions of higher education may apply for and re-
8 ceive 4-year grants for—

9 (i) startup costs for newly designated
10 faculty positions in integrated critical min-
11 eral education, research, innovation, train-
12 ing, and workforce development programs
13 consistent with paragraph (2);

14 (ii) internships, scholarships, and fel-
15 lowships for students enrolled in programs
16 related to critical minerals;

17 (iii) equipment necessary for inte-
18 grated critical mineral innovation, training,
19 and workforce development programs; and

20 (iv) research of critical minerals and
21 their applications, particularly concerning
22 the manufacture of critical components
23 vital to national security.

24 (B) RENEWAL.—A grant under this para-
25 graph shall be renewable for up to 2 additional

1 3-year terms based on performance criteria out-
2 lined under paragraph (2)(A)(iv).

3 (l) NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA
4 PRESERVATION PROGRAM.—Section 351(k) of the Energy
5 Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by
6 striking “ \$30,000,000 for each of fiscal years 2006
7 through 2010” and inserting “ \$5,000,000 for each of fis-
8 cal years 2021 through 2029, to remain available until ex-
9 pended”.

10 (m) AMENDMENTS TO THE NATIONAL MATERIALS
11 AND MINERALS, POLICY, RESEARCH AND DEVELOPMENT
12 ACT OF 1980.—

13 (1) PROGRAM PLAN.—Section 5 of the National
14 Materials and Minerals Policy, Research and Devel-
15 opment Act of 1980 (30 U.S.C. 1604) is amended—

16 (A) by striking “date of enactment of this
17 Act” each place it appears and inserting “date
18 of enactment of the Energy Act of 2020”;

19 (B) in subsection (b)(1), by striking “Fed-
20 eral Coordinating Council for Science, Engi-
21 neering, and Technology” and inserting “Na-
22 tional Science and Technology Council”;

23 (C) in subsection (c)—

24 (i) in the matter preceding paragraph

25 (1)—

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1 (I) by striking “the Federal
2 Emergency” and all that follows
3 through “Agency, and”; and

4 (II) by striking “appropriate
5 shall” and inserting “appropriate,
6 shall”;

7 (ii) by striking paragraphs (1) and
8 (3);

9 (iii) by redesignating paragraph (2) as
10 paragraph (1);

11 (iv) in paragraph (1) (as so redesign-
12 nated)—

13 (I) by striking “within 1 year
14 after October 21, 1980” and inserting
15 “not later than 1 year after the date
16 of the enactment of the Energy Act of
17 2020”;

18 (II) by striking “which assesses”
19 and inserting “that assesses”; and

20 (III) by striking “in the case”
21 and all that follows through “sub-
22 section, and which” and inserting
23 “and that”; and

24 (v) by adding at the end the following:

1 “(2) assess the adequacy and stability of the
2 supply of materials necessary to maintain national
3 security, economic well-being, public health, and in-
4 dustrial production.”; and

5 (D) in subsection (e), by striking “Bureau
6 of Mines” each place it appears and inserting
7 “United States Geological Survey”.

8 (2) POLICY.—Section 3 of the National Mate-
9 rials and Minerals Policy, Research and Develop-
10 ment Act of 1980 (30 U.S.C. 1602) is amended, in
11 the matter preceding paragraph (1)—

12 (A) in the first sentence, by striking “The
13 Congress declares that it” and inserting “It”;
14 and

15 (B) in the second sentence, by striking
16 “The Congress further declares that implemen-
17 tation” and inserting “Implementation”.

18 (3) IMPLEMENTATION.—Section 4 of the Na-
19 tional Materials and Minerals Policy, Research and
20 Development Act of 1980 (30 U.S.C. 1603) is
21 amended, in the matter preceding paragraph (1)—

22 (A) by striking “For the purpose” and all
23 that follows through “declares that the” and in-
24 serting “The”; and

1 (B) by striking “departments and agen-
2 cies,” and inserting “departments and agencies
3 to implement the policy described in section 3”.

4 (n) ADMINISTRATION.—

5 (1) IN GENERAL.—The National Critical Mate-
6 rials Act of 1984 (30 U.S.C. 1801 et seq.) is re-
7 pealed.

8 (2) CONFORMING AMENDMENT.—Section 3(d)
9 of the National Superconductivity and Competitive-
10 ness Act of 1988 (15 U.S.C. 5202(d)) is amended
11 in the first sentence by striking “, with the assist-
12 ance of the National Critical Materials Council as
13 specified in the National Critical Materials Act of
14 1984 (30 U.S.C. 1801 et seq.),”.

15 (3) SAVINGS CLAUSES.—

16 (A) IN GENERAL.—Nothing in this section
17 or an amendment made by this section modifies
18 any requirement or authority provided by—

19 (i) the matter under the heading “**GE-**
20 **OLOGICAL SURVEY**” of the first section
21 of the Act of March 3, 1879 (43 U.S.C.
22 31(a)); or

23 (ii) the first section of Public Law
24 87–626 (43 U.S.C. 31(b)).

1 (B) EFFECT ON DEPARTMENT OF DE-
2 FENSE.—Nothing in this section or an amend-
3 ment made by this section affects the authority
4 of the Secretary of Defense with respect to the
5 work of the Department of Defense on critical
6 material supplies in furtherance of the national
7 defense mission of the Department of Defense.

8 (C) SECRETARIAL ORDER NOT AF-
9 FECTED.—This section shall not apply to any
10 mineral described in Secretarial Order No.
11 3324, issued by the Secretary on December 3,
12 2012, in any area to which the order applies.

13 (o) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary to carry
15 out this section \$50,000,000 for each of fiscal years 2021
16 through 2029.

17 **SEC. 7003. MONITORING MINERAL INVESTMENTS UNDER**
18 **BELT AND ROAD INITIATIVE OF PEOPLE'S RE-**
19 **PUBLIC OF CHINA.**

20 (a) REPORT REQUIRED.—Not later than 1 year after
21 the date of the enactment of this Act, the Director of Na-
22 tional Intelligence (referred to in this section as the “Di-
23 rector”), in consultation with the Secretary of the Interior,
24 the Secretary of Energy, the Secretary of Commerce, the
25 Secretary of State, the Secretary of Defense, and the

1 United States Trade Representative, shall submit to the
2 appropriate congressional committees a report on invest-
3 ments in minerals under the Belt and Road Initiative of
4 the People's Republic of China that includes an assess-
5 ment of—

6 (1) notable past mineral investments;

7 (2) whether and how such investments have in-
8 creased the extent of control of minerals by the Peo-
9 ple's Republic of China;

10 (3) any efforts by the People's Republic of
11 China to counter or interfere with the goals of the
12 Energy Resource Governance Initiative of the De-
13 partment of State; and

14 (4) the strategy of the People's Republic of
15 China with respect to mineral investments.

16 (b) MONITORING MECHANISM.—In conjunction with
17 each report required by subsection (a), the Director shall
18 submit to the appropriate congressional committees a list
19 of any minerals with respect to which—

20 (1) the People's Republic of China, directly or
21 through the Belt and Road Initiative—

22 (A) is increasing its concentration of ex-
23 traction and processing;

24 (B) is acquiring significant mining and
25 processing facilities;

1 (C) is maintaining or increasing export re-
2 strictions; or

3 (D) has achieved substantial control of the
4 supply of minerals used within an industry or
5 related minerals;

6 (2) there is a significant difference between do-
7 mestic prices in the People's Republic of China as
8 compared to prices on international markets; or

9 (3) there is a significant increase or volatility in
10 price as a result of the Belt and Road Initiative of
11 the People's Republic of China.

12 (c) **CRITICAL MINERAL EVALUATION.**—For any min-
13 eral included on the list required by subsection (b) that
14 is not already designated as critical by the Secretary of
15 the Interior pursuant to section 7002(c), the Director
16 shall—

17 (1) determine, in consultation with the Sec-
18 retary of the Interior, the Secretary of Energy, the
19 Secretary of Commerce, the Secretary of State, the
20 Secretary of Defense, and the United States Trade
21 Representative, whether the mineral is strategic and
22 critical to the defense or national security of the
23 United States; and

1 (2) make a recommendation to the Secretary of
2 the Interior regarding the designation of the mineral
3 under section 7002(c).

4 (d) ANNUAL UPDATES.—The Director shall update
5 the report required by subsection (a) and list required by
6 subsection (b) not less frequently than annually.

7 (e) FORM.—Each report or list required by this sec-
8 tion shall be submitted in unclassified form but may in-
9 clude a classified annex.

10 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
11 FINED.—In this section, the term “appropriate congres-
12 sional committees” means—

13 (1) the Committee on Energy and Natural Re-
14 sources, the Committee on Foreign Relations, the
15 Committee on Armed Services, the Committee on Fi-
16 nance, the Committee on Homeland Security and
17 Governmental Affairs, the Committee on Commerce,
18 Science, and Transportation, and the Committee on
19 Appropriations of the Senate; and

20 (2) the Committee on Energy and Commerce,
21 the Committee on Foreign Affairs, the Committee
22 on Armed Services, the Committee on Ways and
23 Means, the Committee on Homeland Security, and
24 the Committee on Appropriations of the House of
25 Representatives.

1 **TITLE VIII—GRID**
2 **MODERNIZATION**

3 **SEC. 8001. SMART GRID REGIONAL DEMONSTRATION INI-**
4 **TIATIVE.**

5 Section 1304 of the Energy Independence and Secu-
6 rity Act of 2007 (42 U.S.C. 17384) is amended—

7 (1) in subsection (a), by inserting “research,
8 development, and demonstration” before “program”;

9 (2) in subsection (b)—

10 (A) by amending paragraph (1) to read as
11 follows:

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish a smart grid regional demonstration initiative
14 (referred to in this subsection as the ‘Initiative’)
15 composed of demonstration projects focused on cost-
16 effective, advanced technologies for use in power grid
17 sensing, communications, analysis, power flow con-
18 trol, visualization, distribution automation, industrial
19 control systems, dynamic line rating systems, grid
20 redesign, and the integration of distributed energy
21 resources.”; and

22 (B) in paragraph (2)—

23 (i) in subparagraph (D), by striking

24 “and” at the end;

1 (ii) in subparagraph (E), by striking
2 the period and inserting “; and”; and

3 (iii) by inserting at the end the fol-
4 lowing:

5 “(F) to encourage the commercial applica-
6 tion of advanced distribution automation tech-
7 nologies that exert intelligent control over elec-
8 trical grid functions at the distribution level to
9 improve system resilience.”.

10 **SEC. 8002. SMART GRID MODELING, VISUALIZATION, ARCHI-**
11 **TECTURE, AND CONTROLS.**

12 Title XIII of the Energy Independence and Security
13 Act of 2007 (42 U.S.C. 17381 et seq.) is amended by in-
14 serting after section 1304 the following:

15 **“SEC. 1304A. SMART GRID MODELING, VISUALIZATION, AR-**
16 **CHITECTURE, AND CONTROLS.**

17 “(a) IN GENERAL.—Not later than 180 days after
18 the enactment of this section, the Secretary shall establish
19 a program of research, development, demonstration, and
20 commercial application on electric grid modeling, sensing,
21 visualization, architecture development, and advanced op-
22 eration and controls.

23 “(b) MODELING RESEARCH AND DEVELOPMENT.—
24 The Secretary shall support development of models of
25 emerging technologies and systems to facilitate the secure

1 and reliable design, planning, and operation of the electric
2 grid for use by industry stakeholders. In particular, the
3 Secretary shall support development of—

4 “(1) models to analyze and predict the effects
5 of adverse physical and cyber events on the electric
6 grid;

7 “(2) coupled models of electrical, physical, and
8 cyber systems;

9 “(3) models of existing and emerging tech-
10 nologies being deployed on the electric grid due to
11 projected changes in the electric generation mix and
12 loads, for a variety of regional characteristics; and

13 “(4) integrated models of the communications,
14 transmission, distribution, and other interdependent
15 systems for existing, new, and emerging tech-
16 nologies.

17 “(c) SITUATIONAL AWARENESS RESEARCH AND DE-
18 VELOPMENT.—

19 “(1) IN GENERAL.—The Secretary shall sup-
20 port development of computational tools and tech-
21 nologies to improve sensing, monitoring, and visual-
22 ization of the electric grid for real-time situational
23 awareness and decision support tools that enable im-
24 proved operation of the power system, including util-

1 ity, non-utility, and customer grid-connected assets,
2 for use by industry partners.

3 “(2) DATA USE.—In developing visualization
4 capabilities under this section, the Secretary shall
5 develop tools for industry stakeholders to use to ana-
6 lyze data collected from advanced measurement and
7 monitoring technologies, including data from phasor
8 measurement units and advanced metering units.

9 “(3) SEVERE EVENTS.—The Secretary shall
10 prioritize enhancing cyber and physical situational
11 awareness of the electric grid during adverse man-
12 made and naturally-occurring events.

13 “(d) OPERATION AND CONTROLS RESEARCH AND
14 DEVELOPMENT.—The Secretary shall conduct research to
15 develop improvements to the operation and controls of the
16 electric grid, in coordination with industry partners. Such
17 activities shall include—

18 “(1) a training facility or facilities to allow grid
19 operators to gain operational experience with ad-
20 vanced grid control concepts and technologies;

21 “(2) development of cost-effective advanced op-
22 eration and control concepts and technologies, such
23 as adaptive islanding, dynamic line rating systems,
24 power flow controllers, network topology optimiza-

1 tion, smart circuit breakers, intelligent load shed-
2 ding, and fault-tolerant control system architectures;

3 “(3) development of real-time control concepts
4 using artificial intelligence and machine learning for
5 improved electric grid resilience; and

6 “(4) utilization of advanced data analytics in-
7 cluding load forecasting, power flow modeling, equip-
8 ment failure prediction, resource optimization, risk
9 analysis, and decision analysis.

10 “(e) INTEROPERABILITY RESEARCH AND DEVELOP-
11 MENT.—The Secretary shall conduct research and devel-
12 opment on tools and technologies that improve the inter-
13 operability and compatibility of new and emerging compo-
14 nents, technologies, and systems with existing electric grid
15 infrastructure.

16 “(f) UNDERGROUND TRANSMISSION AND DISTRIBUTION
17 LINES.—In carrying out the program under sub-
18 section (a), the Secretary shall support research and devel-
19 opment on underground transmission and distribution
20 lines. This shall include research on—

21 “(1) methods for lowering the costs of under-
22 ground transmission and distribution lines, including
23 through novel installation techniques and materials
24 considerations;

1 “(2) techniques to improve the lifespan of un-
2 derground transmission and distribution lines;

3 “(3) wireless sensors to improve safety of un-
4 derground transmission and distribution lines and to
5 predict, identify, detect, and transmit information
6 about degradation and faults; and

7 “(4) methods for improving the resilience and
8 reliability of underground transmission and distribu-
9 tion lines, including technologies and techniques that
10 can mitigate the impact of flooding, storm surge,
11 and seasonal climate cycles on degradation of and
12 damage to underground transmission and distribu-
13 tion lines.

14 “(g) GRID ARCHITECTURE AND SCENARIO DEVELOP-
15 MENT.—

16 “(1) IN GENERAL.—Subject to paragraph (3),
17 the Secretary shall establish and facilitate a collabo-
18 rative process to develop model grid architecture and
19 a set of future scenarios for the electric grid to ex-
20 amine the impacts of different combinations of re-
21 sources (including different quantities of distributed
22 energy resources and large-scale, central generation)
23 on the electric grid.

1 “(2) ARCHITECTURE.—In supporting the devel-
2 opment of model grid architectures, the Secretary
3 shall—

4 “(A) analyze a variety of grid architecture
5 scenarios that range from minor upgrades to
6 existing transmission grid infrastructure to sce-
7 narios that involve the replacement of signifi-
8 cant portions of existing transmission grid in-
9 frastructure;

10 “(B) analyze the effects of the increasing
11 proliferation of renewable and other zero emis-
12 sions energy generation sources, increasing use
13 of distributed resources owned by non-utility
14 entities, and the use of digital and automated
15 controls not managed by grid operators;

16 “(C) include a variety of new and emerging
17 distribution grid technologies, including distrib-
18 uted energy resources, electric vehicle charging
19 stations, distribution automation technologies,
20 energy storage, and renewable energy sources;

21 “(D) analyze the effects of local load bal-
22 ancing and other forms of decentralized control;

23 “(E) analyze the effects of changes to grid
24 architectures resulting from modernizing elec-
25 tric grid systems, including communications,

1 controls, markets, consumer choice, emergency
2 response, electrification, and cybersecurity con-
3 cerns; and

4 “(F) develop integrated grid architectures
5 that incorporate system resilience for cyber,
6 physical, and communications systems.

7 “(3) MARKET STRUCTURE.—The grid architec-
8 ture and scenarios developed under paragraph (1)
9 shall, to the extent practicable, account for dif-
10 ferences in market structure, including an examina-
11 tion of the potential for stranded costs in each type
12 of market structure.

13 “(h) COMPUTING RESOURCES AND DATA COORDINA-
14 TION RESEARCH AND DEVELOPMENT.—In carrying out
15 this section, the Secretary shall—

16 “(1) leverage existing computing resources at
17 the National Laboratories; and

18 “(2) develop voluntary standards for data
19 taxonomies and communication protocols in coordi-
20 nation with public and private sector stakeholders.

21 “(i) INFORMATION SHARING.—None of the activities
22 authorized in this section shall require private entities to
23 share information or data with the Secretary.

24 “(j) RESILIENCE.—In this section, the term ‘resil-
25 ience’ means the ability to withstand and reduce the mag-

1 nitude or duration of disruptive events, which includes the
2 capability to anticipate, absorb, adapt to, or rapidly re-
3 cover from such an event, including from deliberate at-
4 tacks, accidents, and naturally occurring threats or inci-
5 dents.”.

6 **SEC. 8003. INTEGRATED ENERGY SYSTEMS.**

7 Title XIII of the Energy Independence and Security
8 Act of 2007 (42 U.S.C. 17381 et seq.) is amended by add-
9 ing after section 1309 the following:

10 **“SEC. 1310. INTEGRATED ENERGY SYSTEMS.**

11 “(a) IN GENERAL.—Not later than 180 days after
12 the enactment of this section, the Secretary shall establish
13 a research, development, and demonstration program to
14 develop cost-effective integrated energy systems, includ-
15 ing—

16 “(1) development of computer modeling to de-
17 sign different configurations of integrated energy
18 systems and to optimize system operation;

19 “(2) research on system integration needed to
20 plan, design, build, and operate integrated energy
21 systems, including interconnection requirements with
22 the electric grid;

23 “(3) development of integrated energy systems
24 for various applications, including—

1 “(A) thermal energy generation and stor-
2 age for buildings and manufacturing;

3 “(B) electricity storage coupled with en-
4 ergy generation;

5 “(C) desalination;

6 “(D) production of liquid and gaseous
7 fuels; and

8 “(E) production of chemicals such as am-
9 monia and ethylene;

10 “(4) development of testing facilities for inte-
11 grated energy systems; and

12 “(5) research on incorporation of various tech-
13 nologies for integrated energy systems, including nu-
14 clear energy, renewable energy, storage, and carbon
15 capture, utilization, and sequestration technologies.

16 “(b) STRATEGIC PLAN.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of the enactment of this section, the Sec-
19 retary shall submit to the Committee on Science,
20 Space, and Technology of the House of Representa-
21 tives and the Committee on Energy and Natural Re-
22 sources of the Senate a strategic plan that identifies
23 opportunities, challenges, and standards needed for
24 the development and commercial application of inte-

1 grated energy systems. The strategic plan shall in-
2 clude—

3 “(A) analysis of the potential benefits of
4 development of integrated electric systems on
5 the electric grid;

6 “(B) analysis of the potential contributions
7 of integrated energy systems to different grid
8 architecture scenarios;

9 “(C) research and development goals for
10 various integrated energy systems, including
11 those identified in subsection (a);

12 “(D) assessment of policy and market bar-
13 riers to the adoption of integrated energy sys-
14 tems;

15 “(E) analysis of the technical and eco-
16 nomic feasibility of adoption of different inte-
17 grated energy systems; and

18 “(F) a 10-year roadmap to guide the pro-
19 gram established under subsection (a).

20 “(2) UPDATES.—Not less than once every 3
21 years for the duration of this research program, the
22 Secretary shall submit an updated version of the
23 strategic plan to the Committee on Science, Space,
24 and Technology of the House of Representatives and

1 the Committee on Energy and Natural Resources of
2 the Senate.

3 “(c) PROGRAM IMPLEMENTATION.—In carrying out
4 the research, development, demonstration, and commercial
5 application aims of subsection (a), the Secretary shall—

6 “(1) implement the recommendations set forth
7 in the strategic plan in subsection (b);

8 “(2) coordinate across all relevant program of-
9 fices at the Department, including—

10 “(A) the Office of Energy Efficiency and
11 Renewable Energy;

12 “(B) the Office of Nuclear Energy; and

13 “(C) the Office of Fossil Energy;

14 “(3) leverage existing programs and resources
15 of the Department; and

16 “(4) prioritize activities that accelerate the de-
17 velopment of integrated electricity generation, stor-
18 age, and distribution systems with net zero green-
19 house gas emissions.

20 “(d) INTEGRATED ENERGY SYSTEM DEFINED.—The
21 term ‘integrated energy system’ means a system composed
22 of 2 or more co-located or jointly operated sub-systems
23 of energy generation, energy storage, or other energy tech-
24 nologies.”.

1 **SEC. 8004. GRID INTEGRATION RESEARCH AND DEVELOP-**
2 **MENT.**

3 (a) INTEGRATING DISTRIBUTED ENERGY RE-
4 SOURCES ONTO THE ELECTRIC GRID.—Section 925(a) of
5 the Energy Policy Act of 2005 (42 U.S.C. 16215) is
6 amended—

7 (1) by redesignating paragraphs (10) and (11)
8 as paragraphs (12) and (13), respectively; and

9 (2) by inserting after paragraph (9) the fol-
10 lowing:

11 “(10) the development of cost-effective tech-
12 nologies that enable two-way information and power
13 flow between distributed energy resources and the
14 electric grid;

15 “(11) the development of technologies and con-
16 cepts that enable interoperability between distributed
17 energy resources and other behind-the-meter devices
18 and the electric grid;”.

19 (b) INTEGRATING RENEWABLE ENERGY ONTO THE
20 ELECTRIC GRID.—Subtitle C of title IX of the Energy
21 Policy Act of 2005 (42 U.S.C. 16231 et seq.) is amended
22 by adding at the end the following:

1 **“SEC. 936. RESEARCH AND DEVELOPMENT INTO INTE-**
2 **GRATING RENEWABLE ENERGY ONTO THE**
3 **ELECTRIC GRID.**

4 “(a) IN GENERAL.—Not later than 180 days after
5 the enactment of this section, the Secretary shall establish
6 a research, development, and demonstration program on
7 technologies that enable integration of renewable energy
8 generation sources onto the electric grid across multiple
9 program offices of the Department. The program shall in-
10 clude—

11 “(1) forecasting for predicting generation from
12 variable renewable energy sources;

13 “(2) development of cost-effective low-loss, long-
14 distance transmission lines; and

15 “(3) development of cost-effective advanced
16 technologies for variable renewable generation
17 sources to provide grid services.

18 “(b) COORDINATION.—In carrying out this program,
19 the Secretary shall coordinate across all relevant program
20 offices at the Department to achieve the goals established
21 in this section, including the Office of Electricity.

22 “(c) ADOPTION OF TECHNOLOGIES.—In carrying out
23 this section, the Secretary shall consider barriers to adop-
24 tion and commercial application of technologies that en-
25 able integration of renewable energy sources onto the elec-
26 tric grid, including cost and other economic barriers, and

1 shall coordinate with relevant entities to reduce these bar-
2 riers.”.

3 (c) **INTEGRATING ELECTRIC VEHICLES ONTO THE**
4 **ELECTRIC GRID.**—Subtitle B of title I of the Energy Inde-
5 pendence and Security Act of 2007 (42 U.S.C. 17011 et
6 seq.) is amended by adding at the end the following:

7 **“SEC. 137. RESEARCH AND DEVELOPMENT INTO INTE-**
8 **GRATING ELECTRIC VEHICLES ONTO THE**
9 **ELECTRIC GRID.**

10 “(a) **IN GENERAL.**—The Secretary shall establish a
11 research, development, and demonstration program to ad-
12 vance the integration of electric vehicles, including plug-
13 in hybrid electric vehicles, onto the electric grid.

14 “(b) **VEHICLES-TO-GRID INTEGRATION ASSESSMENT**
15 **REPORT.**—Not later than 1 year after the enactment of
16 this section, the Secretary shall submit to the Committee
17 on Science, Space, and Technology of the House of Rep-
18 resentatives and the Committee on Energy and Natural
19 Resources of the Senate a report on the results of a study
20 that examines the research, development, and demonstra-
21 tion opportunities, challenges, and standards needed for
22 integrating electric vehicles onto the electric grid.

23 “(1) **REPORT REQUIREMENTS.**—The report
24 shall include—

1 “(A) an evaluation of the use of electric ve-
2 hicles to maintain the reliability of the electric
3 grid, including—

4 “(i) the use of electric vehicles for de-
5 mand response, load shaping, emergency
6 power, and frequency regulation; and

7 “(ii) the potential for the reuse of
8 spent electric vehicle batteries for sta-
9 tionary grid storage;

10 “(B) the impact of grid integration on
11 electric vehicles, including—

12 “(i) the impact of bi-directional elec-
13 tricity flow on battery degradation; and

14 “(ii) the implications of the use of
15 electric vehicles for grid services on origi-
16 nal equipment manufacturer warranties;

17 “(C) the impacts to the electric grid of in-
18 creased penetration of electric vehicles, includ-
19 ing—

20 “(i) the distribution grid infrastruc-
21 ture needed to support an increase in
22 charging capacity;

23 “(ii) strategies for integrating electric
24 vehicles onto the distribution grid while
25 limiting infrastructure upgrades;

1 “(iii) the changes in electricity de-
2 mand over a 24-hour cycle due to electric
3 vehicle charging behavior;

4 “(iv) the load increases expected from
5 electrifying the transportation sector;

6 “(v) the potential for customer incen-
7 tives and other managed charging stations
8 strategies to shift charging off-peak;

9 “(vi) the technology needed to achieve
10 bi-directional power flow on the distribu-
11 tion grid; and

12 “(vii) the implementation of smart
13 charging techniques;

14 “(D) research on the standards needed to
15 integrate electric vehicles with the grid, includ-
16 ing communications systems, protocols, and
17 charging stations, in collaboration with the Na-
18 tional Institute for Standards and Technology;

19 “(E) the cybersecurity challenges and
20 needs associated with electrifying the transpor-
21 tation sector; and

22 “(F) an assessment of the feasibility of
23 adopting technologies developed under the pro-
24 gram established under subsection (a) at De-
25 partment facilities.

1 “(2) RECOMMENDATIONS.—As part of the Ve-
2 hicles-to-Grid Integration Assessment Report, the
3 Secretary shall develop a 10-year roadmap to guide
4 the research, development, and demonstration pro-
5 gram to integrate electric vehicles onto the electric
6 grid.

7 “(3) CONSULTATION.—In developing this re-
8 port, the Secretary shall consult with relevant stake-
9 holders, including—

10 “(A) electric vehicle manufacturers;

11 “(B) electric utilities;

12 “(C) public utility commissions;

13 “(D) vehicle battery manufacturers;

14 “(E) electric vehicle supply equipment
15 manufacturers;

16 “(F) charging infrastructure manufactur-
17 ers;

18 “(G) the National Laboratories; and

19 “(H) other Federal agencies, as the Sec-
20 retary determines appropriate.

21 “(4) UPDATES.—The Secretary shall update
22 the report required under this section every 3 years
23 for the duration of the program under section (a)
24 and shall submit the updated report to the Com-
25 mittee on Science, Space, and Technology of the

1 House of Representatives and the Committee on En-
2 ergy and Natural Resources of the Senate.

3 “(c) PROGRAM IMPLEMENTATION.—In carrying out
4 the research, development, demonstration, and commercial
5 application aims of section, the Secretary shall—

6 “(1) implement the recommendations set forth
7 in the report in subsection (b); and

8 “(2) coordinate across all relevant program of-
9 fices at the Department to achieve the goals estab-
10 lished in this section, including the Office of Elec-
11 tricity.

12 “(d) TESTING CAPABILITIES.—The Secretary shall
13 coordinate with the National Laboratories to develop test-
14 ing capabilities for the evaluation, rapid prototyping, and
15 optimization of technologies enabling integration of elec-
16 tric vehicles onto the electric grid.”.

17 **SEC. 8005. ADVISORY COMMITTEE.**

18 Title XIII of the Energy Independence and Security
19 Act of 2007 (42 U.S.C. 17381 et seq.) is amended by add-
20 ing after section 1310 (as added by section 8003 of this
21 Act) the following:

22 **“SEC. 1311. ADVISORY COMMITTEE.**

23 “(a) IN GENERAL.—Not later than 180 days after
24 the enactment of this section, the Secretary shall des-
25 ignate an existing advisory committee to advise the Sec-

1 retary on the authorization of research, development, and
2 demonstration projects under sections 1304 and 1304A.

3 “(b) RESPONSIBILITY.—The Secretary shall annually
4 solicit from the advisory committee—

5 “(1) comments to identify grid modernization
6 technology needs;

7 “(2) an assessment of the progress of the re-
8 search activities on grid modernization; and

9 “(3) assistance in annually updating grid mod-
10 ernization technology roadmaps.”.

11 **SEC. 8006. COORDINATION OF EFFORTS.**

12 In carrying out the amendments made by this title,
13 the Secretary shall coordinate with relevant entities to the
14 maximum extent practicable, including—

15 (1) electric utilities;

16 (2) private sector entities;

17 (3) representatives of all sectors of the electric
18 power industry;

19 (4) transmission organizations;

20 (5) transmission owners and operators;

21 (6) distribution organizations;

22 (7) distribution asset owners and operators;

23 (8) State, Tribal, local, and territorial govern-
24 ments and regulatory authorities;

25 (9) academic institutions;

- 1 (10) the National Laboratories;
2 (11) other Federal agencies;
3 (12) nonprofit organizations;
4 (13) the Federal Energy Regulatory Commis-
5 sion;
6 (14) the North American Reliability Corpora-
7 tion;
8 (15) independent system operators; and
9 (16) programs and program offices at the De-
10 partment.

11 **SEC. 8007. TECHNOLOGY DEMONSTRATION ON THE DIS-**
12 **TRIBUTION GRID.**

13 (a) **IN GENERAL.**—The Secretary shall establish a
14 grant program to carry out eligible projects related to the
15 modernization of the electric grid, including the applica-
16 tion of technologies to improve observability, advanced
17 controls, and prediction of system performance on the dis-
18 tribution system.

19 (b) **ELIGIBLE PROJECTS.**—To be eligible for a grant
20 under subsection (a), a project shall—

21 (1) be designed to improve the performance and
22 efficiency of the future electric grid, while ensuring
23 the continued provision of safe, secure, reliable, and
24 affordable power; and

25 (2) demonstrate—

1 (A) secure integration and management of
2 two or more energy resources, including distrib-
3 uted energy generation, combined heat and
4 power, micro-grids, energy storage, electric ve-
5 hicles, energy efficiency, demand response, and
6 intelligent loads; and

7 (B) secure integration and interoperability
8 of communications and information tech-
9 nologies.

10 **SEC. 8008. VOLUNTARY MODEL PATHWAYS.**

11 (a) ESTABLISHMENT OF VOLUNTARY MODEL PATH-
12 WAYS.—

13 (1) ESTABLISHMENT.—Not later than 90 days
14 after the date of enactment of this Act, the Sec-
15 retary of Energy (in this section referred to as the
16 “Secretary”), in consultation with the steering com-
17 mittee established under paragraph (3), shall initiate
18 the development of voluntary model pathways for
19 modernizing the electric grid through a collaborative,
20 public-private effort that—

21 (A) produces illustrative policy pathways
22 encompassing a diverse range of technologies
23 that can be adapted for State and regional ap-
24 plications by regulators and policymakers;

1 (B) facilitates the modernization of the
2 electric grid and associated communications
3 networks to achieve the objectives described in
4 paragraph (2);

5 (C) ensures a reliable, resilient, affordable,
6 safe, and secure electric grid; and

7 (D) acknowledges and accounts for dif-
8 ferent priorities, electric systems, and rate
9 structures across States and regions.

10 (2) OBJECTIVES.—The pathways established
11 under paragraph (1) shall facilitate achievement of
12 as many of the following objectives as practicable:

13 (A) Near real-time situational awareness of
14 the electric system.

15 (B) Data visualization.

16 (C) Advanced monitoring and control of
17 the advanced electric grid.

18 (D) Enhanced certainty of policies for in-
19 vestment in the electric grid.

20 (E) Increased innovation.

21 (F) Greater consumer empowerment.

22 (G) Enhanced grid resilience, reliability,
23 and robustness.

24 (H) Improved—

1 (i) integration of distributed energy
2 resources;

3 (ii) interoperability of the electric sys-
4 tem; and

5 (iii) predictive modeling and capacity
6 forecasting.

7 (I) Reduced cost of service for consumers.

8 (J) Diversification of generation sources.

9 (3) STEERING COMMITTEE.—Not later than 90
10 days after the date of enactment of this Act, the
11 Secretary shall establish a steering committee to
12 help develop the pathways under paragraph (1), to
13 be composed of members appointed by the Secretary,
14 consisting of persons with appropriate expertise rep-
15 resenting a diverse range of interests in the public,
16 private, and academic sectors, including representa-
17 tives of—

18 (A) the Federal Energy Regulatory Com-
19 mission;

20 (B) the National Laboratories;

21 (C) States;

22 (D) State regulatory authorities;

23 (E) transmission organizations;

24 (F) representatives of all sectors of the
25 electric power industry;

- 1 (G) institutions of higher education;
2 (H) independent research institutes; and
3 (I) other entities.

4 (b) TECHNICAL ASSISTANCE.—The Secretary may
5 provide technical assistance to States, Indian Tribes, or
6 units of local government to adopt or implement one or
7 more elements of the pathways developed under subsection
8 (a)(1), including on a pilot basis.

9 **SEC. 8009. PERFORMANCE METRICS FOR ELECTRICITY IN-**
10 **FRASTRUCTURE PROVIDERS.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this Act, the Secretary of Energy,
13 in consultation with the steering committee established
14 under section 8008(a)(3), shall submit to the Committee
15 on Energy and Natural Resources of the Senate and the
16 Committee on Energy and Commerce of the House of
17 Representatives a report that includes—

18 (1) an evaluation of the performance of the
19 electric grid as of the date of the report; and

20 (2) a description of the projected range of
21 measurable costs and benefits associated with the
22 changes evaluated under the scenarios developed
23 under section 1304A of the Energy Independence
24 and Security Act of 2007.

1 (b) CONSIDERATIONS FOR DEVELOPMENT OF
2 METRICS.—In developing metrics for the evaluation and
3 projections under subsection (a), the Secretary of Energy
4 shall consider—

5 (1) standard methodologies for calculating im-
6 provements or deteriorations in the performance
7 metrics, such as reliability, grid efficiency, power
8 quality, consumer satisfaction, sustainability, and fi-
9 nancial incentives;

10 (2) standard methodologies for calculating po-
11 tential costs and measurable benefits value to rate-
12 payers, applying the performance metrics developed
13 under paragraph (1);

14 (3) identification of tools, resources, and de-
15 ployment models that may enable improved perform-
16 ance through the adoption of emerging, commer-
17 cially available or advanced grid technologies or solu-
18 tions, including—

19 (A) multicustomer micro-grids;

20 (B) distributed energy resources;

21 (C) energy storage;

22 (D) electric vehicles;

23 (E) electric vehicle charging infrastructure;

24 (F) integrated information and commu-
25 nications systems;

1 (G) transactive energy systems; and

2 (H) advanced demand management sys-
3 tems; and

4 (4) the role of States and local regulatory au-
5 thorities in enabling a robust future electric grid to
6 ensure that—

7 (A) electric utilities remain financially via-
8 ble;

9 (B) electric utilities make the needed in-
10 vestments that ensure a reliable, secure, and re-
11 siliant grid; and

12 (C) costs incurred to transform to an inte-
13 grated grid are allocated and recovered respon-
14 sibly, efficiently, and equitably.

15 **SEC. 8010. VOLUNTARY STATE, REGIONAL, AND LOCAL**
16 **ELECTRICITY DISTRIBUTION PLANNING.**

17 (a) IN GENERAL.—On the request of a State, re-
18 gional organization, or electric utility, the Secretary of En-
19 ergy shall provide assistance to States, regional organiza-
20 tions, and electric utilities to facilitate the development of
21 State, regional, and local electricity distribution plans
22 by—

23 (1) conducting a resource assessment and anal-
24 ysis of future demand and distribution requirements;
25 and

1 (2) developing open source tools for State, re-
2 gional, and local planning and operations.

3 (b) RISK AND SECURITY ANALYSIS.—The assessment
4 under subsection (a)(1) shall include—

5 (1) the evaluation of the physical security, cy-
6 bersecurity, and associated communications needs of
7 an advanced distribution management system and
8 the integration of distributed energy resources; and

9 (2) advanced use of grid architecture to analyze
10 risks in an all-hazards approach that includes com-
11 munications infrastructure, control systems architec-
12 ture, and power systems architecture.

13 (c) DESIGNATION.—The information collected for the
14 assessment and analysis under subsection (a)(1)—

15 (1) shall be considered to be critical electric in-
16 frastructure information under section 215A of the
17 Federal Power Act (16 U.S.C. 824o–1); and

18 (2) shall only be released in compliance with
19 regulations implementing that section.

20 (d) TECHNICAL ASSISTANCE.—For the purpose of
21 assisting in the development of State and regional elec-
22 tricity distribution plans, the Secretary shall provide tech-
23 nical assistance to—

24 (1) States;

25 (2) regional reliability entities; and

1 (3) other distribution asset owners and opera-
2 tors.

3 (e) WITHDRAWAL.—A State or any entity that has
4 requested technical assistance under this section may
5 withdraw the request for technical assistance at any time,
6 and on such withdrawal, the Secretary shall terminate all
7 assistance efforts.

8 (f) EFFECT.—Nothing in this section authorizes the
9 Secretary to require any State, regional organization, re-
10 gional reliability entity, asset owner, or asset operator to
11 adopt any model, tool, plan, analysis, or assessment.

12 **SEC. 8011. MICRO-GRID AND INTEGRATED MICRO-GRID SYS-**
13 **TEMS PROGRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) INTEGRATED MICRO-GRID SYSTEM.—The
16 term “integrated micro-grid system” means a micro-
17 grid system that—

18 (A) comprises generation from both con-
19 ventional and renewable energy resources; and

20 (B) may use grid-scale energy storage.

21 (2) ISOLATED COMMUNITY.—The term “iso-
22 lated community” means a community that is pow-
23 ered by a stand-alone electric generation and dis-
24 tribution system without the economic and reliability
25 benefits of connection to a regional electric grid.

1 (3) MICRO-GRID SYSTEM.—The term “micro-
2 grid system” means a localized grid that operates
3 autonomously, regardless of whether the grid can
4 operate in connection with another grid.

5 (4) RURAL ELECTRIC COOPERATIVE.—The term
6 “rural electric cooperative” means an electric coop-
7 erative (as defined in section 3 of the Federal Power
8 Act (16 U.S.C. 796)) that sells electric energy to
9 persons in rural areas.

10 (5) STRATEGY.—The term “strategy” means
11 the strategy developed pursuant to subsection
12 (b)(2)(B).

13 (b) PROGRAM.—

14 (1) ESTABLISHMENT.—The Secretary of En-
15 ergy (in this section referred to as the “Secretary”)
16 shall establish a program to promote the develop-
17 ment of—

18 (A) integrated micro-grid systems for iso-
19 lated communities; and

20 (B) micro-grid systems to increase the re-
21 silience of critical infrastructure.

22 (2) REQUIREMENTS.—The program established
23 under paragraph (1) shall—

24 (A) develop a feasibility assessment for—

1 (i) integrated micro-grid systems in
2 isolated communities; and

3 (ii) micro-grid systems to enhance the
4 resilience of critical infrastructure;

5 (B) develop an implementation strategy, in
6 accordance with paragraph (3), to promote the
7 development of integrated micro-grid systems
8 for isolated communities, particularly for those
9 communities exposed to extreme weather condi-
10 tions and high energy costs, including elec-
11 tricity, space heating and cooling, and transpor-
12 tation;

13 (C) develop an implementation strategy to
14 promote the development of micro-grid systems
15 that increase the resilience of critical infrastruc-
16 ture; and

17 (D) carry out cost-shared demonstration
18 projects, based upon the strategies developed
19 under subparagraph (B) that include the devel-
20 opment of physical and cybersecurity plans to
21 take appropriate measures to protect and se-
22 cure the electric grid.

23 (3) REQUIREMENTS FOR STRATEGY.—In devel-
24 oping the strategy under paragraph (2)(B), the Sec-
25 retary shall consider—

1 (A) opportunities for improving the effi-
2 ciency of existing integrated micro-grid systems;

3 (B) the capacity of the local workforce to
4 operate, maintain, and repair a integrated
5 micro-grid system as well as opportunities to
6 improve that capacity;

7 (C) leveraging existing capacity within
8 local or regional research organizations, such as
9 organizations based at institutions of higher
10 education, to support development of integrated
11 micro-grid systems, including by testing novel
12 components and systems prior to field deploy-
13 ment;

14 (D) the need for basic infrastructure to de-
15 velop, deploy, and sustain a integrated micro-
16 grid system;

17 (E) input of traditional knowledge from
18 local leaders of isolated communities in the de-
19 velopment of a integrated micro-grid system;

20 (F) the impact of integrated micro-grid
21 systems on defense, homeland security, eco-
22 nomic development, and environmental inter-
23 ests;

24 (G) opportunities to leverage existing inter-
25 agency coordination efforts and recommenda-

1 tions for new interagency coordination efforts to
2 minimize unnecessary overhead, mobilization,
3 and other project costs; and

4 (H) any other criteria the Secretary deter-
5 mines appropriate.

6 (c) COLLABORATION.—The program established
7 under subsection (b)(1) shall be carried out in collabora-
8 tion with relevant stakeholders, including, as appro-
9 priate—

10 (1) States;

11 (2) Indian Tribes;

12 (3) regional entities and regulators;

13 (4) units of local government;

14 (5) institutions of higher education; and

15 (6) private sector entities.

16 (d) REPORT.—Not later than 180 days after the date
17 of enactment of this Act, and annually thereafter until cal-
18 endar year 2029, the Secretary shall submit to the Com-
19 mittee on Energy and Natural Resources of the Senate
20 and the Committee on Energy and Commerce of the
21 House of Representatives a report on the efforts to imple-
22 ment the program established under subsection (b)(1) and
23 the status of the strategy developed under subsection
24 (b)(2)(B).

1 (e) BARRIERS AND BENEFITS TO MICRO-GRID SYS-
2 TEMS.—

3 (1) REPORT.—Not later than 270 days after
4 the date of enactment of this Act, the Secretary
5 shall submit to the Committee on Energy and Nat-
6 ural Resources of the Senate and the Committee on
7 Energy and Commerce of the House of Representa-
8 tives a report on the benefits of, and barriers to, im-
9 plementing resilient micro-grid systems that are—

10 (A)(i) owned or operated by an isolated
11 community, rural electric cooperative, or munic-
12 ipal government; or

13 (ii) operated on behalf of a municipal gov-
14 ernment or rural electric cooperative; and

15 (B) designed to maximize the use of—

16 (i) energy-generation facilities owned
17 or operated by isolated communities; or

18 (ii) a municipal or rural electric coop-
19 erative energy-generation facility.

20 (2) GRANTS TO OVERCOME BARRIERS.—The
21 Secretary shall award grants of not more than
22 \$500,000 to not fewer than 20 municipal govern-
23 ments, rural electric cooperatives, or isolated com-
24 munities, up to a total of \$15,000,000, each year to
25 assist those municipal governments, rural electric co-

1 operatives, and isolated communities in overcoming
2 the barriers identified in the report under paragraph
3 (1).

4 **SEC. 8012. TECHNICAL AMENDMENTS; AUTHORIZATION OF**
5 **APPROPRIATIONS.**

6 (a) TECHNICAL AMENDMENTS.—

7 (1) ENERGY INDEPENDENCE AND SECURITY
8 ACT OF 2007.—Section 1(b) of the Energy Inde-
9 pendence and Security Act of 2007 is amended in
10 the table of contents—

11 (A) by inserting the following after the
12 item related to section 136:

 “Sec. 137. Research and development into integrating electric vehicles onto the
 electric grid.”;

13 (B) by inserting the following after the
14 item related to section 1304:

 “Sec. 1304A. Smart grid modeling, visualization, architecture, and controls.”;
 and

15 (C) by inserting the following after the
16 item related to section 1309:

 “Sec. 1310. Integrated energy systems.

 “Sec. 1311. Advisory committee.”.

17 (2) ENERGY POLICY ACT OF 2005.—Section
18 1(b) of the Energy Policy Act of 2005 is amended
19 in the table of contents by inserting the following
20 after the item related to section 935:

 “Sec. 936. Research and development into integrating renewable energy onto
 the electric grid.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated—

3 (1) to carry out section 8006 and the amend-
4 ments made by sections 8001, 8002, and 8005 of
5 this title—

6 (A) \$175,000,000 for fiscal year 2021;

7 (B) \$180,000,000 for fiscal year 2022;

8 (C) \$185,000,000 for fiscal year 2023;

9 (D) \$190,000,000 for fiscal year 2024;

10 and

11 (E) \$199,500,000 for fiscal year 2025;

12 (2) to carry out sections 8007, 8008, 8009,
13 8010, and 8011 of this title \$175,000,000 for each
14 of fiscal years 2021 through 2025;

15 (3) to carry out section 8003 of this title—

16 (A) \$21,000,000 for fiscal year 2021;

17 (B) \$22,050,000 for fiscal year 2022;

18 (C) \$23,153,000 for fiscal year 2023;

19 (D) \$24,310,000 for fiscal year 2024; and

20 (E) \$25,525,000 for fiscal year 2025; and

21 (4) to carry out section 8004 of this title—

22 (A) \$52,500,000 for fiscal year 2021;

23 (B) \$55,152,000 for fiscal year 2022;

24 (C) \$57,882,000 for fiscal year 2023;

25 (D) \$60,775,000 for fiscal year 2024; and

1 (E) \$63,814,000 for fiscal year 2025.

2 **SEC. 8013. INDIAN ENERGY.**

3 (a) DEFINITION OF INDIAN LAND.—Section 2601(2)
4 of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))
5 is amended—

6 (1) in subparagraph (B)(iii), by striking “and”;

7 (2) in subparagraph (C), by striking “land.”
8 and inserting “land;” and

9 (3) by adding at the end the following subpara-
10 graphs:

11 “(D) any land located in a census tract in
12 which the majority of residents are Natives (as
13 defined in section 3(b) of the Alaska Native
14 Claims Settlement Act (43 U.S.C. 1602(b)));
15 and

16 “(E) any land located in a census tract in
17 which the majority of residents are persons who
18 are enrolled members of a federally recognized
19 Tribe or village.”.

20 (b) REDUCTION OF COST SHARE.—Section
21 2602(b)(5) of the Energy Policy Act of 1992 (25 U.S.C.
22 3502(b)(5)) is amended by adding at the end the following
23 subparagraphs:

24 “(D) The Secretary of Energy may reduce any
25 applicable cost share required of an Indian tribe,

1 intertribal organization, or tribal energy development
2 organization in order to receive a grant under this
3 subsection to not less than 10 percent if the Indian
4 tribe, intertribal organization, or tribal energy devel-
5 opment organization meets criteria developed by the
6 Secretary of Energy, including financial need.

7 “(E) Section 988 of the Energy Policy Act of
8 2005 (42 U.S.C. 16352) shall not apply to assist-
9 ance provided under this subsection.”.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
11 2602(b)(7) of the Energy Policy Act of 1992 (25 U.S.C.
12 3502(b)(7)) is amended by striking “ \$20,000,000 for
13 each of fiscal years 2006 through 2016” and inserting “
14 \$30,000,000 for each of fiscal years 2021 through 2025”.

15 **SEC. 8014. REPORT ON ELECTRICITY ACCESS AND RELI-**
16 **ABILITY.**

17 (a) ASSESSMENT.—The Secretary of Energy shall
18 conduct an assessment of the status of access to electricity
19 by households residing in Tribal communities or on Indian
20 land, and the reliability of electric service available to
21 households residing in Tribal communities or on Indian
22 land, as compared to the status of access to and reliability
23 of electricity within neighboring States or within the State
24 in which Indian land is located.

1 (b) CONSULTATION.—The Secretary of Energy shall
2 consult with Indian Tribes, Tribal organizations, the
3 North American Electricity Reliability Corporation, and
4 the Federal Energy Regulatory Commission in the devel-
5 opment and conduct of the assessment under subsection
6 (a). Indian Tribes and Tribal organizations shall have the
7 opportunity to review and make recommendations regard-
8 ing the development of the assessment and the findings
9 of the assessment, prior to the submission of the report
10 under subsection (c).

11 (c) REPORT.—Not later than 18 months after the
12 date of enactment of this Act, the Secretary of Energy
13 shall submit to the Committee on Energy and Commerce
14 of the House of Representatives and the Committee on
15 Energy and Natural Resources of the Senate a report on
16 the results of the assessment conducted under subsection
17 (a), which shall include—

18 (1) a description of generation, transmission,
19 and distribution assets available to provide electricity
20 to households residing in Tribal communities or on
21 Indian land;

22 (2) a survey of the retail and wholesale prices
23 of electricity available to households residing in
24 Tribal communities or on Indian land;

1 (3) a description of participation of Tribal
2 members in the electric utility workforce, including
3 the workforce for construction and maintenance of
4 renewable energy resources and distributed energy
5 resources;

6 (4) the percentage of households residing in
7 Tribal communities or on Indian land that do not
8 have access to electricity;

9 (5) the potential of distributed energy resources
10 to provide electricity to households residing in Tribal
11 communities or on Indian land;

12 (6) the potential for tribally-owned electric utili-
13 ties or electric utility assets to participate in or ben-
14 efit from regional electricity markets;

15 (7) a description of the barriers to providing ac-
16 cess to electric service to households residing in
17 Tribal communities or on Indian land; and

18 (8) recommendations to improve access to and
19 reliability of electric service for households residing
20 in Tribal communities or on Indian land.

21 (d) DEFINITIONS.—In this section:

22 (1) TRIBAL MEMBER.—The term “Tribal mem-
23 ber” means a person who is an enrolled member of
24 a federally recognized Tribe or village.

1 (2) TRIBAL COMMUNITY.—The term “Tribal
2 community” means a community in a United States
3 census tract in which the majority of residents are
4 persons who are enrolled members of a federally rec-
5 ognized Tribe or village.

6 **SEC. 8015. NET METERING STUDY AND EVALUATION.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Secretary of Energy
9 shall seek to enter into an agreement with the National
10 Academies of Sciences, Engineering, and Medicine (re-
11 ferred to in this section as the “National Academies”)
12 under which the National Academies shall—

13 (1) study the opportunities and challenges asso-
14 ciated with net metering; and

15 (2) evaluate the expected medium- and long-
16 term impacts of net metering.

17 (b) ELEMENTS.—The study and evaluation con-
18 ducted pursuant to the agreement entered into under sub-
19 section (a) shall address—

20 (1) developments in net metering, including the
21 emergence of new technologies;

22 (2) alternatives to existing metering systems
23 that—

24 (A) provide for transactions that—

1 (i) measure electric energy consump-
2 tion by an electric consumer at the home
3 or facility of that electric consumer; and

4 (ii) are capable of sending electric en-
5 ergy usage information through a commu-
6 nications network to an electric utility;

7 (B) promote equitable distribution of re-
8 sources and costs; and

9 (C) provide incentives for the use of dis-
10 tributed renewable generation;

11 (3) net metering planning and operating tech-
12 niques;

13 (4) effective architecture for net metering;

14 (5) successful net metering business models;

15 (6) consumer and industry incentives for net
16 metering;

17 (7) the role of renewable resources in the elec-
18 tric grid;

19 (8) the role of net metering in developing future
20 models for renewable infrastructure; and

21 (9) the use of battery storage with net meter-
22 ing.

23 (c) REPORT.—

24 (1) IN GENERAL.—The agreement entered into
25 under subsection (a) shall require the National

1 Academies to submit to the Secretary of Energy, not
2 later than 2 years after entering into the agreement,
3 a report that describes the results of the study and
4 evaluation conducted pursuant to the agreement.

5 (2) PUBLIC AVAILABILITY.—The report sub-
6 mitted under paragraph (1) shall be made available
7 to the public through electronic means, including the
8 internet.

9 **TITLE IX—DEPARTMENT OF**
10 **ENERGY INNOVATION**

11 **SEC. 9001. OFFICE OF TECHNOLOGY TRANSITIONS.**

12 Section 1001 of the Energy Policy Act of 2005 (42
13 U.S.C. 16391) is amended—

14 (1) by striking subsection (a) and all that fol-
15 lows through “The Coordinator” in subsection (b)
16 and inserting the following:

17 “(a) OFFICE OF TECHNOLOGY TRANSITIONS.—

18 “(1) ESTABLISHMENT.—There is established
19 within the Department an Office of Technology
20 Transitions (referred to in this section as the ‘Of-
21 fice’).

22 “(2) MISSION.—The mission of the Office shall
23 be—

1 “(A) to expand the commercial impact of
2 the research investments of the Department;
3 and

4 “(B) to focus on commercializing tech-
5 nologies that support the missions of the De-
6 partment, including reducing greenhouse gas
7 emissions and other pollutants.

8 “(3) GOALS.—

9 “(A) IN GENERAL.—In carrying out the
10 mission and activities of the Office, the Chief
11 Commercialization Officer appointed under
12 paragraph (4) shall, with respect to commer-
13 cialization activities, meet all of the goals de-
14 scribed in subparagraph (B).

15 “(B) GOALS DESCRIBED.—The goals re-
16 ferred to in subparagraph (A) are the following:

17 “(i) Reduction of greenhouse gas
18 emissions and other pollutants.

19 “(ii) Ensuring economic competitive-
20 ness.

21 “(iii) Enhancement of domestic en-
22 ergy security and national security.

23 “(iv) Enhancement of domestic jobs.

24 “(v) Improvement of energy efficiency.

1 “(vi) Any other goals to support the
2 transfer of technology developed by De-
3 partment-funded programs to the private
4 sector, as consistent with missions of the
5 Department.

6 “(4) CHIEF COMMERCIALIZATION OFFICER.—

7 “(A) IN GENERAL.—The Office shall be
8 headed by an officer, who shall be known as the
9 ‘Chief Commercialization Officer’, and who
10 shall report directly to, and be appointed by,
11 the Secretary.

12 “(B) PRINCIPAL ADVISOR.—The Chief
13 Commercialization Officer shall be the principal
14 advisor to the Secretary on all matters relating
15 to technology transfer and commercialization.

16 “(C) QUALIFICATIONS.—The Chief Com-
17 mercialization Officer”;

18 (2) in subsection (c)—

19 (A) in paragraph (1), by striking “sub-
20 section (d)” and inserting “subsection (b)”;

21 (B) by redesignating paragraphs (1)
22 through (4) as clauses (i) through (iv), respec-
23 tively, and indenting appropriately; and

24 (C) by striking the subsection designation
25 and heading and all that follows through “The

1 Coordinator” in the matter preceding clause (i)
2 (as so redesignated) and inserting the following:

3 “(D) DUTIES.—The Chief Commercializa-
4 tion Officer”;

5 (3) by adding at the end of subsection (a) (as
6 amended by paragraph (2)(C)) the following:

7 “(5) COORDINATION.—In carrying out the mis-
8 sion and activities of the Office, the Chief Commer-
9 cialization Officer shall coordinate with the senior
10 leadership of the Department, other relevant pro-
11 gram offices of the Department, National Labora-
12 tories, the Technology Transfer Working Group es-
13 tablished under subsection (b), the Technology
14 Transfer Policy Board, and other stakeholders (in-
15 cluding private industry).”;

16 (4) by redesignating subsections (d) through (h)
17 as subsections (b) through (f), respectively;

18 (5) in subsection (f) (as so redesignated), by
19 striking “subsection (e)” and inserting “subsection
20 (e)”;

21 (6) by adding at the end the following:

22 “(g) ADDITIONAL TECHNOLOGY TRANSFER PRO-
23 GRAMS.—The Secretary may develop additional programs
24 to—

1 “(1) support regional energy innovation sys-
2 tems;

3 “(2) support clean energy incubators;

4 “(3) provide small business vouchers;

5 “(4) provide financial and technical assistance
6 for entrepreneurial fellowships at national labora-
7 tories;

8 “(5) encourage students, energy researchers,
9 and national laboratory employees to develop entre-
10 preneurial skillsets and engage in entrepreneurial
11 opportunities;

12 “(6) support private companies and individuals
13 in partnering with National Laboratories; and

14 “(7) further support the mission and goals of
15 the Office.”.

16 **SEC. 9002. LAB PARTNERING SERVICE PILOT PROGRAM.**

17 (a) **PILOT PROGRAM.**—

18 (1) **IN GENERAL.**—The Secretary of Energy (in
19 this section referred to as the “Secretary”), acting
20 through the Chief Commercialization Officer estab-
21 lished in section 1001(a) of the Energy Policy Act
22 of 2005 (42 U.S.C. 16391(a)), shall establish a Lab
23 Partnering Service Pilot Program (hereinafter in
24 this section referred to as the “pilot program”).

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1 (2) PURPOSES.—The purposes of the pilot pro-
2 gram are to provide services that encourage and
3 support partnerships between the National Labora-
4 tories and public and private sector entities, and to
5 improve communication of research, development,
6 demonstration, and commercial application projects
7 and opportunities at the National Laboratories to
8 potential partners through the development of a
9 website and the provision of services, in collaboration
10 with relevant external entities, and to identify and
11 develop metrics regarding the effectiveness of such
12 partnerships.

13 (3) ACTIVITIES.—In carrying out this pilot pro-
14 gram, the Secretary shall—

15 (A) conduct outreach to and engage with
16 relevant public and private entities;

17 (B) identify and disseminate best practices
18 for strengthening connections between the Na-
19 tional Laboratories and public and private sec-
20 tor entities; and

21 (C) develop a website to disseminate infor-
22 mation on—

23 (i) different partnering mechanisms
24 for working with the National Labora-
25 tories;

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1 (ii) National Laboratory experts and
2 research areas; and

3 (iii) National Laboratory facilities and
4 user facilities.

5 (b) METRICS.—The Secretary shall support the de-
6 velopment of metrics, including conversion metrics, to de-
7 termine the effectiveness of the pilot program in achieving
8 the purposes in subsection (a) and the number and types
9 of partnerships established between public and private sec-
10 tor entities and the National Laboratories compared to
11 baseline data.

12 (c) COORDINATION.—In carrying out the activities
13 authorized in this section, the Secretary shall coordinate
14 with the Directors of (and dedicated technology transfer
15 staff at) the National Laboratories, in particular for
16 matchmaking services for individual projects, which should
17 be led by the National Laboratories.

18 (d) FUNDING EMPLOYEE PARTNERING ACTIVI-
19 TIES.—The Secretary shall delegate to the Directors of
20 each National Laboratory and single-purpose research fa-
21 cility of the Department the authority to compensate Na-
22 tional Laboratory employees providing services under this
23 section.

24 (e) DURATION.—Subject to the availability of appro-
25 priations, the pilot program established in this section

1 shall operate for not less than 3 years and may be built
2 off an existing program.

3 (f) EVALUATION.—Not later than 6 months after the
4 completion of this pilot program, the Secretary shall sup-
5 port the evaluation of the success of the pilot program in
6 achieving the purposes in subsection (a) and shall submit
7 the evaluation to the Committee on Science, Space, and
8 Technology of the House of Representatives and the Com-
9 mittee on Energy and Natural Resources of the Senate.
10 The assessment shall include analyses of the performance
11 of the pilot program based on the metrics developed under
12 subsection (b).

13 (g) DEFINITION.—In this section, the term “National
14 Laboratory” has the meaning given such term in section
15 2(3) of the Energy Policy Act of 2005 (42 U.S.C.
16 15801(3)).

17 **SEC. 9003. TECHNOLOGY COMMERCIALIZATION FUND.**

18 Section 1001(e) of the Energy Policy Act of 2005 (42
19 U.S.C. 16391(e)) is amended to read as follows:

20 “(e) TECHNOLOGY COMMERCIALIZATION FUND.—

21 “(1) ESTABLISHMENT.—The Secretary, acting
22 through the Chief Commercialization Officer estab-
23 lished in section 1001(a) of the Energy Policy Act
24 of 2005 (42 U.S.C. 16391(a)), shall establish a
25 Technology Commercialization Fund (hereafter re-

1 ferred to as the ‘Fund’), using nine-tenths of one
2 percent of the amount of appropriations made avail-
3 able to the Department for applied energy research,
4 development, demonstration, and commercial appli-
5 cation for each fiscal year, to be used to provide, in
6 accordance with the cost-sharing requirements under
7 section 988, funds to private partners, including na-
8 tional laboratories, to promote promising energy
9 technologies for commercial purposes.

10 “(2) APPLICATIONS.—

11 “(A) CONSIDERATIONS.—The Secretary
12 shall develop criteria for evaluating applications
13 for funding under this section, which may in-
14 clude—

15 “(i) the potential that a proposed
16 technology will result in a commercially
17 successful product within a reasonable
18 timeframe; and

19 “(ii) the relative maturity of a pro-
20 posed technology for commercial applica-
21 tion.

22 “(B) SELECTIONS.—In awarding funds
23 under this section, the Secretary may give spe-
24 cial consideration to applications that involve at
25 least one applicant that has participated in an

1 entrepreneurial or commercialization training
2 program, such as Energy Innovation Corps.

3 “(f) ANNUAL REPORT.—The Secretary shall include
4 in the annual report required under section 9007(a) of the
5 Energy Act of 2020—

6 “(1) description of the projects carried out with
7 awards from the Fund for that fiscal year;

8 “(2) each project’s cost-share for that fiscal
9 year; and

10 “(3) each project’s partners for that fiscal year.

11 “(g) TECHNOLOGY COMMERCIALIZATION FUND RE-
12 PORT.—

13 “(1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of the Energy Act of 2020,
15 the Secretary shall submit to the Committee on
16 Science, Space, and Technology and Committee on
17 Appropriations of the House of Representatives and
18 the Committee on Energy and Natural Resources
19 and Committee on Appropriations of the Senate a
20 report on the current and recommended implementa-
21 tion of the Fund.

22 “(2) CONTENTS.—The report under subpara-
23 graph (A) shall include—

24 “(A) a summary, with supporting data, of
25 how much Department program offices con-

1 tribute to and use the Fund each year, includ-
2 ing a list of current funding restrictions;

3 “(B) recommendations on how to improve
4 implementation and administration of the
5 Fund; and

6 “(C) an analysis on how to spend funds
7 optimally on technology areas that have the
8 greatest need and opportunity for commercial
9 application, rather than spending funds at the
10 programmatic level or under current funding
11 restrictions.”.

12 **SEC. 9004. STREAMLINING PRIZE COMPETITIONS.**

13 Section 1008 of the Energy Policy Act of 2005 (42
14 U.S.C. 16396) is amended by inserting after subsection
15 (d) the following (and redesignating subsections (f) and
16 (g) as subsections (g) and (h), respectively):

17 “(e) COORDINATION.—In carrying out subsection (a),
18 and for any prize competitions under section 105 of the
19 America Creating Opportunities to Meaningfully Promote
20 Excellence in Technology, Education, and Science Reau-
21 thorization Act of 2010, the Secretary shall—

22 “(1) issue Department-wide guidance on the de-
23 sign, development, and implementation of prize com-
24 petitions;

1 “(2) collect and disseminate best practices on
2 the design and administration of prize competitions;

3 “(3) streamline contracting mechanisms for the
4 implementation of prize competitions; and

5 “(4) provide training and prize competition de-
6 sign support, as necessary, to Department staff to
7 develop prize competitions and challenges.”.

8 **SEC. 9005. MILESTONE-BASED DEMONSTRATION PROJECTS.**

9 (a) IN GENERAL.—Acting under section 646(g) of
10 the Department of Energy Organization Act (42 U.S.C.
11 7256(g)), notwithstanding paragraph (10) of such section,
12 the Secretary of Energy (in this section referred to as the
13 “Secretary”) may carry out demonstration projects as a
14 milestone-based demonstration project that requires par-
15 ticular technical and financial milestones to be met before
16 a participant is awarded grants by the Department
17 through a competitive award process.

18 (b) REQUIREMENTS.—In carrying out milestone-
19 based demonstration projects under the authority in para-
20 graph (1), the Secretary shall, for each relevant project—

21 (1) request proposals from eligible entities, as
22 determined by the Secretary, including—

23 (A) a business plan, that may include a
24 plan for scalable manufacturing and a plan for
25 addressing supply chain gaps;

1 (B) a plan for raising private sector invest-
2 ment; and

3 (C) proposed technical and financial mile-
4 stones, including estimated project timelines
5 and total costs; and

6 (2) award funding of a predetermined amount
7 to projects that successfully meet proposed mile-
8 stones under paragraph (1)(C) or for expenses
9 deemed reimbursable by the Secretary, in accordance
10 with terms negotiated for an individual award;

11 (3) require cost sharing in accordance with sec-
12 tion 988 of the Energy Policy Act of 2005; and

13 (4) communicate regularly with selected eligible
14 entities and, if the Secretary deems appropriate, ex-
15 ercise small amounts of flexibility for technical and
16 financial milestones as projects mature.

17 (c) AWARDS.—For the program established under
18 subsection (a)—

19 (1) an award recipient shall be responsible for
20 all costs until milestones are achieved, or reimburs-
21 able expenses are reviewed and verified by the De-
22 partment; and

23 (2) should an awardee not meet the milestones
24 described in subsection (a), the Secretary or their
25 designee may end the partnership with an award re-

1 cipient and use the remaining funds in the ended
2 agreement for new or existing projects carried out
3 under this section.

4 (d) **PROJECT MANAGEMENT.**—In carrying out
5 projects under this program and assessing the completion
6 of their milestones in accordance with subsection (b), the
7 Secretary shall consult with experts that represent diverse
8 perspectives and professional experiences, including those
9 from the private sector, to ensure a complete and thorough
10 review.

11 (e) **REPORT.**—In accordance with section 9007(a),
12 the Secretary shall report annually on any demonstration
13 projects carried out using the authorities under this sec-
14 tion.

15 **SEC. 9006. OTHER TRANSACTION AUTHORITY EXTENSION.**

16 (a) Subsection 646(g)(10) of the Department of En-
17 ergy Organization Act (42 U.S.C. 7256(g)(10)) is amend-
18 ed by striking “September 30, 2020” and inserting “Sep-
19 tember 30, 2030”.

20 (b) The provisions of section 602 of the Public Works
21 and Economic Development Act of 1965 (42 U.S.C. 3212)
22 shall apply with respect to construction, alteration, or re-
23 pair work of demonstration projects funded by grants or
24 contracts authorized under sections 3001, 3003, 3004,

1 5001, and 8007 and the amendments made by such sec-
2 tions.

3 **SEC. 9007. TECHNOLOGY TRANSFER REPORTS AND EVAL-**
4 **UATION.**

5 (a) ANNUAL REPORT.—As part of the updated tech-
6 nology transfer execution plan required each year under
7 section 1001(h)(2) of the Energy Policy Act of 2005 (42
8 U.S.C. 16391(g)(2)), the Secretary of Energy (in this sec-
9 tion referred to as the “Secretary”) shall submit to the
10 Committee on Science, Space, and Technology of the
11 House of Representatives and the Committee on Energy
12 and Natural Resources of the Senate a report on the
13 progress and implementation of programs established
14 under sections 9001, 9002, 9003, 9004, and 9005 of this
15 Act.

16 (b) EVALUATION.—Not later than 3 years after the
17 enactment of this Act and every 3 years thereafter the
18 Secretary shall submit to the Committee on Science,
19 Space, and Technology of the House of Representatives
20 and the Committee on Energy and Natural Resources of
21 the Senate an evaluation on the extent to which programs
22 established under sections 9001, 9002, 9003, 9004, and
23 9005 of this Act are achieving success based on relevant
24 short-term and long-term metrics.

1 (c) REPORT ON TECHNOLOGY TRANSFER GAPS.—
2 Not later than 3 years after the enactment of this Act,
3 the Secretary shall enter into an agreement with the Na-
4 tional Academies of Science, Engineering, and Medicine
5 to submit to the Committee on Science, Space, and Tech-
6 nology of the House of Representatives and the Committee
7 on Energy and Natural Resources of the Senate a report
8 on programmatic gaps that exist to advance the commer-
9 cial application of technologies developed at the National
10 Laboratories (as defined in section 2(3) of the Energy Pol-
11 icy Act of 2005 (42 U.S.C. 15801(3))).

12 **SEC. 9008. VETERANS' HEALTH INITIATIVE.**

13 (a) PURPOSES.—The purposes of this section are to
14 advance Department of Energy expertise in artificial intel-
15 ligence and high-performance computing in order to im-
16 prove health outcomes for veteran populations by—

17 (1) supporting basic research through the appli-
18 cation of artificial intelligence, high-performance
19 computing, modeling and simulation, machine learn-
20 ing, and large-scale data analytics to identify and
21 solve outcome-defined challenges in the health
22 sciences;

23 (2) maximizing the impact of the Department
24 of Veterans Affairs' health and genomics data
25 housed at the National Laboratories, as well as data

1 from other sources, on science, innovation, and
2 health care outcomes through the use and advance-
3 ment of artificial intelligence and high-performance
4 computing capabilities of the Department;

5 (3) promoting collaborative research through
6 the establishment of partnerships to improve data
7 sharing between Federal agencies, National Labora-
8 tories, institutions of higher education, and non-
9 profit institutions;

10 (4) establishing multiple scientific computing
11 user facilities to house and provision available data
12 to foster transformational outcomes; and

13 (5) driving the development of technology to im-
14 prove artificial intelligence, high-performance com-
15 puting, and networking relevant to mission applica-
16 tions of the Department, including modeling, simula-
17 tion, machine learning, and advanced data analytics.

18 (b) VETERANS HEALTH RESEARCH AND DEVELOP-
19 MENT.—

20 (1) IN GENERAL.—The Secretary of Energy (in
21 this section referred to as the “Secretary”) shall es-
22 tablish and carry out a research program in artificial
23 intelligence and high-performance computing, fo-
24 cused on the development of tools to solve large-scale
25 data analytics and management challenges associ-

1 ated with veteran’s healthcare, and to support the
2 efforts of the Department of Veterans Affairs to
3 identify potential health risks and challenges uti-
4 lizing data on long-term healthcare, health risks,
5 and genomic data collected from veteran popu-
6 lations. The Secretary shall carry out this program
7 through a competitive, merit-reviewed process, and
8 consider applications from National Laboratories, in-
9 stitutions of higher education, multi-institutional col-
10 laborations, and other appropriate entities.

11 (2) PROGRAM COMPONENTS.—In carrying out
12 the program established under paragraph (1), the
13 Secretary may—

14 (A) conduct basic research in modeling and
15 simulation, machine learning, large-scale data
16 analytics, and predictive analysis in order to de-
17 velop novel or optimized algorithms for pre-
18 diction of disease treatment and recovery;

19 (B) develop methods to accommodate large
20 data sets with variable quality and scale, and to
21 provide insight and models for complex systems;

22 (C) develop new approaches and maximize
23 the use of algorithms developed through artifi-
24 cial intelligence, machine learning, data ana-
25 lytics, natural language processing, modeling

1 and simulation, and develop new algorithms
2 suitable for high-performance computing sys-
3 tems and large biomedical data sets;

4 (D) advance existing and construct new
5 data enclaves capable of securely storing data
6 sets provided by the Department of Veterans
7 Affairs, Department of Defense, and other
8 sources; and

9 (E) promote collaboration and data shar-
10 ing between National Laboratories, research en-
11 tities, and user facilities of the Department by
12 providing the necessary access and secure data
13 transfer capabilities.

14 (3) COORDINATION.—In carrying out the pro-
15 gram established under paragraph (1), the Secretary
16 is authorized—

17 (A) to enter into memoranda of under-
18 standing in order to carry out reimbursable
19 agreements with the Department of Veterans
20 Affairs and other entities in order to maximize
21 the effectiveness of Department research and
22 development to improve veterans' healthcare;

23 (B) to consult with the Department of Vet-
24 erans Affairs and other Federal agencies as ap-
25 propriate; and

1 (C) to ensure that data storage meets all
2 privacy and security requirements established
3 by the Department of Veterans Affairs, and
4 that access to data is provided in accordance
5 with relevant Department of Veterans Affairs
6 data access policies, including informed consent.

7 (4) REPORT.—Not later than 2 years after the
8 date of enactment of this Act, the Secretary shall
9 submit to the Committee on Energy and Natural
10 Resources and the Committee on Veterans' Affairs
11 of the Senate, and the Committee on Science, Space,
12 and Technology and the Committee on Veterans' Af-
13 fairs of the House of Representatives, a report de-
14 tailing the effectiveness of—

15 (A) the interagency coordination between
16 each Federal agency involved in the research
17 program carried out under this subsection;

18 (B) collaborative research achievements of
19 the program; and

20 (C) potential opportunities to expand the
21 technical capabilities of the Department.

22 (5) FUNDING.—There is authorized to be ap-
23 propriated to the Secretary of Veterans Affairs to
24 carry out this subsection \$27,000,000 for fiscal year
25 2021.

1 (c) INTERAGENCY COLLABORATION.—

2 (1) IN GENERAL.—The Secretary is authorized
3 to carry out research, development, and demonstra-
4 tion activities to develop tools to apply to big data
5 that enable Federal agencies, institutions of higher
6 education, nonprofit research organizations, and in-
7 dustry to better leverage the capabilities of the De-
8 partment to solve complex, big data challenges. The
9 Secretary shall carry out these activities through a
10 competitive, merit-reviewed process, and consider ap-
11 plications from National Laboratories, institutions of
12 higher education, multi-institutional collaborations,
13 and other appropriate entities.

14 (2) ACTIVITIES.—In carrying out the research,
15 development, and demonstration activities authorized
16 under paragraph (1), the Secretary may—

17 (A) utilize all available mechanisms to pre-
18 vent duplication and coordinate research efforts
19 across the Department;

20 (B) establish multiple user facilities to
21 serve as data enclaves capable of securely stor-
22 ing data sets created by Federal agencies, insti-
23 tutions of higher education, nonprofit organiza-
24 tions, or industry at National Laboratories; and

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1 (C) promote collaboration and data sharing
2 between National Laboratories, research enti-
3 ties, and user facilities of the Department by
4 providing the necessary access and secure data
5 transfer capabilities.

6 (3) REPORT.—Not later than 2 years after the
7 date of enactment of this Act, the Secretary shall
8 submit to the Committee on Energy and Natural
9 Resources of the Senate and the Committee on
10 Science, Space, and Technology of the House of
11 Representatives a report evaluating the effectiveness
12 of the activities authorized under paragraph (1).

13 (4) FUNDING.—There are authorized to be ap-
14 propriated to the Secretary to carry out this sub-
15 section \$15,000,000 for each of fiscal years 2021
16 through 2025.

17 (d) DEFINITION.—In this section, the term “National
18 Laboratory” has the meaning given such term in section
19 2(3) of the Energy Policy Act of 2005 (42 U.S.C.
20 15801(3)).

21 **SEC. 9009. SUSTAINABLE TRANSPORTATION RESEARCH**
22 **AND DEVELOPMENT.**

23 There are authorized to be appropriated to carry out
24 research, development, demonstration, and commercial ap-
25 plication activities within the Department of Energy’s Of-

1 fices of Hydrogen and Fuel Cell Technologies, Vehicle
2 Technologies, and Bioenergy Technologies—

3 (1) \$830,000,000 for fiscal year 2021;

4 (2) \$855,000,000 for fiscal year 2022; and

5 (3) \$880,000,000 for fiscal year 2023.

6 **SEC. 9010. LOAN PROGRAM OFFICE TITLE XVII REFORM.**

7 (a) TERMS AND CONDITIONS.—Section 1702 of the
8 Energy Policy Act of 2005 (42 U.S.C. 16512) is amend-
9 ed—

10 (1) by amending subsection (b) to read as fol-
11 lows:

12 “(b) SPECIFIC APPROPRIATION OR CONTRIBU-
13 TION.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), the cost of a guarantee shall be paid by
16 the Secretary using an appropriation made for the
17 cost of the guarantee, subject to the availability of
18 such an appropriation.

19 “(2) INSUFFICIENT APPROPRIATIONS.—If suffi-
20 cient appropriated funds to pay the cost of a guar-
21 antee are not available, then the guarantee shall not
22 be made unless—

23 “(A) the Secretary has received from the
24 borrower a payment in full for the cost of the

1 guarantee and deposited the payment into the
2 Treasury; or

3 “(B) a combination of one or more appro-
4 priations and one or more payments from the
5 borrower under this subsection has been made
6 that is sufficient to cover the cost of the guar-
7 antee.”;

8 (2) in subsection (d)(3), by striking “is not sub-
9 ordinate” and inserting “, including any reorganiza-
10 tion, restructuring, or termination thereof, shall not
11 at any time be subordinate”;

12 (3) in subsection (h)—

13 (A) by amending paragraph (1) to read as
14 follows:

15 “(1) IN GENERAL.—The Secretary shall charge,
16 and collect on or after the date of the financial close
17 of an obligation, a fee for a guarantee in an amount
18 that the Secretary determines is sufficient to cover
19 applicable administrative expenses (including any
20 costs associated with third-party consultants en-
21 gaged by the Secretary).”; and

22 (B) by adding at the following:

23 “(3) REDUCTION IN FEE AMOUNT.—Notwith-
24 standing paragraph (1) and subject to the avail-
25 ability of appropriations, the Secretary may reduce

1 the amount of a fee for a guarantee under this sub-
2 section.”; and

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

4 “(1) RESTRUCTURING OF LOAN GUARANTEES.—The
5 Secretary shall consult with the Secretary of the Treasury
6 regarding any restructuring of the terms or conditions of
7 a guarantee issued pursuant to this title, including with
8 respect to any deviations from the financial terms of the
9 guarantee.

10 “(m) WRITTEN ANALYSIS.—

11 “(1) REQUIREMENT.—The Secretary may not
12 make a guarantee under this title until the Secretary
13 of the Treasury has transmitted to the Secretary,
14 and the Secretary has taken into consideration, a
15 written analysis of the financial terms and condi-
16 tions of the proposed guarantee.

17 “(2) TRANSMISSION.—Not later than 30 days
18 after receiving information on a proposed guarantee
19 from the Secretary, the Secretary of the Treasury
20 shall transmit the written analysis of the financial
21 terms and conditions of the proposed guarantee re-
22 quired under paragraph (1) to the Secretary.

23 “(3) EXPLANATION.—If the Secretary makes a
24 guarantee the financial terms and conditions of
25 which are not consistent with the written analysis

1 required under this subsection, not later than 30
2 days after making such guarantee, the Secretary
3 shall submit to the Committee on Energy and Com-
4 merce and the Committee on Science, Space, and
5 Technology of the House of Representatives, and the
6 Committee on Energy and Natural Resources of the
7 Senate, a written explanation of any material incon-
8 sistencies.

9 “(n) APPLICATION STATUS.—

10 “(1) REQUEST.—If the Secretary does not
11 make a final decision on an application for a guar-
12 antee under this title by the date that is 180 days
13 after receipt of the application by the Secretary, the
14 applicant may request, on or after that date and not
15 more than once every 60 days thereafter until a final
16 decision is made, that the Secretary provide to the
17 applicant a response described in paragraph (2).

18 “(2) RESPONSE.—Not later than 10 days after
19 receiving a request from an applicant under para-
20 graph (1), the Secretary shall provide to the appli-
21 cant a response that includes—

22 “(A) a description of the current status of
23 review of the application;

24 “(B) a summary of any factors that are
25 delaying a final decision on the application, a

1 list of what items are required in order to reach
2 a final decision, citations to authorities stating
3 the reasons why such items are required, and a
4 list of actions the applicant can take to expedite
5 the process; and

6 “(C) an estimate of when a final decision
7 on the application will be made.

8 “(o) OUTREACH.—In carrying out this title, the Sec-
9 retary shall—

10 “(1) provide assistance with the completion of
11 applications for a guarantee under this title;

12 “(2) conduct outreach, including through con-
13 ferences and online programs, to disseminate infor-
14 mation to potential applicants;

15 “(3) conduct outreach to encourage participa-
16 tion of supporting finance institutions and private
17 lenders in eligible projects.

18 “(p) COORDINATION.—In carrying out this title, the
19 Secretary shall coordinate activities under this title with
20 activities of other relevant offices with the Department.

21 “(q) REPORT.—Not later than 2 years after the date
22 of the enactment of this subsection and every 3 years
23 thereafter, the Secretary shall submit to Congress a report
24 on the status of applications for, and projects receiving,
25 guarantees under this title, including—

1 “(1) a list of such projects, including the guar-
2 antee amount, construction status, and financing
3 partners of each such project;

4 “(2) the status of each such project’s loan re-
5 payment, including interest paid and future repay-
6 ment projections;

7 “(3) an estimate of the air pollutant or green-
8 house gas emissions avoided or reduced from each
9 such project;

10 “(4) data regarding the number of direct and
11 indirect jobs retained, restored, or created by such
12 projects;

13 “(5) identification of—

14 “(A) technologies deployed by projects that
15 have received guarantees that have subse-
16 quently been deployed commercially without
17 guarantees; and

18 “(B) novel technologies that have been de-
19 ployed by such projects and deployed in the
20 commercial energy market;

21 “(6) the number of new projects projected to
22 receive a guarantee under this title during the next
23 2 years and the aggregate guarantee amount;

24 “(7) the number of outreach engagements con-
25 ducted with potential applicants;

1 “(8) the number of applications received and
2 currently pending for each open solicitation; and

3 “(9) any other metrics the Secretary finds ap-
4 propriate.”.

5 (b) PROJECT ELIGIBILITY EXPANSION.—Section
6 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513)
7 is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by inserting “, uti-
10 lize” after “reduce”; and

11 (B) in paragraph (2), by striking “.” and
12 inserting “, including projects that employ ele-
13 ments of commercial technologies in combina-
14 tion with new or significantly improved tech-
15 nologies.”;

16 (2) in subsection (b)—

17 (A) in paragraph (4), by inserting “, in-
18 cluding manufacturing of nuclear supply com-
19 ponents for advanced nuclear reactors” after
20 “facilities”;

21 (B) by amending paragraph (5) to read as
22 follows:

23 “(5) Carbon capture, utilization, and sequestra-
24 tion practices and technologies, including—

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1 “(A) agricultural and forestry practices
2 that store and sequester carbon; and

3 “(B) synthetic technologies to remove car-
4 bon from the air and oceans.”; and

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

6 “(11) Energy storage technologies for residen-
7 tial, industrial, transportation, and power generation
8 applications.

9 “(12) Technologies or processes for reducing
10 greenhouse gas emissions from industrial applica-
11 tions, including iron, steel, cement, and ammonia
12 production, hydrogen production, and the generation
13 of high-temperature heat.”; and

14 (3) by adding at the end the following new sub-
15 section:

16 “(f) REGIONAL VARIATION.—Notwithstanding sub-
17 section (a)(2), the Secretary may, if regional variation sig-
18 nificantly affects the deployment of a technology, make
19 guarantees under this title for up to 6 projects that em-
20 ploy the same or similar technology as another project,
21 provided no more than 2 projects that use the same or
22 a similar technology are located in the same region of the
23 United States.”.

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1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514)
3 is amended by adding at the end the following:

4 “(c) ADMINISTRATIVE AND OTHER EXPENSES.—
5 There are authorized to be appropriated—

6 “(1) \$32,000,000 for each of fiscal years 2021
7 through 2025 to carry out this title; and

8 “(2) for fiscal year 2021, in addition to
9 amounts authorized under paragraph (1),
10 \$25,000,000, to remain available until expended, for
11 administrative expenses described in section
12 1702(h)(1) that are not covered by fees collected
13 pursuant to section 1702(h).”.

14 **SEC. 9011. ESTABLISHED PROGRAM TO STIMULATE COM-**
15 **PETITIVE RESEARCH.**

16 Section 2203(b) of the Energy Policy Act of 1992
17 (42 U.S.C. 13503(b)) is amended by striking paragraph
18 (3) and inserting the following:

19 “(3) ESTABLISHED PROGRAM TO STIMULATE
20 COMPETITIVE RESEARCH.—

21 “(A) DEFINITIONS.—In this paragraph:

22 “(i) ELIGIBLE ENTITY.—The term ‘el-
23 igible entity’ means an institution of higher
24 education located in an eligible jurisdiction.

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1 “(ii) ELIGIBLE JURISDICTION.—The
2 term ‘eligible jurisdiction’ means a State
3 that, as determined by the Secretary—

4 “(I)(aa) historically has received
5 relatively little Federal research and
6 development funding; and

7 “(bb) has demonstrated a com-
8 mitment—

9 “(AA) to develop the re-
10 search bases in the State; and

11 “(BB) to improve science
12 and engineering research and
13 education programs at institu-
14 tions of higher education in the
15 State; and

16 “(II) is an eligible jurisdiction
17 under the criteria used by the Sec-
18 retary to make awards under this
19 paragraph on the day before the date
20 of enactment of the Energy Act of
21 2020.

22 “(iii) EPSCoR.—The term ‘EPSCoR’
23 means the Established Program to Stimu-
24 late Competitive Research operated under
25 subparagraph (B).

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1 “(iv) NATIONAL LABORATORY.—The
2 term ‘National Laboratory’ has the mean-
3 ing given the term in section 2 of the En-
4 ergy Policy Act of 2005 (42 U.S.C.
5 15801).

6 “(v) STATE.—The term ‘State’
7 means—

8 “(I) a State;

9 “(II) the District of Columbia;

10 “(III) the Commonwealth of
11 Puerto Rico;

12 “(IV) Guam;

13 “(V) the United States Virgin Is-
14 lands;

15 “(VI) American Samoa; and

16 “(VII) the Commonwealth of the
17 Northern Mariana Islands.

18 “(B) PROGRAM OPERATION.—The Sec-
19 retary shall operate an Established Program to
20 Stimulate Competitive Research.

21 “(C) OBJECTIVES.—The objectives of
22 EPSCoR shall be—

23 “(i) to increase the number of re-
24 searchers at institutions of higher edu-
25 cation in eligible jurisdictions capable of

1 performing nationally competitive science
2 and engineering research in support of the
3 mission of the Department of Energy in
4 the areas of applied energy research, envi-
5 ronmental management, and basic science;

6 “(ii) to enhance the capabilities of in-
7 stitutions of higher education in eligible ju-
8 risdictions to develop, plan, and execute re-
9 search that is competitive in the peer-re-
10 view process; and

11 “(iii) to increase the probability of
12 long-term growth of competitive funding to
13 institutions of higher education in eligible
14 jurisdictions.

15 “(D) GRANTS IN AREAS OF APPLIED EN-
16 ERGY RESEARCH, ENVIRONMENTAL MANAGE-
17 MENT, AND BASIC SCIENCE.—

18 “(i) IN GENERAL.—EPSCoR shall
19 make grants to eligible entities to carry out
20 and support applied energy research and
21 research in all areas of environmental
22 management and basic science sponsored
23 by the Department of Energy, including—

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1 “(I) energy efficiency, fossil en-
2 ergy, renewable energy, and other ap-
3 plied energy research;

4 “(II) electricity delivery research;

5 “(III) cybersecurity, energy secu-
6 rity, and emergency response;

7 “(IV) environmental manage-
8 ment; and

9 “(V) basic science research.

10 “(ii) ACTIVITIES.—EPSCOR may
11 make grants under this subparagraph for
12 any activities consistent with the objectives
13 described in subparagraph (C) in the areas
14 of applied energy research, environmental
15 management, and basic science described
16 in clause (i), including—

17 “(I) to support research at eligi-
18 ble entities that is carried out in part-
19 nership with the National Labora-
20 tories;

21 “(II) to provide for graduate
22 traineeships;

23 “(III) to support research by
24 early career faculty; and

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1 “(IV) to improve research capa-
2 bilities at eligible entities through bi-
3 ennial implementation grants.

4 “(iii) NO COST SHARING.—EPSCoR
5 shall not impose any cost-sharing require-
6 ment with respect to a grant made under
7 this subparagraph.

8 “(E) OTHER ACTIVITIES.—EPSCoR may
9 carry out such activities as may be necessary to
10 meet the objectives described in subparagraph
11 (C) in the areas of applied energy research, en-
12 vironmental management, and basic science de-
13 scribed in subparagraph (D)(i).

14 “(F) PROGRAM IMPLEMENTATION.—

15 “(i) IN GENERAL.—Not later than
16 270 days after the date of enactment of
17 the Energy Act of 2020, the Secretary
18 shall submit to the Committees on Energy
19 and Natural Resources and Appropriations
20 of the Senate and the Committees on En-
21 ergy and Commerce and Appropriations of
22 the House of Representatives a plan de-
23 scribing how the Secretary shall implement
24 EPSCoR.

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1 “(ii) CONTENTS OF PLAN.—The plan
2 described in clause (i) shall include a de-
3 scription of—

4 “(I) the management structure of
5 EPSCoR, which shall ensure that all
6 research areas and activities described
7 in this paragraph are incorporated
8 into EPSCoR;

9 “(II) efforts to conduct outreach
10 to inform eligible entities and faculty
11 of changes to, and opportunities
12 under, EPSCoR;

13 “(III) how EPSCoR plans to in-
14 crease engagement with eligible enti-
15 ties, faculty, and State committees,
16 including by holding regular work-
17 shops, to increase participation in
18 EPSCoR; and

19 “(IV) any other issues relating to
20 EPSCoR that the Secretary deter-
21 mines appropriate.

22 “(G) PROGRAM EVALUATION.—

23 “(i) IN GENERAL.—Not later than 5
24 years after the date of enactment of the
25 Energy Act of 2020, the Secretary shall

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1 contract with a federally funded research
2 and development center, the National
3 Academy of Sciences, or a similar organi-
4 zation to carry out an assessment of the
5 effectiveness of EPSCoR, including an as-
6 sessment of—

7 “(I) the tangible progress made
8 towards achieving the objectives de-
9 scribed in subparagraph (C);

10 “(II) the impact of research sup-
11 ported by EPSCoR on the mission of
12 the Department of Energy; and

13 “(III) any other issues relating to
14 EPSCoR that the Secretary deter-
15 mines appropriate.

16 “(ii) LIMITATION.—The organization
17 with which the Secretary contracts under
18 clause (i) shall not be a National Labora-
19 tory.

20 “(iii) REPORT.—Not later than 6
21 years after the date of enactment of the
22 Energy Act of 2020, the Secretary shall
23 submit to the Committees on Energy and
24 Natural Resources and Appropriations of
25 the Senate and the Committees on Energy

1 and Commerce and Appropriations of the
2 House of Representatives a report describ-
3 ing the results of the assessment carried
4 out under clause (i), including rec-
5 ommendations for improvements that
6 would enable the Secretary to achieve the
7 objectives described in subparagraph (C).”.

8 **TITLE X—ARPA-E AMENDMENTS**

9 **SEC. 10001. ARPA-E AMENDMENTS.**

10 (a) ESTABLISHMENT.—Section 5012(b) of the Amer-
11 ica COMPETES Act (42 U.S.C. 16538(b)) is amended
12 by striking “development of energy technologies” and in-
13 serting “development of transformative science and tech-
14 nology solutions to address the energy and environmental
15 missions of the Department”.

16 (b) GOALS.—Section 5012(c) of the America COM-
17 PETES Act (42 U.S.C. 16538(c)) is amended—

18 (1) by striking paragraph (1)(A) and inserting
19 the following:

20 “(A) to enhance the economic and energy
21 security of the United States through the devel-
22 opment of energy technologies that—

23 “(i) reduce imports of energy from
24 foreign sources;

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1 “(ii) reduce energy-related emissions,
2 including greenhouse gases;

3 “(iii) improve the energy efficiency of
4 all economic sectors;

5 “(iv) provide transformative solutions
6 to improve the management, clean-up, and
7 disposal of radioactive waste and spent nu-
8 clear fuel; and

9 “(v) improve the resilience, reliability,
10 and security of infrastructure to produce,
11 deliver, and store energy; and”;

12 (2) in paragraph (2), in the matter preceding
13 subparagraph (A), by striking “energy technology
14 projects” and inserting “advanced technology
15 projects”.

16 (c) RESPONSIBILITIES.—Section 5012(e)(3)(A) of
17 the America COMPETES Act (42 U.S.C.
18 16538(e)(3)(A)) is amended by striking “energy”.

19 (d) REPORTS AND ROADMAPS.—Section 5012(h) of
20 the America COMPETES Act (42 U.S.C. 16538(h)) is
21 amended to read as follows:

22 “(h) REPORTS AND ROADMAPS.—

23 “(1) ANNUAL REPORT.—As part of the annual
24 budget request submitted for each fiscal year, the
25 Director shall provide to the relevant authorizing

1 and appropriations committees of Congress a report
2 that—

3 “(A) describes projects supported by
4 ARPA–E during the previous fiscal year;

5 “(B) describes projects supported by
6 ARPA–E during the previous fiscal year that
7 examine topics and technologies closely related
8 to other activities funded by the Department,
9 and includes an analysis of whether in sup-
10 porting such projects, the Director is in compli-
11 ance with subsection (i)(1); and

12 “(C) describes current, proposed, and
13 planned projects to be carried out pursuant to
14 subsection (e)(3)(D).

15 “(2) STRATEGIC VISION ROADMAP.—Not later
16 than October 1, 2021, and every four years there-
17 after, the Director shall provide to the relevant au-
18 thorizing and appropriations committees of Congress
19 a roadmap describing the strategic vision that
20 ARPA–E will use to guide the choices of ARPA–E
21 for future technology investments over the following
22 4 fiscal years.”.

23 (e) COORDINATION AND NONDUPLICATION.—Section
24 5012(i)(1) of the America COMPETES Act (42 U.S.C.
25 16538(i)(1)) is amended to read as follows:

1 “(1) IN GENERAL.—To the maximum extent
2 practicable, the Director shall ensure that—

3 “(A) the activities of ARPA–E are coordi-
4 nated with, and do not duplicate the efforts of,
5 programs and laboratories within the Depart-
6 ment and other relevant research agencies; and

7 “(B) ARPA–E does not provide funding
8 for a project unless the prospective grantee
9 demonstrates sufficient attempts to secure pri-
10 vate financing or indicates that the project is
11 not independently commercially viable.”.

12 (f) EVALUATION.—Section 5012(l) of the America
13 COMPETES Act (42 U.S.C. 16538(l)) is amended—

14 (1) by striking paragraph (1) and inserting the
15 following:

16 “(1) IN GENERAL.—Not later than 3 years
17 after the date of enactment of this paragraph, the
18 Secretary is authorized to enter into a contract with
19 the National Academy of Sciences under which the
20 National Academy shall conduct an evaluation of
21 how well ARPA–E is achieving the goals and mis-
22 sion of ARPA–E.”; and

23 (2) in paragraph (2)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “shall” and inserting “may”;
3 and

4 (B) in subparagraph (A), by striking “the
5 recommendation of the National Academy of
6 Sciences” and inserting “a recommendation”.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—Para-
8 graph (2) of section 5012(o) of the America COMPETES
9 Act (42 U.S.C. 16538(o)) is amended to read as follows:

10 “(2) AUTHORIZATION OF APPROPRIATIONS.—
11 Subject to paragraph (4), there are authorized to be
12 appropriated to the Director for deposit in the
13 Fund, without fiscal year limitation—

14 “(A) \$435,000,000 for fiscal year 2021;

15 “(B) \$500,000,000 for fiscal year 2022;

16 “(C) \$575,000,000 for fiscal year 2023;

17 “(D) \$662,000,000 for fiscal year 2024;

18 and

19 “(E) \$761,000,000 for fiscal year 2025.”.

20 (h) TECHNICAL AMENDMENTS.—Section 5012 of the
21 America COMPETES Act (42 U.S.C. 16538) is amend-
22 ed—

23 (1) in subsection (g)(3)(A)(iii), by striking
24 “subpart” each place it appears and inserting “sub-
25 paragraph”; and

1 (2) in subsection (o)(4)(B), by striking
2 “(c)(2)(D)” and inserting “(c)(2)(C)”.

3 **TITLE XI—OTHER MATTERS**

4 **SEC. 11001. LOW-DOSE RADIATION RESEARCH.**

5 (a) LOW-DOSE RADIATION RESEARCH PROGRAM.—
6 Section 306(c) of the Department of Energy Research and
7 Innovation Act (42 U.S.C. 18644(c)) is amended to read
8 as follows:

9 “(c) LOW-DOSE RADIATION RESEARCH PROGRAM.—

10 “(1) IN GENERAL.—The Secretary shall carry
11 out a research program on low-dose and low dose-
12 rate radiation to—

13 “(A) enhance the scientific understanding
14 of, and reduce uncertainties associated with, the
15 effects of exposure to low-dose and low dose-
16 rate radiation; and

17 “(B) inform improved risk-assessment and
18 risk-management methods with respect to such
19 radiation.

20 “(2) PROGRAM COMPONENTS.—In carrying out
21 the program required under paragraph (1), the Sec-
22 retary shall—

23 “(A) support and carry out the directives
24 under section 106(b) of the American Innova-
25 tion and Competitiveness Act (42 U.S.C. 6601

1 note), except that such section shall be treated
2 for purposes of this subsection as applying to
3 low dose and low-dose rate radiation research,
4 in coordination with the Physical Science Sub-
5 committee of the National Science and Tech-
6 nology Council;

7 “(B) identify and, to the extent possible,
8 quantify, potential monetary and health-related
9 impacts to Federal agencies, the general public,
10 industry, research communities, and other users
11 of information produced by such research pro-
12 gram;

13 “(C) leverage the collective body of knowl-
14 edge from existing low-dose and low dose-rate
15 radiation research;

16 “(D) engage with other Federal agencies,
17 research communities, and potential users of in-
18 formation produced under this section, includ-
19 ing institutions performing or utilizing radiation
20 research, medical physics, radiology, health
21 physics, and emergency response measures; and

22 “(E) support education and outreach ac-
23 tivities to disseminate information and promote
24 public understanding of low-dose radiation, with
25 a focus on non-emergency situations such as

1 medical physics, space exploration, and natu-
2 rally occurring radiation.

3 “(3) RESEARCH PLAN.—

4 “(A) Not later than 90 days after the date
5 of enactment of the Energy Act of 2020, the
6 Secretary shall enter into an agreement with
7 the National Academy of Sciences to develop a
8 long-term strategic and prioritized research
9 agenda for the program described in paragraph
10 (2);

11 “(B) Not later than one year after the
12 date of enactment of the Energy Act of 2020,
13 the Secretary shall transmit this research plan
14 developed in subparagraph (A) to the Com-
15 mittee on Science, Space, and Technology of
16 the House of Representatives and the Com-
17 mittee on Energy and Natural Resources of the
18 Senate.

19 “(4) GAO STUDY.—Not later than 3 years after
20 the date of enactment of the Energy Act of 2020,
21 the Comptroller General shall transmit to the Com-
22 mittee on Science, Space, and Technology of the
23 House of Representatives and the Committee on En-
24 ergy and Natural Resources of the Senate, a report
25 on:

1 “(A) an evaluation of the program activi-
2 ties carried out under this section;

3 “(B) the effectiveness of the coordination
4 and management of the program; and

5 “(C) the implementation of the research
6 plan outlined in paragraph (3).

7 “(6) DEFINITIONS.—In this subsection:

8 “(A) LOW-DOSE RADIATION.—The term
9 ‘low-dose radiation’ means a radiation dose of
10 less than 100 millisieverts.

11 “(B) LOW DOSE-RATE RADIATION.—The
12 term ‘low dose-rate radiation’ means a radiation
13 dose rate of less than 5 millisieverts per hour.

14 “(7) RULE OF CONSTRUCTION.—Nothing in
15 this subsection shall be construed to subject any re-
16 search carried out by the Secretary for the program
17 under this subsection to any limitations described in
18 section 977(e) of the Energy Policy Act of 2005 (42
19 U.S.C. 16317(e)).

20 “(8) FUNDING.—For purposes of carrying out
21 this subsection, the Secretary is authorized to make
22 available from funds provided to the Biological and
23 Environmental Research Program—

24 “(A) \$20,000,000 for fiscal year 2021;

25 “(B) \$20,000,000 for fiscal year 2022;

1 “(C) \$30,000,000 for fiscal year 2023; and
2 “(D) \$40,000,000 for fiscal year 2024.”.

3 (b) SPACE RADIATION RESEARCH.—Section 306 of
4 the Department of Energy Research and Innovation Act
5 (42 U.S.C. 18644) is amended by adding at the end the
6 following:

7 “(d) SPACE RADIATION RESEARCH.—The Secretary
8 of Energy, shall continue and strengthen collaboration
9 with the Administrator of the National Aeronautics and
10 Space Administration on basic research to understand the
11 effects and risks of human exposure to ionizing radiation
12 in low Earth orbit, and in the space environment.”.

13 **SEC. 11002. AUTHORIZATION.**

14 Section 112(a)(1)(B) of the Uranium Mill Tailings
15 Radiation Control Act of 1978 (42 U.S.C. 7922(a)(1)(B))
16 is amended by striking “September 30, 2023” and insert-
17 ing “September 30, 2031”.

18 **SEC. 11003. SENSE OF CONGRESS.**

19 It is the sense of Congress that in order to reduce
20 emissions and meet 100 percent of the power demand in
21 the United States through clean, renewable, or zero emis-
22 sion energy sources while maintaining United States lead-
23 ership in science and technology, the Secretary of Energy
24 must prioritize funding for critical fundamental research

1 infrastructure and for basic research and development ac-
2 tivities carried out through the Office of Science.

3 **SEC. 11004. ADDRESSING INSUFFICIENT COMPENSATION**
4 **OF EMPLOYEES AND OTHER PERSONNEL OF**
5 **THE FEDERAL ENERGY REGULATORY COM-**
6 **MISSION.**

7 (a) IN GENERAL.—Section 401 of the Department of
8 Energy Organization Act (42 U.S.C. 7171) is amended
9 by adding at the end the following:

10 “(k) ADDRESSING INSUFFICIENT COMPENSATION OF
11 EMPLOYEES AND OTHER PERSONNEL OF THE COMMIS-
12 SION.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of law, if the Chairman of the Commission
15 publicly certifies that compensation for a category of
16 employees or other personnel of the Commission is
17 insufficient to retain or attract employees and other
18 personnel to allow the Commission to carry out the
19 functions of the Commission in a timely, efficient,
20 and effective manner, the Chairman may fix the
21 compensation for the category of employees or other
22 personnel without regard to chapter 51 and sub-
23 chapter III of chapter 53 of title 5, United States
24 Code, or any other civil service law.

1 “(2) CERTIFICATION REQUIREMENTS.—A cer-
2 tification issued under paragraph (1) shall—

3 “(A) apply with respect to a category of
4 employees or other personnel responsible for
5 conducting work of a scientific, technological,
6 engineering, or mathematical nature;

7 “(B) specify a maximum amount of rea-
8 sonable compensation for the category of em-
9 ployees or other personnel;

10 “(C) be valid for a 5-year period beginning
11 on the date on which the certification is issued;

12 “(D) be no broader than necessary to
13 achieve the objective of retaining or attracting
14 employees and other personnel to allow the
15 Commission to carry out the functions of the
16 Commission in a timely, efficient, and effective
17 manner; and

18 “(E) include an explanation for why the
19 other approaches available to the Chairman for
20 retaining and attracting employees and other
21 personnel are inadequate.

22 “(3) RENEWAL.—

23 “(A) IN GENERAL.—Not later than 90
24 days before the date of expiration of a certifi-
25 cation issued under paragraph (1), the Chair-

1 man shall determine whether the certification
2 should be renewed for a subsequent 5-year pe-
3 riod.

4 “(B) REQUIREMENT.—If the Chairman de-
5 termines that a certification should be renewed
6 under subparagraph (A), the Chairman may
7 renew the certification, subject to the certifi-
8 cation requirements under paragraph (2) that
9 were applicable to the initial certification.

10 “(4) NEW HIRES.—

11 “(A) IN GENERAL.—An employee or other
12 personnel that is a member of a category of em-
13 ployees or other personnel that would have been
14 covered by a certification issued under para-
15 graph (1), but was hired during a period in
16 which the certification has expired and has not
17 been renewed under paragraph (3) shall not be
18 eligible for compensation at the level that would
19 have applied to the employee or other personnel
20 if the certification had been in effect on the
21 date on which the employee or other personnel
22 was hired.

23 “(B) COMPENSATION OF NEW HIRES ON
24 RENEWAL.—On renewal of a certification under
25 paragraph (3), the Chairman may fix the com-

1 pensation of the employees or other personnel
2 described in subparagraph (A) at the level es-
3 tablished for the category of employees or other
4 personnel in the certification.

5 “(5) RETENTION OF LEVEL OF FIXED COM-
6 PENSATION.—A category of employees or other per-
7 sonnel, the compensation of which was fixed by the
8 Chairman in accordance with paragraph (1), may, at
9 the discretion of the Chairman, have the level of
10 fixed compensation for the category of employees or
11 other personnel retained, regardless of whether a
12 certification described under that paragraph is in ef-
13 fect with respect to the compensation of the category
14 of employees or other personnel.

15 “(6) CONSULTATION REQUIRED.—The Chair-
16 man shall consult with the Director of the Office of
17 Personnel Management in implementing this sub-
18 section, including in the determination of the
19 amount of compensation with respect to each cat-
20 egory of employees or other personnel.

21 “(7) EXPERTS AND CONSULTANTS.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the Chairman may—

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1 “(i) obtain the services of experts and
2 consultants in accordance with section
3 3109 of title 5, United States Code;

4 “(ii) compensate those experts and
5 consultants for each day (including travel
6 time) at rates not in excess of the rate of
7 pay for level IV of the Executive Schedule
8 under section 5315 of that title; and

9 “(iii) pay to the experts and consult-
10 ants serving away from the homes or reg-
11 ular places of business of the experts and
12 consultants travel expenses and per diem
13 in lieu of subsistence at rates authorized
14 by sections 5702 and 5703 of that title for
15 persons in Government service employed
16 intermittently.

17 “(B) LIMITATIONS.—The Chairman
18 shall—

19 “(i) to the maximum extent prac-
20 ticable, limit the use of experts and con-
21 sultants pursuant to subparagraph (A);
22 and

23 “(ii) ensure that the employment con-
24 tract of each expert and consultant em-
25 ployed pursuant to subparagraph (A) is

1 subject to renewal not less frequently than
2 annually.”.

3 (b) REPORTS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, and every 2 years
6 thereafter for 10 years, the Chairman of the Federal
7 Energy Regulatory Commission shall submit to the
8 Committee on Energy and Commerce of the House
9 of Representatives and the Committee on Energy
10 and Natural Resources of the Senate a report on in-
11 formation relating to hiring, vacancies, and com-
12 pensation at the Federal Energy Regulatory Com-
13 mission.

14 (2) INCLUSIONS.—Each report under para-
15 graph (1) shall include—

16 (A) an analysis of any trends with respect
17 to hiring, vacancies, and compensation at the
18 Federal Energy Regulatory Commission; and

19 (B) a description of the efforts to retain
20 and attract employees or other personnel re-
21 sponsible for conducting work of a scientific,
22 technological, engineering, or mathematical na-
23 ture at the Federal Energy Regulatory Com-
24 mission.

1 (c) APPLICABILITY.—The amendment made by sub-
2 section (a) shall apply beginning on the date that is 30
3 days after the date of enactment of this Act.

4 **SEC. 11005. REPORT ON THE AUTHORITY OF THE SEC-**
5 **RETARY OF ENERGY TO IMPLEMENT FLEXI-**
6 **BLE COMPENSATION MODELS.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Secretary of Energy shall submit to Con-
9 gress a report examining the full scope of the hiring au-
10 thority made available to the Secretary of Energy by the
11 Office of Personnel Management to implement flexible
12 compensation models, including pay for performance and
13 pay banding, throughout the Department of Energy, in-
14 cluding at the National Laboratories, for the purposes of
15 hiring, recruiting, and retaining employees responsible for
16 conducting work of a scientific, technological, engineering,
17 or mathematical nature.

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1 **DIVISION AA—WATER RE-**
2 **SOURCES DEVELOPMENT ACT**
3 **OF 2020**

4 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This division may be cited as the
6 “Water Resources Development Act of 2020”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

DIVISION AA—WATER RESOURCES DEVELOPMENT ACT OF 2020

Sec. 1. Short title; table of contents.

Sec. 2. Secretary defined.

TITLE I—GENERAL PROVISIONS

Sec. 101. Budgetary treatment expansion and adjustment for the Harbor Maintenance Trust Fund.

Sec. 102. Authorization of appropriations for navigation.

Sec. 103. Annual report to Congress on the Harbor Maintenance Trust Fund.

Sec. 104. Additional measures at donor ports and energy transfer ports.

Sec. 105. Construction of water resources development projects by non-Federal interests.

Sec. 106. Coast Guard anchorages.

Sec. 107. State contribution of funds for certain operation and maintenance costs.

Sec. 108. Great Lakes confined disposal facilities.

Sec. 109. Inland waterway projects.

Sec. 110. Implementation of water resources principles and requirements.

Sec. 111. Resiliency planning assistance.

Sec. 112. Project consultation.

Sec. 113. Review of resiliency assessments.

Sec. 114. Small flood control projects.

Sec. 115. Flood Protection Projects.

Sec. 116. Feasibility studies; review of natural and nature-based features.

Sec. 117. Federal interest determination.

Sec. 118. Pilot programs on the formulation of Corps of Engineers projects in rural communities and economically disadvantaged communities.

Sec. 119. Permanent measures to reduce emergency flood fighting needs for communities subject to repetitive flooding.

Sec. 120. Emergency response to natural disasters.

Sec. 121. Cost and benefit feasibility assessment.

Sec. 122. Expediting repairs and recovery from flooding.

Sec. 123. Review of Corps of Engineers assets.

Sec. 124. Sense of Congress on multipurpose projects.

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- Sec. 125. Beneficial use of dredged material; dredged material management plans.
- Sec. 126. Aquatic ecosystem restoration for anadromous fish.
- Sec. 127. Annual report to Congress on water resources infrastructure.
- Sec. 128. Harmful algal bloom demonstration program.
- Sec. 129. Missouri River interception-rearing complex construction.
- Sec. 130. Materials, services, and funds for repair, restoration, or rehabilitation of projects.
- Sec. 131. Levee safety.
- Sec. 132. National Dam Safety Program.
- Sec. 133. Rehabilitation of Corps of Engineers constructed pump stations.
- Sec. 134. Non-Federal Project Implementation Pilot Program.
- Sec. 135. Cost sharing provisions for territories and Indian Tribes.
- Sec. 136. Review of contracting policies.
- Sec. 137. Criteria for funding environmental infrastructure projects.
- Sec. 138. Aging infrastructure.
- Sec. 139. Uniformity of notification systems.
- Sec. 140. Coastal storm damage reduction contracts.
- Sec. 141. Dam remediation for ecosystem restoration.
- Sec. 142. Levee accreditation process; levee certifications.
- Sec. 143. Project partnership agreement.
- Sec. 144. Acceptance of funds for harbor dredging.
- Sec. 145. Replacement capacity.
- Sec. 146. Reviewing hydropower at Corps of Engineers facilities.
- Sec. 147. Repair and restoration of embankments.
- Sec. 148. Coastal mapping.
- Sec. 149. Interim risk reduction measures.
- Sec. 150. Maintenance dredging permits.
- Sec. 151. High water-low water preparedness.
- Sec. 152. Treatment of certain benefits and costs.
- Sec. 153. Lease deviations.
- Sec. 154. Sense of Congress on Arctic deep draft port development.
- Sec. 155. Small water storage projects.
- Sec. 156. Planning Assistance to States.
- Sec. 157. Forecast-informed reservoir operations.
- Sec. 158. Data for water allocation, supply, and demand.
- Sec. 159. Inland waterways pilot program.
- Sec. 160. Definition of economically disadvantaged community.
- Sec. 161. Studies of water resources development projects by non-Federal interests.
- Sec. 162. Leveraging Federal infrastructure for increased water supply.
- Sec. 163. Sense of Congress on removal of unauthorized, manmade, flammable materials on Corps property.
- Sec. 164. Enhanced development program.
- Sec. 165. Continuing authority programs.

TITLE II—STUDIES AND REPORTS

- Sec. 201. Authorization of proposed feasibility studies.
- Sec. 202. Expedited completions.
- Sec. 203. Expedited modifications of existing feasibility studies.
- Sec. 204. Assistance to non-Federal sponsors; feasibility analysis.
- Sec. 205. Selma, Alabama.
- Sec. 206. Report on Corps of Engineers facilities in Appalachia.
- Sec. 207. Additional studies under North Atlantic Coast Comprehensive Study.

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- Sec. 208. South Atlantic coastal study.
- Sec. 209. Comprehensive study of the Sacramento River, Yolo Bypass, California.
- Sec. 210. Lake Okeechobee regulation schedule, Florida.
- Sec. 211. Great Lakes coastal resiliency study.
- Sec. 212. Report on the status of restoration in the Louisiana coastal area.
- Sec. 213. Lower Mississippi River comprehensive management study.
- Sec. 214. Upper Mississippi River Comprehensive Plan.
- Sec. 215. Upper Missouri River Basin mainstem dam fish loss research.
- Sec. 216. Lower and Upper Missouri River Comprehensive Flood Protection.
- Sec. 217. Portsmouth Harbor and Piscataqua River and Rye Harbor, New Hampshire.
- Sec. 218. Cougar and Detroit Dams, Willamette River Basin, Oregon.
- Sec. 219. Port Orford, Oregon.
- Sec. 220. Wilson Creek and Sloan Creek, Fairview, Texas.
- Sec. 221. Study on water supply and water conservation at water resources development projects.
- Sec. 222. Report to Congress on authorized studies and projects.
- Sec. 223. Completion of reports and materials.
- Sec. 224. Emergency flooding protection for lakes.
- Sec. 225. Report on debris removal.
- Sec. 226. Report on antecedent hydrologic conditions.
- Sec. 227. Subsurface drain systems research and development.
- Sec. 228. Report on corrosion prevention activities.
- Sec. 229. Annual reporting on dissemination of information.
- Sec. 230. Report on benefits calculation for flood control structures.

TITLE III—DEAUTHORIZATIONS AND MODIFICATIONS

- Sec. 301. Deauthorization of inactive projects.
- Sec. 302. Abandoned and inactive noncoal mine restoration.
- Sec. 303. Tribal partnership program.
- Sec. 304. Lakes program.
- Sec. 305. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 306. Chesapeake Bay Environmental Restoration and Protection Program.
- Sec. 307. Upper Mississippi River System Environmental Management Program.
- Sec. 308. Upper Mississippi River protection.
- Sec. 309. Theodore Ship Channel, Mobile, Alabama.
- Sec. 310. McClellan-Kerr Arkansas River Navigation System.
- Sec. 311. Ouachita and Black Rivers, Arkansas and Louisiana.
- Sec. 312. Lake Isabella, California.
- Sec. 313. Lower San Joaquin River flood control project.
- Sec. 314. Sacramento River, Glenn-Colusa, California.
- Sec. 315. San Diego River and Mission Bay, San Diego County, California.
- Sec. 316. San Francisco, California, Waterfront Area.
- Sec. 317. Western Pacific Interceptor Canal, Sacramento River, California.
- Sec. 318. Rio Grande Environmental Management Program, Colorado, New Mexico, and Texas.
- Sec. 319. New London Harbor Waterfront Channel, Connecticut.
- Sec. 320. Wilmington Harbor, Delaware.
- Sec. 321. Wilmington Harbor South Disposal Area, Delaware.
- Sec. 322. Washington Harbor, District of Columbia.
- Sec. 323. Big Cypress Seminole Indian Reservation Water Conservation Plan, Florida.

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- Sec. 324. Central Everglades, Florida.
- Sec. 325. Miami River, Florida.
- Sec. 326. Julian Keen, Jr. Lock and Dam, Moore Haven, Florida.
- Sec. 327. Taylor Creek Reservoir and Levee L-73 (Section 1), Upper St. Johns River Basin, Florida.
- Sec. 328. Extinguishment of flowage easements, Rough River Lake, Kentucky.
- Sec. 329. Calcasieu River and Pass, Louisiana.
- Sec. 330. Camden Harbor, Maine.
- Sec. 331. Cape Porpoise Harbor, Maine, anchorage area designation.
- Sec. 332. Baltimore, Maryland.
- Sec. 333. Thad Cochran Lock and Dam, Amory, Mississippi.
- Sec. 334. Missouri river reservoir sediment management.
- Sec. 335. Portsmouth, New Hampshire.
- Sec. 336. Rahway flood risk management feasibility study, New Jersey.
- Sec. 337. San Juan-Chama project; Abiquiu Dam, New Mexico.
- Sec. 338. Flushing Bay and Creek Federal Navigation Channel, New York.
- Sec. 339. Rush River and Lower Branch Rush River, North Dakota.
- Sec. 340. Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut.
- Sec. 341. Harris County, Texas.
- Sec. 342. Cap Sante Waterway, Washington.
- Sec. 343. Local government reservoir permit review.
- Sec. 344. Project modifications for improvement of environment.
- Sec. 345. Aquatic ecosystem restoration.
- Sec. 346. Surplus water contracts and water storage agreements.
- Sec. 347. No wake zones in navigation channels.
- Sec. 348. Limitation on contract execution in the Arkansas River Basin.
- Sec. 349. Waiver of non-Federal share of damages related to certain contract claims.
- Sec. 350. Reduced pricing for certain water supply storage.
- Sec. 351. Flood control and other purposes.
- Sec. 352. Additional assistance for critical projects.
- Sec. 353. Project modification authorizations.
- Sec. 354. Completion of maintenance and repair activities.
- Sec. 355. Project reauthorizations.
- Sec. 356. Conveyances.
- Sec. 357. Lake Eufaula advisory committee.
- Sec. 358. Repeal of Missouri River Task Force, North Dakota.
- Sec. 359. Repeal of Missouri River Task Force, South Dakota.
- Sec. 360. Conforming amendments.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

- Sec. 401. Project authorizations.
- Sec. 402. Special rules.
- Sec. 403. Authorization of projects based on feasibility studies prepared by non-Federal interests.

TITLE V—OTHER MATTERS

- Sec. 501. Update on Invasive Species Policy Guidance.
- Sec. 502. Aquatic invasive species research.
- Sec. 503. Terrestrial noxious weed control pilot program.
- Sec. 504. Invasive species risk assessment, prioritization, and management.
- Sec. 505. Invasive species mitigation and reduction.
- Sec. 506. Aquatic invasive species prevention.

Sec. 507. Invasive species in alpine lakes pilot program.

Sec. 508. Murder hornet eradication pilot program.

Sec. 509. Asian carp prevention and control pilot program.

Sec. 510. Invasive species in noncontiguous States and territories pilot program.

Sec. 511. Soil moisture and snowpack monitoring.

Sec. 512. Great Lakes St. Lawrence Seaway Development Corporation.

1 **SEC. 2. SECRETARY DEFINED.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Army.

4 **TITLE I—GENERAL PROVISIONS**

5 **SEC. 101. BUDGETARY TREATMENT EXPANSION AND AD-**
6 **JUSTMENT FOR THE HARBOR MAINTENANCE**
7 **TRUST FUND.**

8 Section 14003 of division B of the CARES Act (Pub-
9 lic Law 116–136) is amended to read as follows:

10 “SEC. 14003. Any discretionary appropriation for the
11 Corps of Engineers—

12 “(1) derived from the Harbor Maintenance
13 Trust Fund, in this fiscal year and thereafter, not
14 to exceed the sum of—

15 “(A) the total amount deposited in the
16 Harbor Maintenance Trust Fund in the fiscal
17 year that is two years prior to the fiscal year
18 for which the appropriation is being made; and

19 “(B)(i) \$500,000,000 for fiscal year 2021;

20 “(ii) \$600,000,000 for fiscal year 2022;

21 “(iii) \$700,000,000 for fiscal year 2023;

22 “(iv) \$800,000,000 for fiscal year 2024;

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- 1 “(v) \$900,000,000 for fiscal year 2025;
- 2 “(vi) \$1,000,000,000 for fiscal year 2026;
- 3 “(vii) \$1,200,000,000 for fiscal year 2027;
- 4 “(viii) \$1,300,000,000 for fiscal year 2028;
- 5 “(ix) \$1,400,000,000 for fiscal year 2029;
- 6 and
- 7 “(x) \$1,500,000,000 for fiscal year 2030
- 8 and thereafter; and
- 9 “(2) for the Operation and Maintenance ac-
- 10 count of the Corps of Engineers which is designated
- 11 in statute as being to carry out subsection (c) of sec-
- 12 tion 2106 of the Water Resources Reform and De-
- 13 velopment Act of 2014 (33 U.S.C. 2238c), not to ex-
- 14 ceed—
- 15 “(A) \$50,000,000 for fiscal year 2021;
- 16 “(B) \$50,000,000 for fiscal year 2022;
- 17 “(C) \$56,000,000 for fiscal year 2023;
- 18 “(D) \$58,000,000 for fiscal year 2024;
- 19 “(E) \$60,000,000 for fiscal year 2025;
- 20 “(F) \$62,000,000 for fiscal year 2026;
- 21 “(G) \$64,000,000 for fiscal year 2027;
- 22 “(H) \$66,000,000 for fiscal year 2028;
- 23 “(I) \$68,000,000 for fiscal year 2029; and
- 24 “(J) \$70,000,000 for fiscal year 2030;

1 shall be subtracted from the estimate of discretionary
2 budget authority and outlays for any estimate of an appro-
3 priations Act under the Congressional Budget and Im-
4 poundment Control Act of 1974 or the Balanced Budget
5 and Emergency Deficit Control Act of 1985.”.

6 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR NAVI-**
7 **GATION.**

8 (a) AUTHORIZATION.—

9 (1) IN GENERAL.—In carrying out subsection
10 (c) of section 210 of the Water Resources Develop-
11 ment Act of 1986 (33 U.S.C. 2238), for each fiscal
12 year, of the funds made available under such section
13 (including funds appropriated from the Harbor
14 Maintenance Trust Fund), the Secretary shall, to
15 the extent practicable, unless otherwise directed in
16 an Act making appropriations for the Corps of Engi-
17 neers, make expenditures to pay for operation and
18 maintenance costs of the harbors and inland harbors
19 referred to in subsection (a)(2) of such section, to
20 the extent there are identifiable operations and
21 maintenance needs, of—

22 (A) not less than 15 percent of such funds
23 for emerging harbor projects, including eligible
24 breakwater and jetty needs at such harbor
25 projects;

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1 (B) not less than 13 percent of such funds
2 for projects that are located within the Great
3 Lakes Navigation System;

4 (C) 12 percent of such funds for expanded
5 uses carried out at donor ports and energy
6 transfer ports, of which—

7 (i) $\frac{1}{3}$ shall be provided to energy
8 transfer ports; and

9 (ii) $\frac{2}{3}$ shall be provided to donor
10 ports;

11 (D) not less than 17 percent of such funds
12 for projects that are assigned to commercial
13 strategic seaports; and

14 (E) any remaining funds for operation and
15 maintenance costs of any harbor or inland har-
16 bor referred to in such subsection (a)(2) based
17 on an equitable allocation of such funds among
18 such harbors and inland harbors, in accordance
19 with subsection (c)(1) of such section 210.

20 (2) DEFINITIONS.—In this subsection:

21 (A) COMMERCIAL STRATEGIC SEAPORT.—

22 The term “commercial strategic seaport” means
23 a commercial harbor supporting the coordina-
24 tion of efficient port operations during peace-
25 time and national defense emergencies that is

1 designated as strategic through the National
2 Port Readiness Network.

3 (B) DONOR PORT; ENERGY TRANSFER
4 PORT.—The terms “donor port” and “energy
5 transfer port” have the meanings given those
6 terms in section 2106 of the Water Resources
7 Reform and Development Act of 2014 (33
8 U.S.C. 2238e).

9 (C) EMERGING HARBOR PROJECT; GREAT
10 LAKES NAVIGATION SYSTEM.—The terms
11 “emerging harbor project” and “Great Lakes
12 Navigation System” have the meanings given
13 those terms in section 210 of the Water Re-
14 sources Development Act of 1986 (33 U.S.C.
15 2238).

16 (3) EFFECTIVE DATE.—This subsection shall
17 take effect on October 1, 2022.

18 (b) ADDITIONAL USES.—

19 (1) OPERATION AND MAINTENANCE OF HARBOR
20 PROJECTS.—Section 210(e)(3) of the Water Re-
21 sources Development Act of 1986 (33 U.S.C.
22 2238(e)(3)) is amended—

23 (A) by striking “Notwithstanding” and in-
24 serting the following:

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1 “(A) ALLOCATION.—Notwithstanding”;

2 and

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

4 “(B) ADDITIONAL USES AT EMERGING
5 HARBORS.—

6 “(i) USES.—In each fiscal year, the
7 Secretary may use not more than
8 \$5,000,000 of funds allocated for emerging
9 harbor projects under paragraph (1) to
10 pay for the costs of up to 10 projects for
11 maintenance dredging of a marina or
12 berthing area, in an emerging harbor, that
13 includes an area that is located adjacent
14 to, or is accessible by, a Federal navigation
15 project, subject to clauses (ii) and (iii) of
16 this subparagraph.

17 “(ii) ELIGIBLE EMERGING HAR-
18 BORS.—The Secretary may use funds as
19 authorized under clause (i) at an emerging
20 harbor that—

21 “(I) supports commercial activi-
22 ties, including commercial fishing op-
23 erations, commercial fish processing
24 operations, recreational and sport
25 fishing, and commercial boat yards; or

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1 “(II) supports activities of the
2 Secretary of the department in which
3 the Coast Guard is operating.

4 “(iii) COST-SHARING REQUIRE-
5 MENTS.—The Secretary shall require a
6 non-Federal interest to contribute not less
7 than 25 percent of the costs for mainte-
8 nance dredging of that portion of a main-
9 tenance dredging project described in
10 clause (i) that is located outside of the
11 Federal navigation project, which may be
12 provided as an in-kind contribution, includ-
13 ing through the use of dredge equipment
14 owned by non-Federal interest to carry out
15 such activities.”.

16 (2) ASSESSMENT OF HARBORS AND INLAND
17 HARBORS.—Section 210(e)(2)(A)(ii) of the Water
18 Resources Development Act of 1986 (33 U.S.C.
19 2238(e)(2)(A)(ii)) is amended by inserting “uses de-
20 scribed in subsection (e)(3)(B) and” after “costs
21 for”.

22 (3) DEFINITIONS.—Section 210(f) of the Water
23 Resources Development Act of 1986 (33 U.S.C.
24 2238(f)) is amended—

25 (A) by striking paragraph (6);

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1 (B) by redesignating paragraphs (3)
2 through (5) as paragraphs (4) through (6), re-
3 spectively;

4 (C) by striking paragraph (2) and insert-
5 ing the following:

6 “(2) EMERGING HARBOR.—The term ‘emerging
7 harbor’ means a harbor or inland harbor referred to
8 in subsection (a)(2) that transits less than
9 1,000,000 tons of cargo annually.

10 “(3) EMERGING HARBOR PROJECT.—The term
11 ‘emerging harbor project’ means a project that is as-
12 signed to an emerging harbor.”; and

13 (D) in paragraph (4) (as so redesignated),
14 by adding at the end the following:

15 “(C) An in-water improvement, if the im-
16 provement—

17 “(i) is for the seismic reinforcement of
18 a wharf or other berthing structure, or the
19 repair or replacement of a deteriorating
20 wharf or other berthing structure, at a
21 port facility;

22 “(ii) benefits commercial navigation at
23 the harbor; and

1 “(iii) is located in, or adjacent to, a
2 berth that is accessible to a Federal navi-
3 gation project.

4 “(D) An activity to maintain slope stability
5 at a berth in a harbor that is accessible to a
6 Federal navigation project if such activity bene-
7 fits commercial navigation at the harbor.”.

8 **SEC. 103. ANNUAL REPORT TO CONGRESS ON THE HARBOR**
9 **MAINTENANCE TRUST FUND.**

10 Section 330 of the Water Resources Development Act
11 of 1992 (26 U.S.C. 9505 note; 106 Stat. 4851) is amend-
12 ed—

13 (1) in subsection (a)—

14 (A) by striking “and annually thereafter,”
15 and inserting “and annually thereafter concu-
16 rent with the submission of the President’s an-
17 nual budget request to Congress,”; and

18 (B) by striking “Public Works and Trans-
19 portation” and inserting “Transportation and
20 Infrastructure”; and

21 (2) in subsection (b)(1) by adding at the end
22 the following:

23 “(D) A description of the expected expend-
24 itures from the trust fund to meet the needs of

1 navigation for the fiscal year of the budget re-
2 quest.”.

3 **SEC. 104. ADDITIONAL MEASURES AT DONOR PORTS AND**
4 **ENERGY TRANSFER PORTS.**

5 (a) INTERIM AUTHORIZATION.—Section 2106(f) of
6 the Water Resources Reform and Development Act of
7 2014 (33 U.S.C. 2238c(f)) is amended—

8 (1) in paragraph (1), by striking “2020” and
9 inserting “2022”; and

10 (2) by striking paragraph (3).

11 (b) IN GENERAL.—

12 (1) DEFINITIONS.—Section 2106(a) of the
13 Water Resources Reform and Development Act of
14 2014 (33 U.S.C. 2238c(a)) is amended—

15 (A) in paragraph (3)(A)—

16 (i) by amending clause (ii) to read as
17 follows:

18 “(ii) at which the total amount of har-
19 bor maintenance taxes collected (including
20 the estimated taxes related to domestic
21 cargo and cruise passengers) comprise not
22 less than \$15,000,000 annually of the total
23 funding of the Harbor Maintenance Trust
24 Fund on an average annual basis for the
25 previous 3 fiscal years;”;

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1 (ii) in clause (iii)—

2 (I) by inserting “(including the
3 estimated taxes related to domestic
4 cargo and cruise passengers)” after
5 “taxes collected”; and

6 (II) by striking “5 fiscal years”
7 and inserting “3 fiscal years”; and

8 (iii) in clause (iv), by striking “in fis-
9 cal year 2012” and inserting “on an aver-
10 age annual basis for the previous 3 fiscal
11 years”;

12 (B) in paragraph (5)(B), by striking “in
13 fiscal year 2012” each place it appears and in-
14 serting “on an average annual basis for the pre-
15 vious 3 fiscal years”;

16 (C) by redesignating paragraph (8) as
17 paragraph (9) and inserting after paragraph
18 (7) the following:

19 “(8) HARBOR MAINTENANCE TRUST FUND.—
20 The term ‘Harbor Maintenance Trust Fund’ means
21 the Harbor Maintenance Trust Fund established by
22 section 9505 of the Internal Revenue Code of
23 1986.”; and

24 (D) in paragraph (9), as so redesignated—

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1 (i) by amending subparagraph (B) to
2 read as follows:

3 “(B) at which the total amount of harbor
4 maintenance taxes collected (including the esti-
5 mated taxes related to domestic cargo and
6 cruise passengers) comprise annually more than
7 \$5,000,000 but less than \$15,000,000 of the
8 total funding of the Harbor Maintenance Trust
9 Fund on an average annual basis for the pre-
10 vious 3 fiscal years;”;

11 (ii) in subparagraph (C)—

12 (I) by inserting “(including the
13 estimated taxes related to domestic
14 cargo and cruise passengers)” after
15 “taxes collected”; and

16 (II) by striking “5 fiscal years”
17 and inserting “3 fiscal years”; and

18 (iii) in subparagraph (D), by striking
19 “in fiscal year 2012” and inserting “on an
20 average annual basis for the previous 3 fis-
21 cal years”.

22 (2) REPORT TO CONGRESS; AUTHORIZATION OF
23 APPROPRIATIONS.—Section 2106 of the Water Re-
24 sources Reform and Development Act of 2014 (33
25 U.S.C. 2238c) is amended—

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1 (A) by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

2 (B) in subsection (e), as so redesignated, by amending paragraph (1) to read as follows:

3 “(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

4 “(A) \$56,000,000 for fiscal year 2023;

5 “(B) \$58,000,000 for fiscal year 2024;

6 “(C) \$60,000,000 for fiscal year 2025;

7 “(D) \$62,000,000 for fiscal year 2026;

8 “(E) \$64,000,000 for fiscal year 2027;

9 “(F) \$66,000,000 for fiscal year 2028;

10 “(G) \$68,000,000 for fiscal year 2029; and

11 “(H) \$70,000,000 for fiscal year 2030.”.

12 (3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2022.

13 **SEC. 105. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

14 (a) STUDIES AND ENGINEERING.—Section 204(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(c)(1)) is amended by striking “under subsection (b)” and inserting “under this section”.

1 (b) ASSUMPTION OF MAINTENANCE OF A LOCALLY
2 PREFERRED PLAN.—Section 204(f) of the Water Re-
3 sources Development Act of 1986 (33 U.S.C. 2232(f)) is
4 amended to read as follows:

5 “(f) OPERATION AND MAINTENANCE.—

6 “(1) ASSUMPTION OF MAINTENANCE.—When-
7 ever a non-Federal interest carries out improvements
8 to a federally authorized harbor or inland harbor,
9 the Secretary shall be responsible for operation and
10 maintenance in accordance with section 101(b) if—

11 “(A) before construction of the improve-
12 ments—

13 “(i) the Secretary determines that the
14 improvements are feasible and consistent
15 with the purposes of this title; and

16 “(ii) the Secretary and the non-Fed-
17 eral interest execute a written agreement
18 relating to operation and maintenance of
19 the improvements;

20 “(B) the Secretary certifies that the
21 project or separable element of the project is
22 constructed in accordance with applicable per-
23 mits and appropriate engineering and design
24 standards; and

1 “(C) the Secretary does not find that the
2 project or separable element is no longer fea-
3 sible.

4 “(2) FEDERAL FINANCIAL PARTICIPATION IN
5 THE COSTS OF A LOCALLY PREFERRED PLAN.—In
6 the case of improvements determined by the Sec-
7 retary pursuant to paragraph (1)(A)(i) to deviate
8 from the national economic development plan, the
9 Secretary shall be responsible for all operation and
10 maintenance costs of such improvements, as de-
11 scribed in section 101(b), including costs in excess
12 of the costs of the national economic development
13 plan, if the Secretary determines that the improve-
14 ments satisfy the requirements of paragraph (1).”.

15 (c) REPORT.—A non-Federal interest may submit to
16 the Secretary a report on improvements to a federally au-
17 thorized harbor or inland harbor to be carried out by the
18 non-Federal interest, containing any information nec-
19 essary for the Secretary determine whether the improve-
20 ments satisfy the requirements of section 204(f)(1) of the
21 Water Resources Development Act of 1986 (33 U.S.C.
22 2232), including—

23 (1) the economic justification for the improve-
24 ments;

1 (2) details of the project improvement plan and
2 design;

3 (3) proposed arrangements for the work to be
4 performed; and

5 (4) documents relating to any applicable per-
6 mits required for the project improvements.

7 (d) **PROJECT STUDIES SUBJECT TO INDEPENDENT**
8 **PEER REVIEW.**—The Secretary shall not be required to
9 subject a project study for a project with a cost of less
10 than \$200,000,000, which the Secretary determines satis-
11 fies the requirements of section 204(f)(1) of the Water
12 Resources Development Act of 1986 (33 U.S.C. 2232), to
13 independent peer review under section 2034(a)(3)(A)(i) of
14 the Water Resources Development Act of 2007 (33 U.S.C.
15 2343(a)(3)(A)(i)).

16 **SEC. 106. COAST GUARD ANCHORAGES.**

17 The Secretary may perform dredging at Federal ex-
18 pense within and adjacent to anchorages established by
19 the Coast Guard pursuant to existing authorities.

20 **SEC. 107. STATE CONTRIBUTION OF FUNDS FOR CERTAIN**
21 **OPERATION AND MAINTENANCE COSTS.**

22 In carrying out eligible operations and maintenance
23 activities within the Great Lakes Navigation System pur-
24 suant to section 210 of the Water Resources Development
25 Act of 1986 (33 U.S.C. 2238) in a State that has imple-

1 mented any additional State limitation on the disposal of
2 dredged material in the open waters of such State, the
3 Secretary may, pursuant to section 5 of the Act of June
4 22, 1936 (33 U.S.C. 701h), receive from such State, and
5 expend, such funds as may be contributed by the State
6 to cover the additional costs for operations and mainte-
7 nance activities for a harbor or inland harbor within such
8 State that result from such limitation.

9 **SEC. 108. GREAT LAKES CONFINED DISPOSAL FACILITIES.**

10 (a) MITIGATION.—The Secretary may relocate access
11 to the Port of Cleveland confined disposal facility, owned
12 or operated by a non-Federal interest, in which material
13 dredged by the Corps of Engineers is placed.

14 (b) COST-SHARE.—The cost to relocate access to the
15 confined disposal facility described in subsection (a) shall
16 be shared in accordance with the cost share applicable to
17 operation and maintenance of the Federal navigation
18 project from which material placed in the confined dis-
19 posal facility is dredged.

20 (c) TERMINATION.—The authority provided under
21 this section shall terminate on December 31, 2024.

22 **SEC. 109. INLAND WATERWAY PROJECTS.**

23 Notwithstanding section 102 of the Water Resources
24 Development Act of 1986 (33 U.S.C. 2212), for a project
25 for navigation on the inland waterways receiving a con-

1 struction appropriation during any of fiscal years 2021
2 through 2031, 35 percent of the costs of construction of
3 the project shall be paid from amounts appropriated from
4 the Inland Waterways Trust Fund until such construction
5 of the project is complete.

6 **SEC. 110. IMPLEMENTATION OF WATER RESOURCES PRIN-**
7 **CIPLES AND REQUIREMENTS.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Secretary shall issue
10 final agency-specific procedures necessary to implement
11 the principles and requirements and the interagency
12 guidelines.

13 (b) DEVELOPMENT OF FUTURE WATER RESOURCES
14 DEVELOPMENT PROJECTS.—The procedures required by
15 subsection (a) shall ensure that the Secretary, in the for-
16 mulation of future water resources development projects—

17 (1) develops such projects in accordance with—

18 (A) the guiding principles established by
19 the principles and requirements; and

20 (B) the national water resources planning
21 policy established by section 2031(a) of the
22 Water Resources Development Act of 2007 (42
23 U.S.C. 1962–3(a)); and

24 (2) fully identifies and analyzes national eco-
25 nomic development benefits, regional economic devel-

1 opment benefits, environmental quality benefits, and
2 other societal effects.

3 (c) REVIEW AND UPDATE.—Every 5 years, the Sec-
4 retary shall review and, where appropriate, revise the pro-
5 cedures required by subsection (a).

6 (d) PUBLIC REVIEW, NOTICE, AND COMMENT.—In
7 issuing, reviewing, and revising the procedures required by
8 this section, the Secretary shall—

9 (1) provide notice to interested non-Federal
10 stakeholders of the Secretary’s intent to revise the
11 procedures;

12 (2) provide opportunities for interested non-
13 Federal stakeholders to engage with, and provide
14 input and recommendations to, the Secretary on the
15 revision of the procedures; and

16 (3) solicit and consider public and expert com-
17 ments.

18 (e) DEFINITIONS.—In this section:

19 (1) INTERAGENCY GUIDELINES.—The term
20 “interagency guidelines” means the interagency
21 guidelines contained in the document finalized by
22 the Council on Environmental Quality pursuant to
23 section 2031 of the Water Resources Development
24 Act of 2007 (42 U.S.C. 1962–3) in December 2014,
25 to implement the principles and requirements.

1 (2) PRINCIPLES AND REQUIREMENTS.—The
2 term “principles and requirements” means the prin-
3 ciples and requirements contained in the document
4 prepared by the Council on Environmental Quality
5 pursuant to section 2031 of the Water Resources
6 Development Act of 2007 (42 U.S.C. 1962–3), enti-
7 tled “Principles and Requirements for Federal In-
8 vestments in Water Resources”, and dated March
9 2013.

10 **SEC. 111. RESILIENCY PLANNING ASSISTANCE.**

11 (a) IN GENERAL.—Section 206(a) of the Flood Con-
12 trol Act of 1960 (33 U.S.C. 709a(a)) is amended by in-
13 serting “, to avoid repetitive flooding impacts, to antici-
14 pate, prepare, and adapt to changing climatic conditions
15 and extreme weather events, and to withstand, respond to,
16 and recover rapidly from disruption due to the flood haz-
17 ards” after “in planning to ameliorate the flood hazard”.

18 (b) PRIORITIZING FLOOD RISK RESILIENCY TECH-
19 NICAL ASSISTANCE.—In carrying out section 206 of the
20 Flood Control Act of 1960 (33 U.S.C. 709a), the Sec-
21 retary shall prioritize the provision of technical assistance
22 to support flood risk resiliency planning efforts of eco-
23 nomically disadvantaged communities or communities sub-
24 ject to repetitive flooding.

1 **SEC. 112. PROJECT CONSULTATION.**

2 (a) **REPORTS REQUIRED.**—Not later than 180 days
3 after the date of enactment of this Act, the Secretary shall
4 submit the following reports:

5 (1) The report required under section 1214 of
6 the Water Resources Development Act of 2018 (132
7 Stat. 3809).

8 (2) The report required under section
9 1120(a)(3) of the Water Resources Development Act
10 of 2016 (130 Stat. 1643).

11 (b) **ENVIRONMENTAL JUSTICE UPDATES.**—

12 (1) **IN GENERAL.**—In the formulation of water
13 development resources projects, the Secretary shall
14 comply with any existing Executive order regarding
15 environmental justice in effect as of the date of en-
16 actment of this Act to address any disproportionate
17 and adverse human health or environmental effects
18 on minority communities, low-income communities,
19 and Indian Tribes.

20 (2) **UPDATE.**—Not later than 1 year after the
21 date of enactment of this Act, the Secretary shall re-
22 view, and shall update, where appropriate, any poli-
23 cies, regulations, and guidance of the Corps of Engi-
24 neers necessary to implement any Executive order
25 described in paragraph (1) with respect to water re-
26 sources development projects.

1 (3) REQUIREMENTS.—In updating the policies,
2 regulations, or guidance under paragraph (2), the
3 Secretary shall—

4 (A) provide notice to interested non-Fed-
5 eral stakeholders, including representatives of
6 minority communities, low-income communities,
7 and Indian Tribes;

8 (B) provide opportunities for interested
9 stakeholders to comment on potential updates
10 of policies, regulations, or guidance;

11 (C) consider the recommendations from
12 the reports submitted under subsection (a); and

13 (D) promote the meaningful involvement of
14 minority communities, low-income communities,
15 and Indian Tribes.

16 (c) COMMUNITY ENGAGEMENT.—In carrying out a
17 water resources development project, the Secretary shall,
18 to the extent practicable—

19 (1) promote the meaningful involvement of mi-
20 nority communities, low-income communities, and
21 Indian Tribes;

22 (2) provide guidance and technical assistance to
23 such communities or Tribes to increase under-
24 standing of the project development and implemen-

1 tation activities, regulations, and policies of the
2 Corps of Engineers; and

3 (3) cooperate with State, Tribal, and local gov-
4 ernments with respect to activities carried out pur-
5 suant to this subsection.

6 (d) TRIBAL LANDS AND CONSULTATION.—In car-
7 rying out water resources development projects, the Sec-
8 retary shall, to the extent practicable and in accordance
9 with the Tribal Consultation Policy affirmed and formal-
10 ized by the Secretary on November 1, 2012 (or a successor
11 policy)—

12 (1) promote meaningful involvement with In-
13 dian Tribes specifically on any Tribal lands near or
14 adjacent to any water resources development
15 projects, for purposes of identifying lands of ances-
16 tral, cultural, or religious importance;

17 (2) consult with Indian Tribes specifically on
18 any Tribal areas near or adjacent to any water re-
19 sources development projects, for purposes of identi-
20 fying lands, waters, and other resources critical to
21 the livelihood of the Indian Tribes; and

22 (3) cooperate with Indian Tribes to avoid, or
23 otherwise find alternate solutions with respect to,
24 such areas.

1 **SEC. 113. REVIEW OF RESILIENCY ASSESSMENTS.**

2 (a) RESILIENCY ASSESSMENT.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this section, and in
5 conjunction with the development of procedures
6 under section 110 of this Act, the Secretary is di-
7 rected to review, and where appropriate, revise the
8 existing planning guidance documents and regula-
9 tions of the Corps of Engineers on the assessment
10 of the effects of sea level rise or inland flooding on
11 future water resources development projects to en-
12 sure that such guidance documents and regulations
13 are based on the best available, peer-reviewed
14 science and data on the current and future effects
15 of sea level rise or inland flooding on relevant com-
16 munities.

17 (2) COORDINATION.—In carrying out this sub-
18 section, the Secretary shall—

19 (A) coordinate the review with the Engi-
20 neer Research and Development Center, other
21 Federal and State agencies, and other relevant
22 entities; and

23 (B) to the maximum extent practicable and
24 where appropriate, utilize data provided to the
25 Secretary by such agencies.

1 (b) ASSESSMENT OF BENEFITS FROM ADDRESSING
2 SEA LEVEL RISE AND INLAND FLOODING RESILIENCY IN
3 FEASIBILITY REPORTS.—

4 (1) IN GENERAL.—Upon the request of a non-
5 Federal interest, in carrying out a feasibility study
6 for a project for flood risk mitigation, hurricane and
7 storm damage risk reduction, or ecosystem restora-
8 tion under section 905 of the Water Resources De-
9 velopment Act of 1986 (33 U.S.C. 2282), the Sec-
10 retary shall consider whether the need for the
11 project is predicated upon or exacerbated by condi-
12 tions related to sea level rise or inland flooding.

13 (2) ADDRESSING SEA LEVEL RISE AND INLAND
14 FLOODING RESILIENCY BENEFITS.—To the max-
15 imum extent practicable, in carrying out a study
16 pursuant to paragraph (1), the Secretary shall docu-
17 ment the potential effects of sea level rise or inland
18 flooding on the project, and the expected benefits of
19 the project relating to sea level rise or inland flood-
20 ing, during the 50-year period after the date of com-
21 pletion of the project.

22 **SEC. 114. SMALL FLOOD CONTROL PROJECTS.**

23 Section 205 of the Flood Control Act of 1948 (33
24 U.S.C. 701s) is amended by inserting “, and projects that
25 use natural features or nature-based features (as those

1 terms are defined in section 1184(a) of the Water Re-
2 sources Development Act of 2016 (33 U.S.C. 2289a(a)),”
3 after “nonstructural projects”.

4 **SEC. 115. FLOOD PROTECTION PROJECTS.**

5 (a) GENERAL CONSIDERATIONS.—Section 73(a) of
6 the Water Resources Development Act of 1974 (33 U.S.C.
7 701b–11(a)) is amended by striking “including” and all
8 that follows through the period at the end and inserting
9 the following: “, with a view toward formulating the most
10 economically, socially, and environmentally acceptable
11 means of reducing or preventing flood damage, includ-
12 ing—

13 “(1) floodproofing of structures, including
14 through elevation;

15 “(2) floodplain regulation;

16 “(3) acquisition of floodplain land for rec-
17 reational, fish and wildlife, and other public pur-
18 poses;

19 “(4) relocation; and

20 “(5) the use of a feature described in section
21 1184(a) of the Water Infrastructure Improvements
22 for the Nation Act (33 U.S.C. 2289a(a)).”.

23 (b) CONFORMING AMENDMENT.—Section 103(b) of
24 the Water Resources Development Act of 1986 (33 U.S.C.
25 2213) is amended—

1 (1) in the subsection heading, by striking
2 “NONSTRUCTURAL FLOOD CONTROL PROJECTS”
3 and inserting “PROJECTS USING NONSTRUCTURAL,
4 NATURAL, OR NATURE-BASED FEATURES”; and

5 (2) in paragraph (1)—

6 (A) by striking “nonstructural flood con-
7 trol measures” and inserting “a flood risk man-
8 agement or hurricane and storm damage risk
9 reduction measure using a nonstructural fea-
10 ture, or a natural feature or nature-based fea-
11 ture (as those terms are defined in section
12 1184(a) of the Water Resources Development
13 Act of 2016 (33 U.S.C. 2289a(a)),”; and

14 (B) by striking “cash during construction
15 of the project” and inserting “cash during con-
16 struction for a nonstructural feature if the costs
17 of land, easements, rights-of-way, dredged ma-
18 terial disposal areas, and relocations for such
19 feature are estimated to exceed 35 percent”.

20 **SEC. 116. FEASIBILITY STUDIES; REVIEW OF NATURAL AND**
21 **NATURE-BASED FEATURES.**

22 (a) TECHNICAL CORRECTION.—Section 1149(c) of
23 the Water Resources Development Act of 2018 (33 U.S.C.
24 2282 note; 132 Stat. 3787) is amended by striking “nat-
25 ural infrastructure alternatives” and inserting “natural

1 feature or nature-based feature alternatives (as such
2 terms are defined in section 1184 of the Water Resources
3 Development Act of 2016 (32 U.S.C. 2289a))”.

4 (b) SUMMARY OF ANALYSIS.—To the maximum ex-
5 tent practicable, the Secretary shall include in each feasi-
6 bility report developed under section 905 of the Water Re-
7 sources Development Act of 1986 (33 U.S.C. 2282) for
8 a project that contains a flood risk management or hurri-
9 cane and storm damage risk reduction element, a sum-
10 mary of the natural feature or nature-based feature alter-
11 natives, along with their long-term costs and benefits, that
12 were evaluated in the development of the feasibility report,
13 and, if such alternatives were not included in the rec-
14 ommended plan, an explanation of why such alternatives
15 were not included in the recommended plan.

16 **SEC. 117. FEDERAL INTEREST DETERMINATION.**

17 Section 905 of the Water Resources Development Act
18 of 1986 (33 U.S.C. 2282) is amended by inserting after
19 subsection (a) the following:

20 “(b) FEDERAL INTEREST DETERMINATION.—

21 “(1) IN GENERAL.—

22 “(A) ECONOMICALLY DISADVANTAGED
23 COMMUNITIES.—In preparing a feasibility re-
24 port under subsection (a) for a study that will
25 benefit an economically disadvantaged commu-

1 nity, upon request by the non-Federal interest
2 for the study, the Secretary shall first deter-
3 mine the Federal interest in carrying out the
4 study and the projects that may be proposed in
5 the study.

6 “(B) OTHER COMMUNITIES.—

7 “(i) AUTHORIZATION.—In preparing a
8 feasibility report under subsection (a) for a
9 study that will benefit a covered commu-
10 nity, upon request by the non-Federal in-
11 terest for the study, the Secretary may,
12 with respect to not more than 3 studies in
13 each fiscal year, first determine the Fed-
14 eral interest in carrying out the study and
15 the projects that may be proposed in the
16 study.

17 “(ii) COVERED COMMUNITIES.—In
18 this subparagraph, the term ‘covered com-
19 munity’ means a community that—

20 “(I) is not an economically dis-
21 advantaged community; and

22 “(II) the Secretary finds has a
23 compelling need for the Secretary to
24 make a determination under clause
25 (i).

1 “(2) COST SHARE.—The costs of a determina-
2 tion under paragraph (1)—

3 “(A) shall be at Federal expense; and

4 “(B) shall not exceed \$200,000.

5 “(3) DEADLINE.—A determination under para-
6 graph (1) shall be completed by not later than 120
7 days after the date on which funds are made avail-
8 able to the Secretary to carry out the determination.

9 “(4) TREATMENT.—

10 “(A) TIMING.—The period during which a
11 determination is being completed under para-
12 graph (1) for a study shall not be included for
13 purposes of the deadline to complete a final fea-
14 sibility report under section 1001(a)(1) of the
15 Water Resources Reform and Development Act
16 of 2014 (33 U.S.C. 2282c(a)(1)).

17 “(B) COST.—The cost of a determination
18 under paragraph (1) shall not be included for
19 purposes of the maximum Federal cost under
20 section 1001(a)(2) of the Water Resources Re-
21 form and Development Act of 2014 (33 U.S.C.
22 2282c(a)(2)).

23 “(5) REPORT TO NON-FEDERAL INTEREST.—If,
24 based on a determination under paragraph (1), the
25 Secretary determines that a study or project is not

1 in the Federal interest because the project will not
2 result, or is unlikely to result, in a recommended
3 plan that will produce national economic develop-
4 ment benefits greater than cost, but may result in
5 a technically sound and environmentally acceptable
6 plan that is otherwise consistent with section 904 of
7 the Water Resources Development Act of 1986 (33
8 U.S.C. 2281), the Secretary shall issue a report to
9 the non-Federal interest with recommendations on
10 how the non-Federal interest might modify the pro-
11 posal such that the project could be in the Federal
12 interest and feasible.”.

13 **SEC. 118. PILOT PROGRAMS ON THE FORMULATION OF**
14 **CORPS OF ENGINEERS PROJECTS IN RURAL**
15 **COMMUNITIES AND ECONOMICALLY DIS-**
16 **ADVANTAGED COMMUNITIES.**

17 (a) IN GENERAL.—The Secretary shall establish and
18 implement pilot programs, in accordance with this section,
19 to evaluate opportunities to address the flood risk manage-
20 ment and hurricane and storm damage risk reduction
21 needs of rural communities and economically disadvan-
22 taged communities.

23 (b) ECONOMICALLY DISADVANTAGED COMMUNITY
24 FLOOD PROTECTION AND HURRICANE AND STORM DAM-
25 AGE REDUCTION STUDY PILOT PROGRAM.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall establish and implement a pilot program
4 to carry out feasibility studies, in accordance with
5 this subsection, for flood risk management and hur-
6 ricane and storm damage risk reduction projects for
7 economically disadvantaged communities, in coordi-
8 nation with non-Federal interests.

9 (2) PARTICIPATION IN PILOT PROGRAM.—In
10 carrying out paragraph (1), the Secretary shall—

11 (A) publish a notice in the Federal Reg-
12 ister that requests from non-Federal interests
13 proposals for the potential feasibility study of a
14 flood risk management project or hurricane and
15 storm damage risk reduction project for an eco-
16 nomically disadvantaged community;

17 (B) upon request of a non-Federal interest
18 for such a project, provide technical assistance
19 to such non-Federal interest in the formulation
20 of a proposal for a potential feasibility study to
21 be submitted to the Secretary under the pilot
22 program; and

23 (C) review such proposals and select 10
24 feasibility studies for such projects to be carried

1 out by the Secretary, in coordination with the
2 non-Federal interest, under this pilot program.

3 (3) SELECTION CRITERIA.—In selecting a feasi-
4 bility study under paragraph (2)(C), the Secretary
5 shall consider whether—

6 (A) the percentage of people living in pov-
7 erty in the county or counties (or county-equiv-
8 alent entity or entities) in which the project is
9 located is greater than the percentage of people
10 living in poverty in the State, based on census
11 bureau data;

12 (B) the percentage of families with income
13 above the poverty threshold but below the aver-
14 age household income in the county or counties
15 (or county-equivalent entity or entities) in
16 which the project is located is greater than such
17 percentage for the State, based on census bu-
18 reau data;

19 (C) the percentage of the population that
20 identifies as belonging to a minority or indige-
21 nous group in the county or counties (or coun-
22 ty-equivalent entity or entities) in which the
23 project is located is greater than the average
24 such percentage in the State, based on census
25 bureau data; and

1 (D) the project is addressing flooding or
2 hurricane or storm damage effects that have a
3 disproportionate impact on a rural community,
4 a minority community, or an Indian Tribe.

5 (4) ADMINISTRATION.—Notwithstanding the re-
6 quirements of section 105(a)(1)(A) of the Water Re-
7 sources Development Act of 1986 (33 U.S.C. 2215),
8 the Federal share of the cost of a feasibility study
9 carried out under the pilot program shall be 100
10 percent.

11 (5) STUDY REQUIREMENTS.—Feasibility studies
12 carried out under this subsection shall, to the max-
13 imum extent practicable, incorporate natural fea-
14 tures or nature-based features (as such terms are
15 defined in section 1184 of the Water Resources De-
16 velopment Act of 2016 (33 U.S.C. 2289a)), or a
17 combination of such features and nonstructural fea-
18 tures, that avoid or reduce at least 50 percent of
19 flood or storm damages in one or more of the alter-
20 natives included in the final alternatives evaluated.

21 (6) NOTIFICATION.—The Secretary shall notify
22 the Committee on Transportation and Infrastructure
23 of the House of Representatives and the Committee
24 on Environment and Public Works of the Senate of

1 the selection of each feasibility study under the pilot
2 program.

3 (7) COMPLETION.—Upon completion of a feasi-
4 bility report for a feasibility study selected to be car-
5 ried out under this subsection, the Secretary shall
6 transmit the report to Congress for authorization,
7 and shall include the report in the next annual re-
8 port submitted under section 7001 of the Water Re-
9 sources Reform and Development Act of 2014 (33
10 U.S.C. 2282d).

11 (c) PILOT PROGRAM FOR THE RECOMMENDATION OF
12 FLOOD PROTECTION AND HURRICANE AND STORM DAM-
13 AGE REDUCTION PROJECTS IN RURAL COMMUNITIES AND
14 ECONOMICALLY DISADVANTAGED COMMUNITIES.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, the Sec-
17 retary shall establish and implement a pilot program
18 to evaluate, and make recommendations to Congress
19 on, flood risk management projects and hurricane
20 and storm damage risk reduction projects in rural
21 communities or economically disadvantaged commu-
22 nities, without demonstrating that each project is
23 justified solely by national economic development
24 benefits.

1 (2) CONSIDERATIONS.—In carrying out this
2 subsection, the Secretary may make a recommenda-
3 tion to Congress on up to 10 projects, without dem-
4 onstrating that the project is justified solely by na-
5 tional economic development benefits, if the Sec-
6 retary determines that—

7 (A) the community to be served by the
8 project is an economically disadvantaged com-
9 munity or a rural community;

10 (B) the long-term life safety, economic via-
11 bility, and environmental sustainability of the
12 community would be threatened without the
13 project; and

14 (C) the project is consistent with the re-
15 quirements of section 1 of the Flood Control
16 Act of 1936 (33 U.S.C. 701a).

17 (3) CONSISTENCY.—In carrying out this sub-
18 section, the Secretary shall ensure that project rec-
19 ommendations are consistent with the principles and
20 requirements and the interagency guidelines, as such
21 terms are defined in section 110 of this Act, includ-
22 ing the consideration of quantifiable monetary and
23 nonmonetary benefits of the project.

1 (4) PRIORITIZATION.—The Secretary may give
2 equivalent budgetary consideration and priority to
3 projects recommended under this subsection.

4 (d) GEOGRAPHIC DIVERSITY.—In selecting feasibility
5 studies under subsection (b)(2)(C) or in making project
6 recommendations under subsection (c), the Secretary shall
7 consider the geographic diversity among proposed
8 projects.

9 (e) REPORT.—Not later than 5 years and 10 years
10 after the date of enactment of this Act, the Secretary shall
11 submit to the Committee on Transportation and Infra-
12 structure of the House of Representatives and the Com-
13 mittee on Environment and Public Works of the Senate,
14 and make publicly available, a report detailing the results
15 of the pilot programs carried out under this section, in-
16 cluding—

17 (1) a description of proposals received from
18 non-Federal interests pursuant to subsection
19 (b)(2)(A);

20 (2) a description of technical assistance pro-
21 vided to non-Federal interests under subsection
22 (b)(2)(B);

23 (3) a description of proposals selected under
24 subsection (b)(2)(C) and criteria used to select such
25 proposals;

1 (4) a description of the projects evaluated or
2 recommended by the Secretary under subsection (c);

3 (5) a description of the quantifiable monetary
4 and nonmonetary benefits associated with the
5 projects recommended under subsection (c); and

6 (6) any recommendations to Congress on how
7 the Secretary can address the flood risk manage-
8 ment and hurricane and storm damage risk reduc-
9 tion needs of economically disadvantaged commu-
10 nities.

11 (f) STATE DEFINED.—In this section, the term
12 “State” means each of the several States, the District of
13 Columbia, and each of the commonwealths, territories, and
14 possessions of the United States.

15 (g) SUNSET.—The authority to commence a feasi-
16 bility study under subsection (b), and the authority make
17 a recommendation under subsection (c), shall terminate
18 on the date that is 10 years after the date of enactment
19 of this Act.

20 **SEC. 119. PERMANENT MEASURES TO REDUCE EMERGENCY**
21 **FLOOD FIGHTING NEEDS FOR COMMUNITIES**
22 **SUBJECT TO REPETITIVE FLOODING.**

23 (a) DEFINITIONS.—In this section:

24 (1) AFFECTED COMMUNITY.—The term “af-
25 fected community” means a legally constituted pub-

1 lic body (as that term is used in section 221(b) of
2 the Flood Control Act of 1970 (42 U.S.C. 1962d–
3 5b(b))—

4 (A) with jurisdiction over an area that has
5 been subject to flooding in two or more events
6 in any 10-year period; and

7 (B) that has received emergency flood-
8 fighting assistance, including construction of
9 temporary barriers by the Secretary, under sec-
10 tion 5 of the Act of August 18, 1941 (33
11 U.S.C. 701n) with respect to such flood events.

12 (2) NATURAL FEATURE; NATURE-BASED FEA-
13 TURE.—The terms “natural feature” and “nature-
14 based feature” have the meanings given those terms
15 in section 1184 of the Water Resources Development
16 Act of 2016 (33 U.S.C. 2289a).

17 (b) PROGRAM.—

18 (1) IN GENERAL.—The Secretary is authorized
19 to carry out a program to study, design, and con-
20 struct water resources development projects through
21 measures involving, among other things, strength-
22 ening, raising, extending, realigning, or otherwise
23 modifying existing flood control works, designing
24 new works, and incorporating natural features, na-
25 ture-based features, or nonstructural features, as ap-

1 appropriate to provide flood and coastal storm risk
2 management to affected communities.

3 (2) CONSIDERATIONS.—In carrying out para-
4 graph (1), the Secretary shall, to the maximum ex-
5 tent practical, review and, where appropriate, incor-
6 porate natural features or nature-based features, or
7 a combination of such features and nonstructural
8 features, that avoid or reduce at least 50 percent of
9 flood or storm damages in one or more of the alter-
10 natives included in the final alternatives evaluated.

11 (3) CONSTRUCTION.—

12 (A) IN GENERAL.—The Secretary may
13 carry out a project described in paragraph (1)
14 without further congressional authorization if—

15 (i) the Secretary determines that the
16 project—

17 (I) is advisable to reduce the risk
18 of flooding for an affected community;

19 and

20 (II) produces benefits that are in
21 excess of the estimated costs; and

22 (ii) the Federal share of the cost of
23 the construction does not exceed
24 \$17,500,000.

1 (B) SPECIFIC AUTHORIZATION.—If the
2 Federal share of the cost of a project described
3 in paragraph (1) exceeds \$17,500,000, the Sec-
4 retary shall submit the project recommendation
5 to Congress for authorization prior to construc-
6 tion, and shall include the project recommenda-
7 tion in the next annual report submitted under
8 section 7001 of the Water Resources Reform
9 and Development Act of 2014.

10 (C) FINANCING.—

11 (i) CONTRIBUTIONS.—If, based on a
12 study carried out pursuant to paragraph
13 (1), the Secretary determines that a
14 project described in paragraph (1) will not
15 produce benefits greater than cost, the
16 Secretary shall allow the affected commu-
17 nity to pay, or provide contributions equal
18 to, an amount sufficient to make the re-
19 maining costs of design and construction
20 of the project equal to the estimated value
21 of the benefits of the project.

22 (ii) EFFECT ON NON-FEDERAL
23 SHARE.—Amounts provided by an affected
24 community under clause (i) shall be in ad-
25 dition to any payments or contributions

1 the affected community is required to pro-
2 vide toward the remaining costs of design
3 and construction of the project under sec-
4 tion 103 of the Water Resources Develop-
5 ment Act of 1986 (33 U.S.C. 2213).

6 (4) ABILITY TO PAY.—

7 (A) IN GENERAL.—Any cost-sharing agree-
8 ment for a project entered into pursuant to this
9 section shall be subject to the ability of the af-
10 fected community to pay.

11 (B) DETERMINATION.—The ability of any
12 affected community to pay shall be determined
13 by the Secretary in accordance with procedures
14 established by the Secretary.

15 (C) EFFECT OF REDUCTION.—Any reduc-
16 tion in the non-Federal share of the cost of a
17 project described in paragraph (1) as a result
18 of a determination under this paragraph shall
19 not be included in the Federal share for pur-
20 poses of subparagraphs (A) and (B) of para-
21 graph (3).

22 **SEC. 120. EMERGENCY RESPONSE TO NATURAL DISASTERS.**

23 Section 5 of the Act of August 18, 1941 (33 U.S.C.
24 701n) is amended—

25 (1) in subsection (a)—

1306

1 (A) in paragraph (2)(B)—

2 (i) in clause (i)(I), by inserting “, or
3 provide contributions equal to,” after
4 “pay”; and

5 (ii) in clause (ii)—

6 (I) in the heading, by inserting
7 “AND CONTRIBUTIONS” after “OF
8 PAYMENTS”;

9 (II) by inserting “or contribu-
10 tions” after “Non-Federal payments”;
11 and

12 (III) by inserting “or contribu-
13 tions” after “non-Federal payments”;
14 and

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

16 “(5) FEASIBILITY STUDY.—

17 “(A) DETERMINATION.—Not later than
18 180 days after receiving, from a non-Federal
19 sponsor of a project to repair or rehabilitate a
20 flood control work described in paragraph (1),
21 a request to initiate a feasibility study to fur-
22 ther modify the relevant flood control work to
23 provide for an increased level of protection, the
24 Secretary shall provide to the non-Federal spon-
25 sor a written decision on whether the Secretary

1 has the authority under section 216 of the
2 Flood Control Act of 1970 (33 U.S.C. 549a) to
3 undertake the requested feasibility study.

4 “(B) RECOMMENDATION.—If the Secretary
5 determines under subparagraph (B) that the
6 Secretary does not have the authority to under-
7 take the requested feasibility study, the Sec-
8 retary shall include the request for a feasibility
9 study in the annual report submitted under sec-
10 tion 7001 of the Water Resources Reform and
11 Development Act of 2014.”; and

12 (2) in subsection (c)—

13 (A) in the subsection heading, by striking
14 “LEVEE OWNERS MANUAL” and inserting
15 “ELIGIBILITY”;

16 (B) in paragraph (1), in the heading, by
17 striking “IN GENERAL” and inserting “LEVEE
18 OWNER’S MANUAL”;

19 (C) by redesignating paragraphs (2) and
20 (3) as paragraphs (3) and (4), respectively, and
21 inserting after paragraph (1) the following:

22 “(2) COMPLIANCE.—

23 “(A) IN GENERAL.—Notwithstanding the
24 status of compliance of a non-Federal interest
25 with the requirements of a levee owner’s man-

1 ual described in paragraph (1), or with any
2 other eligibility requirement established by the
3 Secretary related to the maintenance and up-
4 keep responsibilities of the non-Federal interest,
5 the Secretary shall consider the non-Federal in-
6 terest to be eligible for repair and rehabilitation
7 assistance under this section if the non-Federal
8 interest—

9 “(i) enters into a written agreement
10 with the Secretary that identifies any items
11 of deferred or inadequate maintenance and
12 upkeep identified by the Secretary prior to
13 the natural disaster; and

14 “(ii) pays, during performance of the
15 repair and rehabilitation work, all costs to
16 address—

17 “(I) any items of deferred or in-
18 adequate maintenance and upkeep
19 identified by the Secretary; and

20 “(II) any repair or rehabilitation
21 work necessary to address damage the
22 Secretary attributes to such deferred
23 or inadequate maintenance or upkeep.

1 “(B) ELIGIBILITY.—The Secretary may
2 only enter into one agreement under subpara-
3 graph (A) with any non-Federal interest.

4 “(C) SUNSET.—The authority of the Sec-
5 retary to enter into agreements under para-
6 graph (2) shall terminate on the date that is 5
7 years after the date of enactment of this para-
8 graph.”; and

9 (D) in paragraph (3) (as so redesignated),
10 by striking “this subsection” and inserting
11 “paragraph (1)”.

12 **SEC. 121. COST AND BENEFIT FEASIBILITY ASSESSMENT.**

13 Section 1161(b) of the Water Resources Development
14 Act of 2018 (33 U.S.C. 701n note) is amended—

15 (1) in the matter preceding paragraph (1)—

16 (A) by striking the “three fiscal years pre-
17 ceding” and inserting “five fiscal years pre-
18 ceding”; and

19 (B) by striking “last day of the third fiscal
20 year” and inserting “last day of the fifth fiscal
21 year”;

22 (2) in paragraph (1), by inserting “, or provide
23 contributions equal to,” before “an amount suffi-
24 cient”; and

1 (3) by striking paragraph (2) and inserting the
2 following:

3 “(2) the Secretary determines that the damage
4 to the structure was not as a result of negligent op-
5 eration or maintenance.”.

6 **SEC. 122. EXPEDITING REPAIRS AND RECOVERY FROM**
7 **FLOODING.**

8 (a) **IN GENERAL.**—To the maximum extent prac-
9 ticable, during the 5-year period beginning on the date of
10 enactment of this Act, the Secretary shall prioritize and
11 expedite the processing of applications for permits under
12 section 10 of the Act of March 3, 1899 (33 U.S.C. 403),
13 and section 404 of the Federal Water Pollution Control
14 Act (33 U.S.C. 1344), and permissions under section 14
15 of the Act of March 3, 1899 (33 U.S.C. 408), to complete
16 repairs, reconstruction (including improvements), and up-
17 grades to flood control infrastructure damaged by flooding
18 events during calendar years 2017 through 2020, includ-
19 ing flooding events caused by ice jams.

20 (b) **SAVINGS PROVISION.**—Nothing in this section af-
21 fects any obligation to comply with the requirements of
22 any Federal law, including—

23 (1) the National Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.);

1 (2) the Federal Water Pollution Control Act
2 (33 U.S.C. 1251 et seq.); and
3 (3) the Endangered Species Act of 1973 (16
4 U.S.C. 1531 et seq.).

5 **SEC. 123. REVIEW OF CORPS OF ENGINEERS ASSETS.**

6 Section 6002 of the Water Resources Reform and De-
7 velopment Act of 2014 (128 Stat. 1349) is amended to
8 read as follows:

9 **“SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS.**

10 “(a) ASSESSMENT.—The Secretary shall conduct an
11 assessment of projects constructed by the Secretary for
12 which the Secretary continues to have financial or oper-
13 ational responsibility.

14 “(b) INVENTORY.—Not later than 18 months after
15 the date of enactment of the Water Resources Develop-
16 ment Act of 2020, the Secretary shall, based on the as-
17 sessment carried out under subsection (a), develop an in-
18 ventory of projects or portions of projects—

19 “(1) that are not needed for the missions of the
20 Corps of Engineers;

21 “(2) the modification of which, including
22 though the use of structural features, nonstructural
23 features, or natural features or nature-based fea-
24 tures (as those terms are defined in section 1184(a)
25 of the Water Resources Development Act of 2016

1 (33 U.S.C. 2289a(a)), could improve the sustainable
2 operations of the project, or reduce operation and
3 maintenance costs for the project; or

4 “(3) that are no longer having project purposes
5 adequately met by the Corps of Engineers, because
6 of deferment of maintenance or other challenges,
7 and the divestment of which to a non-Federal entity
8 could better meet the local and regional needs for
9 operation and maintenance.

10 “(c) CRITERIA.—In conducting the assessment under
11 subsection (a) and developing the inventory under sub-
12 section (b), the Secretary shall use the following criteria:

13 “(1) The extent to which the project aligns with
14 the current missions of the Corps of Engineers.

15 “(2) The economic and environmental impacts
16 of the project on existing communities in the vicinity
17 of the project.

18 “(3) The extent to which the divestment or
19 modification of the project could reduce operation
20 and maintenance costs of the Corps of Engineers.

21 “(4) The extent to which the divestment or
22 modification of the project is in the public interest.

23 “(5) The extent to which investment of addi-
24 tional Federal resources in the project proposed for
25 divestment or modification, including investment

1 needed to bring the project to a good state of repair,
2 is in the public interest.

3 “(6) The extent to which the authorized pur-
4 pose of the project is no longer being met.

5 “(d) RECOMMENDATIONS OF NON-FEDERAL INTER-
6 ESTS.—A non-Federal interest for a project may rec-
7 ommend that the Secretary include such project in the as-
8 sessment or inventory required under this section.

9 “(e) REPORT TO CONGRESS.—

10 “(1) IN GENERAL.—Upon completion of the in-
11 ventory required by subsection (b), the Secretary
12 shall submit to the Committee on Environment and
13 Public Works of the Senate and the Committee on
14 Transportation and Infrastructure of the House of
15 Representatives, and make publicly available, a re-
16 port containing the findings of the Secretary with
17 respect to the assessment and inventory required
18 under this section.

19 “(2) INCLUSION.—The Secretary shall list in an
20 appendix any recommendation of a non-Federal in-
21 terest made with respect to a project under sub-
22 section (d) that the Secretary determines not to in-
23 clude in the inventory developed under subsection
24 (b), based on the criteria in subsection (c), including

1 information about the request and the reasons for
2 the Secretary's determination.”.

3 **SEC. 124. SENSE OF CONGRESS ON MULTIPURPOSE**
4 **PROJECTS.**

5 It is the sense of Congress that the Secretary, in co-
6 ordination with non-Federal interests, should maximize
7 the development, evaluation, and recommendation of
8 project alternatives for future water resources develop-
9 ment projects that produce multiple project benefits, such
10 as navigation, flood risk management, and ecosystem res-
11 toration benefits, including through the use of natural or
12 nature-based features and the beneficial use of dredged
13 material.

14 **SEC. 125. BENEFICIAL USE OF DREDGED MATERIAL;**
15 **DREDGED MATERIAL MANAGEMENT PLANS.**

16 (a) NATIONAL POLICY ON THE BENEFICIAL USE OF
17 DREDGED MATERIAL.—

18 (1) IN GENERAL.—It is the policy of the United
19 States for the Corps of Engineers to maximize the
20 beneficial use, in an environmentally acceptable
21 manner, of suitable dredged material obtained from
22 the construction or operation and maintenance of
23 water resources development projects.

24 (2) PLACEMENT OF DREDGED MATERIALS.—

1 (A) IN GENERAL.—In evaluating the place-
2 ment of dredged material obtained from the
3 construction or operation and maintenance of
4 water resources development projects, the Sec-
5 retary shall consider—

6 (i) the suitability of the dredged mate-
7 rial for a full range of beneficial uses; and

8 (ii) the economic and environmental
9 benefits, efficiencies, and impacts (includ-
10 ing the effects on living coral) of using the
11 dredged material for beneficial uses, in-
12 cluding, in the case of beneficial use activi-
13 ties that involve more than one water re-
14 sources development project, the benefits,
15 efficiencies, and impacts that result from
16 the combined activities.

17 (B) CALCULATION OF FEDERAL STAND-
18 ARD.—

19 (i) DETERMINATION.—The economic
20 benefits and efficiencies from the beneficial
21 use of dredged material considered by the
22 Secretary under subparagraph (A) shall be
23 included in any determination relating to
24 the “Federal standard” by the Secretary
25 under section 335.7 of title 33, Code of

1 Federal Regulations, for the placement or
2 disposal of such material.

3 (ii) REPORTS.—The Secretary shall
4 submit to Congress—

5 (I) a report detailing the method
6 and all of the factors utilized by the
7 Corps of Engineers to determine the
8 Federal standard referred to in clause
9 (i); and

10 (II) for each evaluation under
11 subparagraph (A), a report displaying
12 the calculations for economic and en-
13 vironmental benefits and efficiencies
14 from the beneficial use of dredged ma-
15 terial (including, where appropriate,
16 the utilization of alternative dredging
17 equipment and dredging disposal
18 methods) considered by the Secretary
19 under such subparagraph for the
20 placement or disposal of such mate-
21 rial.

22 (C) SELECTION OF DREDGED MATERIAL
23 DISPOSAL METHOD FOR CERTAIN PURPOSES.—
24 Section 204(d) of the Water Resources Develop-

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1 ment Act of 1992 (33 U.S.C. 2326(d)) is
2 amended—

3 (i) in paragraph (1)—

4 (I) in the matter preceding sub-
5 paragraph (A), by striking “In devel-
6 oping” and all that follows through
7 “the non-Federal interest,” and in-
8 serting “At the request of the non-
9 Federal interest for a water resources
10 development project involving the dis-
11 posal of dredged material, the Sec-
12 retary, using funds appropriated for
13 construction or operation and mainte-
14 nance of the project, may select”; and

15 (II) in subparagraph (B), by
16 striking “flood and storm damage and
17 flood reduction benefits” and inserting
18 “hurricane and storm or flood risk re-
19 duction benefits”; and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(5) SELECTION OF DREDGED MATERIAL DIS-
23 POSAL METHOD FOR CERTAIN PURPOSES.—Activities
24 carried out under this subsection—

1 “(A) shall be carried out using amounts
2 appropriated for construction or operation and
3 maintenance of the project involving the dis-
4 posal of the dredged material; and

5 “(B) shall not carried out using amounts
6 made available under subsection (g).”.

7 (b) BENEFICIAL USE OF DREDGED MATERIAL.—

8 (1) PILOT PROGRAM PROJECTS.—Section 1122
9 of the Water Resources Development Act of 2016
10 (33 U.S.C. 2326 note) is amended—

11 (A) in subsection (a)—

12 (i) in paragraph (6), by striking “;
13 and” and inserting a semicolon;

14 (ii) in paragraph (7)(C), by striking
15 the period at the end and inserting “;
16 and”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(8) recovering lost storage capacity in res-
20 ervoirs due to sediment accumulation, if the project
21 also has a purpose described in any of paragraphs
22 (1) through (7).”;

23 (B) in subsection (b)(1), by striking “20”
24 and inserting “35”; and

1 (C) in subsection (g), by striking “20” and
2 inserting “35”.

3 (2) SENSE OF CONGRESS.—It is the sense of
4 Congress that the Secretary, in selecting projects for
5 the beneficial use of dredged materials under section
6 1122 of the Water Resources Development Act of
7 2016 (33 U.S.C. 2326 note), should ensure the thor-
8 ough evaluation of project submissions from rural,
9 small, and economically disadvantaged communities.

10 (3) PROJECT SELECTION.—In selecting projects
11 for the beneficial use of dredged materials under
12 section 1122 of the Water Resources Development
13 Act of 2016 (33 U.S.C. 2326 note), the Secretary
14 shall prioritize the selection of at least one project
15 for the utilization of thin layer placement of dredged
16 fine and coarse grain sediment and at least one
17 project for recovering lost storage capacity in res-
18 ervoirs due to sediment accumulation authorized by
19 subsection (a)(8) of such section, to the extent that
20 a non-Federal interest has submitted an application
21 for such project purposes that otherwise meets the
22 requirements of such section.

23 (4) TEMPORARY EASEMENTS.—Section 1148 of
24 the Water Resources Development Act of 2018 (33
25 U.S.C. 2326 note) is amended—

1 (A) in subsection (a)—

2 (i) by striking “grant” and inserting
3 “approve”; and

4 (ii) by striking “granting” and insert-
5 ing “approving”; and

6 (B) in subsection (b), by striking “grants”
7 and inserting “approves”.

8 (c) FIVE-YEAR REGIONAL DREDGED MATERIAL
9 MANAGEMENT PLANS.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, and annually
12 thereafter, the District Commander of each district
13 of the Corps of Engineers that obtains dredged ma-
14 terial through the construction or operation and
15 maintenance of a water resources development
16 project shall, at Federal expense, develop and submit
17 to the Secretary a 5-year dredged material manage-
18 ment plan in coordination with relevant State agen-
19 cies and stakeholders.

20 (2) SCOPE.—Each plan developed under this
21 subsection shall include—

22 (A) a dredged material budget for each
23 watershed or littoral system within the district;

24 (B) an estimate of the amount of dredged
25 material likely to be obtained through the con-

1 struction or operation and maintenance of all
2 water resources development projects projected
3 to be carried out within the district during the
4 5-year period following submission of the plan,
5 and the estimated timing for obtaining such
6 dredged material;

7 (C) an identification of potential water re-
8 sources development projects projected to be
9 carried out within the district during such 5-
10 year period that are suitable for, or that re-
11 quire, the placement of dredged material, and
12 an estimate of the amount of dredged material
13 placement capacity of such projects;

14 (D) an evaluation of—

15 (i) the suitability of the dredged mate-
16 rial for a full range of beneficial uses; and

17 (ii) the economic and environmental
18 benefits, efficiencies, and impacts (includ-
19 ing the effects on living coral) of using the
20 dredged material for beneficial uses, in-
21 cluding, in the case of beneficial use activi-
22 ties that involve more than one water re-
23 sources development project, the benefits,
24 efficiencies, and impacts that result from
25 the combined activities;

1 (E) the district-wide goals for beneficial
2 use of the dredged material, including any ex-
3 pected cost savings from aligning and coordi-
4 nating multiple projects (including projects
5 across Corps districts) in the use of the dredged
6 material; and

7 (F) a description of potential beneficial use
8 projects identified through stakeholder sollicita-
9 tion and coordination.

10 (3) PUBLIC COMMENT.—In developing each
11 plan under this subsection, each District Com-
12 mander shall provide notice and an opportunity for
13 public comment, including a solicitation for stake-
14 holders to identify beneficial use projects, in order to
15 ensure, to the extent practicable, that beneficial use
16 of dredged material is not foregone in a particular
17 fiscal year or dredging cycle.

18 (4) PUBLIC AVAILABILITY.—Upon submission
19 of each plan to the Secretary under this subsection,
20 each District Commander shall make the plan pub-
21 licly available, including on a publicly available
22 website.

23 (5) TRANSMISSION TO CONGRESS.—As soon as
24 practicable after receiving a plan under subsection

1 (a), the Secretary shall transmit the plan to Con-
2 gress.

3 (6) REGIONAL SEDIMENT MANAGEMENT
4 PLANS.—A plan developed under this section—

5 (A) shall be in addition to regional sedi-
6 ment management plans prepared under section
7 204(a) of the Water Resources Development
8 Act of 1992 (33 U.S.C. 2326(a)); and

9 (B) shall not be subject to the limitations
10 in section 204(g) of the Water Resources Devel-
11 opment Act of 1992 (33 U.S.C. 2326(g)).

12 (d) DREDGE PILOT PROGRAM.—

13 (1) REVISIONS.—Section 1111 of the Water
14 Resources Development Act of 2018 (33 U.S.C.
15 2326 note) is amended—

16 (A) in subsection (a), by striking “for the
17 operation and maintenance of harbors and in-
18 land harbors” and all that follows through the
19 period at the end and inserting the following:

20 “for the operation and maintenance of—

21 “(1) harbors and inland harbors referred to in
22 section 210(a)(2) of the Water Resources Develop-
23 ment Act of 1986 (33 U.S.C. 2238(a)(2)); or

24 “(2) inland and intracoastal waterways of the
25 United States described in section 206 of the Inland

1 Waterways Revenue Act of 1978 (33 U.S.C.
2 1804).”; and

3 (B) in subsection (b), by striking “or in-
4 land harbors” and inserting “, inland harbors,
5 or inland or intracoastal waterways”.

6 (2) COORDINATION WITH EXISTING AUTHORI-
7 TIES.—The Secretary may carry out the dredge pilot
8 program authorized by section 1111 of the Water
9 Resources Development Act of 2018 (33 U.S.C.
10 2326 note) in coordination with Federal regional
11 dredge demonstration programs in effect on the date
12 of enactment of this Act.

13 **SEC. 126. AQUATIC ECOSYSTEM RESTORATION FOR ANAD-**
14 **ROMOUS FISH.**

15 (a) ANADROMOUS FISH HABITAT AND PASSAGE.—
16 Section 206 of the Water Resources Development Act of
17 1996 (33 U.S.C. 2330) is amended—

18 (1) in subsection (a), by adding at the end the
19 following:

20 “(3) ANADROMOUS FISH HABITAT AND PAS-
21 SAGE.—

22 “(A) MEASURES.—A project under this
23 section may include measures to improve habi-
24 tat or passage for anadromous fish, including—

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1 “(i) installing fish bypass structures
2 on small water diversions;

3 “(ii) modifying tide gates; and

4 “(iii) restoring or reconnecting
5 floodplains and wetlands that are impor-
6 tant for anadromous fish habitat or pas-
7 sage.

8 “(B) BENEFITS.—A project that includes
9 measures under this paragraph shall be formu-
10 lated to maximize benefits for the anadromous
11 fish species benefitted by the project.”; and

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

13 “(g) PRIORITIZATION.—The Secretary shall give
14 projects that include measures described in subsection
15 (a)(3) equal priority for implementation as other projects
16 under this section.”.

17 **SEC. 127. ANNUAL REPORT TO CONGRESS ON WATER RE-**
18 **SOURCES INFRASTRUCTURE.**

19 (a) IN GENERAL.—Section 7001 of the Water Re-
20 sources Reform and Development Act of 2014 (33 U.S.C.
21 2282d) is amended—

22 (1) in subsection (c)—

23 (A) in paragraph (1)—

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1 (i) in subparagraph (B)(ii)(III), by in-
2 serting “, regional, or local” after “na-
3 tional”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(D) MODIFICATIONS OF PROJECTS CAR-
7 RIED OUT PURSUANT TO CONTINUING AUTHOR-
8 ITY PROGRAMS.—

9 “(i) IN GENERAL.—With respect to a
10 project being carried out pursuant to a
11 continuing authority program for which a
12 proposed modification is necessary because
13 the project is projected to exceed, in the
14 coming fiscal year, the maximum Federal
15 cost of the project, the Secretary shall in-
16 clude a proposed modification in the an-
17 nual report if the proposed modification
18 will result in completion of construction
19 the project and the justification for the
20 modification is not the result of a change
21 in the scope of the project.

22 “(ii) INCLUSION.—For each proposed
23 modification included in an annual report
24 under clause (i), the Secretary shall in-
25 clude in the annual report—

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1 “(I) a justification of why the
2 modification is necessary;

3 “(II) an estimate of the total cost
4 and timeline required to complete con-
5 struction of the project; and

6 “(III) an indication of continued
7 support by the non-Federal interest
8 and the financial ability of the non-
9 Federal interest to provide the re-
10 quired cost-share.

11 “(iii) DEFINITION.—For the purposes
12 of this subparagraph, the term ‘continuing
13 authority program’ means any of—

14 “(I) section 14 of the Flood Con-
15 trol Act of 1946 (33 U.S.C. 701r);

16 “(II) section 3 of the Act of Au-
17 gust 13, 1946 (33 U.S.C. 426g);

18 “(III) section 107 of the River
19 and Harbor Act of 1960 (33 U.S.C.
20 577);

21 “(IV) section 111 of the River
22 and Harbor Act of 1968 (33 U.S.C.
23 426i);

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1 “(V) section 204 of the Water
2 Resources Development Act of 1992
3 (33 U.S.C. 2326);

4 “(VI) section 205 of the Flood
5 Control Act of 1948 (33 U.S.C.
6 701s);

7 “(VII) section 206 of the Water
8 Resources Development Act of 1996
9 (33 U.S.C. 2330);

10 “(VIII) section 2 of the Act of
11 August 28, 1937 (33 U.S.C. 701g);
12 and

13 “(IX) section 1135 of the Water
14 Resources Development Act of 1986
15 (33 U.S.C. 2309a).”; and

16 (B) in paragraph (4)(B)—

17 (i) in clause (i), by striking “and” at
18 the end;

19 (ii) by redesignating clause (ii) as
20 clause (iii); and

21 (iii) by inserting after clause (i) the
22 following:

23 “(ii) the Secretary shall not include
24 proposals in the appendix of the annual re-
25 port that otherwise meet the criteria for

1 inclusion in the annual report solely on the
2 basis that the proposals are for the pur-
3 poses of navigation, flood risk manage-
4 ment, ecosystem restoration, or municipal
5 or agricultural water supply; and”;

6 (2) in subsection (g)(5), by striking “if author-
7 ized” and all that follows through “2016”.

8 (b) OVER-BUDGET CAP PROGRAMS.—For any project
9 carried out under a continuing authority program, as such
10 term is defined in section 7001(c)(1)(D) of the Water Re-
11 sources Reform and Development Act of 2014 (33 U.S.C.
12 2282d)), for which the Secretary is required to include a
13 proposed modification in an annual report under such sec-
14 tion 7001(c)(1)(D), the Secretary shall, to the extent prac-
15 ticable, inform the non-Federal interest of the process for
16 carrying out the project pursuant to section 105 of the
17 Water Resources Development Act of 1986 (33 U.S.C.
18 2215) and whether the Secretary has the authority to
19 complete a feasibility study for the project.

20 (c) ANNUAL REPORT ON STATUS OF FEASIBILITY
21 STUDIES.—Concurrent with each report submitted under
22 section 7001 of the Water Resources Reform and Develop-
23 ment Act of 2014 (33 U.S.C. 2282d), the Secretary shall
24 submit to the Committee on Transportation and Infra-
25 structure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate
2 a report that provides for an accounting of all outstanding
3 feasibility studies being conducted by the Secretary, in-
4 cluding, for each such study, its length, cost, and expected
5 completion date.

6 **SEC. 128. HARMFUL ALGAL BLOOM DEMONSTRATION PRO-**
7 **GRAM.**

8 (a) IN GENERAL.—The Secretary shall carry out a
9 demonstration program to determine the causes of, and
10 implement measures to effectively detect, prevent, treat,
11 and eliminate, harmful algal blooms associated with water
12 resources development projects.

13 (b) CONSULTATION; USE OF EXISTING DATA AND
14 PROGRAM AUTHORITIES.—In carrying out the demonstra-
15 tion program under subsection (a), the Secretary shall—

16 (1) consult with the heads of appropriate Fed-
17 eral and State agencies; and

18 (2) make maximum use of existing Federal and
19 State data and ongoing programs and activities of
20 Federal and State agencies, including the activities
21 of the Secretary carried out through the Engineer
22 Research and Development Center pursuant to sec-
23 tion 1109 of the Water Resources Development Act
24 of 2018 (33 U.S.C. 610 note).

1 and Infrastructure of the House of Representatives and
2 the Committee on Environment and Public Works of the
3 Senate a report on the effects of any interception-rearing
4 complex constructed on the Missouri River on—

5 (1) flood risk management and navigation; and

6 (2) the population recovery of the pallid stur-
7 geon, including baseline population counts.

8 (b) NO ADDITIONAL IRC CONSTRUCTION.—The Sec-
9 retary may not authorize construction of an interception-
10 rearing complex on the Missouri River until the Sec-
11 retary—

12 (1) submits the report required by subsection

13 (a);

14 (2) acting through the Engineer Research and
15 Development Center, conducts further research on
16 interception-rearing complex design, including any
17 effects on existing flows, flood risk management, and
18 navigation; and

19 (3) develops a plan—

20 (A) to repair dikes and revetments that are
21 affecting flood risk and bank erosion; and

22 (B) to establish, repair, or improve water
23 control structures at the headworks of con-
24 structed shallow water habitat side-channels.

25 (c) FUTURE IRC CONSTRUCTION.—

1 (1) PUBLIC COMMENT.—The Secretary shall
2 provide an opportunity for comment from the public
3 and the Governor of each affected State on any pro-
4 posals to construct an interception-rearing complex
5 after the date of enactment of this Act.

6 (2) PERIOD.—The public comment period re-
7 quired by paragraph (1) shall be not less than 90
8 days for each proposal to construct an interception-
9 rearing complex on the Missouri River.

10 **SEC. 130. MATERIALS, SERVICES, AND FUNDS FOR REPAIR,**
11 **RESTORATION, OR REHABILITATION OF**
12 **PROJECTS.**

13 (a) DEFINITIONS.—In this section:

14 (1) COVERED AREA.—The term “covered area”
15 means an area—

16 (A) for which the Governor of a State has
17 requested a determination that an emergency
18 exists; or

19 (B) covered by an emergency or major dis-
20 aster declaration declared under the Robert T.
21 Stafford Disaster Relief and Emergency Assist-
22 ance Act (42 U.S.C. 5121 et seq.).

23 (2) EMERGENCY PERIOD.—The term “emer-
24 gency period” means—

1 (A) with respect to a covered area de-
2 scribed in paragraph (1)(A), the period during
3 which the Secretary determines an emergency
4 exists; and

5 (B) with respect to a covered area de-
6 scribed in paragraph (1)(B), the period during
7 which the applicable declaration is in effect.

8 (b) IN GENERAL.—In any covered area, the Secretary
9 is authorized to accept and use materials, services, and
10 funds, during the emergency period, from a non-Federal
11 interest or private entity to repair, restore, or rehabilitate
12 a federally authorized water resources development
13 project, and to provide reimbursement to such non-Fed-
14 eral interest or private entity for such materials, services,
15 and funds, in the Secretary's sole discretion, and subject
16 to the availability of appropriations, if the Secretary deter-
17 mines that reimbursement is in the public interest.

18 (c) ADDITIONAL REQUIREMENT.—The Secretary
19 may only reimburse for the use of materials or services
20 accepted under this section if such materials or services
21 meet the Secretary's specifications and comply with all ap-
22 plicable laws and regulations that would apply if such ma-
23 terials and services were acquired by the Secretary, includ-
24 ing sections 3141 through 3148 and 3701 through 3708
25 of title 40, United States Code, section 8302 of title 41,

1 United States Code, and the National Environmental Pol-
2 icy Act of 1969.

3 (d) AGREEMENTS.—

4 (1) IN GENERAL.—Prior to the acceptance of
5 materials, services, or funds under this section, the
6 Secretary and the non-Federal interest or private
7 entity shall enter into an agreement that specifies—

8 (A) the non-Federal interest or private en-
9 tity shall hold and save the United States free
10 from any and all damages that arise from use
11 of materials or services of the non-Federal in-
12 terest or private entity, except for damages due
13 to the fault or negligence of the United States
14 or its contractors;

15 (B) the non-Federal interest or private en-
16 tity shall certify that the materials or services
17 comply with all applicable laws and regulations
18 under subsection (c); and

19 (C) any other term or condition required
20 by the Secretary.

21 (2) EXCEPTION.—If an agreement under para-
22 graph (1) was not entered prior to materials or serv-
23 ices being contributed, a non-Federal interest or pri-
24 vate entity shall enter into an agreement with the
25 Secretary that—

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1 (A) specifies the value, as determined by
2 the Secretary, of those materials or services
3 contributed and eligible for reimbursement; and

4 (B) ensures that the materials or services
5 comply with subsection (c) and paragraph (1).

6 **SEC. 131. LEVEE SAFETY.**

7 Section 9004 of the Water Resources Development
8 Act of 2007 (33 U.S.C. 3303) is amended by adding at
9 the end the following:

10 “(d) IDENTIFICATION OF DEFICIENCIES.—

11 “(1) IN GENERAL.—For each levee included in
12 an inventory established under subsection (b) or for
13 which the Secretary has conducted a review under
14 subsection (c), the Secretary shall—

15 “(A) identify the specific engineering and
16 maintenance deficiencies, if any; and

17 “(B) describe the recommended remedies
18 to correct each deficiency identified under sub-
19 paragraph (A), and, if requested by owner of a
20 non-Federal levee, the associated costs of those
21 remedies.

22 “(2) CONSULTATION.—In identifying defi-
23 ciencies and describing remedies for a levee under
24 paragraph (1), the Secretary shall consult with rel-
25 evant non-Federal interests, including by providing

1 an opportunity for comment by those non-Federal
2 interests.”.

3 **SEC. 132. NATIONAL DAM SAFETY PROGRAM.**

4 (a) DEFINITIONS.—Section 2 of the National Dam
5 Safety Program Act (33 U.S.C. 467) is amended—

6 (1) in paragraph (4)—

7 (A) in subparagraph (A)—

8 (i) by striking clause (iii) and insert-
9 ing the following:

10 “(iii) has an emergency action plan
11 that—

12 “(I) is approved by the relevant
13 State dam safety agency; or

14 “(II) is in conformance with
15 State law and pending approval by the
16 relevant State dam safety agency;”;
17 and

18 (ii) by striking clause (iv) and insert-
19 ing the following:

20 “(iv) fails to meet minimum dam safe-
21 ty standards of the State in which the dam
22 is located, as determined by the State; and

23 “(v) poses an unacceptable risk to the
24 public, as determined by the Adminis-

1 trator, in consultation with the Board.”;

2 and

3 (B) in subparagraph (B)(i), by inserting

4 “under a hydropower project with an authorized

5 installed capacity of greater than 1.5

6 megawatts” after “dam”; and

7 (2) in paragraph (10)—

8 (A) in the heading, by striking “NON-FED-

9 ERAL SPONSOR” and inserting “ELIGIBLE SUB-

10 RECIPIENT”; and

11 (B) by striking “The term ‘non-Federal

12 sponsor’ ” and inserting “The term ‘eligible

13 subrecipient’ ”.

14 (b) REHABILITATION OF HIGH HAZARD POTENTIAL

15 DAMS.—

16 (1) ESTABLISHMENT OF PROGRAM.—Section

17 8A(a) of the National Dam Safety Program Act (33

18 U.S.C. 467f–2(a)) is amended by striking “to non-

19 Federal sponsors” and inserting “to States with

20 dam safety programs”.

21 (2) ELIGIBLE ACTIVITIES.—Section 8A(b) of

22 the National Dam Safety Program Act (33 U.S.C.

23 467f–2(b)) is amended, in the matter preceding

24 paragraph (1), by striking “for a project may be

25 used for” and inserting “to a State may be used by

1 the State to award grants to eligible subrecipients
2 for”.

3 (3) AWARD OF GRANTS.—Section 8A(c) of the
4 National Dam Safety Program Act (33 U.S.C.
5 467f–2(c)) is amended—

6 (A) in paragraph (1)(A), by striking “non-
7 Federal sponsor” and inserting “State”; and

8 (B) in paragraph (2)—

9 (i) in subparagraph (A), by striking
10 “an eligible high hazard potential dam to
11 a non-Federal sponsor” and inserting “eli-
12 gible high hazard potential dams to a
13 State”;

14 (ii) in subparagraph (B)—

15 (I) in the subparagraph heading,
16 by striking “PROJECT GRANT” and in-
17 serting “GRANT”;

18 (II) by striking “project grant
19 agreement with the non-Federal spon-
20 sor” and inserting “grant agreement
21 with the State”; and

22 (III) by striking “project,” and
23 inserting “projects for which the
24 grant is awarded,”;

1 (iii) by amending subparagraph (C) to
2 read as follows:

3 “(C) GRANT ASSURANCE.—As part of a
4 grant agreement under subparagraph (B), the
5 Administrator shall require that each eligible
6 subrecipient to which the State awards a grant
7 under this section provides an assurance, with
8 respect to the dam to be rehabilitated by the el-
9 igible subrecipient, that the dam owner will
10 carry out a plan for maintenance of the dam
11 during the expected life of the dam.”; and

12 (iv) in subparagraph (D), by striking
13 “A grant provided under this section shall
14 not exceed” and inserting “A State may
15 not award a grant to an eligible sub-
16 recipient under this section that exceeds,
17 for any 1 dam,”.

18 (4) REQUIREMENTS.—Section 8A(d) of the Na-
19 tional Dam Safety Program Act (33 U.S.C. 467f-
20 2(d)) is amended—

21 (A) in paragraph (1), by inserting “to an
22 eligible subrecipient” after “this section”;

23 (B) in paragraph (2)—

1 (i) in the paragraph heading, by strik-
2 ing “NON-FEDERAL SPONSOR” and insert-
3 ing “ELIGIBLE SUBRECIPIENT”;

4 (ii) in the matter preceding subpara-
5 graph (A), by striking “the non-Federal
6 sponsor shall” and inserting “an eligible
7 subrecipient shall, with respect to the dam
8 to be rehabilitated by the eligible sub-
9 recipient”;

10 (iii) by amending subparagraph (A) to
11 read as follows:

12 “(A) demonstrate that the community in
13 which the dam is located participates in, and
14 complies with, all applicable Federal flood in-
15 surance programs, including demonstrating that
16 such community is participating in the National
17 Flood Insurance Program, and is not on proba-
18 tion, suspended, or withdrawn from such Pro-
19 gram;”;

20 (iv) in subparagraph (B), by striking
21 “have” and inserting “beginning not later
22 than 2 years after the date on which the
23 Administrator publishes criteria for hazard
24 mitigation plans under paragraph (3),
25 demonstrate that the Tribal or local gov-

1 ernment with jurisdiction over the area in
2 which the dam is located has”; and

3 (v) in subparagraph (C), by striking
4 “50-year period” and inserting “expected
5 life of the dam”; and

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

7 “(3) HAZARD MITIGATION PLAN CRITERIA.—
8 Not later than 1 year after the date of enactment
9 of this paragraph, the Administrator, in consultation
10 with the Board, shall publish criteria for hazard
11 mitigation plans required under paragraph (2)(B).”.

12 (5) FLOODPLAIN MANAGEMENT PLANS.—Sec-
13 tion 8A(e) of the National Dam Safety Program Act
14 (33 U.S.C. 467f–2(e)) is amended—

15 (A) in paragraph (1)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “the non-Federal
18 sponsor” and inserting “an eligible sub-
19 recipient”; and

20 (ii) in subparagraph (B), by striking
21 “1 year” and inserting “2 years” each
22 place it appears; and

23 (B) by striking paragraph (3) and insert-
24 ing the following:

1 “(3) PLAN CRITERIA AND TECHNICAL SUP-
2 PORT.—The Administrator, in consultation with the
3 Board, shall provide criteria, and may provide tech-
4 nical support, for the development and implementa-
5 tion of floodplain management plans prepared under
6 this subsection.”.

7 (6) CONTRACTUAL REQUIREMENTS.—Section
8 8A(i)(1) of the National Dam Safety Program Act
9 (33 U.S.C. 467f–2(i)(1)) is amended by striking “a
10 non-Federal sponsor” and inserting “an eligible sub-
11 recipient”.

12 **SEC. 133. REHABILITATION OF CORPS OF ENGINEERS CON-**
13 **STRUCTED PUMP STATIONS.**

14 (a) DEFINITIONS.—In this section:

15 (1) ELIGIBLE PUMP STATION.—The term “eli-
16 gible pump station” means a pump station—

17 (A) constructed, in whole or in part, by the
18 Corps of Engineers for flood risk management
19 purposes;

20 (B) that the Secretary has identified as
21 having a major deficiency; and

22 (C) the failure of which the Secretary has
23 determined would impair the function of a flood
24 risk management project constructed by the
25 Corps of Engineers.

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1 (2) REHABILITATION.—

2 (A) IN GENERAL.—The term “rehabilita-
3 tion”, with respect to an eligible pump station,
4 means to address a major deficiency of the eli-
5 gible pump station caused by long-term deg-
6 radation of the foundation, construction mate-
7 rials, or engineering systems or components of
8 the eligible pump station.

9 (B) INCLUSIONS.—The term “rehabilita-
10 tion”, with respect to an eligible pump station,
11 includes—

12 (i) the incorporation into the eligible
13 pump station of—

- 14 (I) current design standards;
15 (II) efficiency improvements; and
16 (III) associated drainage; and

17 (ii) increasing the capacity of the eli-
18 gible pump station, subject to the condition
19 that the increase shall—

20 (I) significantly decrease the risk
21 of loss of life and property damage; or

22 (II) decrease total lifecycle reha-
23 bilitation costs for the eligible pump
24 station.

1 (b) AUTHORIZATION.—The Secretary may carry out
2 rehabilitation of an eligible pump station, if the Secretary
3 determines that the rehabilitation is feasible.

4 (c) COST SHARING.—The non-Federal interest for
5 the eligible pump station shall—

6 (1) provide 35 percent of the cost of rehabilita-
7 tion of an eligible pump station carried out under
8 this section; and

9 (2) provide all land, easements, rights-of-way,
10 and necessary relocations associated with the reha-
11 bilitation described in subparagraph (A), at no cost
12 to the Federal Government.

13 (d) AGREEMENT REQUIRED.—The rehabilitation of
14 an eligible pump station pursuant to this section shall be
15 initiated only after a non-Federal interest has entered into
16 a binding agreement with the Secretary—

17 (1) to pay the non-Federal share of the costs of
18 rehabilitation under subsection (c); and

19 (2) to pay 100 percent of the operation and
20 maintenance costs of the rehabilitated eligible pump
21 station, in accordance with regulations promulgated
22 by the Secretary.

23 (e) TREATMENT.—The rehabilitation of an eligible
24 pump station pursuant to this section shall not be consid-
25 ered to be a separable element of the associated flood risk

1 management project constructed by the Corps of Engi-
2 neers.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$60,000,000, to remain available until expended.

6 **SEC. 134. NON-FEDERAL PROJECT IMPLEMENTATION**
7 **PILOT PROGRAM.**

8 (a) REAUTHORIZATION; IMPLEMENTATION GUID-
9 ANCE.—Section 1043(b) of the Water Resources Reform
10 and Development Act of 2014 (33 U.S.C. 2201 note) is
11 amended—

12 (1) in paragraph (7), by striking “the date that
13 is 5 years after the date of enactment of this Act”
14 and inserting “September 30, 2026”;

15 (2) in paragraph (8), by striking “2023” and
16 inserting “2026”; and

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

18 “(9) IMPLEMENTATION GUIDANCE.—

19 “(A) IN GENERAL.—Not later than 120
20 days after the date of enactment of this para-
21 graph, the Secretary shall issue guidance for
22 the implementation of the pilot program that,
23 to the extent practicable, identifies—

24 “(i) the metrics for measuring the
25 success of the pilot program;

1 “(ii) a process for identifying future
2 projects to participate in the pilot pro-
3 gram;

4 “(iii) measures to address the risks of
5 a non-Federal interest constructing
6 projects under the pilot program, including
7 which entity bears the risk for projects
8 that fail to meet the Corps of Engineers
9 standards for design or quality;

10 “(iv) the laws and regulations that a
11 non-Federal interest must follow in car-
12 rying out a project under the pilot pro-
13 gram; and

14 “(v) which entity bears the risk in the
15 event that a project carried out under the
16 pilot program fails to be carried out in ac-
17 cordance with the project authorization or
18 this subsection.

19 “(B) NEW PROJECT PARTNERSHIP AGREE-
20 MENTS.—The Secretary may not enter into a
21 project partnership agreement under this sub-
22 section during the period beginning on the date
23 of enactment of this paragraph and ending on
24 the date on which the Secretary issues the guid-
25 ance under subparagraph (A).”.

1 (b) NON-FEDERAL PROJECT IMPLEMENTATION FOR
2 COMPREHENSIVE EVERGLADES RESTORATION PLAN
3 PROJECTS.—

4 (1) IN GENERAL.—In carrying out the pilot
5 program authorized under section 1043(b) of the
6 Water Resources Reform and Development Act of
7 2014 (33 U.S.C. 2201 note), the Secretary is au-
8 thorized to include a project authorized to be imple-
9 mented by, or in accordance with, section 601 of the
10 Water Resources Development Act of 2000, in ac-
11 cordance with such section 1043(b).

12 (2) ELIGIBILITY.—In the case of a project de-
13 scribed in paragraph (1) for which the non-Federal
14 interest has initiated construction in compliance with
15 authorities governing the provision of in-kind con-
16 tributions for such project, the Secretary shall take
17 into account the value of any in-kind contributions
18 carried out by the non-Federal interest for such
19 project prior to the date of execution of the project
20 partnership agreement under section 1043(b) of the
21 Water Resources Reform and Development Act of
22 2014 when determining the non-Federal share of the
23 costs to complete construction of the project.

24 (3) GUIDANCE.—Not later than 180 days after
25 the date of enactment of this subsection, and in ac-

1 cordance with the guidance issued under section
2 1043(b)(9) of the Water Resources Reform and De-
3 velopment Act of 2014 (as added by this section),
4 the Secretary shall issue any additional guidance
5 that the Secretary determines necessary for the im-
6 plementation of this subsection.

7 **SEC. 135. COST SHARING PROVISIONS FOR TERRITORIES**
8 **AND INDIAN TRIBES.**

9 Section 1156(b) of the Water Resources Development
10 Act of 1986 (33 U.S.C. 2310(b)) is amended by striking
11 “for inflation” and all that follows through the period at
12 the end and inserting “on an annual basis for inflation.”.

13 **SEC. 136. REVIEW OF CONTRACTING POLICIES.**

14 (a) REVIEW OF CONTRACTUAL AGREEMENTS.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this section, the Sec-
17 retary shall complete a review of the policies, guide-
18 lines, and regulations of the Corps of Engineers for
19 the development of contractual agreements between
20 the Secretary and non-Federal interests and utilities
21 associated with the construction of water resources
22 development projects.

23 (2) REPORT.—Not later than 90 days after
24 completing the review under subsection (a)(1), the
25 Secretary shall submit to the Committee on Trans-

1 portation and Infrastructure of the House of Rep-
2 resentatives and the Committee on Environment and
3 Public Works of the Senate, and make publicly
4 available, a report that includes—

5 (A) a summary of the results of the review;
6 and

7 (B) public guidance on best practices for a
8 non-Federal interest to use when writing or de-
9 veloping contractual agreements with the Sec-
10 retary and utilities.

11 (3) PROVISION OF GUIDANCE.—The Secretary
12 shall provide the best practices guidance included
13 under paragraph (2)(A) to non-Federal interests
14 prior to the development of contractual agreements
15 with such non-Federal interests.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Secretary should maximize use of nonprice
18 tradeoff procedures in competitive acquisitions for car-
19 rying out emergency work in an area with respect to which
20 the President has declared a major disaster under section
21 401 of the Robert T. Stafford Disaster Relief and Emer-
22 gency Assistance Act.

1 **SEC. 137. CRITERIA FOR FUNDING ENVIRONMENTAL IN-**
2 **FRASTRUCTURE PROJECTS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall develop
5 specific criteria for the evaluation and ranking of indi-
6 vidual environmental assistance projects authorized by
7 Congress (including projects authorized pursuant to envi-
8 ronmental assistance programs) for the Secretary to carry
9 out.

10 (b) MINIMUM CRITERIA.—For the purposes of car-
11 rying out this section, the Secretary shall evaluate, at a
12 minimum—

13 (1) the nature and extent of the positive and
14 negative local economic impacts of the project, in-
15 cluding—

16 (A) the benefits of the project to the local
17 economy;

18 (B) the extent to which the project will en-
19 hance local development;

20 (C) the number of jobs that will be directly
21 created by the project; and

22 (D) the ability of the non-Federal interest
23 to pay the applicable non-Federal share of the
24 cost of the project;

1 (2) the demographics of the location in which
2 the project is to be carried out, including whether
3 the project serves—

4 (A) a rural community; or

5 (B) an economically disadvantaged commu-
6 nity, including an economically disadvantaged
7 minority community;

8 (3) the amount of appropriations a project has
9 received;

10 (4) the funding capability of the Corps of Engi-
11 neers with respect to the project;

12 (5) whether the project could be carried out
13 under other Federal authorities at an equivalent cost
14 to the non-Federal interest; and

15 (6) any other criteria that the Secretary con-
16 siders to be appropriate.

17 (c) INCLUSION IN GUIDANCE.—The Secretary shall
18 include the criteria developed under subsection (a) in the
19 annual Civil Works Direct Program Development Policy
20 Guidance of the Secretary.

21 (d) REPORT TO CONGRESS.—For fiscal year 2022,
22 and biennially thereafter, in conjunction with the Presi-
23 dent’s annual budget submission to Congress under sec-
24 tion 1105(a) of title 31, United States Code, the Secretary
25 shall submit to the Committee on Environment and Public

1 Works and the Committee on Appropriations of the Sen-
2 ate and the Committee on Transportation and Infrastruc-
3 ture and the Committee on Appropriations of the House
4 of Representatives a report that identifies the Secretary's
5 ranking of individual environmental assistance projects
6 authorized by Congress for the Secretary to carry out, in
7 accordance with the criteria developed under this section.

8 **SEC. 138. AGING INFRASTRUCTURE.**

9 (a) DEFINITIONS.—In this section:

10 (1) AGING INFRASTRUCTURE.—The term
11 “aging infrastructure” means a water resources de-
12 velopment project of the Corps of Engineers, or any
13 other water resources, water storage, or irrigation
14 project of another Federal agency, that is greater
15 than 75 years old.

16 (2) ENHANCED INSPECTION.—The term “en-
17 hanced inspection” means an inspection that uses
18 current or innovative technology, including Light
19 Detection and Ranging (commonly known as
20 “LiDAR”), ground penetrating radar, subsurface
21 imaging, or subsurface geophysical techniques, to de-
22 tect whether the features of the aging infrastructure
23 are structurally sound and can operate as intended,
24 or are at risk of failure.

25 (b) CONTRACTS FOR ENHANCED INSPECTION.—

1 (1) IN GENERAL.—The Secretary may carry out
2 enhanced inspections of aging infrastructure, pursu-
3 ant to a contract with the owner or operator of the
4 aging infrastructure.

5 (2) CERTAIN CIRCUMSTANCES.—Subject to the
6 availability of appropriations, or funds available pur-
7 suant to subsection (d), the Secretary shall enter
8 into a contract described in paragraph (1), if—

9 (A) the owner or operator of the aging in-
10 frastructure requests that the Secretary carry
11 out the enhanced inspections; and

12 (B) the inspection is at the full expense of
13 such owner or operator.

14 (c) LIMITATION.—The Secretary shall not require a
15 non-Federal entity associated with a project under the ju-
16 risdiction of another Federal agency to carry out correc-
17 tive or remedial actions in response to an enhanced inspec-
18 tion carried out under this section.

19 (d) FUNDING.—The Secretary is authorized to accept
20 funds from an owner or operator of aging infrastructure,
21 and may use such funds to carry out an enhanced inspec-
22 tion pursuant to a contract entered into with such owner
23 or operator under this section.

1 **SEC. 139. UNIFORMITY OF NOTIFICATION SYSTEMS.**

2 (a) INVENTORY.—Not later than 180 days after the
3 date of enactment of this Act, the Secretary shall complete
4 an inventory of all systems used by the Corps of Engineers
5 for external communication and notification with respect
6 to projects, initiatives, and facilities of the Corps of Engi-
7 neers.

8 (b) UNIFORM PLAN.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary
11 shall develop a plan for the uniformity of such com-
12 munication and notification systems for projects, ini-
13 tiatives, and facilities of the Corps of Engineers.

14 (2) INCLUSIONS.—The plan developed under
15 paragraph (1) shall—

16 (A) provide access to information in all
17 forms practicable, including through email, text
18 messages, news programs and websites, radio,
19 and other forms of notification;

20 (B) establish a notification system for any
21 projects, initiatives, or facilities of the Corps of
22 Engineers that do not have a notification sys-
23 tem;

24 (C) streamline existing communication and
25 notification systems to improve the strength
26 and uniformity of those systems; and

1 (D) emphasize the necessity of timeliness
2 in notification systems and ensure that the
3 methods of notification can transmit informa-
4 tion in a timely manner.

5 (3) IMPLEMENTATION.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B), not later than 2 years after
8 the date of enactment of this Act, the Secretary
9 shall complete the implementation of the plan
10 developed under paragraph (1).

11 (B) EMERGENCY MANAGEMENT NOTIFICA-
12 TION.—Not later than 18 months after the date
13 of enactment of this Act, the Secretary shall
14 implement the provisions of the plan developed
15 under paragraph (1) relating to emergency
16 management notifications.

17 (4) SAVINGS PROVISION.—Nothing in this sec-
18 tion authorizes the elimination of any existing com-
19 munication or notification system used by the Corps
20 of Engineers.

21 **SEC. 140. COASTAL STORM DAMAGE REDUCTION CON-**
22 **TRACTS.**

23 For any project for coastal storm damage reduction,
24 the Secretary may seek input from a non-Federal interest
25 for a project that may be affected by the timing of the

1 coastal storm damage reduction activities under the
2 project, in order to minimize, to the maximum extent prac-
3 ticable, any negative effects resulting from the timing of
4 those activities.

5 **SEC. 141. DAM REMEDIATION FOR ECOSYSTEM RESTORA-**
6 **TION.**

7 Section 542(b)(2) of the Water Resources Develop-
8 ment Act of 2000 (114 Stat. 2671; 121 Stat. 1150) is
9 amended—

10 (1) in subparagraph (F), by striking “or” at
11 the end;

12 (2) by redesignating subparagraph (G) as sub-
13 paragraph (H); and

14 (3) by inserting after subparagraph (F) the fol-
15 lowing:

16 “(G) measures to restore, protect, and pre-
17 serve an ecosystem affected by a dam (including
18 by the rehabilitation or modification of a
19 dam)—

20 “(i) that has been constructed, in
21 whole or in part, by the Corps of Engi-
22 neers for flood control purposes;

23 “(ii) for which construction was com-
24 pleted before 1940;

1 “(iii) that is classified as ‘high hazard
2 potential’ by the State dam safety agency
3 of the State in which the dam is located;
4 and
5 “(iv) that is operated by a non-Fed-
6 eral entity; or”.

7 **SEC. 142. LEVEE ACCREDITATION PROCESS; LEVEE CER-**
8 **TIFICATIONS.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the process developed by the Flood Protection
11 Structure Accreditation Task Force established under sec-
12 tion 100226 of the Moving Ahead for Progress in the 21st
13 Century Act (42 U.S.C. 4101 note) should not be limited
14 to levee systems in the inspection of completed works pro-
15 gram of the Corps of Engineers, but should apply equally
16 to federally owned levee systems operated by the Sec-
17 retary, including federally owned levee systems operated
18 by the Secretary as part of a reservoir project.

19 (b) LEVEE CERTIFICATIONS.—Section 3014 of the
20 Water Resources Reform and Development Act of 2014
21 (42 U.S.C. 4131) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) by striking “under the inspection
25 of completed works program” and insert-

1 ing “for levee systems under the levee safe-
2 ty and dam safety programs”; and

3 (ii) by striking “and” at the end;

4 (B) in paragraph (2)—

5 (i) by striking “activities under the in-
6 spection of completed works program of
7 the Corps of Engineers” and inserting
8 “the activities referred to in paragraph
9 (1)”;

10 (ii) by striking “chapter 1” and in-
11 sserting “chapter I”; and

12 (iii) by striking the period at the end
13 and inserting “; and”; and

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

15 “(3) in the case of a levee system that is oper-
16 ated and maintained by the Corps of Engineers, to
17 the maximum extent practicable, cooperate with
18 local governments seeking a levee accreditation deci-
19 sion for the levee to provide information necessary to
20 support the accreditation decision in a timely man-
21 ner.”; and

22 (2) in paragraph (b)(3), by adding at the end
23 the following:

24 “(C) CONTRIBUTED FUNDS.—Notwith-
25 standing subparagraph (B), a non-Federal in-

1 terest may fund up to 100 percent of the cost
2 of any activity carried out under this sub-
3 section.”.

4 **SEC. 143. PROJECT PARTNERSHIP AGREEMENT.**

5 Section 103(j)(1) of the Water Resources Develop-
6 ment Act of 1986 (33 U.S.C. 2213(j)(1)) is amended—

7 (1) by striking “Any project” and inserting the
8 following:

9 “(A) IN GENERAL.—Any project”; and

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

11 “(B) INCLUSION.—An agreement under
12 subparagraph (A) shall include a brief descrip-
13 tion and estimation of the anticipated oper-
14 ations, maintenance, and replacement and reha-
15 bilitation costs of the non-Federal interest for
16 the project.”.

17 **SEC. 144. ACCEPTANCE OF FUNDS FOR HARBOR DREDG-**
18 **ING.**

19 The Secretary is authorized, in accordance with sec-
20 tion 5 of Act of June 22, 1936 (33 U.S.C. 701h), to accept
21 and expend funds contributed by a State or other non-
22 Federal interest—

23 (1) to dredge a non-Federal harbor or channel,
24 or a marina or berthing area located adjacent to, or
25 accessible by, such harbor or channel; or

1 (2) to provide technical assistance related to the
2 planning and design of dredging activities described
3 in paragraph (1).

4 **SEC. 145. REPLACEMENT CAPACITY.**

5 Section 217(a) of the Water Resources Development
6 Act of 1996 (33 U.S.C. 2326a(a)) is amended—

7 (1) in the subsection heading, by inserting “OR
8 REPLACEMENT CAPACITY” after “ADDITIONAL CA-
9 PACITY”;

10 (2) by striking paragraph (1) and inserting the
11 following:

12 “(1) PROVIDED BY SECRETARY.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), at the request of a non-Federal in-
15 terest with respect to a project, the Secretary
16 may—

17 “(i) provide additional capacity at a
18 dredged material disposal facility con-
19 structed by the Secretary beyond the ca-
20 pacity that would be required for project
21 purposes; or

22 “(ii) permit the use of dredged mate-
23 rial disposal facility capacity required for
24 project purposes by the non-Federal inter-
25 est if the Secretary determines that re-

1 placement capacity can be constructed at
2 the facility or another facility or site before
3 such capacity is needed for project pur-
4 poses.

5 “(B) AGREEMENT.—Before the Secretary
6 takes an action under subparagraph (A), the
7 non-Federal interest shall agree to pay—

8 “(i) all costs associated with the con-
9 struction of the additional capacity or re-
10 placement capacity in advance of construc-
11 tion of such capacity; and

12 “(ii) in the case of use by a non-Fed-
13 eral interest of dredged material disposal
14 capacity required for project purposes
15 under subparagraph (A)(ii), any increase
16 in the cost of operation and maintenance
17 of the project that the Secretary deter-
18 mines results from the use of the project
19 capacity by the non-Federal interest in ad-
20 vance of each cycle of dredging.

21 “(C) CREDIT.—In the event the Secretary
22 determines that the cost to operate or maintain
23 the project decreases as a result of use by the
24 non-Federal interest of dredged material dis-
25 posal capacity required for project purposes

1 under subparagraph (A)(ii), the Secretary, at
2 the request of the non-Federal interest, shall
3 credit the amount of the decrease toward any
4 cash contribution of the non-Federal interest
5 required thereafter for construction, operation,
6 or maintenance of the project, or of another
7 navigation project.”;

8 (3) in paragraph (2), in the first sentence, by
9 inserting “under paragraph (1)(A)(i)” after “addi-
10 tional capacity”; and

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

12 “(3) SPECIAL RULE FOR DESIGNATION OF RE-
13 PLACEMENT CAPACITY FACILITY OR SITE.—

14 “(A) IN GENERAL.—Subject to such terms
15 and conditions as the Secretary determines to
16 be necessary or advisable, an agreement under
17 paragraph (1)(B) for use permitted under para-
18 graph (1)(A)(ii) shall reserve to the non-Fed-
19 eral interest—

20 “(i) the right to submit to the Sec-
21 retary for approval at a later date an alter-
22 native to the facility or site designated in
23 the agreement for construction of replace-
24 ment capacity; and

1 “(ii) the right to construct the re-
2 placement capacity at the alternative facil-
3 ity or site at the expense of the non-Fed-
4 eral interest.

5 “(B) REQUIREMENT.—The Secretary shall
6 not reject a site for the construction of replace-
7 ment capacity under paragraph (1)(A)(ii) that
8 is submitted by the non-Federal interest for ap-
9 proval by the Secretary before the date of exe-
10 cution of the agreement under paragraph
11 (1)(B), or thereafter, unless the Secretary—

12 “(i) determines that the site is envi-
13 ronmentally unacceptable, geographically
14 unacceptable, or technically unsound; and

15 “(ii) provides a written basis for the
16 determination under clause (i) to the non-
17 Federal interest.

18 “(4) PUBLIC COMMENT.—The Secretary shall
19 afford the public an opportunity to comment on the
20 determinations required under this subsection for a
21 use permitted under paragraph (1)(A)(ii).”.

22 **SEC. 146. REVIEWING HYDROPOWER AT CORPS OF ENGI-**
23 **NEERS FACILITIES.**

24 Section 1008 of the Water Resources Reform and De-
25 velopment Act of 2014 (33 U.S.C. 2321b) is amended—

1 (1) by striking “civil works” each place it ap-
2 pears and inserting “water resources development”;
3 and

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

5 “(c) REVIEWING HYDROPOWER AT CORPS OF ENGI-
6 NEERS FACILITIES.—

7 “(1) DEFINITION OF ELIGIBLE NON-FEDERAL
8 INTEREST.—In this subsection, the term ‘eligible
9 non-Federal interest’ means a non-Federal interest
10 that owns or operates an existing non-Federal hy-
11 dropower facility at a Corps of Engineers water re-
12 sources development project.

13 “(2) EVALUATION.—

14 “(A) IN GENERAL.—On the written re-
15 quest of an eligible non-Federal interest, the
16 Secretary shall conduct an evaluation to con-
17 sider operational changes at the applicable
18 project to facilitate production of non-Federal
19 hydropower, consistent with authorized project
20 purposes. The Secretary shall solicit input from
21 interested stakeholders as part of the evalua-
22 tion.

23 “(B) DEADLINE.—Not later than 180 days
24 after the date on which the Secretary receives
25 a written request under subparagraph (A), the

1 Secretary shall provide to the non-Federal in-
2 terest a written response to inform the non-
3 Federal interest—

4 “(i) that the Secretary has approved
5 the request to conduct an evaluation; or

6 “(ii) of any additional information
7 necessary for the Secretary to approve the
8 request to conduct an evaluation.

9 “(3) OPERATIONAL CHANGES.—An operational
10 change referred to in paragraph (2)(A) may in-
11 clude—

12 “(A) changes to seasonal pool levels;

13 “(B) modifying releases from the project;
14 and

15 “(C) other changes included in the written
16 request submitted under that paragraph that
17 enhance the usage of the project to facilitate
18 production of non-Federal hydropower, con-
19 sistent with authorized project purposes.

20 “(4) COST SHARE.—The eligible non-Federal
21 interest shall pay 100 percent of the costs associated
22 with an evaluation under this subsection, including
23 the costs to prepare the report under paragraph (6).

24 “(5) DEADLINE.—The Secretary shall complete
25 an evaluation under this subsection by the date that

1 is not later than 1 year after the date on which the
2 Secretary begins the evaluation.

3 “(6) REPORT.—On completion of an evaluation
4 under this subsection, the Secretary shall submit to
5 the Committee on Environment and Public Works of
6 the Senate and the Committee on Transportation
7 and Infrastructure of the House of Representatives
8 a report on the effects of the operational changes
9 proposed by the non-Federal interest and examined
10 in the evaluation on the authorized purposes of the
11 project, including a description of any negative im-
12 pacts of the proposed operational changes on the au-
13 thorized purposes of the project, or on any Federal
14 project located in the same basin.

15 “(7) SAVINGS PROVISION.—Nothing in this sub-
16 section—

17 “(A) affects the authorized purposes of a
18 Corps of Engineers water resources develop-
19 ment project;

20 “(B) affects existing authorities of the
21 Corps of Engineers, including authorities with
22 respect to navigation, flood damage reduction,
23 environmental protection and restoration, water
24 supply and conservation, and other related pur-
25 poses; or

1 “(C) authorizes the Secretary to make any
2 operational changes to a Corps of Engineers
3 water resources development project.”.

4 **SEC. 147. REPAIR AND RESTORATION OF EMBANKMENTS.**

5 (a) IN GENERAL.—At the request of a non-Federal
6 interest, the Secretary shall assess the cause of damage
7 to, or the failure of, an embankment that is adjacent to
8 the shoreline of a reservoir project owned and operated
9 by the Secretary for which such damage or failure to the
10 embankment has adversely affected a roadway that the
11 Secretary has relocated for construction of the reservoir.

12 (b) REPAIR AND RESTORATION ACTIVITIES.—If,
13 based on the assessment carried out under subsection (a),
14 the Secretary determines that the cause of the damage to,
15 or the failure of, the embankment is the direct result of
16 the design or operation of the reservoir by the Secretary,
17 the Secretary is authorized to participate in the repair or
18 restoration of such embankment.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary
21 \$10,000,000 to carry out this section.

22 **SEC. 148. COASTAL MAPPING.**

23 Section 516 of the Water Resources Development Act
24 of 1996 (33 U.S.C. 2326b) is amended—

1 (1) by redesignating subsection (g) as sub-
2 section (h);

3 (2) by inserting after subsection (f) the fol-
4 lowing:

5 “(g) COASTAL MAPPING.—The Secretary shall de-
6 velop and carry out a plan for the recurring mapping of
7 coastlines that are experiencing rapid change, including
8 such coastlines in—

9 “(1) Alaska;

10 “(2) Hawaii; and

11 “(3) any territory or possession of the United
12 States.”; and

13 (3) in subsection (h) (as so redesignated), by
14 adding at the end the following:

15 “(3) COASTAL MAPPING.—In addition to
16 amounts made available under paragraph (1), there
17 is authorized to be appropriated to carry out sub-
18 section (g) with respect to Alaska, Hawaii, and the
19 territories and possessions of the United States,
20 \$10,000,000, to remain available until expended.”.

21 **SEC. 149. INTERIM RISK REDUCTION MEASURES.**

22 (a) IN GENERAL.—In the case of any interim risk
23 reduction measure for dam safety purposes that was eval-
24 uated in a final environmental assessment completed dur-
25 ing the period beginning on March 18, 2019, and ending

1 on the date of enactment of this Act, the Secretary shall
2 carry out a reevaluation of the measure in a timely man-
3 ner if the final environmental assessment did not consider
4 in detail at least—

5 (1) 1 operational water control plan change al-
6 ternative;

7 (2) 1 action alternative other than an oper-
8 ational water control plan change; and

9 (3) the no action alternative.

10 (b) COORDINATION.—A reevaluation carried out
11 under subsection (a) shall include consideration of the al-
12 ternatives described in such subsection, which shall be de-
13 veloped in coordination with Federal agencies, States, In-
14 dian Tribes, units of local government, and other non-Fed-
15 eral interests that have existing water obligations that
16 would be directly affected by implementation of an interim
17 risk reduction measure that is the subject of the reevalua-
18 tion.

19 (c) IMPLEMENTATION PRIOR TO REEVALUATION.—
20 Nothing in this section prohibits the Secretary from imple-
21 menting an interim risk reduction measure for which a
22 reevaluation is required under subsection (a) prior to the
23 completion of the reevaluation under subsection (a).

1 **SEC. 150. MAINTENANCE DREDGING PERMITS.**

2 (a) IN GENERAL.—The Secretary shall, to the max-
3 imum extent practicable, prioritize the reissuance of any
4 regional general permit for maintenance dredging that ex-
5 pires prior to May 1, 2021, and shall use best efforts to
6 ensure such reissuance prior to expiration of such a re-
7 gional general permit for maintenance dredging.

8 (b) SAVINGS PROVISION.—Nothing in this section af-
9 fects any obligation to comply with the requirements of
10 any Federal law, including—

11 (1) the National Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.);

13 (2) the Federal Water Pollution Control Act
14 (33 U.S.C. 1251 et seq.); and

15 (3) the Endangered Species Act of 1973 (16
16 U.S.C. 1531 et seq.).

17 **SEC. 151. HIGH WATER-LOW WATER PREPAREDNESS.**

18 (a) DEFINITIONS.—In this section:

19 (1) BYPASS.—The term “bypass” means an al-
20 ternate water route adjacent to a lock and dam on
21 a Federal inland waterway system that can be used
22 for commercial navigation during high water condi-
23 tions.

24 (2) EMERGENCY CONDITION.—The term “emer-
25 gency condition” means—

1 (A) unsafe conditions on a Federal inland
2 waterway system that prevent the operation of
3 commercial vessels, resulting from a major
4 change in water level or flows;

5 (B) an obstruction in a Federal inland wa-
6 terway system, including silt, sediment, rock
7 formation, or a shallow channel;

8 (C) an impaired or inoperable Federal lock
9 and dam; or

10 (D) any other condition determined appro-
11 priate by the Secretary.

12 (b) EMERGENCY DETERMINATION.—The Secretary,
13 in consultation with the District Commanders responsible
14 for maintaining any Federal inland waterway system, the
15 users of the waterway system, and the Coast Guard, may
16 make a determination that an emergency condition exists
17 on the waterway system.

18 (c) EMERGENCY MITIGATION PROJECT.—

19 (1) IN GENERAL.—Subject to paragraph (2)
20 and the availability of appropriations, and in accord-
21 ance with all applicable Federal requirements, the
22 Secretary may carry out an emergency mitigation
23 project on a Federal inland waterway system with
24 respect to which the Secretary has determined that
25 an emergency condition exists under subsection (b),

1 or on a bypass of such system, to remedy that emer-
2 gency condition.

3 (2) DEADLINE.—An emergency mitigation
4 project under paragraph (1) shall—

5 (A) be initiated by not later than 60 days
6 after the date on which the Secretary makes the
7 applicable determination under subsection (b);
8 and

9 (B) to the maximum extent practicable, be
10 completed by not later than 1 year after the
11 date on which the Secretary makes such deter-
12 mination.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary to carry
15 out this section \$25,000,000 for each of fiscal years 2022
16 through 2024, to remain available until expended.

17 **SEC. 152. TREATMENT OF CERTAIN BENEFITS AND COSTS.**

18 (a) IN GENERAL.—In the case of a flood risk man-
19 agement project that incidentally generates seismic safety
20 benefits in regions of moderate or high seismic hazard,
21 for the purpose of a benefit-cost analysis for the project,
22 the Secretary shall not include in that analysis any addi-
23 tional design and construction costs resulting from ad-
24 dressing seismic concerns.

1 (b) SAVINGS PROVISION.—Except with respect to the
2 benefit-cost analysis, the additional costs referred to in
3 subsection (a) shall be—

- 4 (1) included in the total project cost; and
- 5 (2) subject to cost-share requirements otherwise
6 applicable to the project.

7 **SEC. 153. LEASE DEVIATIONS.**

8 (a) DEFINITION OF COVERED LEASE DEVIATION.—
9 In this section, the term “covered lease deviation” means
10 a change in terms from the existing lease that requires
11 approval from the Secretary for a lease—

- 12 (1) of Federal land within the State of Okla-
13 homa that is associated with a water resources de-
14 velopment project, under—

- 15 (A) section 2667 of title 10, United States
16 Code; or

- 17 (B) section 4 of the Act of December 22,
18 1944 (16 U.S.C. 460d); and

- 19 (2) with respect to which the lessee is in good
20 standing.

21 (b) DEADLINE.—In the case of a request for a cov-
22 ered lease deviation—

- 23 (1) the Division Commander of the South-
24 western Division shall—

1 (A) notify the Secretary of the request via
2 electronic means by not later than 24 hours
3 after receiving the request; and

4 (B) by not later than 10 business days
5 after the date on which the Division Com-
6 mander notifies the Secretary under subpara-
7 graph (A)—

8 (i) make a determination approving,
9 denying, or requesting a modification to
10 the request; and

11 (ii) provide to the Secretary the deter-
12 mination under clause (i); and

13 (2) the Secretary shall make a determination
14 approving, denying, or requesting a modification to
15 the request by not later than 10 business days
16 after—

17 (A) the date on which the Division Com-
18 mander provides to the Secretary a determina-
19 tion in accordance with paragraph (1)(B); or

20 (B) if the Division Commander does not
21 provide to the Secretary a determination in ac-
22 cordance with paragraph (1)(B), the date on
23 which the deadline described in such paragraph
24 expires.

1 (c) NOTIFICATION.—If the Secretary does not make
2 a determination under subsection (b)(2) by the deadline
3 described in that subsection, the Secretary shall submit
4 a notification of the failure to make a determination with
5 respect to the covered lease deviation, including the reason
6 for the failure and a description of any outstanding issues,
7 to—

8 (1) the entity seeking the covered lease devi-
9 ation;

10 (2) the members of the Oklahoma congressional
11 delegation;

12 (3) the Committee on Environment and Public
13 Works of the Senate; and

14 (4) the Committee on Transportation and In-
15 frastructure of the House of Representatives.

16 **SEC. 154. SENSE OF CONGRESS ON ARCTIC DEEP DRAFT**
17 **PORT DEVELOPMENT.**

18 It is the sense of Congress that—

19 (1) the Arctic, as defined in section 112 of the
20 Arctic Research and Policy Act of 1984 (Public Law
21 98–373), is a region of strategic importance to the
22 national security and maritime transportation inter-
23 ests of the United States;

24 (2) there is a compelling national, regional,
25 Alaska Native, and private sector need for perma-

1 ment maritime transportation infrastructure develop-
2 ment and for a presence in the Arctic by the United
3 States to assert national security interests and to
4 support and facilitate search and rescue, shipping
5 safety, economic development, oil spill prevention
6 and response, subsistence and commercial fishing,
7 the establishment of ports of refuge, Arctic research,
8 and maritime law enforcement;

9 (3) the Government of the Russian Federation
10 has prioritized the development of Arctic maritime
11 transportation capabilities and has made significant
12 investments in military infrastructure in the Arctic,
13 including the construction or refurbishment of 16
14 deepwater ports in the region;

15 (4) is a serious concern that the closest United
16 States strategic seaports to the Arctic are the Port
17 of Anchorage and the Port of Tacoma, located ap-
18 proximately 1,500 nautical miles and 2,400 nautical
19 miles away from the Arctic, respectively, and ap-
20 proximately 1,900 nautical miles and 2,800 nautical
21 miles, respectively, from Utiagvik, Alaska; and

22 (5) it is in the national interest to enhance ex-
23 isting, and develop, maritime transportation infra-
24 structure in the Arctic, including an Arctic deep
25 draft strategic seaport in Alaska, that would allow

1 the Coast Guard and the Navy each to perform their
2 respective statutory duties and functions on a per-
3 manent basis with minimal mission interruption.

4 **SEC. 155. SMALL WATER STORAGE PROJECTS.**

5 (a) IN GENERAL.—The Secretary shall carry out a
6 program to study and construct new, or enlarge existing,
7 small water storage projects, in partnership with a non-
8 Federal interest.

9 (b) REQUIREMENTS.—To be eligible to participate in
10 the program under this section, a small water storage
11 project shall—

12 (1) in the case of a new small water storage
13 project, have a water storage capacity of not less
14 than 2,000 acre-feet and not more than 30,000 acre-
15 feet;

16 (2) in the case of an enlargement of an existing
17 small water storage project, be for an enlargement
18 of not less than 1,000 acre-feet and not more than
19 30,000 acre-feet;

20 (3) provide—

21 (A) flood risk management benefits;

22 (B) ecological benefits; or

23 (C) water management, water conserva-
24 tion, or water supply; and

25 (4) be—

1 (A) economically justified, environmentally
2 acceptable, and technically feasible; or

3 (B) in the case of a project providing eco-
4 logical benefits, cost-effective with respect to
5 such benefits.

6 (c) SCOPE.—In carrying out the program under this
7 section, the Secretary shall give preference to a small
8 water storage project located in a State with a population
9 of less than 1,000,000.

10 (d) EXPEDITED PROJECTS.—For the 10-year period
11 beginning on the date of enactment of this Act, the Sec-
12 retary shall expedite small water storage projects under
13 this section for which applicable Federal permitting re-
14 quirements have been completed.

15 (e) USE OF DATA.—In conducting a study under this
16 section, to the maximum extent practicable, the Secretary
17 shall—

18 (1) as the Secretary determines appropriate,
19 consider and utilize any applicable hydrologic, eco-
20 nomic, or environmental data that is prepared for a
21 small water storage project under State law as the
22 documentation, or part of the documentation, re-
23 quired to complete State water plans or other State
24 planning documents relating to water resources
25 management; and

1 (2) consider information developed by the non-
2 Federal interest in relation to another study, to the
3 extent the Secretary determines such information is
4 applicable, appropriate, or otherwise authorized by
5 law.

6 (f) COST SHARE.—

7 (1) STUDY.—The Federal share of the cost of
8 a study conducted under this section shall be—

9 (A) 100 percent for costs not to exceed
10 \$100,000; and

11 (B) 50 percent for any costs above
12 \$100,000.

13 (2) CONSTRUCTION.—A small water storage
14 project carried out under this section shall be sub-
15 ject to the cost-sharing requirements applicable to
16 projects under section 103 of the Water Resources
17 Development Act of 1986 (33 U.S.C. 2213), includ-
18 ing—

19 (A) municipal and industrial water supply:
20 100 percent non-Federal;

21 (B) agricultural water supply: 35 percent
22 non-Federal; and

23 (C) recreation, including recreational navi-
24 gation: 50 percent of separable costs and, in the
25 case of any harbor or inland harbor or channel

1 project, 50 percent of joint and separable costs
2 allocated to recreational navigation.

3 (g) OMRRR RESPONSIBILITY.—The costs of oper-
4 ation, maintenance, repair, and replacement and rehabili-
5 tation for a small water storage project constructed under
6 this section shall be the responsibility of the non-Federal
7 interest.

8 (h) INDIVIDUAL PROJECT LIMIT.—Not more than
9 \$65,000,000 in Federal funds may be made available to
10 a small water storage project under this section.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$130,000,000 annually through fiscal year 2030.

14 **SEC. 156. PLANNING ASSISTANCE TO STATES.**

15 In carrying out section 22 of the Water Resources
16 Development Act of 1974 (42 U.S.C. 1962d–16), the Sec-
17 retary shall provide equal priority for all mission areas of
18 the Corps of Engineers, including water supply and water
19 conservation.

20 **SEC. 157. FORECAST-INFORMED RESERVOIR OPERATIONS.**

21 Section 1222 of the Water Resources Development
22 Act of 2018 (128 Stat. 3811) is amended by adding at
23 the end the following:

24 “(c) ADDITIONAL UTILIZATION OF FORECAST-IN-
25 FORMED RESERVOIR OPERATIONS.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this subsection, the Sec-
3 retary shall submit to the Committee on Transpor-
4 tation and Infrastructure of the House of Represent-
5 atives and the Committee on Environment and Pub-
6 lic Works of the Senate a report on any additional
7 opportunities identified for utilizing forecast-in-
8 formed reservoir operations across the United
9 States, including an assessment of the viability of
10 forecast-informed reservoir operations in the Upper
11 Missouri River Basin and the North Platte River
12 Basin.

13 “(2) FORECAST-INFORMED RESERVOIR OPER-
14 ATIONS.—

15 “(A) AUTHORIZATION.—If the Secretary
16 determines, and includes in the report sub-
17 mitted under paragraph (1), that forecast-in-
18 formed reservoir operations are viable at a res-
19 ervoir in the Upper Missouri River Basin or the
20 North Platte River Basin, including a reservoir
21 for which the Secretary has flood control re-
22 sponsibilities under section 7 of the Act of De-
23 cember 22, 1944 (33 U.S.C. 709), the Sec-
24 retary is authorized to carry out forecast-in-
25 formed reservoir operations at such reservoir.

1 “(B) REQUIREMENT.—Subject to the
2 availability of appropriations, if the Secretary
3 determines, and includes in the report sub-
4 mitted under paragraph (1), that forecast-in-
5 formed reservoir operations are viable in the
6 Upper Missouri River Basin or the North
7 Platte River Basin, the Secretary shall carry
8 out forecast-informed reservoir operations at
9 not fewer than one reservoir in such basin.”.

10 **SEC. 158. DATA FOR WATER ALLOCATION, SUPPLY, AND DE-**
11 **MAND.**

12 (a) STUDY ON DATA FOR WATER ALLOCATION, SUP-
13 PLY, AND DEMAND.—

14 (1) IN GENERAL.—The Secretary shall offer to
15 enter into an agreement with the National Academy
16 of Sciences to conduct a study on the ability of Fed-
17 eral agencies to coordinate with other Federal agen-
18 cies, State and local agencies, Indian Tribes, com-
19 munities, universities, consortiums, councils, and
20 other relevant entities with expertise in water re-
21 sources to facilitate and coordinate the sharing
22 among such entities of water allocation, supply, and
23 demand data, including—

24 (A) any catalogs of such data;

1 (B) definitions of any commonly used
2 terms relating to water allocation, supply, and
3 demand; and

4 (C) a description of any common standards
5 used by those entities.

6 (2) REPORT.—If the National Academy of
7 Sciences enters into an agreement under paragraph
8 (1), to the maximum extent practicable, not later
9 than 1 year after the date of enactment of this Act,
10 the National Academy of Sciences shall submit to
11 Congress a report that includes—

12 (A) the results of the study under para-
13 graph (1);

14 (B) recommendations for ways to stream-
15 line and make cost-effective methods for Fed-
16 eral agencies to coordinate interstate sharing of
17 data, including recommendations for the devel-
18 opment of a publicly accessible, internet-based
19 platform that can allow entities described in
20 paragraph (1) to communicate and coordinate
21 ongoing data collection efforts relating to water
22 allocation, supply, and demand, and share best
23 practices relating to those efforts; and

24 (C) a recommendation as to an appropriate
25 Federal entity that should—

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1 (i) serve as the lead coordinator for
2 the sharing of data relating to water allo-
3 cation, supply, and demand; and

4 (ii) host and manage the internet-
5 based platform described in subparagraph
6 (B).

7 (b) DATA TRANSPARENCY.—The Secretary shall
8 prioritize making publicly available water resources data
9 in the custody of the Corps of Engineers, as authorized
10 by section 2017 of the Water Resources Development Act
11 of 2007 (33 U.S.C. 2342).

12 (c) FUNDING.—From amounts otherwise appro-
13 priated or made available to the Secretary, the Secretary
14 may make available to the National Academy of Sciences
15 not more than \$3,900,000, to be used for the review of
16 information provided by the Corps of Engineers for pur-
17 poses of a study under subsection (a). The Secretary may
18 accept funds from another Federal agency and make such
19 funds available to the National Academy of Sciences, to
20 be used for the review of information provided by such
21 agency for purposes of a study under subsection (a).

22 **SEC. 159. INLAND WATERWAYS PILOT PROGRAM.**

23 (a) DEFINITIONS.—In this section:

24 (1) AUTHORIZED PROJECT.—The term “au-
25 thorized project” means a federally authorized water

1 resources development project for navigation on the
2 inland waterways.

3 (2) MODERNIZATION ACTIVITIES.—The term
4 “modernization activities” means construction or
5 major rehabilitation activities for any authorized
6 project.

7 (3) NON-FEDERAL INTEREST.—The term “non-
8 Federal interest” means any public body described
9 in section 221(b) of the Flood Control Act of 1970
10 (42 U.S.C. 1962d–5b(b)).

11 (b) AUTHORIZATION OF PILOT PROGRAM.—The Sec-
12 retary is authorized to carry out a pilot program for mod-
13 ernization activities on the inland waterways system.

14 (c) IMPLEMENTATION.—

15 (1) IN GENERAL.—In carrying out the pilot
16 program under this section, the Secretary may—

17 (A) accept and expend funds provided by a
18 non-Federal interest to carry out, for an au-
19 thorized project (or a separable element of an
20 authorized project), modernization activities for
21 such project; or

22 (B) coordinate with the non-Federal inter-
23 est in order to allow the non-Federal interest to
24 carry out, for an authorized project (or a sepa-

1 rable element of an authorized project), such
2 modernization activities.

3 (2) NUMBER.—The Secretary shall select not
4 more than 2 authorized projects to participate in the
5 pilot program under paragraph (1).

6 (3) CONDITIONS.—Before carrying out mod-
7 ernization activities pursuant to paragraph (1)(B), a
8 non-Federal interest shall—

9 (A) obtain any permit or approval required
10 in connection with such activities under Federal
11 or State law that would be required if the Sec-
12 retary were to carry out such activities; and

13 (B) ensure that a final environmental im-
14 pact statement or environmental assessment, as
15 appropriate, for such activities has been filed
16 pursuant to the National Environmental Policy
17 Act of 1969.

18 (4) MONITORING.—For any modernization ac-
19 tivities carried out by the non-Federal interest pur-
20 suant to this section, the Secretary shall regularly
21 monitor and audit such activities to ensure that—

22 (A) the modernization activities are carried
23 out in accordance with this section; and

24 (B) the cost of the modernization activities
25 is reasonable.

1 (5) REQUIREMENTS.—The requirements of sec-
2 tion 3142 of title 40, United States Code shall apply
3 to any modernization activities undertaken under or
4 pursuant to this section, either by the Secretary or
5 the non-Federal interest.

6 (d) AGREEMENTS.—

7 (1) ACTIVITIES CARRIED OUT BY NON-FEDERAL
8 INTEREST.—

9 (A) IN GENERAL.—

10 (i) WRITTEN AGREEMENT.—Before a
11 non-Federal interest initiates moderniza-
12 tion activities for an authorized project
13 pursuant to this subsection (c)(1)(B), the
14 non-Federal interest shall enter into a
15 written agreement with the Secretary,
16 under section 221 of the Flood Control Act
17 of 1970 (42 U.S.C. 1962d–5b), that re-
18 quires the modernization activities to be
19 carried out in accordance with—

20 (I) a plan approved by the Sec-
21 retary; and

22 (II) any other terms and condi-
23 tions specified by the Secretary in the
24 agreement.

1 (ii) REQUIREMENTS.—A written
2 agreement under clause (i) shall provide
3 that the non-Federal interest shall comply
4 with the same legal and technical require-
5 ments that would apply if the moderniza-
6 tion activities were carried out by the Sec-
7 retary, including all mitigation required to
8 offset environmental impacts of the activi-
9 ties, as determined by the Secretary.

10 (B) ALIGNMENT WITH ONGOING ACTIVI-
11 TIES.—A written agreement under subpara-
12 graph (A) shall include provisions that, to the
13 maximum extent practicable, align moderniza-
14 tion activities under this section with ongoing
15 operations and maintenance activities for the
16 applicable authorized project.

17 (C) INDEMNIFICATION.—As part of a writ-
18 ten agreement under subparagraph (A), the
19 non-Federal interest shall agree to hold and
20 save the United States free from liability for
21 any and all damage that arises from the mod-
22 ernization activities carried out by the non-Fed-
23 eral interest pursuant to this section.

24 (2) ACTIVITIES CARRIED OUT BY SECRETARY.—
25 For modernization activities to be carried out by the

1 Secretary pursuant to subsection (c)(1)(A), the non-
2 Federal interest shall enter into a written agreement
3 with the Secretary, containing such terms and condi-
4 tions as the Secretary determines appropriate.

5 (e) REIMBURSEMENT.—

6 (1) AUTHORIZATION.—Subject to the avail-
7 ability of appropriations, the Secretary may reim-
8 burse a non-Federal interest for the costs of mod-
9 ernization activities carried out by the non-Federal
10 interest pursuant to an agreement entered into
11 under subsection (d), or for funds provided to the
12 Secretary under subsection (c)(1)(A), if—

13 (A) the non-Federal interest complies with
14 the agreement entered into under subsection
15 (d); and

16 (B) with respect to modernization activities
17 carried out by the non-Federal interest pursu-
18 ant to the agreement, the Secretary determines
19 that the non-Federal interest complied with all
20 applicable Federal requirements in carrying out
21 the modernization activities.

22 (2) LIMITATION.—The Secretary may only re-
23 imburse a non-Federal interest under paragraph (1)
24 for costs of construction that would otherwise be
25 paid from amounts appropriated from the general

1 fund of the Treasury pursuant to section 102 of the
2 Water Resources Development Act of 1986 (33
3 U.S.C. 2212).

4 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion—

6 (1) affects the responsibility of the Secretary
7 for the operations and maintenance of the inland
8 waterway system, as of the day before the date of
9 enactment of this Act, including the responsibility of
10 the Secretary for the operations and maintenance
11 costs for any covered project after the modernization
12 activities are completed pursuant to this section;

13 (2) prohibits or prevents the use of Federal
14 funds for operations and maintenance of the inland
15 waterway system or any authorized project within
16 the inland waterway system; or

17 (3) prohibits or prevents the use of Federal
18 funds for construction or major rehabilitation activi-
19 ties within the inland waterway system or for any
20 authorized project within the inland waterway sys-
21 tem.

22 (g) NOTIFICATION.—If a non-Federal interest noti-
23 fies the Secretary that the non-Federal interest intends
24 to carry out modernization activities for an authorized
25 project, or separable element thereof, pursuant to this sec-

1 tion, the Secretary shall provide written notice to the Com-
2 mittee on Environment and Public Works of the Senate
3 and the Committee on Transportation and Infrastructure
4 of the House of Representatives concerning the intent of
5 the non-Federal interest.

6 (h) SUNSET.—

7 (1) IN GENERAL.—The authority of the Sec-
8 retary to enter into an agreement under this section
9 shall terminate on the date that is 5 years after the
10 date of enactment of this Act.

11 (2) REIMBURSEMENT ELIGIBILITY.—The termi-
12 nation of authority under paragraph (1) shall not
13 extinguish the eligibility of a non-Federal interest to
14 seek reimbursement under subsection (e).

15 **SEC. 160. DEFINITION OF ECONOMICALLY DISADVANTAGED**
16 **COMMUNITY.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of enactment of this Act, the Secretary shall issue
19 guidance defining the term “economically disadvantaged
20 community” for the purposes of this Act and the amend-
21 ments made by this Act.

22 (b) CONSIDERATIONS.—In defining the term “eco-
23 nomically disadvantaged community” under subsection
24 (a), the Secretary shall, to the maximum extent prac-
25 ticable, utilize the criteria under paragraph (1) or (2) of

1 section 301(a) of the Public Works and Economic Devel-
2 opment Act of 1965 (42 U.S.C. 3161), to the extent that
3 such criteria are applicable in relation to the development
4 of water resources development projects.

5 (c) PUBLIC COMMENT.—In developing the guidance
6 under subsection (a), the Secretary shall provide notice
7 and an opportunity for public comment.

8 **SEC. 161. STUDIES OF WATER RESOURCES DEVELOPMENT**
9 **PROJECTS BY NON-FEDERAL INTERESTS.**

10 (a) IN GENERAL.—Section 203 of the Water Re-
11 sources Development Act of 1986 (33 U.S.C. 2231) is
12 amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by inserting “, or,
15 upon the written approval of the Secretary that
16 the modifications are consistent with the au-
17 thorized purposes of the project, undertake a
18 feasibility study on modifications to a water re-
19 sources development project constructed by the
20 Corps of Engineers,” after “water resources de-
21 velopment project”; and

22 (B) in paragraph (2), by striking “for fea-
23 sibility studies” and all that follows through the
24 period at the end and inserting “for the formu-
25 lation of feasibility studies of water resources

1 development projects undertaken by non-Fed-
2 eral interests to—

3 “(A) ensure that any feasibility study with
4 respect to which the Secretary submits an as-
5 sessment to Congress under subsection (c) com-
6 plies with all of the requirements that would
7 apply to a feasibility study undertaken by the
8 Secretary; and

9 “(B) provide sufficient information for the
10 formulation of the studies, including processes
11 and procedures related to reviews and assist-
12 ance under subsection (e).”;

13 (2) in subsection (b)—

14 (A) by striking “The Secretary” and in-
15 serting the following:

16 “(1) IN GENERAL.—The Secretary”; and

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

18 “(2) TIMING.—The Secretary may not submit
19 to Congress an assessment of a feasibility study
20 under this section until such time as the Secretary—

21 “(A) determines that the feasibility study
22 complies with all of the requirements that
23 would apply to a feasibility study undertaken by
24 the Secretary; and

1 “(B) completes all of the Federal analyses,
2 reviews, and compliance processes under the
3 National Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.), that would be required
5 with respect to the proposed project if the Sec-
6 retary had undertaken the feasibility study.

7 “(3) INITIATION OF REVIEW.—

8 “(A) REQUEST.—

9 “(i) SUBMISSION.—The non-Federal
10 interest may submit to the Secretary a re-
11 quest that the Secretary initiate the anal-
12 yses, reviews, and compliance processes de-
13 scribed in paragraph (2)(B) with respect to
14 the proposed project prior to the non-Fed-
15 eral interest’s submission of a feasibility
16 study under subsection (a)(1).

17 “(ii) EFFECT.—Receipt by the Sec-
18 retary of a request submitted under clause
19 (i) shall be considered the receipt of a pro-
20 posal or application that will lead to a
21 major Federal action that is subject to the
22 requirements of section 102(2)(C) of the
23 National Environmental Policy Act of
24 1969 (42 U.S.C. 4332(2)(C)) that would

1 be required if the Secretary were to under-
2 take the feasibility study.

3 “(B) DEADLINE.—Not later than 10 days
4 after the Secretary receives a request under this
5 paragraph, the Secretary shall begin the re-
6 quired analyses, reviews, and compliance proc-
7 esses.

8 “(4) NOTIFICATION.—Upon receipt of a request
9 under paragraph (3), the Secretary shall notify the
10 Committee on Transportation and Infrastructure of
11 the House of Representatives and the Committee on
12 Environment and Public Works of the Senate of the
13 request and a timeline for completion of the required
14 analyses, reviews, and compliance processes.

15 “(5) STATUS UPDATES.—Not later than 30
16 days after receiving a request under paragraph (3),
17 and every 30 days thereafter until the Secretary
18 submits an assessment under subsection (c) for the
19 applicable feasibility study, the Secretary shall notify
20 the Committee on Transportation and Infrastructure
21 of the House of Representatives, the Committee on
22 Environment and Public Works of the Senate, and
23 the non-Federal interest of the status of the Sec-
24 retary’s required analyses, reviews, and compliance
25 processes.”; and

1 (3) in subsection (c)(1), in the matter preceding
2 subparagraph (A)—

3 (A) by striking “after the date of receipt
4 of a feasibility study of a project under sub-
5 section (a)(1)” and insert “after the completion
6 of review of a feasibility study under subsection
7 (b)”;

8 (B) by striking “a report” and inserting
9 “an assessment”.

10 (b) DEADLINE.—Not later than 90 days after the
11 date of enactment of this Act, the Secretary shall issue
12 revised guidelines under section 203 of the Water Re-
13 sources Development Act of 1986 (33 U.S.C. 2231) to im-
14 plement the amendments made by this section.

15 (c) HOLD HARMLESS.—

16 (1) ONE-YEAR WINDOW.—The amendments
17 made by this section shall not apply to any feasi-
18 bility study submitted to the Secretary under section
19 203 of the Water Resources Development Act of
20 1986 (33 U.S.C. 2231) during the one-year period
21 prior to the date of enactment of this section.

22 (2) 2020 PROJECTS.—The amendments made
23 by this section shall not apply to any project author-
24 ized by section 403 of this Act.

1 **SEC. 162. LEVERAGING FEDERAL INFRASTRUCTURE FOR**
2 **INCREASED WATER SUPPLY.**

3 Section 1118(i) of the Water Resources Development
4 Act of 2016 (43 U.S.C. 390b-2(i)) is amended—

5 (1) by striking “The Secretary may” and in-
6 serting the following:

7 “(1) CONTRIBUTED FUNDS FOR CORPS
8 PROJECTS.—The Secretary may”; and

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

10 “(2) CONTRIBUTED FUNDS FOR OTHER FED-
11 ERAL RESERVOIR PROJECTS.—The Secretary is au-
12 thorized to receive and expend funds from a non-
13 Federal interest to formulate, review, or revise oper-
14 ational documents, pursuant to a proposal submitted
15 in accordance subsection (a), for any reservoir for
16 which the Secretary is authorized to prescribe regu-
17 lations for the use of storage allocated for flood con-
18 trol or navigation pursuant to section 7 of the Act
19 of December 22, 1944 (33 U.S.C. 709).”.

20 **SEC. 163. SENSE OF CONGRESS ON REMOVAL OF UNAU-**
21 **THORIZED, MANMADE, FLAMMABLE MATE-**
22 **RIALS ON CORPS PROPERTY.**

23 It is the sense of Congress that the Secretary should,
24 using existing authorities, prioritize the removal, from fa-
25 cilities and lands of the Corps of Engineers in regions that
26 are urban and arid, of materials that are manmade, flam-

1 mable, unauthorized to be present, and determined by the
2 Secretary to pose a fire risk that is a threat to public safe-
3 ty.

4 **SEC. 164. ENHANCED DEVELOPMENT PROGRAM.**

5 (a) IN GENERAL.—The Secretary shall review the
6 master plan and shoreline management plan for any lake
7 described in section 3134 of the Water Resources Develop-
8 ment Act of 2007 (121 Stat. 1142; 130 Stat. 1671) for
9 the purpose of identifying structures or other improve-
10 ments that are owned by the Secretary and are suitable
11 for enhanced development, if—

12 (1) the master plan and shoreline management
13 plan of the lake have been updated since January 1,
14 2013; and

15 (2) the applicable district office of the Corps of
16 Engineers has received a written request for such a
17 review from any entity.

18 (b) DEFINITION OF ENHANCED DEVELOPMENT.—In
19 this section, the term “enhanced development” means the
20 use, for non-water-dependent commercial or hospitality in-
21 dustry purposes or for residential or recreational purposes,
22 of an existing structure or other improvement.

23 (c) DIVESTMENT AUTHORITY.—Not later than 1 year
24 after the date of enactment of this Act, the Secretary
25 shall—

1 (1) submit to the Committee on Environment
2 and Public Works of the Senate and the Committee
3 on Transportation and Infrastructure of the House
4 of Representatives a report that identifies—

5 (A) any structure or other improvement
6 owned by the Secretary that—

7 (i) has been identified as suitable for
8 enhanced development pursuant to sub-
9 section (a);

10 (ii) the Secretary determines the di-
11 vestment of which would not adversely af-
12 fect the Corps of Engineers operation of
13 the lake at which the structure or other
14 improvement is located; and

15 (iii) a non-Federal interest has offered
16 to purchase from the Secretary; and

17 (B) the fair market value of any structure
18 or other improvement identified under subpara-
19 graph (A); and

20 (2) develop a plan to divest any structure or
21 other improvement identified under paragraph
22 (1)(A), at fair market value, to the applicable non-
23 Federal interest.

1 **SEC. 165. CONTINUING AUTHORITY PROGRAMS.**

2 (a) PILOT PROGRAM FOR CONTINUING AUTHORITY
3 PROJECTS IN SMALL OR DISADVANTAGED COMMU-
4 NITIES.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary shall implement a pilot program, in accord-
8 ance with this subsection, for carrying out a project
9 under a continuing authority program for an eco-
10 nomically disadvantaged community.

11 (2) PARTICIPATION IN PILOT PROGRAM.—In
12 carrying out paragraph (1), the Secretary shall—

13 (A) publish a notice in the Federal Reg-
14 ister that requests non-Federal interest pro-
15 posals for a project under a continuing author-
16 ity program for an economically disadvantaged
17 community; and

18 (B) review such proposals and select a
19 total of 10 projects, taking into consideration
20 geographic diversity among the selected
21 projects.

22 (3) COST SHARE.—Notwithstanding the cost
23 share authorized for the applicable continuing au-
24 thority program, the Federal share of the cost of a
25 project selected under paragraph (2) shall be 100
26 percent.

1 (4) SUNSET.—The authority to commence pur-
2 suant to this subsection a project selected under
3 paragraph (2) shall terminate on the date that is 10
4 years after the date of enactment of this Act.

5 (5) CONTINUING AUTHORITY PROGRAM DE-
6 FINED.—In this subsection, the term “continuing
7 authority program” has the meaning given that term
8 in section 7001(e)(1)(D) of Water Resources Reform
9 and Development Act of 2014 (33 U.S.C. 2282d).

10 (b) AUTHORIZATIONS OF APPROPRIATIONS.—

11 (1) EMERGENCY STREAMBANK AND SHORELINE
12 PROTECTION.—Notwithstanding section 14 of the
13 Flood Control Act of 1946 (33 U.S.C. 701r), there
14 is authorized to be appropriated to carry out such
15 section \$25,500,000 for each of fiscal years 2021
16 through 2024.

17 (2) STORM AND HURRICANE RESTORATION AND
18 IMPACT MINIMIZATION PROGRAM.—Notwithstanding
19 section 3(c) of the Act of August 13, 1946 (33
20 U.S.C. 426g(c)), there is authorized to be appro-
21 priated to carry out such section \$38,000,000 for
22 each of fiscal years 2021 through 2024.

23 (3) SMALL RIVER AND HARBOR IMPROVEMENT
24 PROJECTS.—Notwithstanding section 107(a) of the
25 River and Harbor Act of 1960 (33 U.S.C. 577(a)),

1 there is authorized to be appropriated to carry out
2 such section \$63,000,000 for each of fiscal years
3 2021 through 2024.

4 (4) REGIONAL SEDIMENT MANAGEMENT.—Not-
5 withstanding section 204(g) of the Water Resources
6 Development Act of 1992 (33 U.S.C. 2326(g)),
7 there is authorized to be appropriated to carry out
8 such section \$63,000,000 for each of fiscal years
9 2021 through 2024.

10 (5) SMALL FLOOD CONTROL PROJECTS.—Not-
11 withstanding section 205 of the Flood Control Act
12 of 1948 (33 U.S.C. 701s), there is authorized to be
13 appropriated to carry out such section \$69,250,000
14 for each of fiscal years 2021 through 2024.

15 (6) AQUATIC ECOSYSTEM RESTORATION.—Not-
16 withstanding section 206(f) of the Water Resources
17 Development Act of 1996 (33 U.S.C. 2330(f)), there
18 is authorized to be appropriated to carry out such
19 section \$63,000,000 for each of fiscal years 2021
20 through 2024.

21 (7) REMOVAL OF OBSTRUCTIONS; CLEARING
22 CHANNELS.—Notwithstanding section 2 of the Act
23 of August 28, 1937 (33 U.S.C. 701g), there is au-
24 thorized to be appropriated to carry out such section

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1 \$8,000,000 for each of fiscal years 2021 through
2 2024.

3 (8) PROJECT MODIFICATIONS FOR IMPROVE-
4 MENT OF ENVIRONMENT.—Notwithstanding section
5 1135(h) of the Water Resources Development Act of
6 1986 (33 U.S.C. 2309a(h)), there is authorized to
7 be appropriated to carry out such section
8 \$50,500,000 for each of fiscal years 2021 through
9 2024.

10 **TITLE II—STUDIES AND**
11 **REPORTS**

12 **SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY**
13 **STUDIES.**

14 (a) IN GENERAL.—The Secretary is authorized to
15 conduct a feasibility study for the following projects for
16 water resources development and conservation and other
17 purposes, as identified in the reports titled “Report to
18 Congress on Future Water Resources Development” sub-
19 mitted to Congress pursuant to section 7001 of the Water
20 Resources Reform and Development Act of 2014 (33
21 U.S.C. 2282d) or otherwise reviewed by Congress:

22 (1) SULPHUR RIVER, ARKANSAS AND TEXAS.—
23 Project for ecosystem restoration, Sulphur River,
24 Arkansas and Texas.

1 (2) CABLE CREEK, CALIFORNIA.—Project for
2 flood risk management, water supply, and related
3 benefits, Cable Creek, California.

4 (3) OROVILLE DAM, CALIFORNIA.—Project for
5 dam safety improvements, Oroville Dam, California.

6 (4) RIO HONDO CHANNEL, CALIFORNIA.—
7 Project for ecosystem restoration, Rio Hondo Chan-
8 nel, San Gabriel River, California.

9 (5) SHINGLE CREEK AND KISSIMMEE RIVER,
10 FLORIDA.—Project for ecosystem restoration and
11 water storage, Shingle Creek and Kissimmee River,
12 Osceola County, Florida.

13 (6) ST. JOHN’S RIVER AND LAKE JESUP, FLOR-
14 IDA.—Project for ecosystem restoration, St. John’s
15 River and Lake Jesup, Florida.

16 (7) CHICAGO AREA WATERWAYS SYSTEM, ILLI-
17 NOIS.—Project for ecosystem restoration, recreation,
18 and other purposes, Illinois River, Chicago River,
19 Calumet River, Grand Calumet River, Little Cal-
20 umet River, and other waterways in the vicinity of
21 Chicago, Illinois.

22 (8) FOX RIVER, ILLINOIS.—Project for flood
23 risk management, Fox River, Illinois.

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1 (9) LOWER MISSOURI RIVER, KANSAS.—Project
2 for bank stabilization and navigation, Lower Mis-
3 souri River, Sioux City, Kansas.

4 (10) TANGIPAHOA PARISH, LOUISIANA.—
5 Project for flood risk management, Tangipahoa Par-
6 ish, Louisiana.

7 (11) NEWBURY AND NEWBURYPORT, MASSA-
8 CHUSETTS.—Project for coastal storm risk manage-
9 ment, Newbury and Newburyport, Massachusetts.

10 (12) ESCATAWPA RIVER BASIN, MISSISSIPPI.—
11 Project for flood risk management and ecosystem
12 restoration, Escatawpa River, Jackson County, Mis-
13 sissippi.

14 (13) LONG BEACH, BAY ST. LOUIS AND MIS-
15 SISSIPPI SOUND, MISSISSIPPI.—Project for hurricane
16 and storm damage risk reduction and flood risk
17 management, Long Beach, Bay St. Louis and Mis-
18 sissippi Sound, Mississippi.

19 (14) TALLAHOMA AND TALLAHALA CREEKS,
20 MISSISSIPPI.—Project for flood risk management,
21 Leaf River, Jones County, Mississippi.

22 (15) LOWER MISSOURI RIVER, MISSOURI.—
23 Project for navigation, Lower Missouri River, Mis-
24 souri.

1 (16) LOWER OSAGE RIVER BASIN, MISSOURI.—
2 Project for ecosystem restoration, Lower Osage
3 River Basin, Missouri.

4 (17) WYATT, MISSOURI.—Project for flood risk
5 management, P. Fields Pump Station, Wyatt, Mis-
6 souri.

7 (18) UPPER BASIN AND STONY BROOK (GREEN
8 BROOK SUB-BASIN), RARITAN RIVER BASIN, NEW
9 JERSEY.—Reevaluation of the Upper Basin and
10 Stony Brook portions of the project for flood control,
11 Green Brook Sub-basin, Raritan River Basin, New
12 Jersey, authorized by section 401 of the Water Re-
13 sources Development Act of 1986 (100 Stat. 4119),
14 including the evaluation of nonstructural measures
15 to achieve the project purpose.

16 (19) WADING RIVER CREEK, NEW YORK.—
17 Project for hurricane and storm damage risk reduc-
18 tion, flood risk management, navigation, and eco-
19 system restoration, Wading River Creek, New York.

20 (20) LOWER COLUMBIA RIVER BASIN (TURNING
21 BASIN), OREGON AND WASHINGTON.—Project to im-
22 prove and add turning basins for the project for
23 navigation, Columbia River Channel, Oregon and
24 Washington, authorized by section 101(b)(13) of the

1 Water Resources Development Act of 1999 (113
2 Stat. 280).

3 (21) WILLIAMSPORT, PENNSYLVANIA.—Project
4 for flood risk management and levee rehabilitation,
5 greater Williamsport, Pennsylvania.

6 (22) CITY OF CHARLESTON, SOUTH CARO-
7 LINA.—Project for tidal- and inland-related flood
8 risk management, Charleston, South Carolina.

9 (23) CHOCOLATE BAYOU, TEXAS.—Project for
10 flood risk management, Chocolate Bayou, Texas.

11 (24) HOUSTON-GALVESTON, TEXAS.—Project
12 for navigation, Houston-Galveston, Texas.

13 (25) PORT ARTHUR AND ORANGE COUNTY,
14 TEXAS.—Project for flood risk management, Port
15 Arthur and Orange County, Texas, including con-
16 struction of improvements to interior drainage.

17 (26) PORT OF VICTORIA, TEXAS.—Project for
18 flood risk management, Port of Victoria, Texas.

19 (27) VIRGINIA BEACH AND VICINITY, VIRGINIA
20 AND NORTH CAROLINA.—Project for coastal storm
21 risk management, Virginia Beach and vicinity, Vir-
22 ginia and North Carolina.

23 (b) SPECIAL RULE.—The Secretary shall consider
24 any study carried out by the Secretary to formulate the
25 project for flood risk management, Port Arthur and Or-

1 ange County, Texas, identified in subsection (a)(25) to be
2 a continuation of the study carried out for Sabine Pass
3 to Galveston Bay, Texas, authorized by a resolution of the
4 Committee on Environment and Public Works of the Sen-
5 ate, approved June 23, 2004, and funded by title IV of
6 division B of the Bipartisan Budget Act of 2018, under
7 the heading “CORPS OF ENGINEERS—CIVIL—DE-
8 PARTMENT OF THE ARMY—CONSTRUCTION”
9 (Public Law 115–123; 132 Stat. 76).

10 **SEC. 202. EXPEDITED COMPLETIONS.**

11 (a) FEASIBILITY REPORTS.—The Secretary shall ex-
12 pedite the completion of a feasibility study for each of the
13 following projects, and if the Secretary determines that
14 the project is justified in a completed report, may proceed
15 directly to preconstruction planning, engineering, and de-
16 sign of the project:

17 (1) Project for navigation, Florence, Alabama.

18 (2) Project to modify the project for navigation,
19 Tennessee-Tombigbee Waterway, Alabama, Ken-
20 tucky, Mississippi, and Tennessee.

21 (3) Project for shoreline stabilization, Aunu‘u
22 Harbor, American Samoa.

23 (4) Project for shoreline stabilization, Tutuila
24 Island, American Samoa.

1 (5) Project for flood risk management, Lower
2 Santa Cruz River, Arizona.

3 (6) Project for flood risk management, Rio de
4 Flag, Arizona.

5 (7) Project for flood risk management, Tonto
6 Creek, Gila River, Arizona.

7 (8) Project for flood control, water conserva-
8 tion, and related purposes, Coyote Valley Dam, Cali-
9 fornia.

10 (9) Project for shoreline stabilization, Del Mar
11 Bluffs, San Diego County, California, carried out
12 pursuant to the resolution of the Committee on
13 Transportation and Infrastructure of the House of
14 Representatives adopted on April 22, 1999 (docket
15 number 2598).

16 (10) Project for flood damage reduction and
17 ecosystem restoration, Del Rosa Channel, city of
18 San Bernardino, California.

19 (11) Project for flood risk management, Lower
20 Cache Creek, California.

21 (12) Project for flood damage reduction and
22 ecosystem restoration, Mission-Zanja Channel, cities
23 of San Bernardino and Redlands, California.

24 (13) Project for flood risk management, Napa,
25 California.

1 (14) Project for shoreline protection, Oceanside,
2 California, authorized pursuant to section 414 of the
3 Water Resources Development Act of 2000 (114
4 Stat. 2636; 121 Stat. 1176).

5 (15) Project for ecosystem restoration and
6 water conservation, Prado Basin, Orange, Riverside,
7 and San Bernardino counties, California.

8 (16) Project for water conservation and water
9 supply, Redbank and Fancher Creeks, California.

10 (17) Project for coastal storm damage reduc-
11 tion, San Diego County shoreline, California.

12 (18) Project to modify the project for naviga-
13 tion, San Francisco Bay to Stockton, California.

14 (19) Project for flood risk management, San
15 Francisquito Creek, California.

16 (20) Project to modify the Seven Oaks Dam,
17 California, portion of the project for flood control,
18 Santa Ana River Mainstem, California, authorized
19 by section 401(a) of the Water Resources Develop-
20 ment Act of 1986 (100 Stat. 4113; 101 Stat. 1329–
21 111; 104 Stat. 4611; 110 Stat. 3713; 121 Stat.
22 1115), to include water conservation as an author-
23 ized purpose.

24 (21) Project for coastal storm damage reduc-
25 tion, Southern California.

1 (22) Project for water storage, Halligan Dam,
2 Colorado.

3 (23) Project for flood risk management, East
4 Hartford Levee System, Connecticut.

5 (24) Project for flood risk management, Fair-
6 field and New Haven Counties, Connecticut.

7 (25) Project for navigation, Guilford Harbor
8 and Sluice Channel, Connecticut.

9 (26) Project for flood risk management, Hart-
10 ford Levee System, Connecticut.

11 (27) Project for ecosystem restoration, Central
12 and Southern Florida Project Canal 111 (C-111),
13 South Dade County, Florida.

14 (28) Project for ecosystem restoration, Lake
15 Okeechobee, Florida.

16 (29) Project for ecosystem restoration, Western
17 Everglades, Florida.

18 (30) Project for flood risk management,
19 Hanapepe River, Kauai, Hawaii.

20 (31) Project for flood risk management,
21 Wailupe Stream, Oahu, Hawaii.

22 (32) Project for flood risk management,
23 Waimea River, Kauai, Hawaii, being carried out
24 under section 205 of the Flood Control Act of 1948
25 (33 U.S.C. 701s).

1 (33) Project for comprehensive hurricane and
2 storm damage risk reduction and shoreline erosion
3 protection, Chicago, Illinois, authorized by section
4 101(a)(12) of the Water Resources Development Act
5 of 1996 (110 Stat. 3664; 113 Stat. 302).

6 (34) Project for flood risk management, Whea-
7 ton, DuPage County, Illinois.

8 (35) Project for flood damage reduction, eco-
9 system restoration, and recreation, Blue River
10 Basin, Kansas City, Kansas, carried out pursuant to
11 the resolution of the Committee on Transportation
12 and Infrastructure of the House of Representatives
13 adopted on September 24, 2008 (docket number
14 2803).

15 (36) Project for flood control, Amite River and
16 Tributaries east of the Mississippi River, Louisiana.

17 (37) Project for coastal storm risk manage-
18 ment, Upper Barataria Basin, Louisiana.

19 (38) Project for navigation, Kent Narrows and
20 Chester River, Queen Anne's County, Maryland.

21 (39) Project to replace the Bourne and Saga-
22 more Bridges, Cape Cod, Massachusetts.

23 (40) Project for flood risk management, eco-
24 system restoration, and recreation, Lower St. Croix
25 River, Minnesota, carried out pursuant to the resolu-

1 tion of the Committee on Transportation and Infra-
2 structure of the House of Representatives adopted
3 on September 25, 2002 (docket number 2705).

4 (41) Project to deepen the project for naviga-
5 tion, Gulfport Harbor, Mississippi, authorized by
6 section 202(a) of the Water Resources Development
7 Act of 1986 (100 Stat. 4094).

8 (42) Project for navigation, Shark River, New
9 Jersey.

10 (43) Project for navigation, Goldsmith Inlet,
11 New York.

12 (44) Project for navigation, Lake Montauk
13 Harbor, New York.

14 (45) Project for rehabilitation of Lock E-32,
15 Erie Canal, Pittsford, New York.

16 (46) Project for navigation and shoreline sta-
17 bilization, Reel Point Preserve, New York, carried
18 out pursuant to the resolution of the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives adopted on May 2, 2007 (docket
21 number 2775).

22 (47) Project for flood risk management,
23 Rondout Creek-Wallkill River Watershed, New York,
24 carried out pursuant to the resolution of the Com-
25 mittee on Transportation and Infrastructure of the

1 House of Representatives adopted on May 2, 2007
2 (docket number 2776).

3 (48) Project for ecosystem restoration and hur-
4 ricane and storm damage risk reduction, Spring
5 Creek South (Howard Beach), Queens, New York.

6 (49) Project for ecosystem restoration, Hood
7 River at the confluence with the Columbia River, Or-
8 egon.

9 (50) Project to resolve increased silting and
10 shoaling adjacent to the Federal channel, Port of
11 Bandon, Coquille River, Oregon.

12 (51) Project for flood control, 42nd Street
13 Levee, Springfield, Oregon, being carried out under
14 section 205 of the Flood Control Act of 1948 (33
15 U.S.C. 701s).

16 (52) Project for construction of Tribal housing
17 authorized by title IV of Public Law 100–581 (102
18 Stat. 2944), Oregon and Washington.

19 (53) Project for flood risk management, Dor-
20 chester County, South Carolina.

21 (54) Project for navigation, Georgetown Har-
22 bor, South Carolina.

23 (55) Project for hurricane and storm damage
24 risk reduction, Myrtle Beach, South Carolina.

1 (56) Project to modify the projects for naviga-
2 tion and other purposes, Old Hickory Lock and Dam
3 and the Cordell Hull Dam and Reservoir, Cum-
4 berland River, Tennessee, authorized by the Act of
5 July 24, 1946 (chapter 595, 60 Stat. 636), to add
6 flood risk management as an authorized purpose.

7 (57) Project for flood risk management, Buffalo
8 Bayou, Texas.

9 (58) Project for flood risk management, eco-
10 system restoration, water supply, and related pur-
11 poses, Lower Rio Grande River, Cameron County,
12 Texas, carried out pursuant to the resolution of the
13 Committee on Transportation and Infrastructure of
14 the House of Representatives adopted on May 21,
15 2003 (docket number 2710).

16 (59) Project for hurricane and storm damage
17 risk reduction and shoreline erosion protection,
18 Bolongo Bay, St. Thomas, United States Virgin Is-
19 lands.

20 (60) Project for water supply and ecosystem
21 restoration, Howard Hanson Dam, Washington.

22 (61) Project for ecosystem restoration, Puget
23 Sound, Washington.

24 (62) Project for navigation, Seattle Harbor,
25 Washington.

1 (63) Project for navigation, Tacoma Harbor,
2 Washington.

3 (64) Project for dam safety remediation,
4 Bluestone Dam, West Virginia.

5 (65) Project to modify the project for naviga-
6 tion, Milwaukee Harbor, Wisconsin.

7 (b) POST-AUTHORIZATION CHANGE REPORTS.—The
8 Secretary shall expedite completion of a post-authorization
9 change report for the following projects:

10 (1) Project for ecosystem restoration, Tres
11 Rios, Arizona.

12 (2) Project for flood risk management, Des
13 Moines Levee System, including Birdland Park
14 Levee, Des Moines and Raccoon Rivers, Des Moines,
15 Iowa.

16 (c) WATERSHED AND RIVER BASIN ASSESSMENTS.—
17 The Secretary shall expedite the completion of an assess-
18 ment under section 729 of the Water Resources Develop-
19 ment Act of 1986 (33 U.S.C. 2267a) for the following:

20 (1) Kansas River Basin, Kansas.

21 (2) Merrimack River Basin, Massachusetts.

22 (3) Pascagoula River Basin, Mississippi.

23 (4) Tuscarawas River Basin, Ohio.

24 (5) Lower Fox River Basin, Wisconsin.

1 (6) Upper Fox River Basin and Wolf River
2 Basin, Wisconsin.

3 (d) DISPOSITION STUDIES.—The Secretary shall ex-
4 pedite the completion of a disposition study, carried out
5 under section 216 of the Flood Control Act of 1970 (33
6 U.S.C. 549a), for the project for Salinas Reservoir (Santa
7 Margarita Lake), California.

8 (e) REALLOCATION STUDIES.—The Secretary shall
9 expedite the completion of a study for the reallocation of
10 water supply storage, carried out in accordance with sec-
11 tion 301 of the Water Supply Act of 1958 (43 U.S.C.
12 390b), for the following:

13 (1) Aquilla Lake, Texas.

14 (2) Lake Whitney, Texas.

15 (f) ECONOMIC REEVALUATION REPORT.—The Sec-
16 retary shall expedite the completion of the economic re-
17 evaluation report for the navigation and sustainability pro-
18 gram carried out pursuant to title VIII of the Water Re-
19 sources Development Act of 2007 (33 U.S.C. 652 note).

20 **SEC. 203. EXPEDITED MODIFICATIONS OF EXISTING FEASI-**
21 **BILITY STUDIES.**

22 (a) IN GENERAL.—The Secretary shall expedite the
23 completion of the following feasibility studies, as modified
24 by this section, and if the Secretary determines that a
25 project that is the subject of the feasibility study is justi-

1 fied in a completed report, may proceed directly to
2 preconstruction planning, engineering, and design of the
3 project:

4 (1) SAN FRANCISCO BAY, CALIFORNIA.—The
5 study for flood risk reduction authorized by section
6 142 of the Water Resources Development Act of
7 1976 (90 Stat. 2930), is modified to authorize the
8 Secretary to—

9 (A) investigate the ocean shoreline of San
10 Mateo, San Francisco, and Marin Counties for
11 the purposes of providing flood protection
12 against tidal and fluvial flooding;

13 (B) with respect to the bay and ocean
14 shorelines of San Mateo, San Francisco, and
15 Marin Counties, investigate measures to adapt
16 to rising sea levels; and

17 (C) with respect to the bay and ocean
18 shorelines, and streams running to the bay and
19 ocean shorelines, of San Mateo, San Francisco,
20 and Marin Counties, investigate the effects of
21 proposed flood protection and other measures
22 or improvements on—

23 (i) the local economy;

24 (ii) habitat restoration, enhancement,
25 or expansion efforts or opportunities;

1420

1 (iii) public infrastructure protection
2 and improvement;

3 (iv) stormwater runoff capacity and
4 control measures, including those that may
5 mitigate flooding;

6 (v) erosion of beaches and coasts; and

7 (vi) any other measures or improve-
8 ments relevant to adapting to rising sea
9 levels.

10 (2) SACRAMENTO RIVER, SOUTHERN SUTTER
11 COUNTY, CALIFORNIA.—The study for flood control
12 and allied purposes for the Sacramento River Basin,
13 authorized by section 209 of the Flood Control Act
14 of 1962 (76 Stat. 1197), is modified to authorize the
15 Secretary to conduct a study for flood risk manage-
16 ment, southern Sutter County between the Sac-
17 ramento River and Sutter Bypass, California.

18 (3) SALTON SEA, CALIFORNIA.—In carrying out
19 the program to implement projects to restore the
20 Salton Sea, California, authorized by section 3032 of
21 the Water Resources Development Act of 2007 (121
22 Stat. 1113; 130 Stat. 1677), the Secretary is au-
23 thorized to carry out a study for the construction of
24 a perimeter lake, or a northern or southern subset
25 thereof, for the Salton Sea, California.

1 (4) NEW YORK AND NEW JERSEY HARBOR AND
2 TRIBUTARIES, NEW YORK AND NEW JERSEY.—The
3 study for flood and storm damage reduction for the
4 New York and New Jersey Harbor and Tributaries
5 project, authorized by the Act of June 15, 1955
6 (chapter 140, 69 Stat. 132), and being carried out
7 pursuant to the Disaster Relief Appropriations Act,
8 2013 (Public Law 113–2), is modified to require the
9 Secretary to—

10 (A) evaluate and address the impacts of
11 low-frequency precipitation and sea-level rise on
12 the study area;

13 (B) consult with affected communities; and

14 (C) ensure the study is carried out in ac-
15 cordance with section 1001 of the Water Re-
16 sources Reform and Development Act of 2014
17 (33 U.S.C. 2282e).

18 (b) CONSIDERATIONS.—Where appropriate, the Sec-
19 retary may use the authority provided by section 216 of
20 the Flood Control Act of 1970 (33 U.S.C. 549a) to carry
21 out this section.

22 **SEC. 204. ASSISTANCE TO NON-FEDERAL SPONSORS; FEASI-**
23 **BILITY ANALYSIS.**

24 (a) ASSISTANCE TO NON-FEDERAL SPONSORS.—

1 (1) IN GENERAL.—Subject to the availability of
2 appropriations, during the period during which a
3 non-Federal interest may submit a proposal to be
4 considered for inclusion in an annual report pursu-
5 ant to section 7001(b) of the Water Resources Re-
6 form and Development Act of 2014 (33 U.S.C.
7 2282d(b)), the Secretary is authorized to provide as-
8 sistance in accordance with section 1104(b) of the
9 Water Resources Development Act of 2018 (33
10 U.S.C. 2282d note) to the non-Federal interest of a
11 project proposal described in paragraph (2).

12 (2) PROJECT PROPOSALS DESCRIBED.—A
13 project proposal referred to in paragraph (1) is a
14 proposal for any of the following:

15 (A) A feasibility study for a fish passage
16 for ecosystem restoration, Lower Alabama
17 River, Alabama.

18 (B) A feasibility study for dredged mate-
19 rial disposal management activities, Port of
20 Florence, Alabama.

21 (C) A feasibility study for a project for
22 flood risk management, Sikorsky Memorial Air-
23 port, Bridgeport, Connecticut.

24 (D) A feasibility study for a project to de-
25 sign and construct the Naugatuck River Green-

1 way Trail, a multiuse trail on Federal land be-
2 tween Torrington and Derby, Connecticut.

3 (E) A feasibility study for a project for
4 coastal and flood risk management, Stratford,
5 Connecticut.

6 (F) A feasibility study for projects for
7 flood risk management, Woodbridge, Con-
8 necticut.

9 (G) The project for flood risk manage-
10 ment, Bloomington, Indiana.

11 (H) The project for flood risk manage-
12 ment, Gary, Indiana.

13 (I) Modification of the project for beach
14 erosion and hurricane protection, Grand Isle,
15 Louisiana, to include periodic beach nourish-
16 ment.

17 (J) A feasibility study for a project for
18 flood risk management, Cataouatche Subbasin
19 area of the west bank of Jefferson Parish, Lou-
20 isiana.

21 (K) A feasibility study for projects for
22 flood risk management and storm damage re-
23 duction in the Hoey's Basin area of the east
24 bank of Jefferson Parish, Louisiana, including
25 a study of the "pump to the river" concept.

1424

1 (L) A feasibility study for a project for
2 flood risk management, Hoosic River, Massa-
3 chusetts.

4 (M) Modification of the project for naviga-
5 tion, River Rouge, Michigan.

6 (N) A project to extend dredging of the
7 South Haven Harbor, Michigan, to include the
8 former turning basin.

9 (O) Modification of the project for flood
10 risk management, Upper Rouge River, Wayne
11 County, Michigan.

12 (P) A project for aquatic and riparian eco-
13 system restoration, Line Creek, Riverside, Mis-
14 souri.

15 (Q) A feasibility study for projects for eco-
16 system restoration, Bangert Island, St. Charles,
17 Missouri, related to channels and aquatic habi-
18 tats.

19 (R) A study of the resiliency of the Alle-
20 gheny Reservoir, New York, in consultation
21 with the Seneca Nation.

22 (S) A feasibility study for the rehabilita-
23 tion of the tainter gates and guard gate,
24 Caughdenoy Dam, New York, including an eval-
25 uation of the rehabilitation work necessary to

1 extend the service life of those structures, such
2 as—

3 (i) improvements to the hydraulic effi-
4 ciency of the gate systems;

5 (ii) improvements to the concrete
6 foundation and gate support structures;
7 and

8 (iii) any other improvements the Sec-
9 retary determines to be necessary.

10 (T) A project for repairs to the West Pier
11 and West Barrier Bar, Little Sodus Bay Har-
12 bor, Cayuga County, New York.

13 (U) A project for repair of a sheet pile wall
14 and east breakwater, Great Sodus Bay, New
15 York.

16 (V) A feasibility study for the project for
17 navigation, Port of Oswego, New York.

18 (W) A feasibility study for potential
19 projects for the rehabilitation of the Glens Falls
20 Feeder Canal, which begins at the Feeder Dam
21 intersection with the Hudson River in
22 Queensbury, New York, and runs to the con-
23 fluence of the Old Champlain Canal in
24 Kingsbury, New York.

1 (X) A feasibility study to determine wheth-
2 er the purchase of additional flood easements,
3 changes in lake level management, additional
4 levee infrastructure, or implementation of other
5 flood risk management or containment mecha-
6 nisms in the Arkansas River Basin, Oklahoma,
7 would benefit local communities by reducing
8 flood risks around water resources development
9 projects of the Corps of Engineers in a range
10 of different flood scenarios.

11 (Y) A feasibility study on increasing the
12 frequency and depth of dredging assistance
13 from the Corps of Engineers at the Port of
14 Astoria, located at the mouth of the Columbia
15 River, Oregon.

16 (b) FEASIBILITY ANALYSIS.—

17 (1) IN GENERAL.—Subject to the availability of
18 appropriations, the Secretary is authorized to review
19 a project proposal described in paragraph (2) and
20 issue a report to the Committee on Environment and
21 Public Works of the Senate and the Committee on
22 Transportation and Infrastructure of the House of
23 Representatives on whether a modification to the
24 project that is the subject of the proposal is nec-

1 essary and recommended to carry out the authorized
2 purposes of such project.

3 (2) PROJECT PROPOSALS DESCRIBED.—A
4 project proposal referred to in paragraph (1) is a
5 proposal to modify any of the following:

6 (A) The project for environmental infra-
7 structure, City of Sheffield, Alabama, author-
8 ized pursuant to section 219(f)(78) of the
9 Water Resources Development Act of 1992
10 (106 Stat. 4835; 113 Stat. 335; 121 Stat.
11 1258; 130 Stat. 1687).

12 (B) The project for environmental infra-
13 structure, Calaveras County, California, under
14 section 219(f)(86) of the Water Resources De-
15 velopment Act of 1992 (106 Stat. 4835; 113
16 Stat. 335; 121 Stat. 1259).

17 (C) The project for environmental infra-
18 structure, Charlotte County, Florida, authorized
19 by section 219(f)(121) of the Water Resources
20 Development Act of 1992 (106 Stat. 4835; 113
21 Stat. 335; 121 Stat. 1261).

22 (D) The Mississippi River and Tributaries
23 project authorized by the first section of the
24 Act of May 15, 1928 (33 U.S.C. 702a), to in-
25 clude the portion of the Ouachita River Levee

1 System at and below Monroe, Louisiana, to
2 Caldwell Parish, Louisiana.

3 (E) The project for environmental infra-
4 structure, Central New Mexico, authorized by
5 section 593 of the Water Resources Develop-
6 ment Act of 1999 (113 Stat. 380; 119 Stat.
7 2255).

8 (F) The project for environmental infra-
9 structure, Village of Whitehall, New York, au-
10 thorized pursuant to section 542 of the Water
11 Resources Development Act of 2000 (114 Stat.
12 2671; 121 Stat. 1150).

13 (G) The project for environmental infra-
14 structure, Ohio and North Dakota, authorized
15 by section 594 of the Water Resources Develop-
16 ment Act of 1999 (113 Stat. 383; 121 Stat.
17 1140; 121 Stat. 1944).

18 (H) The project for flood risk management
19 and water supply, Tenkiller Ferry Lake, Arkan-
20 sas River Basin, Oklahoma, authorized by sec-
21 tion 4 of the Act of June 28, 1938 (chapter
22 795, 52 Stat. 1218), to modify water storage to
23 provide for a sufficient quantity of water supply
24 storage space in the inactive pool storage to

1 support the fishery downstream from Tenkiller
2 Reservoir.

3 (I) The project for environmental infra-
4 structure, Athens, Tennessee, authorized by
5 section 219(f)(254) of the Water Resources De-
6 velopment Act of 1992 (106 Stat. 4835; 113
7 Stat. 335; 121 Stat. 1267).

8 (J) The project for environmental infra-
9 structure, Blaine, Tennessee, authorized by sec-
10 tion 219(f)(255) of the Water Resources Devel-
11 opment Act of 1992 (106 Stat. 4835; 113 Stat.
12 335; 121 Stat. 1267).

13 (K) The project for environmental infra-
14 structure, Claiborne County, Tennessee, author-
15 ized by section 219(f)(256) of the Water Re-
16 sources Development Act of 1992 (106 Stat.
17 4835; 113 Stat. 335; 121 Stat. 1267).

18 (L) The project for environmental infra-
19 structure, Giles County, Tennessee, authorized
20 by section 219(f)(257) of the Water Resources
21 Development Act of 1992 (106 Stat. 4835; 113
22 Stat. 335; 121 Stat. 1267).

23 (M) The project for environmental infra-
24 structure, Grainger County, Tennessee, author-
25 ized by section 219(f)(258) of the Water Re-

1 sources Development Act of 1992 (106 Stat.
2 4835; 113 Stat. 335; 121 Stat. 1267).

3 (N) The project for environmental infra-
4 structure, Hamilton County, Tennessee, author-
5 ized by section 219(f)(259) of the Water Re-
6 sources Development Act of 1992 (106 Stat.
7 4835; 113 Stat. 335; 121 Stat. 1267).

8 (O) The project for environmental infra-
9 structure, Harrogate, Tennessee, authorized by
10 section 219(f)(260) of the Water Resources De-
11 velopment Act of 1992 (106 Stat. 4835; 113
12 Stat. 335; 121 Stat. 1267).

13 (P) The project for environmental infra-
14 structure, Johnson County, Tennessee, author-
15 ized by section 219(f)(261) of the Water Re-
16 sources Development Act of 1992 (106 Stat.
17 4835; 113 Stat. 335; 121 Stat. 1267).

18 (Q) The project for environmental infra-
19 structure, Knoxville, Tennessee, authorized by
20 section 219(f)(262) of the Water Resources De-
21 velopment Act of 1992 (106 Stat. 4835; 113
22 Stat. 335; 121 Stat. 1267).

23 (R) The project for environmental infra-
24 structure, Lewis, Lawrence, and Wayne Coun-
25 ties, Tennessee, authorized by section

1 219(f)(264) of the Water Resources Develop-
2 ment Act of 1992 (106 Stat. 4835; 113 Stat.
3 335; 121 Stat. 1268).

4 (S) The project for environmental infra-
5 structure, Nashville, Tennessee, authorized by
6 section 219(f)(263) of the Water Resources De-
7 velopment Act of 1992 (106 Stat. 4835; 113
8 Stat. 335; 121 Stat. 1267).

9 (T) The project for environmental infra-
10 structure, Oak Ridge, Tennessee, authorized by
11 section 219(f)(265) of the Water Resources De-
12 velopment Act of 1992 (106 Stat. 4835; 113
13 Stat. 335; 121 Stat. 1268).

14 (U) The project for environmental infra-
15 structure, Plateau Utility District, Morgan
16 County, Tennessee, authorized by section
17 219(f)(266) of the Water Resources Develop-
18 ment Act of 1992 (106 Stat. 4835; 113 Stat.
19 335; 121 Stat. 1268).

20 (V) The authorized funding level for crit-
21 ical restoration projects, Lake Champlain wa-
22 tershed, Vermont and New York, authorized by
23 section 542 of the Water Resources Develop-
24 ment Act of 2000 (114 Stat. 2671; 121 Stat.
25 1150).

1 (W) The project for environmental infra-
2 structure, Eastern Shore and Southwest Vir-
3 ginia, authorized by section 219(f)(10) of the
4 Water Resources Development Act of 1992
5 (106 Stat. 4835; 113 Stat. 335; 121 Stat.
6 1255).

7 **SEC. 205. SELMA, ALABAMA.**

8 Not later than 180 days after the date of enactment
9 of this Act, the Secretary shall submit to the Committee
10 on Transportation and Infrastructure of the House of
11 Representatives and the Committee on Environment and
12 Public Works of the Senate a report that—

13 (1) provides an update on the study for flood
14 risk management and riverbank stabilization, Selma,
15 Alabama, authorized by resolutions of the Commit-
16 tees on Public Works and Rivers and Harbors of the
17 House of Representatives on June 7, 1961, and
18 April 28, 1936, respectively, the completion of which
19 the Secretary was required to expedite by section
20 1203 of the Water Resources Development Act of
21 2018 (132 Stat. 3803); and

22 (2) identifies project alternatives necessary to—
23 (A) assure the preservation of cultural and
24 historic values associated with national historic
25 landmarks within the study area; and

1 (B) provide flood risk management for eco-
2 nomically disadvantaged communities within the
3 study area.

4 **SEC. 206. REPORT ON CORPS OF ENGINEERS FACILITIES IN**
5 **APPALACHIA.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary, in collabora-
8 tion with the Appalachian Regional Commission estab-
9 lished by section 14301(a) of title 40, United States Code,
10 shall submit to the Committee on Environment and Public
11 Works of the Senate and the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives
13 a report that identifies each Corps of Engineers facility
14 that—

15 (1) is located within a distressed county or an
16 at-risk county (as designated by the Appalachian
17 Regional Commission pursuant to subparagraph (A)
18 or (B) of section 14526(a)(1), of title 40, United
19 States Code), including in counties that are experi-
20 encing high unemployment or job loss; and

21 (2) could be improved for purposes of economic
22 development, recreation, or other uses.

23 (b) HYDROPOWER FACILITIES.—

24 (1) IDENTIFICATION OF POTENTIAL HYDRO-
25 POWER DEVELOPMENT.—The Secretary shall include

1 in the report submitted under subsection (a) the
2 identification of any existing nonpowered dams, lo-
3 cated within a distressed county or an at-risk coun-
4 ty, with the potential to be used to test, evaluate,
5 pilot, demonstrate, or deploy hydropower or energy
6 storage technologies.

7 (2) INFORMATION.—In carrying out this sub-
8 section, the Secretary may use any information de-
9 veloped pursuant to section 1206 of the Water Re-
10 sources Development Act of 2018 (132 Stat. 3806).

11 (3) COORDINATION.—In carrying out para-
12 graph (1), the Secretary shall coordinate with any
13 relevant National Laboratories.

14 **SEC. 207. ADDITIONAL STUDIES UNDER NORTH ATLANTIC**
15 **COAST COMPREHENSIVE STUDY.**

16 (a) IN GENERAL.—The Secretary shall carry out a
17 study to determine the feasibility of a project for hurricane
18 and storm damage risk reduction for any major metropoli-
19 tan area located in the study area for the comprehensive
20 study authorized under the heading “Department of the
21 Army—Corps of Engineers—Civil—Investigations” under
22 the Disaster Relief Appropriations Act, 2013 (Public Law
23 113–2) that was not included in a high-risk focus area
24 identified in the study.

1 (b) TREATMENT.—A study carried out under sub-
2 section (a) shall be considered to be a continuation of the
3 comprehensive study described in that subsection.

4 **SEC. 208. SOUTH ATLANTIC COASTAL STUDY.**

5 Section 1204 of the Water Resources Development
6 Act of 2016 (130 Stat. 1685) is amended by adding at
7 the end the following:

8 “(d) ANNUAL REPORTS.—Not later than 180 days
9 after the enactment of the Water Resources Development
10 Act of 2020, and not less frequently than annually there-
11 after until 2025, the Secretary shall submit to the Com-
12 mittee on Environment and Public Works of the Senate
13 and the Committee on Transportation and Infrastructure
14 of the House of Representatives a report on the status
15 of the study under subsection (a), on a State-by-State
16 basis, including information on the engagement of the
17 Corps of Engineers with non-Federal interests, including
18 detailed lists of all meetings and decision outcomes associ-
19 ated with those engagements.”.

20 **SEC. 209. COMPREHENSIVE STUDY OF THE SACRAMENTO**
21 **RIVER, YOLO BYPASS, CALIFORNIA.**

22 (a) COMPREHENSIVE STUDY.—The Secretary shall
23 conduct a comprehensive study of the Sacramento River
24 in the vicinity of the Yolo Bypass System, California, to
25 identify actions to be undertaken by the Secretary for the

1 comprehensive management of the Yolo Bypass System
2 for the purposes of flood risk management, ecosystem res-
3 toration, water supply, hydropower, and recreation.

4 (b) CONSULTATION AND USE OF EXISTING DATA.—

5 (1) CONSULTATION.—In conducting the com-
6 prehensive study under subsection (a), the Secretary
7 shall consult with the Governor of the State of Cali-
8 fornia, applicable Federal, State, and local agencies,
9 non-Federal interests, the Yolo Bypass and Cache
10 Slough Partnership, and other stakeholders.

11 (2) USE OF EXISTING DATA AND PRIOR STUD-
12 IES.—To the maximum extent practicable and where
13 appropriate, the Secretary may—

14 (A) make use of existing data provided to
15 the Secretary by the entities identified in para-
16 graph (1); and

17 (B) incorporate—

18 (i) relevant information from prior
19 studies and projects carried out by the
20 Secretary within the study area; and

21 (ii) the latest technical data and sci-
22 entific approaches to changing hydrologic
23 and climatic conditions.

24 (c) RECOMMENDATIONS.—

1 (1) IN GENERAL.—In conducting the com-
2 prehensive study under subsection (a), the Secretary
3 may develop a recommendation to Congress for—

4 (A) the construction of a water resources
5 development project;

6 (B) the structural or operational modifica-
7 tion of an existing water resources development
8 project;

9 (C) additional monitoring of, or adaptive
10 management measures to carry out with respect
11 to, existing water resources development
12 projects, to respond to changing hydrologic and
13 climatic conditions; or

14 (D) geographic areas within the Yolo By-
15 pass System for additional study by the Sec-
16 retary.

17 (2) ADDITIONAL CONSIDERATIONS.—Any feasi-
18 bility study carried out pursuant to a recommenda-
19 tion under paragraph (1)(D) shall be considered to
20 be a continuation of the comprehensive study au-
21 thorized under subsection (a).

22 (d) COMPLETION OF STUDY; REPORT TO CON-
23 GRESS.—Not later than 3 years after the date of enact-
24 ment of this section, the Secretary shall submit to the
25 Committee on Transportation and Infrastructure of the

1 House of Representatives and the Committee on Environ-
2 ment and Public Works of the Senate a report detailing—

3 (1) the results of the comprehensive study con-
4 ducted under subsection (a), including any rec-
5 ommendations developed under subsection (c);

6 (2) any additional, site-specific areas within the
7 Yolo Bypass System where additional study for flood
8 risk management or ecosystem restoration projects
9 is recommended by the Secretary; and

10 (3) any interim actions relating to existing
11 water resources development projects undertaken by
12 the Secretary during the study period.

13 (e) DEFINITIONS.—In this section:

14 (1) YOLO BYPASS SYSTEM.—The term “Yolo
15 Bypass System” means the system of weirs, levees,
16 bypass structures, and other water resources devel-
17 opment projects in California’s Sacramento River
18 Valley, extending from the Fremont Weir near
19 Woodland, California, to the Sacramento River near
20 Rio Vista, California, authorized pursuant to section
21 2 of the Act of March 1, 1917 (chapter 144; 39
22 Stat. 949).

23 (2) YOLO BYPASS AND CACHE SLOUGH PART-
24 NERSHIP.—The term “Yolo Bypass and Cache
25 Slough Partnership” means the group of parties to

1 the Yolo Bypass and Cache Slough Memorandum of
2 Understanding, effective May 2016, regarding col-
3 laboration and cooperation in the Yolo Bypass and
4 Cache Slough region.

5 **SEC. 210. LAKE OKEECHOBEE REGULATION SCHEDULE,**
6 **FLORIDA.**

7 (a) IN GENERAL.—In carrying out the review of the
8 Lake Okeechobee regulation schedule pursuant to section
9 1106 of the Water Resources Development Act of 2018
10 (132 Stat. 3773), the Secretary shall—

11 (1) evaluate the implications of prohibiting re-
12 leases from Lake Okeechobee through the S-308
13 and S-80 lock and dam structures, and evaluate
14 separately the implications of prohibiting high vol-
15 ume releases through the S-77, S-78, and S-79
16 lock and dam structures, on the operation of the
17 lake in accordance with authorized purposes and
18 seek to minimize unnecessary releases to coastal es-
19 tuaries; and

20 (2) to the maximum extent practicable, coordi-
21 nate with the ongoing efforts of Federal and State
22 agencies responsible for monitoring, forecasting, and
23 notification of cyanobacteria levels in Lake Okee-
24 chobee.

1 (b) MONTHLY REPORT.—Each month, the Secretary
2 shall make public a report, which may be based on the
3 Water Management Daily Operational Reports, disclosing
4 the volumes of water deliveries to or discharges from Lake
5 Okeechobee & Vicinity, Water Conservation Area I, Water
6 Conservation Area II, Water Conservation Area III, East
7 Coast Canals, and the South Dade Conveyance. Such re-
8 port shall be aggregated and reported in a format designed
9 for the general public, using maps or other widely under-
10 stood communication tools.

11 (c) EFFECT.—In carrying out the evaluation under
12 subsection (a)(1), nothing shall be construed to authorize
13 any new purpose for the management of Lake Okeechobee
14 or authorize the Secretary to affect any existing author-
15 ized purpose, including flood protection and management
16 of Lake Okeechobee to provide water supply for all author-
17 ized users.

18 **SEC. 211. GREAT LAKES COASTAL RESILIENCY STUDY.**

19 (a) IN GENERAL.—In carrying out the comprehensive
20 assessment of water resources needs for the Great Lakes
21 System under section 729 of the Water Resources Devel-
22 opment Act of 1986 (33 U.S.C. 2267a), as required by
23 section 1219 of the Water Resources Development Act of
24 2018 (132 Stat. 3811), the Secretary shall—

1 (1) taking into account recent high lake levels
2 within the Great Lakes, assess and make rec-
3 ommendations to Congress on—

4 (A) coastal storm and flood risk manage-
5 ment measures, including measures that use
6 natural features and nature-based features, as
7 those terms are defined in section 1184 of the
8 Water Resources Development Act of 2016 (33
9 U.S.C. 2289a);

10 (B) operation and maintenance of the
11 Great Lakes Navigation System, as such term
12 is defined in section 210 of the Water Re-
13 sources Development Act of 1986 (33 U.S.C.
14 2238);

15 (C) ecosystem protection and restoration;

16 (D) the prevention and control of invasive
17 species and the effects of invasive species; and

18 (E) recreation associated with water re-
19 sources development projects;

20 (2) prioritize actions necessary to protect crit-
21 ical public infrastructure, communities, and critical
22 natural or cultural resources; and

23 (3) to the maximum extent practicable and
24 where appropriate, utilize existing data provided to
25 the Secretary by Federal and State agencies, Indian

1 Tribes, and other stakeholders, including data ob-
2 tained through other Federal programs.

3 (b) RECOMMENDATIONS; ADDITIONAL STUDY.—

4 (1) IN GENERAL.—In carrying out the com-
5 prehensive assessment described in subsection (a),
6 the Secretary may make a recommendation to Con-
7 gress for—

8 (A) the construction of a water resources
9 development project;

10 (B) the structural or operational modifica-
11 tion of an existing water resources development
12 project;

13 (C) additional monitoring of, or adaptive
14 management measures to carry out with respect
15 to, existing water resources development
16 projects, to respond to changing hydrologic and
17 climatic conditions; or

18 (D) geographic areas within the Great
19 Lakes System for additional study by the Sec-
20 retary.

21 (2) FOCUS AREAS.—In addition to carrying out
22 subsection (a), to contribute to the comprehensive
23 assessment described in such subsection, the Sec-
24 retary is authorized to conduct feasibility studies
25 for—

1 (A) the project for coastal storm resiliency,
2 Lake Ontario shoreline, New York; and

3 (B) the project for coastal storm resiliency,
4 Chicago shoreline, Illinois.

5 (3) **ADDITIONAL CONSIDERATIONS.**—Any feasi-
6 bility study carried out pursuant to this subsection,
7 including pursuant to a recommendation under para-
8 graph (1)(D), shall be considered to be a continu-
9 ation of the comprehensive assessment described in
10 subsection (a).

11 (c) **EXEMPTION FROM MAXIMUM STUDY COST AND**
12 **DURATION LIMITATIONS.**—Section 1001 of the Water Re-
13 sources Reform and Development Act of 2014 (33 U.S.C.
14 2282c) shall not apply to any study recommended under
15 subsection (b)(1)(D) or carried out pursuant to subsection
16 (b)(2).

17 **SEC. 212. REPORT ON THE STATUS OF RESTORATION IN**
18 **THE LOUISIANA COASTAL AREA.**

19 Not later than 1 year after the date of enactment
20 of this Act, the Coastal Louisiana Ecosystem Protection
21 and Restoration Task Force established by section 7004
22 of Water Resources Development Act of 2007 (121 Stat.
23 1272) shall submit to Congress a report that summarizes
24 the activities and recommendations of the Task Force, in-
25 cluding—

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1 (1) policies, strategies, plans, programs,
2 projects, and activities undertaken for addressing
3 conservation, protection, restoration, and mainte-
4 nance of the coastal Louisiana ecosystem; and

5 (2) financial participation by each agency rep-
6 resented on the Task Force in conserving, pro-
7 tecting, restoring, and maintaining the coastal Lou-
8 isiana ecosystem.

9 **SEC. 213. LOWER MISSISSIPPI RIVER COMPREHENSIVE**
10 **MANAGEMENT STUDY.**

11 (a) COMPREHENSIVE STUDY.—

12 (1) PURPOSE.—The Secretary, in collaboration
13 with the heads of other relevant Federal agencies
14 and pursuant to subsection (d)(1)(A), shall conduct
15 a comprehensive study of the Lower Mississippi
16 River basin, from Cape Girardeau, Missouri, to the
17 Gulf of Mexico, to identify recommendations of ac-
18 tions to be undertaken by the Secretary, under exist-
19 ing authorities or after congressional authorization,
20 for the comprehensive management of the basin for
21 the purposes of—

22 (A) hurricane and storm damage reduc-
23 tion, flood risk management, structural and
24 nonstructural flood control, and floodplain man-
25 agement strategies;

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- 1 (B) navigation;
- 2 (C) ecosystem and environmental restora-
- 3 tion;
- 4 (D) water supply;
- 5 (E) hydropower production;
- 6 (F) recreation; and
- 7 (G) other purposes as determined by the
- 8 Secretary.

9 (2) DEVELOPMENT.—In conducting the com-

10 prehensive study under paragraph (1), the Secretary

11 shall investigate—

12 (A) the construction of new water re-

13 sources development projects;

14 (B) structural and operational modifica-

15 tions to completed water resources development

16 projects within the study area;

17 (C) projects proposed in the comprehensive

18 coastal protection master plan entitled “Louisiana’s

19 Comprehensive Master Plan for a Sustainable Coast”, prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority (including

20 any subsequent amendments or revisions), in-

21 cluding—

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23

24

25 (i) Ama sediment diversion;

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- 1 (ii) Union freshwater diversion;
- 2 (iii) increase Atchafalaya flow to
- 3 Terrebonne; and
- 4 (iv) Manchac Landbridge diversion;
- 5 (D) natural features and nature-based fea-
- 6 tures, including levee setbacks and instream
- 7 and floodplain restoration;
- 8 (E) fish and wildlife habitat resources, in-
- 9 cluding in the Mississippi Sound Estuary, the
- 10 Lake Pontchartrain Basin, the Breton Sound,
- 11 the Barataria Basin, the Terrebonne Basin, the
- 12 Atchafalaya Basin, the Vermilion–Teche Basin,
- 13 and other outlets of the Mississippi River and
- 14 Tributaries project;
- 15 (F) mitigation of adverse impacts from op-
- 16 erations of flood control structures to the Mis-
- 17 sissippi Sound Estuary, the Lake Pontchartrain
- 18 Basin, the Breton Sound, the Barataria Basin,
- 19 the Atchafalaya Basin, and other outlets of the
- 20 Mississippi River and Tributaries project;
- 21 (G) the effects of dredging and river-bot-
- 22 tom elevation changes on drainage efficiency;
- 23 (H) the economic impacts of existing prac-
- 24 tices, including such impacts on coastal re-
- 25 sources;

1 (I) monitoring requirements, including as
2 near-real time monitoring as practicable, and
3 adaptive management measures to respond to
4 changing conditions over time;

5 (J) the division of responsibilities among
6 the Federal Government and non-Federal inter-
7 ests with respect to the purposes described in
8 paragraph (1); and

9 (K) other matters, as determined by the
10 Secretary.

11 (b) CONSULTATION AND USE OF EXISTING DATA.—

12 In conducting the comprehensive study under subsection
13 (a), the Secretary shall consult with applicable Federal,
14 State, and local agencies, Indian Tribes, non-Federal in-
15 terests, and other stakeholders, and, to the maximum ex-
16 tent practicable and where appropriate, make use of exist-
17 ing data provided to the Secretary by such entities or from
18 any relevant multistate monitoring programs.

19 (c) RECOMMENDATIONS.—In conducting the com-
20 prehensive study under subsection (a), the Secretary shall
21 develop actionable recommendations to Congress, includ-
22 ing for—

23 (1) the construction of new water resources de-
24 velopment projects to improve the maximum effec-
25 tive river resource use and control;

1 (2) the structural or operational modification of
2 completed water resources development projects;

3 (3) such additional monitoring of, or adaptive
4 management measures to carry out with respect to,
5 completed water resources development projects, to
6 respond to changing conditions;

7 (4) improving the efficiency of operational and
8 maintenance dredging within the study area;

9 (5) whether changes are necessary to the Mis-
10 sissippi River and Tributaries project within the
11 study area;

12 (6) other Federal and non-Federal action,
13 where appropriate; and

14 (7) follow-up studies and data collection and
15 monitoring to be carried out by the relevant Federal
16 or State agency.

17 (d) COMPLETION OF STUDY; REPORT TO CON-
18 GRESS.—

19 (1) ANNUAL REPORTS.—Not later than 1 year
20 after the date of enactment of this Act, and annually
21 thereafter until the final report under paragraph (2)
22 is submitted, the Secretary shall submit to the Com-
23 mittee on Transportation and Infrastructure of the
24 House of Representatives and the Committee on En-

1 vironment and Public Works of the Senate a report
2 detailing—

3 (A) any interim actions relating to water
4 resources development projects within the study
5 area undertaken by the Secretary under exist-
6 ing authority; and

7 (B) any recommendations developed under
8 subsection (c).

9 (2) FINAL REPORT.—Not later than 5 years
10 after the date of enactment of this section, the Sec-
11 retary shall submit to the Committee on Transpor-
12 tation and Infrastructure of the House of Represent-
13 atives and the Committee on Environment and Pub-
14 lic Works of the Senate a final report detailing the
15 results of the comprehensive study required by this
16 section, including the recommendations developed
17 under subsection (c).

18 (3) APPLICATION OF CERTAIN REQUIRE-
19 MENTS.—Section 1001(a) of the Water Resources
20 Reform and Development Act of 2014 (33 U.S.C.
21 2282e(a)) shall not apply to the study carried out by
22 the Secretary under this section.

23 (e) FURTHER ANALYSIS.—

24 (1) IN GENERAL.—In conducting the com-
25 prehensive study under subsection (a), the Secretary

1 shall carry out activities in geographic areas that
2 warrant additional analysis by the Corps of Engi-
3 neers, including feasibility studies.

4 (2) TREATMENT.—A feasibility study carried
5 out under paragraph (1) shall be considered to be a
6 continuation of the comprehensive study conducted
7 under subsection (a).

8 (f) REQUIREMENTS.—The comprehensive study con-
9 ducted under subsection (a) shall be carried out in accord-
10 ance with the authorities for the Mississippi River and
11 Tributaries project.

12 (g) DEFINITIONS.—In this section:

13 (1) MISSISSIPPI RIVER AND TRIBUTARIES
14 PROJECT.—The term “Mississippi River and Tribu-
15 taries project” means the Mississippi River and
16 Tributaries project authorized by the first section of
17 the Act of May 15, 1928 (33 U.S.C. 702a).

18 (2) NATURAL FEATURE; NATURE-BASED FEA-
19 TURE.—The terms “natural feature” and “nature-
20 based feature” have the meanings given those terms
21 in section 1184 of the Water Resources Development
22 Act of 2016 (33 U.S.C. 2289a).

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$25,000,000, to remain available until expended.

1 (i) SAVINGS PROVISION.—Nothing in this section
2 shall delay or interfere with, or be construed as grounds
3 for enjoining construction of, authorized projects within
4 the study area.

5 **SEC. 214. UPPER MISSISSIPPI RIVER COMPREHENSIVE**
6 **PLAN.**

7 (a) ASSESSMENT.—The Secretary shall conduct an
8 assessment of the water resources needs of the Upper Mis-
9 sissippi River under section 729 of the Water Resources
10 Development Act of 1986 (33 U.S.C. 2267a).

11 (b) REQUIREMENTS.—The Secretary shall carry out
12 the assessment under subsection (a) in accordance with
13 the requirements in section 1206(b) of Water Resources
14 Development Act of 2016 (130 Stat. 1686).

15 **SEC. 215. UPPER MISSOURI RIVER BASIN MAINSTEM DAM**
16 **FISH LOSS RESEARCH.**

17 (a) IN GENERAL.—Pursuant to section 22 of the
18 Water Resources Development Act of 1974 (42 U.S.C.
19 1962d–16), the Secretary shall conduct research on the
20 management of fish losses through the mainstem dams of
21 the Missouri River Basin during periods of high flow.

22 (b) CONTENTS.—The research conducted under sub-
23 section (a) shall include an examination of—

1 (1) the effects of high flow rates through Upper
2 Missouri River Basin mainstem dam outlet works on
3 fish passage;

4 (2) options used by other Corps of Engineers
5 district offices to mitigate fish losses through dams;
6 and

7 (3) the feasibility of implementing fish loss
8 mitigation options in the Upper Missouri River
9 Basin mainstem dams, based on similar ongoing
10 studies.

11 (c) REPORT.—Not later than 18 months after the
12 date of enactment of this Act, the Secretary shall submit
13 to the Committee on Transportation and Infrastructure
14 of the House of Representatives and the Committee on
15 Environment and Public Works of the Senate a report rec-
16 ommending a plan to address fish losses through
17 mainstem dams in the Upper Missouri River Basin.

18 **SEC. 216. LOWER AND UPPER MISSOURI RIVER COM-**
19 **PREHENSIVE FLOOD PROTECTION.**

20 (a) ADDITIONAL STUDIES FOR LOWER MISSOURI
21 RIVER BASIN.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), upon the request of the non-Federal in-
24 terest for the Lower Missouri Basin study, the Sec-

1 retary shall expand the scope of such study to inves-
2 tigate and provide recommendations relating to—

3 (A) modifications to projects in Iowa, Kan-
4 sas, Nebraska, and Missouri authorized under
5 the Pick-Sloan Missouri River Basin Program
6 (authorized by section 9(b) of the Act of De-
7 cember 22, 1944 (chapter 665, 58 Stat. 891))
8 and the Missouri River Bank Stabilization and
9 Navigation project (authorized by section 2 of
10 the Act of March 2, 1945 (chapter 19, 59 Stat.
11 19)), including modifications to the authorized
12 purposes of such projects to further flood risk
13 management and resiliency; and

14 (B) modifications to non-Federal, publicly
15 owned levees in the Lower Missouri River
16 Basin.

17 (2) EXCEPTION.—If the Secretary determines
18 that expanding the scope of the Lower Missouri
19 Basin study as provided in paragraph (1) is not
20 practicable, and the non-Federal interest for such
21 study concurs in such determination, the Secretary
22 shall carry out such additional studies as are nec-
23 essary to investigate the modifications described in
24 paragraph (1).

1 (3) CONTINUATION OF LOWER MISSOURI BASIN
2 STUDY.—The following studies shall be considered a
3 continuation of the Lower Missouri Basin study:

4 (A) Any additional study carried out under
5 paragraph (2).

6 (B) Any study recommended to be carried
7 out in a report that the Chief of Engineers pre-
8 pares for the Lower Missouri Basin study.

9 (C) Any study recommended to be carried
10 out in a report that the Chief of Engineers pre-
11 pares for an additional study carried out under
12 paragraph (2).

13 (D) Any study spun off from the Lower
14 Missouri Basin study before the completion of
15 such study.

16 (E) Any study spun off from an additional
17 study carried out under paragraph (2) before
18 the completion of such additional study.

19 (4) RELIANCE ON EXISTING INFORMATION.—In
20 carrying out any study described in or authorized by
21 this subsection, the Secretary, to the extent prac-
22 ticable, shall rely on existing data and analysis, in-
23 cluding data and analysis prepared under section 22
24 of the Water Resources Development Act of 1974
25 (42 U.S.C. 1962d–16).

1 (5) CONSIDERATION; CONSULTATION.—In de-
2 veloping recommendations under paragraph (1), the
3 Secretary shall—

4 (A) consider the use of—

5 (i) structural and nonstructural meas-
6 ures, including the setting back of levees
7 and removing structures from areas of re-
8 curring flood vulnerability, where advan-
9 tageous, to reduce flood risk and damages
10 in the Lower Missouri River Basin; and

11 (ii) where such features are locally ac-
12 ceptable, natural features or nature-based
13 features (as such terms are defined in sec-
14 tion 1184 of the Water Resources Develop-
15 ment Act of 2016 (33 U.S.C. 2289a); and

16 (B) consult with applicable Federal and
17 State agencies, Indian Tribes, and other stake-
18 holders within the Lower Missouri River Basin
19 and solicit public comment on such rec-
20 ommendations.

21 (6) EXEMPTION FROM MAXIMUM STUDY COST
22 AND DURATION LIMITATIONS.—Section 1001 of the
23 Water Resources Reform and Development Act of
24 2014 (33 U.S.C. 2282c) shall not apply to the

1 Lower Missouri Basin study or any study described
2 in paragraph (3).

3 (7) PRECONSTRUCTION, ENGINEERING, AND
4 DESIGN.—Upon completion of a study authorized by
5 this subsection, if the Secretary determines that a
6 recommended project, or modification to a project
7 described in paragraph (1), is justified, the Sec-
8 retary may proceed directly to preconstruction plan-
9 ning, engineering, and design of the project or modi-
10 fication.

11 (8) TECHNICAL ASSISTANCE.—

12 (A) IN GENERAL.—For the provision of
13 technical assistance to support small commu-
14 nities and economically disadvantaged commu-
15 nities in the planning and design of flood risk
16 management and flood risk resiliency projects
17 in the Lower Missouri River Basin, for each of
18 fiscal years 2021 through 2026, there are au-
19 thorized to be appropriated—

20 (i) \$2,000,000 to carry out section
21 206 of the Flood Control Act of 1960 (33
22 U.S.C. 709a), in addition to amounts oth-
23 erwise authorized to carry out such sec-
24 tion; and

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1 (ii) \$2,000,000 to carry out section
2 22(a)(2) of the Water Resources Develop-
3 ment Act of 1974 (42 U.S.C. 1962d–16),
4 in addition to amounts otherwise author-
5 ized to carry out such section.

6 (B) CONDITIONS.—

7 (i) LIMITATIONS NOT APPLICABLE.—
8 The limitations on the use of funds in sec-
9 tion 206(d) of the Flood Control Act of
10 1960 and section 22(e)(2) of the Water
11 Resources Development Act of 1974 shall
12 not apply to the amounts authorized to be
13 appropriated by subparagraph (A).

14 (ii) RULE OF CONSTRUCTION.—Noth-
15 ing in this paragraph restricts the author-
16 ity of the Secretary to use any funds other-
17 wise appropriated to carry out section 206
18 of the Flood Control Act of 1960 or sec-
19 tion 22(a)(2) of the Water Resources De-
20 velopment Act of 1974 to provide technical
21 assistance described in subparagraph (A).

22 (9) COMPLETION OF STUDY; REPORT TO CON-
23 GRESS.—Not later than 3 years after the date of en-
24 actment of this Act, the Secretary shall submit to
25 the Committee on Transportation and Infrastructure

1 of the House of Representatives and the Committee
2 on Environment and Public Works of the Senate a
3 report detailing—

4 (A) the results of the study authorized by
5 this subsection;

6 (B) any additional, site-specific areas with-
7 in the Lower Missouri River Basin for which
8 additional study for flood risk management
9 projects is recommended by the Secretary; and

10 (C) any interim actions relating to existing
11 water resources development projects in the
12 Lower Missouri River Basin undertaken by the
13 Secretary during the study period.

14 (10) DEFINITIONS.—In this subsection:

15 (A) LOWER MISSOURI BASIN STUDY.—The
16 term “Lower Missouri Basin study” means the
17 Lower Missouri Basin Flood Risk and Resil-
18 iency Study, Iowa, Kansas, Nebraska, and Mis-
19 souri, authorized pursuant to section 216 of the
20 Flood Control Act of 1970 (33 U.S.C. 549a).

21 (B) SMALL COMMUNITY.—The term “small
22 community” means a local government that
23 serves a population of less than 15,000.

24 (b) UPPER MISSOURI RIVER BASIN COMPREHENSIVE
25 STUDY.—

1 (1) IN GENERAL.—The Secretary, in collabora-
2 tion with the heads of other relevant Federal agen-
3 cies, shall conduct a comprehensive study to address
4 flood risk in areas affected by severe flooding in
5 2019 along the Upper Missouri River, including an
6 examination of—

7 (A) the use of structural and nonstructural
8 flood control and floodplain management strate-
9 gies, including the consideration of natural fea-
10 tures or nature-based features (as such terms
11 are defined in section 1184 of the Water Re-
12 sources Development Act of 2016 (33 U.S.C.
13 2289a);

14 (B) continued operation and maintenance
15 of the navigation project;

16 (C) management of bank caving and ero-
17 sion;

18 (D) maintenance of water supply;

19 (E) fish and wildlife habitat management;

20 (F) recreation needs;

21 (G) environmental restoration needs;

22 (H) the division of responsibilities of the
23 Federal Government and non-Federal interests
24 with respect to Missouri River flooding;

1 (I) the roles and responsibilities of Federal
2 agencies with respect to Missouri River flood-
3 ing; and

4 (J) any other related matters, as deter-
5 mined by the Secretary.

6 (2) RECOMMENDATIONS.—In conducting the
7 study under this subsection, the Secretary may de-
8 velop recommendations to Congress for—

9 (A) the construction of a water resources
10 development project;

11 (B) the structural or operational modifica-
12 tion of an existing water resources development
13 project;

14 (C) such additional monitoring of, or
15 adaptive management measures to carry out
16 with respect to, existing water resources devel-
17 opment projects, to respond to changing condi-
18 tions;

19 (D) geographic areas within the Upper
20 Missouri River basin for additional study by the
21 Secretary;

22 (E) management plans and actions to be
23 carried out by the responsible Federal agencies
24 to reduce flood risk and improve resiliency;

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1 (F) any necessary changes to the general
2 comprehensive plan for flood control and other
3 purposes in the Missouri River Basin under sec-
4 tion 4 of the Act of June 28, 1938 (chapter
5 795, 52 Stat. 1218; 58 Stat. 891); and

6 (G) follow-up studies for problem areas for
7 which data or current technology does not allow
8 immediate solutions.

9 (3) COMPLETION OF STUDY; REPORT TO CON-
10 GRESS.—Not later than 3 years after the date of en-
11 actment of this subsection, the Secretary shall sub-
12 mit to the Committee on Transportation and Infra-
13 structure of the House of Representatives and the
14 Committee on Environment and Public Works of the
15 Senate a report that—

16 (A) contains the results of the comprehen-
17 sive study required by this subsection, including
18 any recommendations developed under para-
19 graph (2);

20 (B) addresses—

21 (i) the potential for the transfer of
22 flood risk between and within the Upper
23 and Lower Missouri River basins with re-
24 spect to any changes recommended pursu-
25 ant to paragraph (2)(F);

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1 (ii) adverse impacts to navigation and
2 other authorized purposes of the applicable
3 Missouri River project with respect to any
4 changes recommended under paragraph
5 (2)(F); and

6 (iii) whether there are opportunities
7 for increased non-Federal management in
8 the Upper Missouri River Basin;

9 (C) recognizes—

10 (i) the interest and rights of States
11 in—

12 (I) determining the development
13 of watersheds within the borders of
14 the State; and

15 (II) water utilization and control;
16 and

17 (ii) the primary responsibilities of
18 States and local interests in developing
19 water supplies for domestic, municipal, in-
20 dustrial, and other purposes; and

21 (D) describes any interim actions relating
22 to existing water resources development projects
23 in the Upper Missouri River Basin undertaken
24 by the Secretary during the study period.

1 (4) CONSULTATION.—In carrying out this sub-
2 section, the Secretary shall consult with applicable
3 Federal and State agencies, Indian Tribes, and
4 other stakeholders within the Upper Missouri River
5 Basin and solicit public comment.

6 (5) RELIANCE ON EXISTING INFORMATION.—In
7 carrying out any study described in or authorized by
8 this subsection, the Secretary, to the extent prac-
9 ticable, shall rely on existing data and analysis, in-
10 cluding data and analysis prepared under section 22
11 of the Water Resources Development Act of 1974
12 (42 U.S.C. 1962d–16).

13 (6) EXEMPTION FROM MAXIMUM STUDY COST
14 AND DURATION LIMITATIONS.—Section 1001 of the
15 Water Resources Reform and Development Act of
16 2014 (33 U.S.C. 2282c) shall not apply to the com-
17 prehensive study carried out under this section or
18 any feasibility study described in paragraph (7).

19 (7) ADDITIONAL CONSIDERATIONS.—Any feasi-
20 bility study carried out pursuant to a recommenda-
21 tion included in the report submitted under this sub-
22 section shall be considered to be a continuation of
23 the comprehensive study required under paragraph
24 (1).

1 (8) DEFINITION.—In this subsection, the term
2 “Missouri River project” means a project con-
3 structed as part of—

4 (A) the Pick-Sloan Missouri River Basin
5 Program (authorized by section 9(b) of the Act
6 of December 22, 1944 (chapter 665, 58 Stat.
7 891)), located in the States of Wyoming, Mon-
8 tana, North Dakota, or South Dakota;

9 (B) the Missouri River Bank Stabilization
10 and Navigation project (authorized by section 2
11 of the Act of March 2, 1945 (chapter 19, 59
12 Stat. 19)); or

13 (C) a non-Federal, publicly owned levee
14 system located within the Upper Missouri River
15 Basin.

16 (c) COORDINATION.—Upon completion of the studies
17 under subsections (a) and (b), the Secretary shall develop
18 a strategy that, to the maximum extent practicable, co-
19 ordinates and aligns the results of such studies.

20 **SEC. 217. PORTSMOUTH HARBOR AND PISCATAQUA RIVER**
21 **AND RYE HARBOR, NEW HAMPSHIRE.**

22 (a) REQUIREMENT TO EXPEDITE.—The Secretary
23 shall expedite authorized activities to address the impacts
24 of shoaling affecting the project for navigation, Rye Har-

1 bor, New Hampshire, authorized by section 101 of the
2 River and Harbor Act of 1960 (74 Stat. 480).

3 (b) STATUS UPDATE.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary shall sub-
5 mit to Congress a written status update regarding—

6 (1) the activities required to be expedited under
7 subsection (a); and

8 (2) the project for navigation, Portsmouth Har-
9 bor and Piscataqua River, authorized by section 101
10 of the River and Harbor Act of 1962 (76 Stat.
11 1173), as required to be expedited under section
12 1317 of the Water Resources Development Act of
13 2018 (132 Stat. 3823).

14 **SEC. 218. COUGAR AND DETROIT DAMS, WILLAMETTE**
15 **RIVER BASIN, OREGON.**

16 (a) REPORT.—Not later than 2 years after the date
17 of enactment of this Act, the Secretary shall submit to
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on Envi-
20 ronment and Public Works of the Senate, and make pub-
21 licly available, a report providing an initial analysis of
22 deauthorizing hydropower as a project purpose at the Cou-
23 gar and Detroit Dams project.

24 (b) CONTENTS.—The Secretary shall include in the
25 report submitted under subsection (a)—

1 (1) a description of the potential effects of
2 deauthorizing hydropower as a project purpose at
3 the Cougar and Detroit Dams project on—

4 (A) the operation of the project, including
5 with respect to the other authorized purposes of
6 the project;

7 (B) compliance of the project with the En-
8 dangered Species Act;

9 (C) costs that would be attributed to other
10 authorized purposes of the project, including
11 costs relating to compliance with such Act; and

12 (D) other ongoing studies in the Willam-
13 ette River Basin; and

14 (2) identification of any further research need-
15 ed.

16 (c) PROJECT DEFINED.—In this section, the terms
17 “Cougar and Detroit Dams project” and “project” mean
18 the Cougar Dam and Reservoir project and Detroit Dam
19 and Reservoir project, Willamette River Basin, Oregon,
20 authorized by section 204 of the Flood Control Act of
21 1950 (64 Stat. 179), and facilities that operate in conjunc-
22 tion with the main Detroit Dam facility, including the Big
23 Cliff re-regulating dam.

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1 SEC. 219. PORT ORFORD, OREGON.

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary shall, at Federal expense, submit
4 to the Committee on Transportation and Infrastructure
5 of the House of Representatives and the Committee on
6 Environment and Public Works of the Senate a summary
7 report on the research completed and data gathered by
8 the date of enactment of this Act with regards to the con-
9 figuration of a breakwater for the project for navigation,
10 Port Orford, Oregon, authorized by section 117 of the
11 River and Harbor Act of 1970 (84 Stat. 1822; 106 Stat.
12 4809), for the purposes of addressing shoaling issues to
13 minimize long-term maintenance costs.

**14 SEC. 220. WILSON CREEK AND SLOAN CREEK, FAIRVIEW,
15 TEXAS.**

16 Not later than 180 days after the date of enactment
17 of this section, the Secretary shall submit to Congress a
18 written status update regarding efforts to address flooding
19 along Wilson Creek and Sloan Creek in the City of Fair-
20 view, Texas.

**21 SEC. 221. STUDY ON WATER SUPPLY AND WATER CON-
22 SERVATION AT WATER RESOURCES DEVEL-
23 OPMENT PROJECTS.**

24 (a) IN GENERAL.—Not later than 18 months after
25 the date of enactment of this Act, the Secretary shall sub-
26 mit to the Committee on Transportation and Infrastruc-

1 ture of the House of the Representatives and the Com-
2 mittee on Environment and Public Works of the Senate
3 a report that analyzes the benefits and consequences of
4 including water supply and water conservation as a pri-
5 mary mission of the Corps of Engineers in carrying out
6 water resources development projects.

7 (b) INCLUSION.—The Secretary shall include in the
8 report submitted under subsection (a)—

9 (1) a description of existing water resources de-
10 velopment projects with water supply or water con-
11 servation as authorized purposes, and the extent to
12 which such projects are utilized for such purposes;

13 (2) a description of existing water resources de-
14 velopment projects with respect to which—

15 (A) water supply or water conservation
16 could be added as a project purpose, including
17 those with respect to which a non-Federal inter-
18 est has expressed an interest in adding water
19 supply or water conservation as a project pur-
20 pose; and

21 (B) such a purpose could be accommodated
22 while maintaining existing authorized purposes;

23 (3) a description of ongoing water resources de-
24 velopment project studies the authorizations for
25 which include authorization for the Secretary to

1 study the feasibility of carrying out the project with
2 a purpose of water supply or water conservation;

3 (4) an analysis of how adding water supply and
4 water conservation as a primary mission of the
5 Corps of Engineers would affect the ability of the
6 Secretary to carry out future water resources devel-
7 opment projects; and

8 (5) any recommendations of the Secretary relat-
9 ing to including water supply and water conservation
10 as a primary mission of the Corps of Engineers.

11 **SEC. 222. REPORT TO CONGRESS ON AUTHORIZED STUDIES**
12 **AND PROJECTS.**

13 (a) IN GENERAL.—Not later than February 1 of each
14 year, the Secretary shall develop and submit to Congress
15 an annual report, to be entitled “Report to Congress on
16 Authorized Water Resources Development Projects and
17 Studies”, that identifies—

18 (1) ongoing or new feasibility studies, author-
19 ized within the previous 20 years, for which a Re-
20 port of the Chief of Engineers has not been issued;

21 (2) authorized feasibility studies for projects in
22 the preconstruction, engineering and design phase;

23 (3) ongoing or new water resources development
24 projects authorized for construction within the pre-
25 vious 20 years; and

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1 (4) authorized and constructed water resources
2 development projects the Secretary has the responsi-
3 bility to operate or maintain.

4 (b) CONTENTS.—

5 (1) INCLUSIONS.—

6 (A) CRITERIA.—The Secretary shall in-
7 clude in each report submitted under this sec-
8 tion only a feasibility study or water resources
9 development project—

10 (i) that has been authorized by Con-
11 gress to be carried out by the Secretary
12 and does not require any additional con-
13 gressional authorization to be carried out;

14 (ii) that the Secretary has the capa-
15 bility to carry out if funds are appro-
16 priated for such study or project under any
17 of the “Investigations”, “Construction”,
18 “Operation and Maintenance”, or “Mis-
19 sissippi River and Tributaries” appropria-
20 tions accounts for the Corps of Engineers;
21 and

22 (iii) for which a non-Federal inter-
23 est—

24 (I) in the case of a study or a
25 project other than a project for which

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1 funds may be appropriated for oper-
2 ation and maintenance, has entered
3 into a feasibility cost-sharing agree-
4 ment, design agreement, or project
5 partnership agreement with the Corps
6 of Engineers, or has informed the
7 Secretary that the non-Federal inter-
8 est has the financial capability to
9 enter into such an agreement within 1
10 year; and

11 (II) demonstrates the legal and
12 financial capability to satisfy the re-
13 quirements for local cooperation with
14 respect to the study or project.

15 (B) DESCRIPTION OF BENEFITS.—

16 (i) DESCRIPTION.—The Secretary
17 shall, to the maximum extent practicable,
18 describe in each report submitted under
19 this section the benefits, as described in
20 clause (ii), of each feasibility study and
21 water resources development project in-
22 cluded in the report.

23 (ii) BENEFITS.—The benefits referred
24 to in clause (i) are benefits to—

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- 1 (I) the protection of human life
2 and property;
- 3 (II) improvement to transpor-
4 tation;
- 5 (III) the national, regional, or
6 local economy;
- 7 (IV) the environment; or
- 8 (V) the national security inter-
9 ests of the United States.

10 (2) TRANSPARENCY.—The Secretary shall in-
11 clude in each report submitted under this section,
12 for each feasibility study and water resources devel-
13 opment project included in the report—

14 (A) the name of the associated non-Fed-
15 eral interest, including the name of any non-
16 Federal interest that has contributed, or is ex-
17 pected to contribute, a non-Federal share of the
18 cost of the study or project;

19 (B) the purpose of the study or project;

20 (C) an estimate, to the extent practicable,
21 of the Federal, non-Federal, and total costs of
22 the study or project, including, to the extent
23 practicable, the fully funded capability of the
24 Corps of Engineers for—

1 (i) the 3 fiscal years following the fis-
2 cal year in which the report is submitted,
3 in the case of a feasibility study; and

4 (ii) the 5 fiscal years following the fis-
5 cal year in which the report is submitted,
6 in the case of a water resources develop-
7 ment project; and

8 (D) an estimate, to the extent practicable,
9 of the monetary and nonmonetary benefits of
10 the study or project.

11 (3) CERTIFICATION.—The Secretary shall in-
12 clude in each report submitted under this section a
13 certification stating that each feasibility study or
14 water resources development project included in the
15 report meets the criteria described in paragraph
16 (1)(A).

17 (4) OMISSIONS.—

18 (A) LIMITATION.—The Secretary shall not
19 omit from a report submitted under this section
20 a study or project that otherwise meets the cri-
21 teria for inclusion in the report solely on the
22 basis of a policy of the Secretary.

23 (B) APPENDIX.—If the Secretary omits
24 from a report submitted under this section a
25 study or project that otherwise meets the cri-

1 teria for inclusion in the report, the Secretary
2 shall include with the report an appendix that
3 lists the name of the study or project and rea-
4 son for its omission.

5 (c) SUBMISSION TO CONGRESS; PUBLICATION.—

6 (1) SUBMISSION TO CONGRESS.—The Secretary
7 may submit a report under this section in conjunc-
8 tion with the submission of the annual report under
9 section 7001 of the Water Resources Reform and
10 Development Act of 2014 (33 U.S.C. 2282d).

11 (2) PUBLICATION.—On submission of each re-
12 port under this section, the Secretary shall make the
13 report publicly available, including through publica-
14 tion on the internet.

15 (d) DEFINITIONS.—In this section:

16 (1) NON-FEDERAL INTEREST.—The term “non-
17 Federal interest” has the meaning given that term
18 in section 221 of the Flood Control Act of 1970 (42
19 U.S.C. 1962d–5b).

20 (2) WATER RESOURCES DEVELOPMENT
21 PROJECT.—The term “water resources development
22 project” includes a separable element of a project, a
23 project under an environmental infrastructure assist-
24 ance program, and a project the authorized purposes
25 of which include water supply.

1 **SEC. 223. COMPLETION OF REPORTS AND MATERIALS.**

2 (a) IN GENERAL.—Using available appropriations,
3 not later than 180 days after the date of enactment of
4 this section, the Secretary shall complete and submit to
5 Congress the following materials:

6 (1) The report required by section 1211 of the
7 Water Resources Development Act of 2018 (132
8 Stat. 3808).

9 (2) Implementation guidance for the amend-
10 ments made by section 1176 of the Water Resources
11 Development Act of 2016 (130 Stat. 1673).

12 (3) Implementation guidance for the amend-
13 ments made by section 3029(a) of the Water Re-
14 sources Reform and Development Act of 2014 (128
15 Stat. 1305).

16 (4) Any other report or other material required
17 to be submitted to Congress by any of the following
18 Acts (including by amendments made by such Acts)
19 that has not been so submitted by the date of enact-
20 ment of this section:

21 (A) The Water Resources Reform and De-
22 velopment Act of 2014 (Public Law 113–121).

23 (B) The Water Resources Development
24 Act of 2016 (Public Law 114–322).

25 (C) The Water Resources Development Act
26 of 2018 (Public Law 115–270).

1 (b) USE OF EXISTING DATA.—To the extent prac-
2 ticable and appropriate, the Secretary shall use existing
3 data in completing any materials described in subsection
4 (a).

5 (c) FAILURE TO SUBMIT.—If the Secretary fails to
6 submit materials as required by this section, the Secretary
7 shall immediately inform the Committee on Environment
8 and Public Works of the Senate and the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives, in writing, of the specific reasons for such
11 failure and a timeline for submission of the delinquent ma-
12 terials.

13 (d) IMPLEMENTATION GUIDANCE.—The Secretary
14 shall expeditiously issue any guidance necessary to imple-
15 ment any provision of this Act, including any amendments
16 made by this Act, in accordance with section 1105 of the
17 Water Resources Development Act of 2018 (33 U.S.C.
18 2202).

19 **SEC. 224. EMERGENCY FLOODING PROTECTION FOR**
20 **LAKES.**

21 The Secretary shall submit to Congress a report on
22 the extent to which section 5 of the Act of August 18,
23 1941 (33 U.S.C. 701n), applies to lakes, including lakes
24 with the flow of a slow-moving river, including, if applica-
25 ble, recommendations for legislative changes to ensure

1 that such lakes are eligible for the program carried out
2 pursuant to such section.

3 **SEC. 225. REPORT ON DEBRIS REMOVAL.**

4 Section 1210 of the Water Resources Development
5 Act of 2018 (132 Stat. 3808) is amended to read as fol-
6 lows:

7 **“SEC. 1210. REPORT ON DEBRIS REMOVAL.**

8 “(a) IN GENERAL.—Not later than 180 days after
9 the date of enactment of the Water Resources Develop-
10 ment Act of 2020, the Secretary shall submit to Congress
11 and make publicly available a report that describes—

12 “(1) the extent to which, during the 10 fiscal
13 years prior to such date of enactment, the Secretary
14 has carried out section 3 of the Act of March 2,
15 1945 (33 U.S.C. 603a);

16 “(2) how the Secretary has evaluated potential
17 work to be carried out under that section; and

18 “(3) the extent to which the Secretary plans to
19 start, continue, or complete debris removal activities
20 in the 3 years following submission of the report.

21 “(b) FOCUS AREAS.—The Secretary shall include in
22 the report submitted under subsection (a)—

23 “(1) identification of the debris removal activi-
24 ties to be started, continued, or completed during
25 the first fiscal year following the date of enactment

1 of this subsection within the boundaries of the North
2 Atlantic Division of the Corps of Engineers;

3 “(2) the estimated total costs and completion
4 dates for such activities; and

5 “(3) identification of the non-Federal interest
6 associated with such activities.”.

7 **SEC. 226. REPORT ON ANTECEDENT HYDROLOGIC CONDI-**
8 **TIONS.**

9 (a) REPORT.—

10 (1) IN GENERAL.—Not later than 18 months
11 after the date of enactment of this Act, the Sec-
12 retary shall submit to the Committee on Environ-
13 ment and Public Works of the Senate and the Com-
14 mittee on Transportation and Infrastructure of the
15 House of Representatives a report on the use by the
16 Corps of Engineers since 2010 of data relating to
17 antecedent hydrologic conditions in the Missouri
18 River Basin (including soil moisture conditions, frost
19 depths, snowpack, and streamflow conditions) in—

20 (A) conducting Missouri River mainstem
21 reservoir operations under the Missouri River
22 Master Manual;

23 (B) developing related annual operating
24 plans; and

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1 (C) performing seasonal, monthly, and
2 daily operations.

3 (2) INCLUSIONS.—The report submitted under
4 paragraph (1) shall include—

5 (A) a review of—

6 (i) the approach of the Corps of Engi-
7 neers to forecasting basin runoff in devel-
8 oping annual operating plans of the Corps
9 of Engineers;

10 (ii) the assessment of existing and al-
11 ternative algorithms that could improve
12 basin runoff forecasting;

13 (iii) the approach of the Corps of En-
14 gineers for reservoir releases in the winter,
15 spring, summer, and fall, based on basin
16 runoff forecasts;

17 (iv) the technical report of the Corps
18 of Engineers entitled “Long-Term Runoff
19 Forecasting”, dated February, 2017;

20 (v) the use by the Corps of Engineers
21 of data from Federal and State entities in
22 basin runoff forecasts; and

23 (vi) the use by the Corps of Engineers
24 of advanced data collection, including

1 through the use of unmanned aerial sys-
2 tems, forecasting, and modeling;

3 (B) findings and recommendations on how
4 to best incorporate antecedent basin conditions
5 in annual operating plans and Missouri River
6 mainstem reservoir operations; and

7 (C) the results of the peer review con-
8 ducted under subsection (b).

9 (b) PEER REVIEW.—The Secretary shall seek to
10 enter into an agreement with the National Academy of
11 Sciences or a similar independent scientific and technical
12 advisory organization to establish a panel of experts to
13 conduct a peer review of the report to be submitted under
14 subsection (a).

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary—

17 (1) \$5,000,000 to carry out subsection (a); and

18 (2) \$5,000,000 to carry out subsection (b).

19 **SEC. 227. SUBSURFACE DRAIN SYSTEMS RESEARCH AND**
20 **DEVELOPMENT.**

21 Subject to the availability of appropriations, the Sec-
22 retary, acting through the Director of the Engineer Re-
23 search and Development Center and, where appropriate,
24 in consultation with other Federal agencies, shall carry

1 out research and development activities relating to the use
2 of subsurface drain systems as—

3 (1) a flood risk-reduction measure; or

4 (2) a coastal storm risk-reduction measure.

5 **SEC. 228. REPORT ON CORROSION PREVENTION ACTIVI-**
6 **TIES.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Secretary shall submit to the Committee
9 on Transportation and Infrastructure of the House of
10 Representatives and the Committee on Environment and
11 Public Works of the Senate, and make publicly available,
12 a report that describes—

13 (1) the extent to which the Secretary has car-
14 ried out section 1033 of the Water Resources Re-
15 form and Development Act of 2014 (33 U.S.C.
16 2350);

17 (2) the extent to which the Secretary has incor-
18 porated corrosion prevention activities (as defined in
19 such section) at water resources development
20 projects constructed or maintained by the Secretary
21 since the date of enactment of such section; and

22 (3) in instances where the Secretary has not in-
23 corporated corrosion prevention activities at such
24 water resources development projects since such

1 date, an explanation as to why such corrosion pre-
2 vention activities have not been incorporated.

3 **SEC. 229. ANNUAL REPORTING ON DISSEMINATION OF IN-**
4 **FORMATION.**

5 Section 1104(b) of the Water Resources Development
6 Act of 2018 (33 U.S.C. 2282d note) is amended—

7 (1) by redesignating paragraphs (1) through
8 (4) as subparagraphs (A) through (D), respectively,
9 and indenting appropriately;

10 (2) in the matter preceding subparagraph (A)
11 (as so redesignated), by striking “The Secretary”
12 and inserting the following:

13 “(1) IN GENERAL.—The Secretary”; and

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

15 “(2) ANNUAL REPORTING.—Not less frequently
16 than annually, the Secretary shall provide to the
17 Committee on Environment and Public Works of the
18 Senate and the Committee on Transportation and
19 Infrastructure of the House of Representatives a
20 written update on the progress of the implementa-
21 tion of paragraph (1), including a description of
22 each education and outreach action the Secretary is
23 taking to implement that paragraph.

24 “(3) GUIDANCE; COMPLIANCE.—The Secretary
25 shall—

1 “(A) issue guidance on the uniform imple-
2 mentation by each district of the Corps of Engi-
3 neers of the process for submitting proposals
4 under section 7001 of the Water Resources Re-
5 form and Development Act of 2014 (33 U.S.C.
6 2282d); and

7 “(B) each year, ensure compliance with the
8 guidance issued under subparagraph (A).”.

9 **SEC. 230. REPORT ON BENEFITS CALCULATION FOR FLOOD**
10 **CONTROL STRUCTURES.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Secretary shall submit to the Committee
13 on Environment and Public Works of the Senate and the
14 Committee on Transportation and Infrastructure of the
15 House of Representatives a report on the extent to which
16 flood insurance premium reductions that result from im-
17 plementation of a flood risk management project, includ-
18 ing structural elements, nonstructural elements, or nat-
19 ural features or nature-based features, are included in the
20 calculation of the benefits of the project by the Corps of
21 Engineers.

22 **TITLE III—DEAUTHORIZATIONS**
23 **AND MODIFICATIONS**

24 **SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

25 (a) **PURPOSES.**—The purposes of this section are—

1 (1) to identify water resources development
2 projects authorized by Congress that are no longer
3 viable for construction due to—

4 (A) a lack of local support;

5 (B) a lack of available Federal or non-Fed-
6 eral resources; or

7 (C) an authorizing purpose that is no
8 longer relevant or feasible;

9 (2) to create an expedited and definitive process
10 for Congress to deauthorize water resources develop-
11 ment projects that are no longer viable for construc-
12 tion; and

13 (3) to allow the continued authorization of
14 water resources development projects that are viable
15 for construction.

16 (b) PROPOSED DEAUTHORIZATION LIST.—

17 (1) PRELIMINARY LIST OF PROJECTS.—

18 (A) IN GENERAL.—The Secretary shall de-
19 velop a preliminary list of each water resources
20 development project, or separable element of a
21 project, authorized for construction before No-
22 vember 8, 2007, for which—

23 (i) planning, design, or construction
24 was not initiated before the date of enact-
25 ment of this Act; or

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1 (ii) planning, design, or construction
2 was initiated before the date of enactment
3 of this Act, but for which no funds, Fed-
4 eral or non-Federal, were obligated for
5 planning, design, or construction of the
6 project or separable element of the project
7 during the current fiscal year or any of the
8 10 preceding fiscal years.

9 (B) USE OF COMPREHENSIVE CONSTRU-
10 TION BACKLOG AND OPERATION AND MAINTEN-
11 NANCE REPORT.—The Secretary may develop
12 the preliminary list from the comprehensive
13 construction backlog and operation and mainte-
14 nance reports developed pursuant to section
15 1001(b)(2) of the Water Resources Develop-
16 ment Act of 1986 (33 U.S.C. 579a).

17 (C) EXCLUSIONS.—The Secretary shall not
18 include on the preliminary list—

19 (i) an environmental infrastructure
20 assistance project authorized to be carried
21 out by the Secretary (including a project
22 authorized pursuant to an environmental
23 assistance program); or

24 (ii) a project or separable element of
25 a project authorized as part of the Com-

1 prehensive Everglades Restoration Plan
2 described in section 601 of the Water Re-
3 sources Development Act of 2000 (114
4 Stat. 2680).

5 (2) PREPARATION OF PROPOSED DEAUTHORIZA-
6 TION LIST.—

7 (A) DEAUTHORIZATION AMOUNT.—The
8 Secretary shall prepare a proposed list of
9 projects for deauthorization comprised of a sub-
10 set of projects and separable elements identified
11 on the preliminary list developed under para-
12 graph (1) that have, in the aggregate, an esti-
13 mated Federal cost to complete that is at least
14 \$10,000,000,000.

15 (B) DETERMINATION OF FEDERAL COST
16 TO COMPLETE.—For purposes of subparagraph
17 (A), the Federal cost to complete shall take into
18 account any allowances authorized by section
19 902 of the Water Resources Development Act
20 of 1986 (33 U.S.C. 2280), as applied to the
21 most recent project schedule and cost estimate.

22 (C) INCLUSION OF DEAUTHORIZATION OF
23 ANTIQUATED PROJECTS.—The Secretary shall
24 reduce the amount identified for deauthoriza-
25 tion under paragraph (2)(A) by an amount

1 equivalent to the estimated current value of
2 each project, or separable element of a project,
3 that is deauthorized by subsection (f).

4 (3) SEQUENCING OF PROJECTS.—

5 (A) IN GENERAL.—The Secretary shall
6 identify projects and separable elements for in-
7 clusion on the proposed list of projects for de-
8 authorization under paragraph (2) according to
9 the order in which the projects and separable
10 elements were authorized, beginning with the
11 earliest authorized projects and separable ele-
12 ments and ending with the latest project or sep-
13 arable element necessary to meet the aggregate
14 amount under paragraph (2)(A).

15 (B) FACTORS TO CONSIDER.—The Sec-
16 retary may identify projects and separable ele-
17 ments in an order other than that established
18 by subparagraph (A) if the Secretary deter-
19 mines, on a case-by-case basis, that a project or
20 separable element is critical for interests of the
21 United States, based on the possible impact of
22 the project or separable element on public
23 health and safety, the national economy, or the
24 environment.

25 (4) PUBLIC COMMENT AND CONSULTATION.—

1 (A) IN GENERAL.—The Secretary shall so-
2 licit comments from the public and the Gov-
3 ernors of each applicable State on the proposed
4 deauthorization list prepared under paragraph
5 (2)(A).

6 (B) COMMENT PERIOD.—The public com-
7 ment period shall be 90 days.

8 (5) PREPARATION OF FINAL DEAUTHORIZATION
9 LIST.—

10 (A) IN GENERAL.—The Secretary shall
11 prepare a final deauthorization list by—

12 (i) considering any comments received
13 under paragraph (4); and

14 (ii) revising the proposed deauthoriza-
15 tion list prepared under paragraph (2)(A)
16 as the Secretary determines necessary to
17 respond to such comments.

18 (B) APPENDIX.—The Secretary shall in-
19 clude as part of the final deauthorization list an
20 appendix that—

21 (i) identifies each project or separable
22 element on the proposed deauthorization
23 list that is not included on the final de-
24 authorization list; and

1 (ii) describes the reasons why the
2 project or separable element is not in-
3 cluded on the final deauthorization list.

4 (c) SUBMISSION OF FINAL DEAUTHORIZATION LIST
5 TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICA-
6 TION.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date of the close of the comment period under
9 subsection (b)(4), the Secretary shall—

10 (A) submit the final deauthorization list
11 and appendix prepared under subsection (b)(5)
12 to the Committee on Transportation and Infra-
13 structure of the House of Representatives and
14 the Committee on Environment and Public
15 Works of the Senate; and

16 (B) publish the final deauthorization list
17 and appendix in the Federal Register.

18 (2) EXCLUSIONS.—The Secretary shall not in-
19 clude in the final deauthorization list submitted
20 under paragraph (1) any project or separable ele-
21 ment with respect to which Federal funds for plan-
22 ning, design, or construction are obligated after the
23 development of the preliminary list under subsection
24 (b)(1)(A) but prior to the submission of the final de-

1 authorization list under paragraph (1)(A) of this
2 subsection.

3 (d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

4 (1) IN GENERAL.—After the expiration of the
5 2-year period beginning on the date of publication of
6 the final deauthorization list and appendix under
7 subsection (c)(1)(B), a project or separable element
8 of a project identified in the final deauthorization
9 list is hereby deauthorized, unless Congress passes a
10 joint resolution disapproving the final deauthoriza-
11 tion list prior to the end of such period.

12 (2) NON-FEDERAL CONTRIBUTIONS.—

13 (A) IN GENERAL.—A project or separable
14 element of a project identified in the final de-
15 authorization list under subsection (c) shall not
16 be deauthorized under this subsection if, before
17 the expiration of the 2-year period referred to
18 in paragraph (1), the non-Federal interest for
19 the project or separable element of the project
20 provides sufficient funds to complete the project
21 or separable element of the project.

22 (B) TREATMENT OF PROJECTS.—Notwith-
23 standing subparagraph (A), each project and
24 separable element of a project identified in the
25 final deauthorization list shall be treated as de-

1 authorized for purposes of the aggregate de-
2 authorization amount specified in subsection
3 (b)(2)(A).

4 (3) PROJECTS IDENTIFIED IN APPENDIX.—A
5 project or separable element of a project identified
6 in the appendix to the final deauthorization list shall
7 remain subject to future deauthorization by Con-
8 gress.

9 (e) SPECIAL RULES.—

10 (1) POST-AUTHORIZATION STUDIES.—A project
11 or separable element of a project may not be identi-
12 fied on the proposed deauthorization list developed
13 under subsection (b), or the final deauthorization list
14 developed under subsection (c), if the project or sep-
15 arable element received funding for a post-authorized
16 tion study during the current fiscal year or any of
17 the 10 preceding fiscal years.

18 (2) TREATMENT OF PROJECT MODIFICA-
19 TIONS.—For purposes of this section, if an author-
20 ized water resources development project or sepa-
21 rable element of the project has been modified by an
22 Act of Congress, the date of the authorization of the
23 project or separable element shall be deemed to be
24 the date of the most recent such modification.

1 (f) DEAUTHORIZATION OF ANTIQUATED
2 PROJECTS.—

3 (1) IN GENERAL.—Any water resources devel-
4 opment project, or separable element of a project,
5 authorized for construction prior to November 17,
6 1986, for which construction has not been initiated
7 prior to the date of enactment of this Act, or for
8 which funds have not been obligated for construction
9 in the 10-year period prior to the date of enactment
10 of this Act, is hereby deauthorized.

11 (2) IDENTIFICATION.—Not later than 60 days
12 after the date of enactment of this Act, the Sec-
13 retary shall issue to the Committee on Transpor-
14 tation and Infrastructure of the House of Represent-
15 atives and the Committee on Environment and Pub-
16 lic Works of the Senate a report that identifies—

17 (A) the name of each project, or separable
18 element of a project, deauthorized by paragraph
19 (1); and

20 (B) the estimated current value of each
21 such project or separable element of a project.

22 (g) ECONOMIC AND ENVIRONMENTAL REVIEW OF IN-
23 ACTIVE WATER RESOURCES DEVELOPMENT PROJECTS.—
24 The Secretary or the non-Federal interest may not carry
25 out any authorized water resources development project,

1 or separable element of such project, for which construc-
2 tion has not been initiated in the 20-year period following
3 the date of the authorization of such project or separable
4 element, until—

5 (1) the Secretary provides to the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives and the Committee on Environment
8 and Public Works of the Senate a post-authorization
9 change report that updates the economic and envi-
10 ronmental analysis of the project or separable ele-
11 ment; and

12 (2) the Committee on Transportation and In-
13 frastructure of the House of Representatives and the
14 Committee on Environment and Public Works of the
15 Senate take appropriate action to address any modi-
16 fications to the economic and environmental analysis
17 for the project or separable element of the project
18 contained in the post-authorization change report.

19 (h) DEFINITIONS.—In this section:

20 (1) POST-AUTHORIZATION CHANGE REPORT.—
21 The term “post-authorization change report” has
22 the meaning given such term in section 1132(d) of
23 the Water Resources Development Act of 2016 (33
24 U.S.C. 2282e).

1 (2) POST-AUTHORIZATION STUDY.—The term
2 “post-authorization study” means—

3 (A) a feasibility report developed under
4 section 905 of the Water Resources Develop-
5 ment Act of 1986 (33 U.S.C. 2282);

6 (B) a feasibility study, as defined in sec-
7 tion 105(d) of the Water Resources Develop-
8 ment Act of 1986 (33 U.S.C. 2215(d)); or

9 (C) a review conducted under section 216
10 of the Flood Control Act of 1970 (33 U.S.C.
11 549a), including an initial appraisal that—

12 (i) demonstrates a Federal interest;

13 and

14 (ii) requires additional analysis for the
15 project or separable element.

16 **SEC. 302. ABANDONED AND INACTIVE NONCOAL MINE RES-**
17 **TORATION.**

18 Section 560(f) of the Water Resources Development
19 Act of 1999 (33 U.S.C. 2336(f)) is amended by striking
20 “ \$20,000,000” and inserting “ \$30,000,000”.

21 **SEC. 303. TRIBAL PARTNERSHIP PROGRAM.**

22 Section 203(b)(4) of the Water Resources Develop-
23 ment Act of 2000 (33 U.S.C. 2269) is amended by strik-
24 ing “ \$12,500,000” each place it appears and inserting
25 “ \$18,500,000”.

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1 SEC. 304. LAKES PROGRAM.

2 Section 602(a) of the Water Resources Development
3 Act of 1986 (Public Law 99–662, 100 Stat. 4148; 110
4 Stat. 3758; 113 Stat. 295; 121 Stat. 1076) is amended—

5 (1) in paragraph (27), by striking “and” at the
6 end;

7 (2) in paragraph (28), by striking the period at
8 the end and inserting a semicolon; and

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

10 “(29) Ellis Pond and Guild Pond, Norwood,
11 Massachusetts; and

12 “(30) Memorial Pond, Walpole, Massachu-
13 setts.”.

**14 SEC. 305. REHABILITATION OF CORPS OF ENGINEERS CON-
15 STRUCTED DAMS.**

16 Section 1177 of the Water Resources Development
17 Act of 2016 (33 U.S.C. 467f–2 note) is amended—

18 (1) in subsection (e), by striking “
19 \$40,000,000” and inserting “ \$60,000,000”; and

20 (2) in subsection (f), by striking “
21 \$40,000,000” and inserting “ \$60,000,000”.

**22 SEC. 306. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-
23 TION AND PROTECTION PROGRAM.**

24 (a) IN GENERAL.—Section 510 of the Water Re-
25 sources Development Act of 1996 (Public Law 104–303,

1 110 Stat. 3759; 121 Stat. 1202; 128 Stat. 1317) is
2 amended—

3 (1) by redesignating subsection (h) as sub-
4 section (i) and inserting after subsection (g) the fol-
5 lowing:

6 “(h) PROJECT CAP.—The total cost of a project car-
7 ried out under this section may not exceed \$15,000,000.”;
8 and

9 (2) in subsection (i) (as so redesignated), by
10 striking “ \$40,000,000” and inserting “
11 \$90,000,000”.

12 (b) OUTREACH AND TRAINING.—The Secretary shall
13 conduct public outreach and workshops for non-Federal
14 interests to provide information on the Chesapeake Bay
15 environmental restoration and protection program estab-
16 lished under section 510 of the Water Resources Develop-
17 ment Act of 1996, including how to participate in the pro-
18 gram.

19 **SEC. 307. UPPER MISSISSIPPI RIVER SYSTEM ENVIRON-**
20 **MENTAL MANAGEMENT PROGRAM.**

21 Section 1103(e) of the Water Resources Development
22 Act of 1986 (33 U.S.C. 652(e)) is amended—

23 (1) in paragraph (3), by striking “
24 \$22,750,000” and inserting “ \$40,000,000”; and

1 (2) in paragraph (4), by striking “
2 \$10,420,000” and inserting “ \$15,000,000”.

3 **SEC. 308. UPPER MISSISSIPPI RIVER PROTECTION.**

4 Section 2010(e) of the Water Resources Reform and
5 Development Act of 2014 (128 Stat. 1270; 132 Stat.
6 3812) is amended by striking “the Act of October 15,
7 1940 (33 U.S.C. 701h–1)” and inserting “section 5 of the
8 Act of June 22, 1936 (33 U.S.C. 701h)”.

9 **SEC. 309. THEODORE SHIP CHANNEL, MOBILE, ALABAMA.**

10 (a) IN GENERAL.—The project for navigation, Theo-
11 dore Ship Channel, Mobile Harbor, Alabama, authorized
12 by section 201 of the Flood Control Act of 1965 (42
13 U.S.C. 1962d–5), is revised to incorporate into the project
14 the 40-foot-deep, 1,320-foot-wide, and approximately
15 1,468.5-foot-long access channel, extending north from
16 stations 257+25 and 273+25 from the Theodore Chan-
17 nel, that was constructed for the former Naval Station
18 Mobile, as a substitute for the authorized but
19 unconstructed 40-foot-deep, 300-foot-wide, and 1,200-
20 foot-long anchorage basin in the same location, to serve
21 the public terminal that replaced the former Naval Station
22 Mobile as obligated under the authorizations for the
23 project.

24 (b) TREATMENT.—The Secretary shall—

1 (1) consider construction of the access channel
2 described in subsection (a) to be complete; and

3 (2) assume maintenance of the access channel
4 described in subsection (a) for so long as the ter-
5 minal described in subsection (a) remains publicly
6 owned.

7 **SEC. 310. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
8 **TION SYSTEM.**

9 Any Federal funds, regardless of the account from
10 which the funds were provided, used to carry out construc-
11 tion of the modification to the McClellan-Kerr Arkansas
12 River Navigation System, authorized in section 136 of the
13 Energy and Water Development Appropriations Act, 2004
14 (117 Stat. 1842), shall be considered by the Secretary as
15 initiating construction of the project such that future
16 funds will not require a new investment decision.

17 **SEC. 311. OUACHITA AND BLACK RIVERS, ARKANSAS AND**
18 **LOUISIANA.**

19 The project for navigation, Ouachita and Black Riv-
20 ers, Arkansas and Louisiana, authorized by section 101
21 of the River and Harbor Act of 1960 (74 Stat. 481), is
22 modified to include water supply as an authorized purpose.

23 **SEC. 312. LAKE ISABELLA, CALIFORNIA.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the Secretary, when evaluating alternative loca-

1 tions for construction of a permanent Isabella Lake Vis-
2 itor Center by the Corps of Engineers to replace the facil-
3 ity impacted by the Isabella Dam safety modification
4 project, should afford substantial weight to the site pref-
5 erence of the local community.

6 (b) **AUTHORITY.**—The Secretary may acquire such
7 interests in real property as the Secretary determines nec-
8 essary or advisable to support construction of the Isabella
9 Dam safety modification project.

10 (c) **TRANSFER.**—The Secretary may transfer any real
11 property interests acquired under subsection (b) to any
12 other Federal agency or department without reimburse-
13 ment.

14 (d) **ISABELLA DAM SAFETY MODIFICATION PROJECT**
15 **DEFINED.**—In this section, the term “Isabella Dam safety
16 modification project” means the dam safety modification
17 project at the Isabella Reservoir in the San Joaquin Val-
18 ley, California (authorized by Act of December 22, 1944
19 (chapter 665, 58 Stat. 901)), including the component of
20 the project relating to construction a visitor center facility.

21 **SEC. 313. LOWER SAN JOAQUIN RIVER FLOOD CONTROL**
22 **PROJECT.**

23 The Secretary shall align the schedules of, and maxi-
24 mize complimentary efforts, minimize duplicative prac-

1 tices, and ensure coordination and information sharing
2 with respect to—

3 (1) the project for flood risk management,
4 Lower San Joaquin River, authorized by section
5 1401(2) of the Water Resources Development Act of
6 2018 (132 Stat. 3836); and

7 (2) the second phase of the feasibility study for
8 the Lower San Joaquin River project for flood risk
9 management, authorized for expedited completion by
10 section 1203(a)(7) of the Water Resources Develop-
11 ment Act 2018 (132 Stat. 3803).

12 **SEC. 314. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**
13 **FORNIA.**

14 The portion of project for flood control, Sacramento
15 River, California, authorized by section 2 of the Act of
16 March 1, 1917 (chapter 144, 39 Stat. 949; 103 Stat. 649;
17 110 Stat. 3709; 112 Stat. 1841; 113 Stat. 299), con-
18 sisting of a riverbed gradient restoration facility at the
19 Glenn-Colusa Irrigation District Intake, is no longer au-
20 thorized beginning on the date of enactment of this Act.

21 **SEC. 315. SAN DIEGO RIVER AND MISSION BAY, SAN DIEGO**
22 **COUNTY, CALIFORNIA.**

23 The portion of the project for flood control and navi-
24 gation, San Diego River and Mission Bay, San Diego
25 County, California, authorized by the Act of July 24, 1946

1 (chapter 595, 60 Stat. 636), identified in the National
2 Levee Database established under section 9004 of the
3 Water Resources Development Act of 2007 (33 U.S.C.
4 3303) as the San Diego River 3 segment and consisting
5 of a 785-foot-long segment of the right bank levee from
6 Station 209+41.75 to its end at Station 217+26.75, as
7 described in construction plans dated August 30, 1951,
8 is no longer authorized beginning on the date of enactment
9 of this Act.

10 **SEC. 316. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
11 **AREA.**

12 (a) IN GENERAL.—Section 114 of the River and Har-
13 bor Act of 1968 (33 U.S.C. 59h) is amended to read as
14 follows:

15 **“SEC. 114. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
16 **AREA.**

17 “(a) AREA TO BE DECLARED NONNAVIGABLE.—The
18 following area is declared to be nonnavigable waters of the
19 United States: All of that portion of the City and County
20 of San Francisco, California, lying shoreward of a line be-
21 ginning at the intersection of the southerly right of way
22 line of Earl Street prolongation with the Pierhead United
23 States Government Pierhead line, the Pierhead line as de-
24 fined in the State of California Harbor and Navigation
25 Code Section 1770, as amended in 1961; thence northerly

1 along said Pierhead line to its intersection with a line par-
2 allel with and distant 10 feet easterly from, the existing
3 easterly boundary line of Pier 30–32; thence northerly
4 along said parallel line and its northerly prolongation, to
5 a point of intersection with a line parallel with, and distant
6 10 feet northerly from, the existing northerly boundary of
7 Pier 30–32; thence westerly along last said parallel line
8 to its intersection with said Pierhead line; thence northerly
9 along said Pierhead line, to the intersection of the easterly
10 right of way line of Van Ness Avenue, formerly Marlette
11 Street, prolongation to the Pierhead line.

12 “(b) REQUIREMENT THAT AREA BE IMPROVED.—
13 The declaration of nonnavigability under subsection (a)
14 applies only to those parts of the area described in sub-
15 section (a) that are or will be bulkheaded, filled, or other-
16 wise occupied or covered by permanent structures and
17 does not affect the applicability of any Federal statute or
18 regulation that relates to filling of navigable waters or to
19 other regulated activities within the area described in sub-
20 section (a), including sections 9 and 10 of the Act of
21 March 3, 1899 (33 U.S.C. 401, 403), section 404 of the
22 Federal Water Pollution Control Act, and the National
23 Environmental Policy Act of 1969.

24 “(c) INCLUSION OF EMBARCADERO HISTORIC DIS-
25 TRICT.—Congress finds and declares that the area de-

1 scribed in subsection (a) contains the seawall, piers, and
2 wharves that comprise the Embarcadero Historic District
3 listed on the National Register of Historic Places on May
4 12, 2006.”.

5 (b) CONFORMING AMENDMENT.—Section 5052 of the
6 Water Resources Development Act of 2007 (33 U.S.C.
7 59h–1) is repealed.

8 **SEC. 317. WESTERN PACIFIC INTERCEPTOR CANAL, SAC-**
9 **RAMENTO RIVER, CALIFORNIA.**

10 The portion of the project for flood protection on the
11 Sacramento River, authorized by section 2 of the of March
12 1, 1917 (chapter 144, 39 Stat. 949; 45 Stat. 539; 50 Stat.
13 877; 55 Stat. 647; 80 Stat. 1422), consisting of the por-
14 tion of the levee from G.P.S. coordinate N2147673.584
15 E6690904.187 to N2147908.413 E6689057.060 associ-
16 ated with the Western Pacific Interceptor Canal, is no
17 longer authorized beginning on the date of the enactment
18 of this Act.

19 **SEC. 318. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
20 **PROGRAM, COLORADO, NEW MEXICO, AND**
21 **TEXAS.**

22 Section 5056(f) of the Water Resources Development
23 Act of 2007 (Public Law 110–114, 121 Stat. 1213; 128
24 Stat. 1314) is amended by striking “2019” and inserting
25 “2029”.

1 **SEC. 319. NEW LONDON HARBOR WATERFRONT CHANNEL,**
2 **CONNECTICUT.**

3 (a) IN GENERAL.—The portion of the project for
4 navigation, New London Harbor, Connecticut, authorized
5 by the first section of the Act of June 13, 1902 (chapter
6 1079, 32 Stat. 333), described in subsection (b) is no
7 longer authorized beginning on the date of enactment of
8 this Act.

9 (b) AREA DESCRIBED.—The area referred to in sub-
10 section (a) is generally the portion between and around
11 the 2 piers at the State Pier in New London, specifically
12 the area—

13 (1) beginning at a point N691263.78,
14 E1181259.26;

15 (2) running N 35°01'50.75" W about 955.59
16 feet to a point N692046.26, E1180710.74;

17 (3) running N 54°58'06.78" E about 100.00
18 feet to a point N692103.66, E1180792.62;

19 (4) running S 35°01'50.75" E about 989.8 feet
20 to a point N691293.17, E1181360.78; and

21 (5) running S 73°51'15.45" W about 105.69
22 feet to the point described in paragraph (1).

23 **SEC. 320. WILMINGTON HARBOR, DELAWARE.**

24 It is the sense of Congress that the Corps of Engi-
25 neers should maintain the annual maintenance dredging

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1 for Wilmington Harbor, Delaware, authorized by the Act
2 of June 3, 1896 (chapter 314, 29 Stat. 207).

3 **SEC. 321. WILMINGTON HARBOR SOUTH DISPOSAL AREA,**
4 **DELAWARE.**

5 (a) FINDING.—For the purposes of applying section
6 217(b) of the Water Resources Development Act of 1996
7 (33 U.S.C. 2326a(b)) to the Wilmington Harbor South
8 Disposal Area, Delaware, the Secretary shall find that the
9 standard has been met for the Edgemoor expansion of the
10 Port of Wilmington, Delaware.

11 (b) USE.—Any use of the Wilmington Harbor South
12 Disposal Area permitted by the Secretary under section
13 217(b) for the Edgemoor Expansion of the Port of Wil-
14 mington shall not otherwise reduce the availability of ca-
15 pacity, in dredged material disposal facilities under the ju-
16 risdiction of the Secretary that were constructed before
17 the date of enactment of this Act, for operation and main-
18 tenance of—

19 (1) the Delaware River Mainstem and Channel
20 Deepening project, Delaware, New Jersey, and
21 Pennsylvania, authorized by section 101(6) of the
22 Water Resources Development Act of 1992 (106
23 Stat. 4802); or

24 (2) the Delaware River, Philadelphia to the
25 Sea, project, Delaware, New Jersey, Pennsylvania,

1 authorized by the Act of June 25, 1910 (chapter
2 382, 36 Stat. 637; 46 Stat. 921; 52 Stat. 803; 59
3 Stat. 14; 68 Stat. 1249; 72 Stat. 297).

4 (c) FEE.—The Secretary shall impose on the non-
5 Federal interest for the Edgemoor Expansion of the Port
6 of Wilmington a fee, under section 217(b)(1)(B) of the
7 Water Resources Development Act of 1996 (33 U.S.C.
8 2326a(b)(1)(B)), to recover capital, operation, and main-
9 tenance costs associated with any use by the non-Federal
10 interest of capacity in the Wilmington Harbor South Dis-
11 posal Area permitted by the Secretary under section
12 217(b) of the Water Resources Development Act of 1996
13 pursuant to subsection (a) of this section.

14 (d) AGREEMENT TO PAY.—In accordance with sec-
15 tion 217(a) of the Water Resources Development Act of
16 1996 (33 U.S.C. 2326a(a)), if, to accommodate the
17 dredged materials from operation and maintenance of the
18 Edgemoor Expansion of the Port of Wilmington, the Sec-
19 retary provides additional capacity at the Wilmington
20 Harbor South Disposal Area, the non-Federal interest for
21 the Edgemoor Expansion of the Port of Wilmington shall
22 agree to pay, during the period of construction, all costs
23 associated with the construction of the additional capacity.

1 **SEC. 322. WASHINGTON HARBOR, DISTRICT OF COLUMBIA.**

2 Beginning on the date of enactment of this Act, the
3 project for navigation, Washington Harbor, District of Co-
4 lumbia, authorized by the Act of August 30, 1935 (chapter
5 831, 49 Stat. 1031), is modified to reduce, in part, the
6 authorized dimensions of the project, such that the re-
7 maining authorized dimensions are as follows:

8 (1) A 200-foot-wide, 12-foot-deep channel with
9 a center line beginning at a point East 1,317,064.30
10 and North 440,373.32, thence to a point East
11 1,316,474.30 and North 440,028.31, thence to a
12 point East 1,315,584.30 and North 439,388.30,
13 thence to a point East 1,315,259.31 and North
14 438,908.30.

15 (2) A 200- to 300-foot-wide, 12-foot-deep tran-
16 sition area, with a center line beginning at a point
17 East 1,315,259.31 and North 438,908.30 to a point
18 East 1,315,044.31 and North 438,748.30.

19 (3) A 300-foot-wide, 15-foot-deep channel with
20 a centerline beginning a point East 1,315,044.31
21 and North 438,748.30, thence to a point East
22 1,314,105.31 and North 438,124.79, thence to a
23 point East 1,311,973.30 and North 438,807.78,
24 thence to a point East 1,311,369.73 and North
25 438,577.42, thence to a point East 1,311,015.73

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1 and North 438,197.57, thence to a point East
2 1,309,713.47 and North 435,678.91.

3 (4) A 300- to 400-foot-wide, 15- to 24-foot-deep
4 transition area, with a center line beginning at a
5 point East 1,309,713.47 and North 435,678.91 to a
6 point East 1,307,709.33 and North 434,488.25.

7 (5) A 400-foot-wide, 24-foot-deep channel with
8 a centerline beginning at a point East 1,307,709.33
9 and North 434,488.25, thence to a point East
10 1,307,459.33 and North 434,173.25, thence to a
11 point East 1,306,476.82 and North 432,351.28,
12 thence to a point East 1,306,209.79 and North
13 431,460.21, thence to a point at the end of the
14 channel near Hains Point East 1,305,997.63 and
15 North 429,978.31.

16 **SEC. 323. BIG CYPRESS SEMINOLE INDIAN RESERVATION**
17 **WATER CONSERVATION PLAN, FLORIDA.**

18 (a) IN GENERAL.—The project for ecosystem restora-
19 tion, Big Cypress Seminole Indian Reservation Water
20 Conservation Plan, Florida, authorized pursuant to sec-
21 tion 528 of the Water Resources Development Act of 1996
22 (110 Stat. 3767), is no longer authorized beginning on
23 the date of enactment of this Act.

24 (b) SAVINGS PROVISION.—Nothing in this section af-
25 fects the responsibility of the Secretary to pay any dam-

1 ages awarded by the Armed Services Board of Contract
2 Appeals, or by a court of competent jurisdiction, to a con-
3 tractor relating to the adjudication of claims arising from
4 construction of the project described in subsection (a).

5 **SEC. 324. CENTRAL EVERGLADES, FLORIDA.**

6 The project for ecosystem restoration, Central Ever-
7 glades, authorized by section 1401(4) of the Water Re-
8 sources Development Act of 2016 (130 Stat. 1713), is
9 modified to include the project for ecosystem restoration,
10 Central and Southern Florida, Everglades Agricultural
11 Area, authorized by section 1308 of the Water Resources
12 Development Act of 2018 (132 Stat. 3819), and to author-
13 ize the Secretary to carry out the project, as so combined,
14 at a total combined cost of \$4,362,091,000.

15 **SEC. 325. MIAMI RIVER, FLORIDA.**

16 The portion of the project for navigation, Miami
17 River, Florida, authorized by the Act of July 3, 1930 (46
18 Stat. 925; 59 Stat. 16; 74 Stat. 481; 100 Stat. 4257),
19 beginning at the existing railroad bascule bridge and ex-
20 tending approximately 1,000 linear feet upstream to an
21 existing salinity barrier and flood control structure, is no
22 longer authorized beginning on the date of enactment of
23 this Act.

1510

1 **SEC. 326. JULIAN KEEN, JR. LOCK AND DAM, MOORE**
2 **HAVEN, FLORIDA.**

3 (a) DESIGNATION.—The Moore Haven Lock and
4 Dam, Moore Haven, Florida, authorized pursuant to the
5 Act of July 3, 1930 (chapter 847, 46 Stat. 925; 49 Stat.
6 1032), shall be known and designated as the “Julian
7 Keen, Jr. Lock and Dam”.

8 (b) REFERENCES.—Any reference in a law, map, reg-
9 ulation, document, paper, or other record of the United
10 States to the Lock and Dam referred to in subsection (a)
11 shall be deemed to be a reference to the “Julian Keen,
12 Jr. Lock and Dam”.

13 **SEC. 327. TAYLOR CREEK RESERVOIR AND LEVEE L-73**
14 **(SECTION 1), UPPER ST. JOHNS RIVER BASIN,**
15 **FLORIDA.**

16 The portions of the project for flood control and other
17 purposes, Central and Southern Florida, authorized by
18 section 203 of the Flood Control Act of 1948 (62 Stat.
19 1176), consisting of the Taylor Creek Reservoir and Levee
20 L-73, Section 1, within the Upper St. Johns River Basin,
21 Florida, are no longer authorized beginning on the date
22 of enactment of this Act.

23 **SEC. 328. EXTINGUISHMENT OF FLOWAGE EASEMENTS,**
24 **ROUGH RIVER LAKE, KENTUCKY.**

25 (a) IN GENERAL.—Subject to the availability of ap-
26 propriations and on request of the landowner, the Sec-

1 retary shall extinguish any flowage easement or portion
2 of a flowage easement held by the United States on devel-
3 oped land of the landowner at Rough River Lake, Ken-
4 tucky—

5 (1) that is above 534 feet mean sea level; and

6 (2) for which the Secretary determines the flow-
7 age easement or portion of the flowage easement is
8 not required to address backwater effects.

9 (b) NO LIABILITY.—The United States shall not be
10 liable for any damages to property or injuries to persons
11 from flooding that may be attributable to the operation
12 and maintenance of Rough River Dam, Kentucky, on land
13 that was encumbered by a flowage easement extinguished
14 under subsection (a).

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$10,000,000, to remain available until expended.

18 **SEC. 329. CALCASIEU RIVER AND PASS, LOUISIANA.**

19 Not later than 120 days after the date of enactment
20 of this Act, the Secretary shall provide to the Committee
21 on Transportation and Infrastructure of the House of
22 Representatives and the Committee on Environment and
23 Public Works of the Senate a report on plans to modify
24 the Calcasieu River and Pass Dredged Material Manage-
25 ment Plan and Supplemental Environmental Impact

1 Statement (November 22, 2010 DMMP/SEIS) to allow for
2 the expansion of Dredged Material Placement Facilities
3 (DMPFs) 17, 19, 22, D, and E to the lakeside foreshore
4 rock boundaries during planned rehabilitation of these fa-
5 cilities.

6 **SEC. 330. CAMDEN HARBOR, MAINE.**

7 (a) IN GENERAL.—The portions of the project for
8 navigation, Camden Harbor, Maine, described in sub-
9 section (b) are no longer authorized beginning on the date
10 of enactment of this Act.

11 (b) PORTIONS DESCRIBED.—The portions referred to
12 in subsection (a) are the following:

13 (1) The portion of the 10-foot-deep inner har-
14 bor area, authorized by the first section of the Act
15 of March 3, 1873 (chapter 233, 17 Stat. 565; 25
16 Stat. 400), approximately 50,621.75 square feet in
17 area—

18 (A) starting at a point with coordinates
19 N197,640.07, E837,851.71;

20 (B) thence running S84°43' 23.94"W
21 about 381.51 feet to a point with coordinates
22 N197,604.98, E837,471.82;

23 (C) thence running N43°47' 51.43"W
24 about 270.26 feet to a point with coordinates
25 N197,800.05, E837,284.77;

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1 (D) thence running S59°02' 26.62"E
2 about 219.18 feet to a point with coordinates
3 N197,687.30, E837,472.72;

4 (E) thence running S81°50' 09.76"E
5 about 144.70 feet to a point with coordinates
6 N197,666.75, E837,615.96;

7 (F) thence running N57°27' 07.42"E
8 about 317.32 feet to a point with coordinates
9 N197,866.52, E837,928.96; and

10 (G) thence running S18°50' 04.48"W
11 about 239.27 feet to the point described in sub-
12 paragraph (A).

13 (2) The portion of the 14-foot-deep outer har-
14 bor area, authorized by the first section of the Act
15 of August 11, 1888 (25 Stat. 400; 32 Stat. 331),
16 approximately 222,015.94 square feet in area—

17 (A) starting at a point with coordinates
18 N197,640.07, E837,851.71;

19 (B) thence running N18°50' 04.48"E
20 about 239.27 feet to a point with coordinates
21 N197,866.53, E837,928.96;

22 (C) thence running N58°28' 51.05"E
23 about 308.48 feet to a point with coordinates
24 N198,027.79, E838,191.93;

1514

1 (D) thence running N84°20' 01.88"E
2 about 370.06 feet to a point with coordinates
3 N198,064.33, E838,560.18;

4 (E) thence running S05°32' 03.42"E
5 about 357.31 feet to a point with coordinates
6 N197,708.68, E838,594.64; and

7 (F) thence running S84°43' 23.94"W
8 about 746.08 feet to the point described in sub-
9 paragraph (A).

10 **SEC. 331. CAPE PORPOISE HARBOR, MAINE, ANCHORAGE**

11 **AREA DESIGNATION.**

12 (a) IN GENERAL.—The project for navigation, Cape
13 Porpoise Harbor, Maine, authorized by section 101 of the
14 River and Harbor Act of 1948 (62 Stat. 1172), is modified
15 to designate the portion of the project described in sub-
16 section (b) as a 6-foot-deep anchorage.

17 (b) PORTION DESCRIBED.—The portion of the
18 project referred to in subsection (a) is the approximately
19 192,235.63 square foot area consisting of the 100-foot-
20 wide and 6-foot-deep channel located within the inner har-
21 bor—

22 (1) starting at a point with coordinates N
23 194,175.13, E 2,882,011.74;

1515

1 (2) thence running N33°46' 08.14''W about
2 914.57 feet to a point with coordinates N
3 194,935.40, E 2,881,503.38;

4 (3) thence running N12°41' 09.78''W about
5 1,026.40 feet to a point with coordinates N
6 195,936.74, E 2,881,277.97;

7 (4) thence running N77°18' 50.22''E about
8 100.00 feet to a point with coordinates N
9 195,958.70, E 2,881,375.53;

10 (5) thence running S12°41' 09.78''E about
11 1,007.79 feet to a point with coordinates N
12 194,975.52, E 2,881,596.85;

13 (6) thence running S33°46' 08.14''E about
14 895.96 feet to a point with coordinates N
15 194,230.72, E 2,882,094.86; and

16 (7) thence running S56°13' 51.86''W about
17 100.00 feet to the point described in paragraph (1).

18 **SEC. 332. BALTIMORE, MARYLAND.**

19 The Secretary is authorized, in accordance with sec-
20 tion 5 of Act of June 22, 1936 (33 U.S.C. 701h), to accept
21 funds contributed by a non-Federal interest for dredging
22 on irregular cycles of the Baltimore Inner Harbor Ap-
23 proach Channel, Baltimore Harbor and Channels Federal
24 navigation project, authorized by section 101 of the River
25 and Harbor Act of 1958 (72 Stat. 297).

1 **SEC. 333. THAD COCHRAN LOCK AND DAM, AMORY, MIS-**
2 **SISSIPPI.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that Thad Cochran, whose selfless determination
5 and tireless work, while serving as a congressman and
6 United States Senator from Mississippi for 45 years, con-
7 tributed greatly to the realization and success of the Ten-
8 nessee-Tombigbee Waterway.

9 (b) DESIGNATION.—The navigation lock known as
10 the “Amory Lock”, located at mile 371 on the Tennessee-
11 Tombigbee Waterway, Mississippi, and the dam associated
12 with such lock, shall be known and designated as the
13 “Thad Cochran Lock and Dam”.

14 (c) REFERENCES.—Any reference in a law, map, reg-
15 ulation, document, paper, or other record of the United
16 States to the lock and dam referred to in subsection (b)
17 shall be deemed to be a reference to the “Thad Cochran
18 Lock and Dam”.

19 **SEC. 334. MISSOURI RIVER RESERVOIR SEDIMENT MAN-**
20 **AGEMENT.**

21 Section 1179(a) of the Water Resources Development
22 Act of 2016 (130 Stat. 1675; 132 Stat. 3782) is amend-
23 ed—

24 (1) in paragraph (3)—

1 (A) in subparagraph (B), by inserting
2 “project purposes, including” before “storage
3 capacity”; and

4 (B) in subparagraph (C), by striking “pre-
5 liminary”;

6 (2) by redesignating paragraphs (4) through
7 (9) as paragraphs (6) through (11), respectively;
8 and

9 (3) by inserting after paragraph (3) the fol-
10 lowing:

11 “(4) JUSTIFICATION.—In determining the eco-
12 nomic justification of a sediment management plan
13 under paragraph (2), the Secretary shall—

14 “(A) measure and include flooding, ero-
15 sion, and accretion damages both upstream and
16 downstream of the reservoir that are likely to
17 occur as a result of sediment management with-
18 in the reservoir compared to the damages that
19 are likely to occur if the sediment management
20 plan is not implemented; and

21 “(B) include lifecycle costs and a 100-year
22 period of analysis.

23 “(5) IMPLEMENTATION.—As part of a sediment
24 management plan under paragraph (2), and in ac-
25 cordance with paragraph (10), the Secretary may

1 carry out sediment removal activities at reservoirs
2 owned and operated by the Secretary in the Upper
3 Missouri River Basin, or at reservoirs for which the
4 Secretary has flood control responsibilities under
5 section 7 of the Act of December 22, 1944 (33
6 U.S.C. 709), in the Upper Missouri River Basin, in
7 accordance with section 602 of the Water Resources
8 Development Act of 1986 (100 Stat. 4148; 110
9 Stat. 3758; 113 Stat. 295; 121 Stat. 1076) as if
10 those reservoirs were listed in subsection (a) of that
11 section.”.

12 **SEC. 335. PORTSMOUTH, NEW HAMPSHIRE.**

13 The Secretary shall expedite the activities required to
14 be carried out under section 204 of the Water Resources
15 Development Act of 1992 (33 U.S.C. 2326) regarding the
16 use of improvement dredging of the Portsmouth Federal
17 navigation project in Portsmouth, New Hampshire, car-
18 ried out pursuant to section 3 of the Act of August 13,
19 1946 (33 U.S.C. 426g), as a source of clean beach fill
20 material to reinforce the stone revetment at Nantasket
21 Beach, Hull, Massachusetts.

22 **SEC. 336. RAHWAY FLOOD RISK MANAGEMENT FEASIBILITY**
23 **STUDY, NEW JERSEY.**

24 The Secretary shall—

1 (1) nullify the determination of the North At-
2 lantic Division of the Corps of Engineers that fur-
3 ther activities to carry out the feasibility study for
4 a project for flood risk management, Rahway, New
5 Jersey, authorized by the resolution of the Com-
6 mittee on Transportation and Infrastructure of the
7 House of Representatives adopted on March 24,
8 1998 (docket number 2548), is not warranted;

9 (2) identify an acceptable alternative to the
10 project described in paragraph (1) that could receive
11 Federal support; and

12 (3) carry out, and expedite the completion of, a
13 feasibility study for the acceptable alternative identi-
14 fied under paragraph (2).

15 **SEC. 337. SAN JUAN-CHAMA PROJECT; ABIQUIU DAM, NEW**
16 **MEXICO.**

17 (a) ABIQUIU RESERVOIR.—Section 5(b) of Public
18 Law 97–140 (43 U.S.C. 620a note) is amended by strik-
19 ing “a total of two hundred thousand acre-feet of”.

20 (b) WATER STORAGE AT ABIQUIU DAM, NEW MEX-
21 ICO.—Section 1 of Public Law 100–522 (43 U.S.C. 620a
22 note) is amended—

23 (1) by striking “200,000 acre-feet of”;

24 (2) by inserting “and San Juan-Chama
25 project” after “Rio Grande system”; and

1 (3) by striking “, in lieu of the water storage
2 authorized by section 5 of Public Law 97–140, to
3 the extent that contracting entities under section 5
4 of Public Law 97–140 no longer require such stor-
5 age”.

6 (c) WATER STORAGE.—The Secretary shall—

7 (1) store up to elevation 6230.00 NGVD29 at
8 Abiquiu Dam, New Mexico, to the extent that the
9 necessary real property interests have been acquired
10 by any entity requesting such storage; and

11 (2) amend the March 20, 1986, contract be-
12 tween the United States of America and the Albu-
13 querque Bernalillo County Water Utility Authority
14 (assigned by the City of Albuquerque, New Mexico
15 to the Albuquerque Bernalillo County Water Utility
16 Authority) for water storage space in Abiquiu Res-
17 ervoir to allow for storage by the Albuquerque
18 Bernalillo County Water Utility Authority of San
19 Juan-Chama project water or native Rio Grande sys-
20 tem water up to elevation 6230.00 NGVD29.

21 (d) STORAGE AGREEMENTS WITH USERS OTHER
22 THAN THE ALBUQUERQUE BERNALILLO COUNTY WATER
23 UTILITY AUTHORITY.—The Secretary shall—

24 (1) retain or enter into new agreements with
25 entities for a proportionate allocation of 29,100

1 acre-feet of storage space pursuant to section 5 of
2 Public Law 97–140; and

3 (2) amend or enter into new storage agree-
4 ments for storage of San Juan-Chama project water
5 or native Rio Grande system water up to the space
6 allocated for each entity’s proportionate share of
7 San Juan-Chama water.

8 (e) OPERATIONS DOCUMENTS.—The Secretary shall
9 amend or revise any existing operations documents, in-
10 cluding the Water Control Manual or operations plan for
11 Abiquiu Reservoir, as necessary to meet the requirements
12 of this section.

13 (f) LIMITATIONS.—In carrying out this section, the
14 following limitations shall apply:

15 (1) The storage of native Rio Grande system
16 water shall be subject to the provisions of the Rio
17 Grande Compact and the resolutions of the Rio
18 Grande Compact Commission.

19 (2) The storage of native Rio Grande system
20 water shall only be authorized to the extent that the
21 necessary water ownership and storage rights have
22 been acquired by the entity requesting such storage.

23 (3) The storage of native Rio Grande system
24 water or San-Juan Chama project water shall not

1 interfere with the authorized purposes of the
2 Abiquiu Dam and Reservoir project.

3 (4) Each user of storage space, regardless of
4 source of water, shall pay for any increase in costs
5 attributable to storage of that user's water.

6 **SEC. 338. FLUSHING BAY AND CREEK FEDERAL NAVIGA-**
7 **TION CHANNEL, NEW YORK.**

8 (a) IN GENERAL.—The portion of the project for
9 navigation, Flushing Bay and Creek, New York, author-
10 ized by the first section of the Act of March 3, 1905 (chap-
11 ter 1482, 33 Stat. 1120; 52 Stat. 803; 76 Stat. 1174),
12 described in subsection (b) is no longer authorized begin-
13 ning on the date of enactment of this Act.

14 (b) PORTION DESCRIBED.—The portion referred to
15 in subsection (a) is the portion from river mile 2.5 to river
16 mile 2.9, as bounded by—

17 (1) the coordinates of—

18 (A) Latitude North 40° 45' 45.61'' Lon-
19 gitude West 73° 50' 20.19'';

20 (B) Latitude North 40° 45' 47.02'' Lon-
21 gitude West 73° 50' 10.80'';

22 (C) Latitude North 40° 45' 26.71'' Lon-
23 gitude West 73° 50' 10.85''; and

24 (D) Latitude North 40° 45' 26.72'' Lon-
25 gitude West 73° 50' 10.96''; and

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1 (2) the New York Long Island State Plane (US
2 Survey Feet, NAD-83), as follows:

3 (A) Easting x1028866.501 Northing
4 y217179.294;

5 (B) Easting x1029588.853 Northing
6 y217322.675;

7 (C) Easting x1029588.853 Northing
8 y215267.486; and

9 (D) Easting x1028964.587 Northing
10 y215267.486.

11 **SEC. 339. RUSH RIVER AND LOWER BRANCH RUSH RIVER,**
12 **NORTH DAKOTA.**

13 (a) IN GENERAL.—The portion of the comprehensive
14 plan for flood control and other purposes in the Red River
15 of the North drainage basin, North Dakota, South Da-
16 kota, and Minnesota, authorized by section 203 of the
17 Flood Control Act of 1948 (62 Stat. 1177; 64 Stat. 176),
18 consisting of clearing and rectification of the channel from
19 mile 28.3 near Amenia to the mouth of the Rush River,
20 known as Cass County Drain No. 12, is no longer author-
21 ized beginning on the date of enactment of this Act.

22 (b) LOWER BRANCH RUSH RIVER.—The project for
23 flood control, Lower Branch Rush River, North Dakota,
24 carried out under section 205 of the Flood Control Act
25 of 1948 (33 U.S.C. 701s), known as Cass County Drain

1 No. 2, is no longer authorized beginning on the date of
2 enactment of this Act.

3 **SEC. 340. PAWCATUCK RIVER, LITTLE NARRAGANSETT BAY**
4 **AND WATCH HILL COVE, RHODE ISLAND AND**
5 **CONNECTICUT.**

6 Beginning on the date of enactment of this Act, that
7 portion of the project for navigation, Pawcatuck River,
8 Little Narragansett Bay and Watch Hill Cove, Rhode Is-
9 land and Connecticut, authorized by section 2 of the Act
10 of March 2, 1945 (chapter 19, 59 Stat. 13), consisting
11 of a 10-foot-deep, 16-acre anchorage area in Watch Hill
12 Cove is no longer authorized.

13 **SEC. 341. HARRIS COUNTY, TEXAS.**

14 Section 575 of the Water Resources Development Act
15 of 1996 (110 Stat. 3789; 113 Stat. 311; 121 Stat. 1253)
16 is repealed.

17 **SEC. 342. CAP SANTE WATERWAY, WASHINGTON.**

18 Beginning on the date of enactment of this Act, the
19 project for navigation, Cap Sante Waterway and Naviga-
20 tion Channel, Skagit County, Washington, authorized by
21 the Act of March 2, 1919 (chapter 95, 40 Stat. 1285),
22 is modified to deauthorize the portion of the project con-
23 sisting of an approximately 334,434-foot area of the Fed-
24 eral channel within Anacortes Harbor inside and directly
25 adjacent to the Federal breakwater and training wall

1525

1 structure, starting at a point with coordinates
2 N557015.552, E1210819.619, thence running S88
3 13'2.06"E approximately 200 feet to a point with coordi-
4 nates N557009.330, E1211019.522, thence running S01
5 46'58.08"W approximately 578 feet to a point with co-
6 ordinates N556431.405, E1211001.534, thence running
7 S49 49'50.23"W approximately 69 feet to a point with
8 coordinates N556387.076, E1210949.002, thence running
9 S51 53'0.25"E approximately 35 feet to a point with co-
10 ordinates N556365.662, E1210976.316, thence running
11 S49 38'58.48"W approximately 112 feet to a point with
12 coordinates N556292.989, E1210890.775, thence running
13 N88 13'1.87"W approximately 109 feet to a point with
14 coordinates N556296.367, E1210782.226, thence running
15 S46 46'58.97"W approximately 141 feet to a point with
16 coordinates N556199.527, E1210679.164, thence running
17 N88 13'1.77"W approximately 700 feet to a point with
18 coordinates N556221.305, E1209979.502, thence running
19 N01 46'58.08"E approximately 250 feet to a point with
20 coordinates N556471.184, E1209987.280, thence running
21 S88 13'1.77"E approximately 815 feet to a point with co-
22 ordinates N556445.828, E1210801.886, thence running
23 N01 46'58.08"E approximately 570 feet to the point of
24 origin.

1 **SEC. 343. LOCAL GOVERNMENT RESERVOIR PERMIT RE-**
2 **VIEW.**

3 Section 1119(b) of the Water Resources Development
4 Act of 2018 (33 U.S.C. 2347 note) is amended by striking
5 “owned or operated by the Secretary”.

6 **SEC. 344. PROJECT MODIFICATIONS FOR IMPROVEMENT**
7 **OF ENVIRONMENT.**

8 Section 1203(g) of the Water Resources Development
9 Act of 2018 (132 Stat. 3805) is amended, in the matter
10 preceding paragraph (1), by striking “For fiscal years
11 2019 and 2020” and inserting “Until September 30,
12 2024”.

13 **SEC. 345. AQUATIC ECOSYSTEM RESTORATION.**

14 For fiscal years 2021 through 2024, in carrying out
15 section 206 of the Water Resources Development Act of
16 1996 (33 U.S.C. 2330), the Secretary shall give priority
17 to a project to restore and protect an aquatic ecosystem
18 or estuary that—

19 (1) is located in the South Platte River Basin;

20 (2) is located on a body of water that is identi-
21 fied by the applicable State pursuant to section
22 303(d) of the Federal Water Pollution Control Act
23 (33 U.S.C. 1313(d)) as being impaired;

24 (3) has the potential to provide flood risk man-
25 agement and recreational benefits in addition to eco-
26 system restoration benefits; and

1 (4) is located in a city with a population of
2 80,000 or less.

3 **SEC. 346. SURPLUS WATER CONTRACTS AND WATER STOR-**
4 **AGE AGREEMENTS.**

5 Section 1046(c)(3) of the Water Resources Reform
6 and Development Act of 2014 (128 Stat. 1254; 132 Stat.
7 3784) is amended by striking “12” and inserting “16”.

8 **SEC. 347. NO WAKE ZONES IN NAVIGATION CHANNELS.**

9 Section 1149 of the Water Resources Development
10 Act of 2016 (33 U.S.C. 1223 note) amended—

11 (1) by striking “recreational” in each place it
12 appears and inserting “covered”; and

13 (2) by amending subsection (c) to read as fol-
14 lows:

15 “(c) DEFINITIONS.—In this section:

16 “(1) COVERED NAVIGATION CHANNEL.—The
17 term ‘covered navigation channel’ means a naviga-
18 tion channel that—

19 “(A) is federally marked or maintained;

20 “(B) is part of the Atlantic Intracoastal
21 Waterway; and

22 “(C) is adjacent to a marina.

23 “(2) COVERED VESSEL.—The term ‘covered
24 vessel’ means a recreational vessel or an uninspected

1 passenger vessel, as such terms are defined in sec-
2 tion 2101 of title 46, United States Code.”.

3 **SEC. 348. LIMITATION ON CONTRACT EXECUTION IN THE**
4 **ARKANSAS RIVER BASIN.**

5 (a) DEFINITION OF COVERED CONTRACT.—In this
6 section, the term “covered contract” means a contract be-
7 tween any local governmental entity and the Secretary for
8 water supply storage in a Federal or non-Federal hydro-
9 power lake within the Arkansas River Basin.

10 (b) LIMITATION.—For any new covered contract for
11 a hydropower lake that is entered into during the period
12 beginning on the date of enactment of this Act and ending
13 on December 31, 2022, a local governmental entity shall
14 not pay more than 110 percent of the initial principal cost
15 for the acre-feet being sought for the new covered contract
16 for that hydropower lake.

17 **SEC. 349. WAIVER OF NON-FEDERAL SHARE OF DAMAGES**
18 **RELATED TO CERTAIN CONTRACT CLAIMS.**

19 In a case in which the Armed Services Board of Con-
20 tract Appeals or other court of competent jurisdiction has
21 rendered a decision during the period beginning on De-
22 cember 1, 2017, and ending on December 31, 2022,
23 awarding damages to a contractor relating to the adju-
24 dication of claims arising from the construction of an au-
25 thorized water resources development project, notwith-

1 standing the terms of the Project Partnership Agreement,
2 the Secretary shall waive payment of the share of the non-
3 Federal interest of those damages, including attorney's
4 fees, if—

5 (1)(A) the contracting officer was instructed by
6 the Corps of Engineers to modify the terms of the
7 contract or terminate the contract; and

8 (B) the Armed Services Board of Contract Ap-
9 peals or other court of competent jurisdiction deter-
10 mined that the failure of the contracting officer to
11 timely take the action described in subparagraph (A)
12 was a material breach of the contract that resulted
13 in damages to the contractor awarded by the Armed
14 Services Board of Contract Appeals or the court, as
15 applicable; or

16 (2) the claims arose from construction of a
17 project deauthorized under this title.

18 **SEC. 350. REDUCED PRICING FOR CERTAIN WATER SUPPLY**

19 **STORAGE.**

20 Section 322 of the Water Resources Development Act
21 of 1990 (33 U.S.C. 2324) is amended—

22 (1) in subsection (b), by striking “2,000,000”
23 and inserting “3,000,000”; and

24 (2) in subsection (g)—

1 (A) by striking the period at the end and
2 inserting “; or”;

3 (B) by striking “means a community” and
4 inserting the following: “means—
5 “(1) a community”; and

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

7 “(2) a regional water system that serves a pop-
8 ulation of less than 100,000, for which the per cap-
9 ita income is less than the per capita income of not
10 less than 50 percent of the counties in the United
11 States.”.

12 **SEC. 351. FLOOD CONTROL AND OTHER PURPOSES.**

13 Section 103(k) of the Water Resources Development
14 Act of 1986 (33 U.S.C. 2213) is amended—

15 (1) by striking “Except as” and inserting the
16 following:

17 “(1) IN GENERAL.—Except as”; and

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

19 “(2) RENEGOTIATION OF TERMS.—

20 “(A) IN GENERAL.—At the request of a
21 non-Federal interest, the Secretary and the
22 non-Federal interest may renegotiate the terms
23 and conditions of an eligible deferred payment,
24 including—

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1 “(i) permitting the non-Federal con-
2 tribution to be made without interest, pur-
3 suant to paragraph (1);

4 “(ii) recalculation of the interest rate;

5 “(iii) full or partial forgiveness of in-
6 terest accrued during the period of con-
7 struction; and

8 “(iv) a credit against construction in-
9 terest for a non-Federal investment that
10 benefits the completion or performance of
11 the project or separable element.

12 “(B) ELIGIBLE DEFERRED PAYMENT.—An
13 eligible deferred payment agreement under sub-
14 paragraph (A) is an agreement for which—

15 “(i) the non-Federal contribution was
16 made with interest;

17 “(ii) the period of project construction
18 exceeds 10 years from the execution of a
19 project partnership agreement or appro-
20 priation of funds; and

21 “(iii) the construction interest exceeds
22 \$45,000,000.

23 “(3) CREDIT FOR NON-FEDERAL CONTRIBU-
24 TION.—

1 “(A) IN GENERAL.—The Secretary is au-
2 thorized to credit any costs incurred by the
3 non-Federal interest (including in-kind con-
4 tributions) to remedy a design or construction
5 deficiency of a covered project or separable ele-
6 ment toward the non-Federal share of the cost
7 of the covered project, if the Secretary deter-
8 mines the remedy to be integral to the comple-
9 tion or performance of the covered project.

10 “(B) CREDIT OF COSTS.—If the non-Fed-
11 eral interest incurs costs or in-kind contribu-
12 tions for a project to remedy a design or con-
13 struction deficiency of a project or separable
14 element which has a 100 percent Federal cost
15 share, and the Secretary determines the remedy
16 to be integral to the completion or performance
17 of the project, the Secretary is authorized to
18 credit such costs to any interest accrued on a
19 deferred non-Federal contribution.

20 “(4) TREATMENT OF PRE-PAYMENT.—Notwith-
21 standing a deferred payment agreement with a non-
22 Federal interest, the Secretary shall accept, without
23 interest of any type, the repayment of a non-Federal
24 contribution for any eligible deferred payment de-
25 scribed in paragraph (2)(B) for which—

1 “(A) the non-Federal interest makes a
2 payment of at least \$200 million for that eligi-
3 ble deferred payment agreement on or before
4 September 30, 2021; and

5 “(B) the non-Federal interest repays the
6 remaining principal by September 30, 2023.”.

7 **SEC. 352. ADDITIONAL ASSISTANCE FOR CRITICAL**
8 **PROJECTS.**

9 (a) **CONSISTENCY WITH REPORTS.**—Congress finds
10 that the project modifications described in this section are
11 in accordance with the reports submitted to Congress by
12 the Secretary under section 7001 of the Water Resources
13 Reform and Development Act of 2014 (33 U.S.C. 2282d),
14 titled “Report to Congress on Future Water Resources
15 Development”, or have otherwise been reviewed by Con-
16 gress.

17 (b) **MODIFICATIONS.**—

18 (1) **SACRAMENTO AREA, CALIFORNIA.**—Section
19 219(f)(23) of the Water Resources Development Act
20 of 1992 (106 Stat. 4835; 113 Stat. 336; 117 Stat.
21 1840) is amended to read as follows:

22 “(23) **SACRAMENTO AREA, CALIFORNIA.**—
23 \$45,000,000 for regional water conservation, recy-
24 cling, reliability, and resiliency projects in Placer, El

1 Dorado, and Sacramento Counties and the San
2 Juan Suburban Water District, California.”.

3 (2) SOUTH PERRIS, CALIFORNIA.—Section
4 219(f)(52) of the Water Resources Development Act
5 of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat.
6 2763A–220) is amended by striking “ \$25,000,000”
7 and inserting “ \$50,000,000”.

8 (3) MADISON AND ST. CLAIR COUNTIES, ILLI-
9 NOIS.—Section 219(f)(55) of the Water Resources
10 Development Act of 1992 (106 Stat. 4835; 113
11 Stat. 335; 114 Stat. 2763A–221) is amended by
12 striking “ \$10,000,000” and inserting “
13 \$45,000,000”.

14 (4) SOUTHERN AND EASTERN KENTUCKY.—
15 Section 531 of the Water Resources Development
16 Act of 1996 (110 Stat. 3773; 113 Stat. 348; 117
17 Stat. 142; 121 Stat. 1226) is amended—

18 (A) in subsection (g), by inserting “Boyd,
19 Carter, Elliott, Lincoln,” after “Lee,”; and

20 (B) in subsection (h), by striking “
21 \$40,000,000” and inserting “ \$100,000,000”.

22 (5) DESOTO COUNTY, MISSISSIPPI.—Section
23 219(f)(30) of the Water Resources Development Act
24 of 1992 (106 Stat. 4835; 113 Stat. 336; 114 Stat.
25 2763A–220; 119 Stat. 282; 119 Stat. 2257; 122

1535

1 Stat. 1623) is amended by striking “ \$75,000,000”
2 and inserting “ \$130,000,000”.

3 (6) JACKSON COUNTY, MISSISSIPPI.—Section
4 219 of the Water Resources Development Act of
5 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat.
6 1494; 121 Stat. 1258) is amended—

7 (A) in subsection (c)(5), by striking “water
8 supply and” and inserting “water supply,
9 projects for stormwater and drainage systems,
10 and”; and

11 (B) in subsection (e)(1), by striking “
12 \$32,500,000” and inserting “ \$57,500,000”.

13 (7) ST. LOUIS, MISSOURI.—Section 219(f)(32)
14 of the Water Resources Development Act of 1992
15 (106 Stat. 4835; 113 Stat. 337; 121 Stat. 1233) is
16 amended by striking “ \$35,000,000” and inserting
17 “ \$70,000,000”.

18 (8) MIDWEST CITY, OKLAHOMA.—Section
19 219(f)(231) of the Water Resources Development
20 Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121
21 Stat. 1266) is amended by striking “ \$2,000,000”
22 and inserting “ \$5,000,000”.

23 (9) SOUTH CENTRAL PENNSYLVANIA.—Section
24 313 of the Water Resources Development Act of
25 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat.

1536

1 3723; 113 Stat. 310; 117 Stat. 142; 121 Stat.
2 1146) is amended—

3 (A) in subsection (g)(1), by striking “
4 \$200,000,000” and inserting “ \$400,000,000”;
5 and

6 (B) in subsection (h)(2), by inserting
7 “Beaver, Jefferson,” after “Washington,”.

8 (10) LAKES MARION AND MOULTRIE, SOUTH
9 CAROLINA.—Section 219(f)(25) of the Water Re-
10 sources Development Act of 1992 (106 Stat. 4835;
11 113 Stat. 336; 114 Stat. 2763A–220; 117 Stat.
12 1838; 130 Stat. 1677; 132 Stat. 3818) is amended
13 by striking “ \$89,550,000” and inserting “
14 \$110,000,000”.

15 (11) EL PASO COUNTY, TEXAS.—Section
16 219(f)(269) of the Water Resources Development
17 Act of 1992 (106 Stat. 4835; 113 Stat. 336; 121
18 Stat. 1268) is amended by striking “ \$25,000,000”
19 and inserting “ \$75,000,000”.

20 (12) WESTERN RURAL WATER.—Section 595 of
21 the Water Resources Development Act of 1999 (113
22 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat.
23 1836; 118 Stat. 440; 121 Stat. 1219; 123 Stat.
24 2851; 128 Stat. 1316; 130 Stat. 1681) is amend-
25 ed—

1 (A) by striking the section heading and in-
2 serting “**WESTERN RURAL WATER.**”;

3 (B) in subsection (b), by inserting “Ari-
4 zona,” before “rural Idaho”;

5 (C) in subsection (c), by inserting “Ari-
6 zona,” before “Idaho”; and

7 (D) in subsection (i), by striking “for the
8 period beginning with fiscal year 2001,
9 \$435,000,000, to remain available until ex-
10 pended.” and inserting the following: “, to re-
11 main available until expended—

12 “(1) for the period beginning with fiscal year
13 2001, \$435,000,000 for Idaho, Montana, rural Ne-
14 vada, New Mexico, rural Utah, and Wyoming; and

15 “(2) \$150,000,000 for Arizona.”.

16 (13) CENTRAL WEST VIRGINIA.—Section 571(h)
17 of the Water Resources Development Act of 1999
18 (113 Stat. 371; 121 Stat. 1257) is amended by
19 striking “ \$20,000,000” and inserting “
20 \$100,000,000”.

21 (14) SOUTHERN WEST VIRGINIA.—Section
22 340(g) of the Water Resources Development Act of
23 1992 (106 Stat. 4856; 110 Stat. 3727; 113 Stat.
24 320) is amended by striking “ \$40,000,000” and in-
25 serting “ \$120,000,000”.

1 (c) LOWELL CREEK TUNNEL, SEWARD, ALASKA.—
2 Section 5032(a)(2) of the Water Resources Development
3 Act of 2007 (Public Law 110–114, 121 Stat. 1205) is
4 amended by striking “15” and inserting “20”.

5 (d) CAPE ARUNDEL DISPOSAL SITE, MAINE.—Sec-
6 tion 1312 of the Water Resources Development Act of
7 2018 (132 Stat. 3821) is amended by striking “December
8 31, 2021” and inserting “September 30, 2024”.

9 **SEC. 353. PROJECT MODIFICATION AUTHORIZATIONS.**

10 (a) WATER SUPPLY.—The following project modifica-
11 tions for water supply, as identified in the report entitled
12 “Report to Congress on Future Water Resources Develop-
13 ment” dated February 2019, and submitted to Congress
14 on June 3, 2019, pursuant to section 7001 of the Water
15 Resources Reform and Development Act of 2014 (33
16 U.S.C. 2282d) or otherwise reviewed by Congress, are au-
17 thorized to be carried out by the Secretary substantially
18 in accordance with the recommendations included in such
19 report pursuant to section 301(c) of the Water Supply Act
20 of 1958 (43 U.S.C. 390b(e)) and as follows:

21 (1) CLARENCE CANNON DAM AND MARK TWAIN
22 LAKE PROJECT, SALT RIVER, MISSOURI.—

23 (A) IN GENERAL.—The project for Clar-
24 ence Cannon Dam and Mark Twain Lake
25 Project, Salt River, Missouri, authorized by sec-

1 tion 203 of the Flood Control Act of 1962 (76
2 Stat. 1189; 79 Stat. 1089; 95 Stat. 1684), is
3 modified to release 5,600 acre-feet of future use
4 water supply storage to the Federal Govern-
5 ment under water supply contract No.
6 DACW43-88-C-0036, and future financial ob-
7 ligations for such volume of storage.

8 (B) RELIEF OF CERTAIN OBLIGATIONS.—
9 Upon execution of the amendment required by
10 subparagraph (C), the State of Missouri shall
11 be relieved of the obligation to pay the percent-
12 age of the annual operation and maintenance
13 expense, the percentage of major replacement
14 cost, and the percentage of major rehabilitation
15 costs, of the joint use facilities of the project
16 described in subparagraph (A), that are attrib-
17 utable to water supply storage space not being
18 used by the State during the period before the
19 State commences use of the storage space.

20 (C) AMENDMENT TO CONTRACT.—The
21 Secretary shall amend Water Supply Contract
22 No. DACW43-88-C-0036, dated March 10,
23 1988, between the United States and the State
24 of Missouri, to implement the modifications re-
25 quired under subparagraphs (A) and (B).

1 (2) CITY OF PLATTSBURG.—

2 (A) IN GENERAL.—The project for Smith-
3 ville Lake, Missouri, authorized pursuant to
4 section 204 of the Flood Control Act of 1965
5 (79 Stat. 1080), is modified to release the City
6 of Plattsburg, Missouri, from—

7 (i) 8,850 acre-feet of future water
8 supply storage contracts; and

9 (ii) future financial obligations for the
10 volume of storage described in clause (i).

11 (B) AMENDMENT TO CONTRACT.—The
12 Secretary shall amend water supply contract
13 No. DACW41-73-C-0008, between the United
14 States and the State of Missouri, to implement
15 the modifications under subparagraph (A).

16 (3) CITY OF SMITHVILLE.—

17 (A) IN GENERAL.—The project for Smith-
18 ville Lake, Missouri, authorized pursuant to
19 section 204 of the Flood Control Act of 1965
20 (79 Stat. 1080), is modified to release the City
21 of Smithville, Missouri, from—

22 (i) 6,000 acre-feet of future water
23 supply storage contracts; and

24 (ii) future financial obligations for the
25 volume of storage described in clause (i).

1 (B) AMENDMENT TO CONTRACT.—The
2 Secretary shall amend water supply contract
3 No. DACW-41-73-C-0007, between the
4 United States and the State of Missouri, to im-
5 plement the modifications under subparagraph
6 (A).

7 (b) FLOOD RISK MANAGEMENT.—The following
8 project modifications for flood risk management, as identi-
9 fied in a report entitled “Report to Congress on Future
10 Water Resources Development”, and submitted to Con-
11 gress pursuant to section 7001 of the Water Resources
12 Reform and Development Act of 2014 (33 U.S.C. 2282d)
13 or otherwise reviewed by Congress, are authorized to be
14 carried out by the Secretary:

15 (1) Modification of the project for flood risk
16 management, lower Mississippi River, authorized by
17 the Act of May 15, 1928 (chapter 569, 45 Stat.
18 534), to incorporate the Wolf River Backwater and
19 Nonconnah Creek levee systems into the project, au-
20 thorized by section 5 of the Act of June 22, 1936
21 (chapter 688, 49 Stat. 1575; 50 Stat. 881), subject
22 to the determination of the Secretary that such sys-
23 tems meet all requirements applicable to such
24 project.

1 (2) Modification of the project for flood risk
2 management, Red River below Denison Dam, Arkan-
3 sas, Louisiana, and Texas, authorized by the Act of
4 June 28, 1938 (chapter 795, 52 Stat. 1219), to in-
5 corporate the Cherokee Park Levee into the project,
6 subject to the determination of the Secretary that
7 such levee meets all requirements applicable to such
8 project.

9 **SEC. 354. COMPLETION OF MAINTENANCE AND REPAIR AC-**
10 **TIVITIES.**

11 (a) EXPEDITED COMPLETIONS.—

12 (1) UPPER SNAKE RIVER BASIN.—The Sec-
13 retary shall expedite, in coordination with State,
14 Tribal, and local authorities, the completion of main-
15 tenance and repair activities for those elements of
16 the levee systems in the Upper Snake River Basin,
17 authorized pursuant to the Flood Control Act of
18 1950 (64 Stat. 179), that are operated and main-
19 tained by the Secretary.

20 (2) LOWER MISSOURI RIVER BASIN.—The Sec-
21 retary shall expedite, in coordination with State and
22 local authorities and stakeholders, the completion of
23 maintenance and repair activities for those elements
24 of the levee systems in the Lower Missouri River
25 Basin, authorized pursuant to the Pick-Sloan Mis-

1 souri River Basin Program (authorized by section
2 9(b) of the Act of December 22, 1944 (chapter 665,
3 58 Stat. 891)) or the Missouri River Bank Stabiliza-
4 tion and Navigation project (authorized by section 2
5 of the Act of March 2, 1945 (chapter 19, 59 Stat.
6 19)), that are operated and maintained by the Sec-
7 retary.

8 (3) COOS BAY NORTH JETTY SYSTEM, OR-
9 EGON.—The Secretary shall expedite, in coordina-
10 tion with State and local authorities and stake-
11 holders, the completion of maintenance and repair
12 activities for those elements of the Coos Bay North
13 Jetty system, Oregon, authorized by the first section
14 of the Act of January 21, 1927 (chapter 47, 44
15 Stat. 1014), that are operated and maintained by
16 the Secretary.

17 (4) INDIAN RIVER INLET AND BAY, DELA-
18 WARE.—The Secretary shall expedite, in coordina-
19 tion with State and local authorities, the completion
20 of maintenance and repair activities for the elements
21 of the project for navigation, Indian River Inlet and
22 Bay, Delaware, authorized by the Act of August 26,
23 1937 (chapter 832, 50 Stat. 846), that are operated
24 and maintained by the Secretary.

1 (b) SAVINGS PROVISION.—Nothing in this section af-
2 fects the responsibility of the Secretary to comply with the
3 requirements of any Federal law in carrying out the activi-
4 ties required to be expedited by this section.

5 **SEC. 355. PROJECT REAUTHORIZATIONS.**

6 (a) IN GENERAL.—

7 (1) MUDDY RIVER, MASSACHUSETTS.—The sep-
8 arable elements for ecosystem restoration of the
9 project for flood damage reduction and environ-
10 mental restoration, Muddy River, Brookline and
11 Boston, Massachusetts, authorized by section 522 of
12 the Water Resources Development Act of 2000 (114
13 Stat. 2656), and deauthorized pursuant to section
14 6001 of the Water Resources Reform and Develop-
15 ment Act of 2014 (128 Stat. 1345), are authorized
16 to be carried out by the Secretary, subject to sub-
17 section (b).

18 (2) EAST CHESTER CREEK, NEW YORK.—Not-
19 withstanding section 1001 of the Water Resources
20 Development Act of 1986 (33 U.S.C. 579a), the
21 project for navigation, East Chester Creek, New
22 York, authorized by section 101 of the River and
23 Harbor Act of 1950 (64 Stat. 164; 100 Stat. 4181),
24 and deauthorized pursuant to section 1001 of the
25 Water Resources Development Act of 1986 (33

1 U.S.C. 579(a)), is authorized to be carried out by
2 the Secretary, subject to subsection (b).

3 (3) CHRISTIANSTED HARBOR, UNITED STATES
4 VIRGIN ISLANDS.—Notwithstanding section 1002 of
5 the Water Resources Development Act of 1986 (100
6 Stat. 4221), the portion of the project for naviga-
7 tion, Christiansted Harbor, St. Croix, United States
8 Virgin Islands, authorized by section 101 of the
9 River and Harbor Act of 1950 (64 Stat. 167), and
10 deauthorized under section 1002 of the Water Re-
11 sources Development Act of 1986 (100 Stat. 4221),
12 is authorized to be carried out by the Secretary, sub-
13 ject to subsection (b).

14 (4) CHARLOTTE AMALIE (ST. THOMAS) HARBOR,
15 UNITED STATES VIRGIN ISLANDS.—Notwithstanding
16 section 1002 of the Water Resources Development
17 Act of 1986 (100 Stat. 4221), the portion of the
18 project for navigation, Charlotte Amalie (St. Thom-
19 as) Harbor, St. Thomas, United States Virgin Is-
20 lands, authorized by the Act of August 26, 1937
21 (chapter 832, 50 Stat. 850), and deauthorized under
22 section 1002 of the Water Resources Development
23 Act of 1986 (100 Stat. 4221), is authorized to be
24 carried out by the Secretary, subject to subsection
25 (b).

1 (b) REPORT TO CONGRESS.—The Secretary shall
2 complete and submit to the Committee on Transportation
3 and Infrastructure of the House of Representatives and
4 the Committee on Environment and Public Works of the
5 Senate a post-authorization change report (as such term
6 is defined in section 1132(d) of the Water Resources De-
7 velopment Act of 2016 (33 U.S.C. 2282e(d)) prior to car-
8 rying out a project identified in subsection (a).

9 **SEC. 356. CONVEYANCES.**

10 (a) GENERALLY APPLICABLE PROVISIONS.—

11 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

12 The exact acreage and the legal description of any
13 real property to be conveyed under this section shall
14 be determined by a survey that is satisfactory to the
15 Secretary.

16 (2) APPLICABILITY OF PROPERTY SCREENING

17 PROVISIONS.—Section 2696 of title 10, United
18 States Code, shall not apply to any conveyance
19 under this section.

20 (3) COSTS OF CONVEYANCE.—An entity to

21 which a conveyance is made under this section shall
22 be responsible for all reasonable and necessary costs,
23 including real estate transaction and environmental
24 documentation costs, associated with the conveyance.

1 (4) LIABILITY.—An entity to which a convey-
2 ance is made under this section shall hold the
3 United States harmless from any liability with re-
4 spect to activities carried out, on or after the date
5 of the conveyance, on the real property conveyed.
6 The United States shall remain responsible for any
7 liability with respect to activities carried out, before
8 such date, on the real property conveyed.

9 (5) ADDITIONAL TERMS AND CONDITIONS.—
10 The Secretary may require that any conveyance
11 under this section be subject to such additional
12 terms and conditions as the Secretary considers nec-
13 essary and appropriate to protect the interests of the
14 United States.

15 (b) EUFAULA, ALABAMA.—

16 (1) CONVEYANCE AUTHORIZED.—The Secretary
17 shall convey to the City of Eufaula, Alabama, all
18 right, title, and interest of the United States in and
19 to the real property described in the Department of
20 the Army Lease No. DACW01-2-17-0747, con-
21 taining 56.76 acres, more or less, and being a part
22 of Tracts L-1268 (26.12 acres), L-1273 (13.71
23 acres), L-1278 (6.75 acres), and L1279 (10.36
24 acres) of the Walter F. George Lock and Dam and
25 Lake project.

1 (2) DEED.—The Secretary shall convey the
2 property under this subsection by quitclaim deed
3 under such terms and conditions as the Secretary
4 determines appropriate to protect the interests of
5 the United States.

6 (3) CONSIDERATION.—The City of Eufaula,
7 Alabama, shall pay to the Secretary an amount that
8 is not less than the fair market value of the property
9 conveyed under this subsection, as determined by the
10 Secretary.

11 (c) MONTGOMERY, ALABAMA.—

12 (1) CONVEYANCE AUTHORIZED.—The Secretary
13 shall convey to the City of Montgomery, Alabama,
14 all right, title, and interest of the United States in
15 and to the real property described in paragraph (2).

16 (2) PROPERTY.—The property to be conveyed is
17 the 62.38 acres of land and water under the primary
18 jurisdiction of the Secretary in the R.E. “Bob”
19 Woodruff Project Area that is covered by lease num-
20 ber DACW01–1–05–0037, including the parcels and
21 structure known as “Powder Magazine”.

22 (3) DEADLINE.—To the extent practicable, the
23 Secretary shall complete the conveyance under this
24 subsection by not later than 180 days after the date
25 of enactment of this Act.

1 (4) DEED.—The Secretary shall convey the
2 property under this subsection by quitclaim deed
3 under such terms and conditions as the Secretary
4 determines appropriate to protect the interests of
5 the United States, to include retaining the right to
6 inundate with water any land transferred under this
7 subsection.

8 (5) CONSIDERATION.—The City of Mont-
9 gomery, Alabama, shall pay to the Secretary an
10 amount that is not less than the fair market value
11 of the property conveyed under this subsection, as
12 determined by the Secretary.

13 (d) CONVEYANCE OF WILMINGTON HARBOR NORTH
14 DISPOSAL AREA, DELAWARE.—

15 (1) IN GENERAL.—As soon as practicable, the
16 Secretary shall complete the conveyance of the Wil-
17 mington Harbor North Disposal Area confined dis-
18 posal facility, Delaware, to the State of Delaware.

19 (2) DEED.—The Secretary shall convey the
20 property under this subsection by quitclaim deed
21 under such terms and conditions as the Secretary
22 determines appropriate to protect the interests of
23 the United States.

24 (3) CONSIDERATION.—The State of Delaware
25 shall pay to the Secretary an amount that is not less

1 than the fair market value of the property conveyed
2 under this subsection, as determined by the Sec-
3 retary.

4 (e) OHIO RIVER LOCK AND DAM NUMBER 52,
5 MASSAC COUNTY, ILLINOIS.—

6 (1) CONVEYANCE AUTHORIZED.—The Secretary
7 shall convey to the Massac-Metropolis Port District,
8 Illinois, all right, title, and interest of the United
9 States in and to any real property located north of
10 the south bank of the Ohio River in Massac County,
11 Illinois, that is associated with the Ohio River Lock
12 and Dam 52.

13 (2) DEED.—The Secretary shall convey the
14 property under this subsection by quitclaim deed
15 under such terms and conditions as the Secretary
16 determines appropriate to protect the interests of
17 the United States.

18 (3) CONSIDERATION.—The Massac-Metropolis
19 Port District, Illinois, shall pay to the Secretary an
20 amount that is not less than fair market value of the
21 property conveyed under this subsection, as deter-
22 mined by the Secretary.

23 (f) UPPER ST. ANTHONY FALLS LOCK AND DAM,
24 MINNEAPOLIS, MINNESOTA.—

1 (1) CONVEYANCE AUTHORIZED.—As soon as
2 practicable after the date of enactment of this Act,
3 the Secretary shall, upon request—

4 (A) convey, without consideration, to the
5 City of Minneapolis, Minnesota, or its designee,
6 all or substantially all of the real property
7 owned by the United States adjacent to or in
8 the vicinity of the Upper St. Anthony Falls
9 Lock and Dam, subject to the right of the Sec-
10 retary to retain any easements in such property
11 solely to the extent necessary to continue to op-
12 erate and maintain the Upper St. Anthony
13 Falls Lock and Dam; and

14 (B) provide, without consideration, to the
15 City or its designee—

16 (i) access and use rights by license,
17 easement, or similar agreement, to any
18 real property and structures at the site of
19 the Upper St. Anthony Falls Lock and
20 Dam that is not conveyed under subpara-
21 graph (A); and

22 (ii) for any such property retained by
23 the Secretary, exclusive license or easement
24 over such property to allow the City or its
25 designee to construct, use, and operate

1 amenities thereon, and to utilize such
2 property as a comprehensive recreational,
3 touristic, and interpretive experience.

4 (2) OWNERSHIP AND OPERATION OF LOCK AND
5 DAM.—Ownership rights to the Upper St. Anthony
6 Falls Lock and Dam shall not be conveyed under
7 this subsection, and the Secretary shall retain all
8 rights to operate and maintain the Upper St. An-
9 thony Falls Lock and Dam.

10 (3) REVERSION.—If the Secretary determines
11 that the property conveyed under this subsection is
12 not used for a public purpose, all right, title, and in-
13 terest in and to the property shall revert, at the dis-
14 cretion of the Secretary, to the United States.

15 (4) UPPER ST. ANTHONY FALLS LOCK AND DAM
16 DEFINED.—In this subsection, the term “Upper St.
17 Anthony Falls Lock and Dam” means the lock and
18 dam located on Mississippi River Mile 853.9 in Min-
19 neapolis, Minnesota.

20 (g) CLINTON, MISSOURI.—

21 (1) CONVEYANCE AUTHORIZED.—The Secretary
22 shall convey to the City of Clinton, Missouri, without
23 consideration, all right, title, and interest of the
24 United States in and to the real property described
25 in paragraph (2).

1 (2) PROPERTY.—The property to be conveyed is
2 a tract of land situated in the S $\frac{1}{2}$ of Section 12
3 and the N $\frac{1}{2}$ of Section 13, Township 41 North,
4 Range 26 West of the Fifth Principal Meridian,
5 Henry County, Missouri, more particularly described
6 as follows: Beginning at the point of intersection of
7 the north line of said S $\frac{1}{2}$ of Section 12 and the
8 easterly right-of-way of State Highway No. 13;
9 thence easterly along the north line of said S $\frac{1}{2}$ to
10 the northeast corner of the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW
11 $\frac{1}{4}$ of said Section 12; thence southerly along the
12 east line of said W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the
13 southeast corner thereof; thence easterly along the
14 north line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section
15 12 to the southwest corner of the W $\frac{1}{2}$ NW $\frac{1}{4}$ NW
16 $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12; thence in a northeast-
17 erly direction to the northeast corner of said W $\frac{1}{2}$
18 NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence easterly along the
19 north line of said S $\frac{1}{2}$ to the westerly right-of-way
20 of the County Road; thence in a southeasterly and
21 southerly direction along the westerly right-of-way of
22 said County Road approximately 2500 feet to the
23 center of Deer Creek; thence in a southwesterly di-
24 rection along the center of said Deer Creek, approxi-
25 mately 3900 feet to the south line of said N $\frac{1}{2}$ of

1 Section 13; thence westerly along the south line of
2 said N $\frac{1}{2}$ to the easterly right-of-way line of the St.
3 Louis-San Francisco Railroad; thence in a north-
4 westerly direction along the easterly right-of-way of
5 said railroad to the easterly right-of-way of said
6 State Highway No. 13; thence in a northeasterly di-
7 rection along the easterly right-of-way of said State
8 Highway No. 13 to the point of the beginning; and
9 including a roadway easement for ingress and
10 egress, described as a strip of land 80 feet in width,
11 lying 40 feet on each side of the following described
12 line, the initial extremities of the following described
13 strip being extended or reduced as required to ex-
14 actly adjoin the boundary lines which they meet, sit-
15 uated in the S $\frac{1}{2}$ of Section 12, Township 41 North
16 Range 26 West of the Fifth Principal Meridian,
17 Henry County, Missouri, more particularly described
18 as follows: Commencing at the center of said Section
19 12, thence S1°24'56"W, 1265.52 feet to a point,
20 thence N88°29'02"W, 483.97 feet to the point of
21 beginning of the strip of land herein described;
22 thence in a northeasterly direction along a curve to
23 the right, said curve having an initial tangent bear-
24 ing of N3°44'41"E, a radius of 238.73 feet and an
25 interior angle of 61°29'26", an arc distance of

1555

1 256.21 feet to a point; thence N65°14'07"E 218.58
2 feet to a point; thence in a northeasterly direction
3 along a curve to the left, having a radius of 674.07
4 feet and an interior angle of 36°00'01", an arc dis-
5 tance of 423.53 feet to a point; thence
6 N29°14'07"E, 417.87 feet to a point; thence north-
7 easterly along a curve to the right, having a radius
8 of 818.51 feet and an interior angle of 14°30'01",
9 an arc distance of 207.15 feet to a point; thence
10 N43°44'07"E, 57.00 feet to the southerly right-of-
11 way line of a county road, containing 2,948 acres,
12 more or less; Excluding therefrom a tract of land
13 situated in the S ½ of said Section 12, said Town-
14 ship and Range, described as commencing at the
15 center of said Section 12; thence S1°24'56"W,
16 1265.52 feet to the point of beginning of the tract
17 of land herein described; thence N88°29'02"W,
18 1122.50 feet; thence S1°43'26"W, 872.62 feet;
19 thence S88°29'02"E, 1337.36 feet; thence
20 N1°43'26"E, 872.62 feet; thence N88°29'02"W,
21 214.86 feet to the point of beginning, containing
22 26.79 acres, more or less. The above described tract
23 contains, in the aggregate, 177.69 acres, more or
24 less.

1 (3) DEED.—The Secretary shall convey the
2 property under this subsection by quitclaim deed
3 under such terms and conditions as the Secretary
4 determines appropriate to protect the interests of
5 the United States.

6 (4) REVERSION.—If the Secretary determines
7 that the property conveyed under this subsection is
8 not being used for a public purpose, all right, title,
9 and interest in and to the property shall revert, at
10 the discretion of the Secretary, to the United States.

11 (h) CITY OF CLINTON, OLD ORCHARD ADDITION,
12 MISSOURI.—

13 (1) CONVEYANCE AUTHORIZED.—The Secretary
14 shall convey to the City of Clinton, Missouri, all
15 right, title, and interest of the United States in and
16 to the real property described in paragraph (2).

17 (2) PROPERTY.—The property to be conveyed is
18 Lot 28 in Old Orchard Addition, a subdivision of the
19 City of Clinton, Henry County, Missouri, containing
20 0.36 acres, more or less, including any improve-
21 ments thereon.

22 (3) DEED.—The Secretary shall convey the
23 property under this subsection by quitclaim deed
24 under such terms and conditions as the Secretary
25 determines appropriate to protect the interests of

1 the United States, including such reservations,
2 terms, and conditions as the Secretary determines
3 necessary to allow the United States to operate and
4 maintain the Harry S. Truman Reservoir Project.

5 (4) CONSIDERATION.—The City of Clinton,
6 Missouri, shall pay to the Secretary an amount that
7 is not less than the fair market value of the property
8 conveyed under this subsection, as determined by the
9 Secretary.

10 (i) TRI-COUNTY LEVEE DISTRICT, MISSOURI.—

11 (1) CONVEYANCE AUTHORIZED.—The Secretary
12 shall convey to the Tri-County Levee District, Mis-
13 souri, all right, title, and interest of the United
14 States in and to the real property described in para-
15 graph (2).

16 (2) PROPERTY.—The property to be conveyed is
17 the part of Sections 1 and 12 Township 45 North
18 Range 6 West of the 5th P.M. in Montgomery Coun-
19 ty, Missouri, described as follows: A tract of land
20 being 60' wide and lying South and East of and ad-
21 joining the centerline of the existing levee and being
22 described as follows: Commencing at the NW corner
23 of Section 12, thence S 87° 52' 35" E 587.4',
24 thence S 01° 29' 25" W 453.68' to the point of the
25 beginning; said point being in the center of the levee,

1 thence with the centerline of the levee N 77° 01' 30''
2 E 164.92', thence N 74° 26' 55'' E 250.0', thence
3 N 72° 27' 55'' E 270.0', thence N 69° 06' 10'' E
4 300.0', thence N 66° 42' 15'' E 500.0', thence N
5 64° 14' 30'' E 270.0', thence N 61° 09' 10'' E
6 800.0', thence N 60° 58' 15'' E 1724.45', thence
7 leaving the centerline S 01° 10' 35'' W 69.43',
8 thence parallel with the above described centerline S
9 60° 58' 15'' W 1689.62', thence S 61° 09' 10'' W
10 801.71', thence S 64° 14' 30'' W 272.91', thence S
11 66° 42' 15'' W 502.55', thence S 69° 06' 10'' W
12 303.02', thence S 72° 27' 55'' W 272.8', thence S
13 74° 26' 55'' W 252.39', thence S 77° 01' 30'' W
14 181.75', thence leaving the South side of the levee
15 N 01° 26' 25'' E 61.96' to the point of beginning
16 and containing 5.89 acres more or less.

17 (3) DEED.—The Secretary shall convey the
18 property under this subsection by quitclaim deed
19 under such terms and conditions as the Secretary
20 determines appropriate to protect the interests of
21 the United States.

22 (4) CONSIDERATION.—The Tri-County Levee
23 District, Missouri, shall pay to the Secretary an
24 amount that is not less than the fair market value

1 of the property conveyed under this subsection, as
2 determined by the Secretary.

3 (j) JUDGE JOSEPH BARKER, JR., HOUSE, OHIO.—

4 (1) NON-FEDERAL ENTITY.—In this subsection,
5 the term “non-Federal entity” means the Friends of
6 Joseph Barker, Jr., House, a nonprofit organization
7 in the State of Ohio.

8 (2) CONVEYANCE AUTHORIZED.—

9 (A) IN GENERAL.—Subject to paragraph
10 (6), the Secretary shall convey to the non-Fed-
11 eral entity, without consideration, all right,
12 title, and interest of the United States in and
13 to the property described in paragraph (3)(A).

14 (B) EASEMENT.—Upon conveyance of the
15 property under subparagraph (A), the Secretary
16 shall provide to the non-Federal entity, without
17 consideration, an easement over the property
18 described in paragraph (3)(B) for access to the
19 conveyed property for as long as the non-Fed-
20 eral entity is in legal possession of the conveyed
21 property.

22 (3) DESCRIPTIONS OF PROPERTY.—

23 (A) IN GENERAL.—The property referred
24 to in paragraph (2)(A) is the following (as in
25 existence on the date of enactment of this Act):

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1 (i) JUDGE JOSEPH BARKER, JR.,
2 HOUSE.—The tract of land situated in the
3 State of Ohio, Washington County, on the
4 Ohio River, and being particularly bounded
5 and described as follows: Beginning at a
6 point located on the southern right-of-way
7 line of Ohio Route 7, a new corner to the
8 land now or formerly owned by the United
9 States of America; thence, leaving the
10 right-of-way of said Route 7 and severing
11 the land of said United States of America
12 parallel to and approximately 10 feet eas-
13 terly of the toe of the existing dredge dis-
14 posal berm, southeasterly approximately
15 326 feet to a point prior to the current
16 Corps of Engineers access to the dredging
17 spoil area; thence, northeasterly approxi-
18 mately 480 feet paralleling the top of the
19 slope to the riverbank side of the house
20 and approximately 25 feet northerly there-
21 from; thence, northwest approximately 302
22 feet to a point in the southern right-of-way
23 of Ohio Route 7; thence with the right-of-
24 way of said Route 7, southwesterly ap-

1 proximately 485 feet to the point of begin-
2 ning, containing approximately 3.51 acres.

3 (ii) ROAD TRACT.—The tract of land
4 situated in the State of Ohio, Washington
5 County, on the Ohio River, and being par-
6 ticularly bounded and described as follows:
7 Beginning at a point located on the south-
8 ern right-of-way line of Ohio Route 7, a
9 new corner to the land now or formerly
10 owned by the United States of America;
11 thence, leaving the right-of-way of said
12 Route 7 and severing the land of said
13 United States of America and with the
14 House Parcel southeasterly 25 feet; thence,
15 northeast, running parallel to said Route 7
16 right-of-way, approximately 994 feet to a
17 point of deflection; thence northeasterly
18 368 feet to a point beyond the existing
19 fence corner; thence, east 140 feet to the
20 edge of the existing Willow Island access
21 road; thence with said access road, north-
22 westerly approximately 62 feet to a point
23 in the southern right-of-way of Ohio Route
24 7; thence with the right-of-way of said
25 Route 7, southwesterly approximately

1 1,491 feet to the point of beginning, con-
2 taining approximately 1 acre.

3 (B) EASEMENT.—The property referred to
4 in paragraph (2)(B) is the following: The tract
5 of land situated in the State of Ohio, Wash-
6 ington County, on the Ohio River, and being
7 particularly bounded and described as follows:
8 Beginning at a point at the intersection of the
9 southern right-of-way of Ohio Route 7 and the
10 northeast side of the existing Willow Island ac-
11 cess road, a new corner to the land now or for-
12 merly owned by the United States of America;
13 thence, southwest, running with said Route 7
14 right-of-way, approximately 30 feet to a point
15 on the southwest side of the existing access
16 road, and corner to the road tract; thence with
17 said access road and the line of the road parcel,
18 southeasterly approximately 62 feet to a point;
19 thence leaving the road parcel and crossing the
20 existing access road northeasterly approxi-
21 mately 30 feet to a point located on the north-
22 east side of the existing access road; thence,
23 northwesterly approximately 62 feet, to the
24 point of beginning, containing approximately
25 0.04 acre.

1 (4) DEED.—The Secretary shall convey the
2 property under this subsection by quitclaim deed
3 under such terms and conditions as the Secretary
4 determines appropriate to protect the interests of
5 the United States.

6 (5) REVERSION.—If the Secretary determines
7 that the property conveyed under this subsection is
8 not being used by the non-Federal entity for a public
9 purpose, all right, title, and interest in and to the
10 property shall revert, at the discretion of the Sec-
11 retary, to the United States.

12 (6) REQUIREMENTS.—

13 (A) IMPROVEMENTS; ENVIRONMENTAL AS-
14 SESSMENT.—

15 (i) IMPROVEMENTS.—The Secretary
16 shall make such improvements and alter-
17 ations to the property described in para-
18 graph (3)(A)(i) as the Secretary, in con-
19 sultation with the non-Federal entity and
20 relevant stakeholders, determines to be ap-
21 propriate to facilitate conveyance of the
22 property and provision of the easement
23 under this subsection.

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1 (ii) ENVIRONMENTAL ASSESSMENT.—

2 Before making a conveyance under para-
3 graph (2), the Secretary shall—

4 (I) conduct, with respect to the
5 property to be conveyed, an assess-
6 ment of the environmental condition
7 of the property, including an inves-
8 tigation of any potential hazardous,
9 toxic, or radioactive waste present on
10 such property; and

11 (II) submit to the non-Federal
12 entity a report describing the results
13 of such assessment.

14 (iii) LIMITATION.—The total cost of
15 the activities carried out by the Secretary
16 under this subparagraph shall be not more
17 than \$120,000.

18 (B) REFUSAL BY NON-FEDERAL ENTITY.—

19 (i) IN GENERAL.—Upon review by the
20 non-Federal entity of the report under sub-
21 paragraph (A)(ii), the non-Federal entity
22 may elect to refuse the conveyance under
23 this subsection.

24 (ii) ELECTION.—An election under
25 clause (i)—

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1 (I) shall be at the sole discretion
2 of the non-Federal entity; and

3 (II) shall be made by the non-
4 Federal entity by not later than the
5 date that is 30 days after the date of
6 submission of the report under sub-
7 paragraph (A)(ii)(II).

8 (C) DREDGED MATERIAL PLACEMENT AC-
9 TIVITIES.—The Secretary shall—

10 (i) notify and coordinate with the non-
11 Federal entity and relevant stakeholders
12 before carrying out any dredged material
13 placement activities associated with the
14 property described in paragraph (3)(A)
15 after the date on which such property is
16 conveyed under this subsection; and

17 (ii) in carrying out a dredged material
18 placement activity under clause (i), act in
19 accordance with Engineer Manual EM
20 1110–2–5025 (or a subsequent version of
21 that manual).

22 (7) RESERVATION OF RIGHTS.—The Secretary
23 may reserve and retain from any conveyance under
24 this subsection a right-of-way or any other right that
25 the Secretary determines to be necessary for the op-

1 eration and maintenance of the authorized Federal
2 channel along the Ohio River.

3 (8) TREATMENT.—Conveyance to the non-Fed-
4 eral entity under this subsection of property de-
5 scribed in paragraph (3)(A)(i) shall satisfy all obli-
6 gations of the Secretary with respect to such prop-
7 erty under—

8 (A) section 306101 of title 54, United
9 States Code; and

10 (B) section 306108 of title 54, United
11 States Code, with respect to the effects on the
12 property of dredged material placement activi-
13 ties carried out by the Secretary after the date
14 of the conveyances.

15 (9) INAPPLICABILITY.—Subtitle I of title 40,
16 and chapter 4 of title 41, United States Code shall
17 not apply to any conveyance or easement provided
18 under this subsection.

19 (k) LEABURG FISH HATCHERY, LANE COUNTY, OR-
20 EGON.—

21 (1) CONVEYANCE AUTHORIZED.—Subject to the
22 provisions of this subsection, the Secretary shall con-
23 vey, without consideration, to the State of Oregon,
24 acting through the Oregon Department of Fish and
25 Wildlife, all right, title, and interest of the United

1 States in and to the real property comprising the
2 Leaburg Fish Hatchery, consisting of approximately
3 21.55 acres, identified as tracts Q-1500, Q-1501E,
4 and 300E-1 and described in Department of the
5 Army Lease No. DACW57-1-18-0009, together
6 with any improvements on the property.

7 (2) WATER RIGHTS.—The Secretary may trans-
8 fer to the State of Oregon, acting through the Or-
9 egon Department of Fish and Wildlife, any water
10 rights held by the United States that are appur-
11 tenant to the property conveyed under this sub-
12 section.

13 (3) DEED.—The Secretary shall convey the
14 property under this subsection by quitclaim deed
15 under such terms and conditions as the Secretary
16 determines appropriate to protect the interests of
17 the United States, including a condition that all of
18 the property conveyed under this subsection be used
19 and maintained by the State of Oregon for the pur-
20 pose of operating a fish hatchery in perpetuity.

21 (4) REVERSION.—If the Secretary determines
22 that the property conveyed under this subsection is
23 not being used or maintained by the State of Oregon
24 for the purpose of operating a fish hatchery in per-
25 petuity, all or any portion of the property, including

1 any water rights transferred under this subsection,
2 shall, at the option of the Secretary, revert to the
3 United States.

4 (5) SAVINGS CLAUSE.—If the State of Oregon
5 does not accept the conveyance under this sub-
6 section, the Secretary may dispose of the property,
7 including appurtenant water rights, under sub-
8 chapter III of chapter 5 of title 40, United States
9 Code.

10 (1) WILLAMETTE FALLS LOCKS, WILLAMETTE
11 RIVER, OREGON.—

12 (1) DEFINITIONS.—In this section:

13 (A) REAL ESTATE APPENDIX.—The term
14 “real estate appendix” means Appendix A of
15 the document published by the District Com-
16 mander of the Portland District of the Corps of
17 Engineers, titled “Willamette Falls Locks Wil-
18 lamette River Oregon Section 216 Disposition
19 Study with Integrated Environmental Assess-
20 ment”.

21 (B) RECEIVING ENTITY.—The term “re-
22 ceiving entity” means an entity identified by the
23 State of Oregon, in consultation with the Wil-
24 lamette Falls Locks Commission, to receive the
25 conveyance under paragraph (2).

1 (C) WILLAMETTE FALLS LOCKS
2 PROJECT.—The term “Willamette Falls Locks
3 project” means the project for navigation, Wil-
4 lamette Falls Locks, Willamette River, Oregon,
5 authorized by the Act of June 25, 1910 (36
6 Stat. 664, chapter 382).

7 (D) WILLAMETTE FALLS LOCKS RE-
8 PORT.—The term “Willamette Falls Locks re-
9 port” means the memorandum of the Director
10 of Civil Works with the subject “Willamette
11 Falls Locks (WFL), Willamette River Oregon
12 Section 216 Disposition Study with Integrated
13 Environmental Assessment (Study)”, dated
14 July 11, 2019.

15 (2) CONVEYANCE AUTHORIZED.—The Secretary
16 is authorized to convey to the receiving entity, with-
17 out consideration, all right, title, and interest of the
18 United States in and to any land in which the Fed-
19 eral Government has a property interest for the Wil-
20 lamette Falls Locks project, together with any im-
21 provements on the land, subject to the requirements
22 of this subsection and in accordance with the Wil-
23 lamette Falls Locks report.

24 (3) DEED.—The Secretary shall convey the
25 property under this subsection by quitclaim deed

1 under such terms and conditions as the Secretary
2 determines appropriate to protect the interests of
3 the United States.

4 (4) SUBJECT TO EXISTING EASEMENTS AND
5 OTHER INTERESTS.—The conveyance of property
6 under paragraph (2) shall be subject to all existing
7 deed reservations, easements, rights-of-way, and
8 leases that are in effect as of the date of the convey-
9 ance.

10 (5) REVERSION.—If the Secretary determines
11 that the property conveyed under this subsection
12 cease to be held in public ownership, all right, title,
13 and interest in and to the property shall revert, at
14 the discretion of the Secretary, to the United States.

15 (6) REQUIREMENTS BEFORE CONVEYANCE.—

16 (A) PERPETUAL ROAD EASEMENT.—Be-
17 fore making the conveyance under paragraph
18 (2), the Secretary shall acquire a perpetual
19 road easement from an adjacent property owner
20 for use of an access road, which easement shall
21 convey with the property conveyed under such
22 paragraph.

23 (B) ENVIRONMENTAL COMPLIANCE.—Be-
24 fore making the conveyance under paragraph
25 (2), in accordance with the real estate appendix,

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1 the Secretary shall complete a Phase 1 Envi-
2 ronmental Site Assessment pursuant to the
3 Comprehensive Environmental Response, Com-
4 pensation, and Liability Act of 1980 (42 U.S.C.
5 9601 et seq.).

6 (C) HISTORIC PRESERVATION.—The Sec-
7 retary may enter into a memorandum of agree-
8 ment with the Oregon State Historic Preserva-
9 tion Office and the Advisory Council on His-
10 toric Preservation that identifies actions the
11 Secretary shall take before making the convey-
12 ance under paragraph (2).

13 (D) REPAIRS.—Before making the convey-
14 ance under paragraph (2), the Secretary shall
15 carry out repairs to address primary seismic
16 and safety risks in accordance with the rec-
17 ommendations approved in the Willamette Falls
18 Locks report.

19 (7) DEAUTHORIZATION.—Beginning on the
20 date on which the Secretary makes the conveyance
21 under paragraph (2), the Willamette Falls Locks
22 project is no longer authorized.

1 **SEC. 357. LAKE EUFAULA ADVISORY COMMITTEE.**

2 Section 3133(b) of the Water Resources Development
3 Act of 2007 (121 Stat. 1141) is amended by adding at
4 the end the following:

5 “(5) **TERMINATION.**—The committee shall ter-
6minate on the date that is 30 days after the date on
7which the committee submits final recommendations
8to the Secretary.”.

9 **SEC. 358. REPEAL OF MISSOURI RIVER TASK FORCE,**
10 **NORTH DAKOTA.**

11 (a) **IN GENERAL.**—Section 705 of the Water Re-
12sources Development Act of 2000 (114 Stat. 2696) is re-
13pealed.

14 (b) **CONFORMING AMENDMENTS.**—

15 (1) **PURPOSES.**—Section 702(b)(3) of the
16Water Resources Development Act of 2000 (114
17Stat. 2695) is amended by inserting “prepared
18under section 705(e) (as in effect on the day before
19the date of enactment of the Water Resources Devel-
20opment Act of 2020)” before the period at the end.

21 (2) **DEFINITIONS.**—Section 703 of the Water
22Resources Development Act of 2000 (114 Stat.
232695) is amended—

24 (A) by striking paragraphs (2) and (4);

25 and

1 (B) by redesignating paragraphs (3) and
2 (5) as paragraphs (2) and (3), respectively.

3 **SEC. 359. REPEAL OF MISSOURI RIVER TASK FORCE, SOUTH**
4 **DAKOTA.**

5 (a) IN GENERAL.—Section 905 of the Water Re-
6 sources Development Act of 2000 (114 Stat. 2709) is re-
7 pealed.

8 (b) CONFORMING AMENDMENTS.—

9 (1) PURPOSES.—Section 902(b)(3) of the
10 Water Resources Development Act of 2000 (114
11 Stat. 2708) is amended by inserting “prepared
12 under section 905(e) (as in effect on the day before
13 the date of enactment of the Water Resources Devel-
14 opment Act of 2020)” before the period at the end.

15 (2) DEFINITIONS.—Section 903 of the Water
16 Resources Development Act of 2000 (114 Stat.
17 2708) is amended—

18 (A) by striking paragraphs (2) and (4);

19 and

20 (B) by redesignating paragraphs (3) and
21 (5) as paragraphs (2) and (3), respectively.

22 **SEC. 360. CONFORMING AMENDMENTS.**

23 (a) Section 710 of the Water Resources Development
24 Act of 1986 (33 U.S.C. 2264), and the item relating to
25 such section in the table of contents, are repealed.

1 (b) Section 1001 of the Water Resources Develop-
2 ment Act of 1986 (33 U.S.C. 579a) is amended—

3 (1) in subsection (b), by striking paragraph (2)
4 and redesignating paragraph (3) as paragraph (2);
5 and

6 (2) by striking subsection (c).

7 (c) Section 1001 of the Water Resources Reform and
8 Development Act of 2014 (33 U.S.C. 2282c) is amend-
9 ed—

10 (1) in subsection (d)—

11 (A) in paragraph (1), by striking “Not-
12 withstanding the requirements of subsection (c),
13 the Secretary” and inserting “The Secretary”;

14 (B) by striking “subsections (a) and (c)”
15 each place it appears and inserting “subsection
16 (a)”;

17 (C) by striking paragraph (4); and

18 (2) by striking subsection (c) and redesignating
19 subsections (d) through (g) as subsections (c)
20 through (f), respectively.

21 (d) Section 6003 of the Water Resources Reform and
22 Development Act of 2014 (33 U.S.C. 579c), and the item
23 relating to such section in the table of contents, are re-
24 pealed.

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1 (e) Section 1301 of the Water Resources Develop-
2 ment Act of 2016 (33 U.S.C. 579d), and the item relating
3 to such section in the table of contents, are repealed.

4 (f) Section 1302 of the Water Resources Develop-
5 ment Act of 2016 (33 U.S.C. 579e–1), and the item relat-
6 ing to such section in the table of contents, are repealed.

7 (g) Section 1301 of the Water Resources Develop-
8 ment Act of 2018 (33 U.S.C. 579d–1), and the item relat-
9 ing to such section in the table of contents, are repealed.

10 (h) Section 1302 of the Water Resources Develop-
11 ment Act of 2018 (33 U.S.C. 579e–2), and the item relat-
12 ing to such section in the table of contents, are repealed.

13 **TITLE IV—WATER RESOURCES**
14 **INFRASTRUCTURE**

15 **SEC. 401. PROJECT AUTHORIZATIONS.**

16 The following projects for water resources develop-
17 ment and conservation and other purposes, as identified
18 in the reports titled “Report to Congress on Future Water
19 Resources Development” submitted to Congress pursuant
20 to section 7001 of the Water Resources Reform and Devel-
21 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-
22 viewed by Congress, are authorized to be carried out by
23 the Secretary substantially in accordance with the plans,
24 and subject to the conditions, described in the respective
25 reports or decision documents designated in this section:

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1 (1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AK	Port of Nome Modifications	May 29, 2020	Federal: \$378,908,000 Non-Federal: \$126,325,000 Total: \$505,233,000
2. AK	St. George Harbor Improvement, St. George	August 13, 2020	Federal: \$147,874,000 Non-Federal: \$16,508,000 Total: \$164,382,000
3. AK	Unalaska (Dutch Harbor) Chan- nels	February 7, 2020	Federal: \$26,967,000 Non-Federal: \$8,989,000 Total: \$35,956,000
4. CT	New Haven Har- bor Navigation Improvement Project	May 7, 2020	Federal: \$55,250,000 Non-Federal: \$19,442,000 Total: \$74,692,000
5. NY, NJ	New York and New Jersey Harbor Anchor- ages	April 23, 2020	Federal: \$19,550,000 Non-Federal: \$6,520,000 Total: \$26,070,000
6. TX	Gulf Intracoastal Waterway, Brazos River Floodgates and Colorado River Locks	October 23, 2019	Total: \$414,144,000
7. TX	Houston Ship Channel Expan- sion Channel Improvement Project, Harris, Chambers, and Galveston Counties	April 23, 2020	Federal: \$625,204,000 Non-Federal: \$260,431,000 Total: \$885,635,000
8. TX	Matagorda Ship Channel Im- provement Project, Port Lavaca	November 15, 2019	Federal: \$140,156,000 Non-Federal: \$80,500,000 Total: \$220,656,000

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A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
9. VA	Atlantic Intra-coastal Waterway, North Landing Bridge Replacement	August 25, 2020	Federal: \$102,755,000 Non-Federal: \$0 Total: \$102,755,000

1 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AZ	Little Colorado River at Winslow, Navajo County	December 14, 2018	Federal: \$54,260,000 Non-Federal: \$29,217,000 Total: \$83,477,000
2. CA	Westminster, East Garden Grove, California Flood Risk Management	July 9, 2020	Federal: \$324,905,000 Non-Federal: \$940,191,000 Total: \$1,265,096,000
3. CT, NY	Westchester County Streams, Byram River Basin, Fairfield County, Connecticut, and Westchester County, New York	May 7, 2020	Federal: \$15,199,000 Non-Federal: \$15,199,000 Total: \$30,397,000
4. KY	Louisville Metropolitan Flood Protection System Reconstruction, Jefferson and Bullitt Counties	October 27, 2020	Federal: \$122,170,000 Non-Federal: \$65,917,000 Total: \$188,087,000
5. ND	Souris River Basin Flood Risk Management	April 16, 2019	Federal: \$59,582,915 Non-Federal: \$32,364,085 Total: \$91,947,000

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A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. NJ	Peckman River Basin	April 29, 2020	Federal: \$98,137,000 Non-Federal: \$52,843,000 Total: \$150,980,000
7. NM	Middle Rio Grande Flood Protection, Bernalillo to Belen	March 13, 2020	Federal: \$201,944,451 Non-Federal: \$108,740,000 Total: \$310,684,000
8. OK	Tulsa and West-Tulsa Levee System, Tulsa County	April 23, 2020	Federal: \$89,311,000 Non-Federal: \$48,091,000 Total: \$137,402,000
9. PR	Rio Culebrinas at Aguiadilla and Aguada	August 17, 2020	Federal: \$17,295,600 Non-Federal: \$8,568,400 Total: \$25,864,000
10. PR	Rio Guayanilla Flood Risk Management, Guayanilla	August 13, 2020	Federal: \$103,422,000 Non-Federal: \$55,689,000 Total: \$159,111,000
11. PR	Rio Grande de Manati Flood Risk Management, Ciales	November 18, 2020	Federal: \$9,770,000 Non-Federal: \$4,520,000 Total: \$14,290,000
12. USVI	Savan Gut, St. Thomas	August 24, 2020	Federal: \$48,658,100 Non-Federal: \$25,455,900 Total: \$74,114,000
13. USVI	Turpentine Run, St. Thomas	August 17, 2020	Federal: \$29,817,850 Non-Federal: \$15,311,150 Total: \$45,129,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCTION.—

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A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. DE	Delaware Beneficial Use of Dredged Material for the Delaware River	March 6, 2020	Initial Federal: \$66,464,000 Initial Non-Federal: \$35,789,000 Total: \$102,253,000 Renourishment Federal: \$120,023,000 Renourishment Non-Federal: \$120,023,000 Renourishment Total: \$240,046,000
2. NJ	New Jersey Beneficial Use of Dredged Material for the Delaware River	April 8, 2020	Initial Federal: \$84,071,000 Initial Non-Federal: \$45,270,000 Total: \$129,341,000 Renourishment Federal: \$85,495,000 Renourishment Non-Federal: \$85,495,000 Renourishment Total: \$170,990,000
3. NJ	Rahway River Basin, New Jersey Coastal Storm Risk Management	June 9, 2020	Federal: \$48,322,000 Non-Federal: \$26,020,000 Total: \$74,342,000
4. NJ	Raritan Bay and Sandy Hook Bay, Highlands	August 25, 2020	Federal: \$107,680,000 Non-Federal: \$57,981,000 Total: \$165,661,000
5. NY	East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, Atlantic Coast of New York	August 22, 2019	Initial Federal: \$638,460,000 Initial Non-Federal: \$0 Total: \$638,460,000 Renourishment Federal: \$200,924,000 Renourishment Non-Federal: \$200,924,000 Renourishment Total: \$401,847,000

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A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. NY	Fire Island Inlet to Montauk Point, New York Reformulation	July 9, 2020	Initial Federal: \$1,576,790,000 Initial Non-Federal: \$0 Total: \$1,576,790,000 Renourishment Federal: \$767,695,000 Renourishment Non-Federal: \$767,695,000 Renourishment Total: \$1,535,390,000
7. NY	Hashamomuck Cove Coastal Storm Risk Management	December 9, 2019	Initial Federal: \$11,920,000 Initial Non-Federal: \$6,418,000 Total: \$18,338,000 Renourishment Federal: \$24,237,000 Renourishment Non-Federal: \$24,237,000 Renourishment Total: \$48,474,000
8. RI	Pawcatuck River Coastal Storm Risk Management Project	December 19, 2018	Federal: \$37,679,000 Non-Federal: \$20,289,000 Total: \$57,968,000
9. VA	Norfolk Coastal Storm Risk Management	February 5, 2019	Federal: \$942,920,000 Non-Federal: \$507,730,000 Total: \$1,450,650,000

1 (4) FLOOD RISK MANAGEMENT AND ECO-
2 SYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CO	South Platte River and Tributaries, Adams and Denver Counties	July 29, 2019	Federal: \$344,076,000 Non-Federal: \$206,197,000 Total: \$550,273,000

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1 (5) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	Delta Islands and Levees	December 18, 2018	Federal: \$17,251,000 Non-Federal: \$9,289,000 Total: \$26,540,000
2. CA	Malibu Creek Ecosystem Restoration, Los Angeles and Ventura Counties	November 13, 2020	Federal: \$172,249,000 Non-Federal: \$106,960,000 Total: \$279,209,000
3. CA	Yuba River Ecosystem Restoration	June 20, 2019	Federal: \$66,975,000 Non-Federal: \$36,064,000 Total: \$103,039,000
4. CO, NM, TX	Rio Grande, Environmental Management Program, Sandia Pueblo to Isleta Pueblo, New Mexico, Ecosystem Restoration	August 5, 2019	Federal: \$16,998,000 Non-Federal: \$9,153,000 Total: \$26,151,000
5. FL	Comprehensive Everglades Restoration Plan, Loxahatchee River Watershed Restoration Project, Martin and Palm Beach Counties	April 8, 2020	Federal: \$379,583,000 Non-Federal: \$375,737,000 Total: \$755,320,000
6. IA, MO	Grand River Basin Ecosystem Restoration	November 18, 2020	Federal: \$78,876,000 Non-Federal: \$42,471,000 Total: \$121,347,000

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A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
7. IL	The Great Lakes and Mississippi River Interbasin Study - Brandon Road, Will County	May 23, 2019	Federal: \$557,730,550 Non-Federal: \$300,316,450 Total: \$858,047,000
8. IL	South Fork of the South Branch of the Chicago River, Bubbly Creek, Ecosystem Restoration	July 9, 2020	Federal: \$11,657,000 Non-Federal: \$6,277,000 Total: \$17,934,000
9. MD	Anacostia Watershed Restoration, Prince George's County	December 19, 2018	Federal: \$25,866,750 Non-Federal: \$13,928,250 Total: \$39,795,000
10. MO	St. Louis Riverfront-Meramec River Basin Ecosystem Restoration	November 1, 2019	Federal: \$61,362,893 Non-Federal: \$33,042,107 Total: \$94,405,000
11. NY, NJ	Hudson-Raritan Estuary Ecosystem Restoration	May 26, 2020	Federal: \$273,933,000 Non-Federal: \$147,502,000 Total: \$421,435,000
12. NY	Hudson River Habitat Restoration	November 19, 2020	Federal: \$33,479,000 Non-Federal: \$11,159,000 Total: \$44,638,000
13. TX	Jefferson County Ecosystem Restoration	September 12, 2019	Federal: \$38,942,000 Non-Federal: \$20,969,000 Total: \$59,911,000

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(6) WATER SUPPLY.—

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A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. OR	Willamette River Basin Review Reallocation,	December 18, 2019	Federal: \$0 Non-Federal: \$0 Total: \$0

1 (7) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. CA	San Luis Rey Flood Control Project, San Diego County	July 24, 2020	Federal: \$143,407,500 Non-Federal: \$47,802,500 Total: \$191,210,000
2. FL	Caloosahatchee River West Basin Storage Reservoir (C-43 WBSR)	July 24, 2020	Federal: \$514,999,000 Non-Federal: \$514,999,000 Total: \$1,029,998,000
3. FL	Central and Southern Flor- ida, Canal 111 (C-111) South Dade Project	September 15, 2020	Federal: \$66,736,500 Non-Federal: \$66,736,500 Total: \$133,473,000
4. KY	Kentucky Lock	June 9, 2020	Total: \$1,166,809,000
5. NC	Carolina Beach Integrated Beach Re- nourishment	June 16, 2020	Federal: \$25,125,000 Non-Federal: \$25,125,000 Total: \$50,250,000
6. NC	Wrightsville Beach	July 2, 2020	Federal: \$60,068,000 Non-Federal: \$18,486,000 Total: \$78,554,000 Renourishment Federal: \$18,918,900 Renourishment Non-Federal: \$10,187,100 Renourishment Total: \$29,106,000

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A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
7. TX	Corpus Christi Ship Channel, Deepening and Widening and Barge Shelves	May 4, 2020	Federal: \$406,343,000 Non-Federal: \$275,274,000 Total: \$681,617,000
8. VA	Atlantic Intra-coastal Waterway Deep Creek Bridge Replacement	October 19, 2020	Federal: \$59,500,000 Non-Federal: \$0 Total: \$59,500,000

1 **SEC. 402. SPECIAL RULES.**

2 (a) GREAT LAKES AND MISSISSIPPI RIVER
3 INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY,
4 ILLINOIS.—The Secretary shall carry out the project for
5 ecosystem restoration, Great Lakes and Mississippi River
6 Interbasin project, Brandon Road, Will County, Illinois,
7 authorized by section 401 of this Act, substantially in ac-
8 cordance with the terms and conditions described in the
9 Report of the Chief of Engineers, dated May 23, 2019,
10 with the following modifications:

11 (1) The Federal share of the cost of construc-
12 tion shall be 80 percent.

13 (2) The Secretary may include the addition or
14 substitution of technologies or measures not de-
15 scribed in the report, as the Secretary determines to
16 be advisable.

1 (b) EAST ROCKAWAY INLET TO ROCKAWAY INLET
2 AND JAMAICA BAY REFORMULATION, NEW YORK.—The
3 project for hurricane and storm damage reduction, East
4 Rockaway Inlet to Rockaway Inlet and Jamaica Bay, At-
5 lantic Coast of New York, authorized by section 401 of
6 this Act, shall be considered to be a continuation of the
7 interim response to the authorization by the House of
8 Representatives dated September 20, 1997, and the au-
9 thorization under the heading “Department of the
10 Army—Corps of Engineers—Civil—Construction” under
11 chapter 4 of title X of the Disaster Relief Appropriations
12 Act, 2013 (127 Stat. 24).

13 (c) TULSA AND WEST-TULSA LEVEE SYSTEM, TULSA
14 COUNTY, OKLAHOMA.—For the project for flood risk
15 management, Tulsa and West-Tulsa Levee System, Tulsa
16 County, Oklahoma, authorized by section 401 of this Act,
17 the non-Federal contribution for the project shall be fi-
18 nanced over a period of 30 years from the date of comple-
19 tion of the project, in accordance with section 103(k) of
20 the Water Resources Development Act of 1986 (33 U.S.C.
21 2213(k)).

22 (d) WILLAMETTE RIVER BASIN REVIEW REALLOCA-
23 TION STUDY.—The Secretary shall carry out the project
24 for water supply, Willamette River Basin Review Realloca-
25 tion, Oregon, authorized by section 401 of this Act, sub-

1 stantially in accordance with the terms and conditions de-
2 scribed in the Report of the Chief of Engineers, dated De-
3 cember 18, 2019, with the following modifications:

4 (1) The Secretary shall meet the obligations of
5 the Corps of Engineers under the Endangered Spe-
6 cies Act of 1973 by complying with the June 2019
7 NMFS Willamette Basin Review Study Biological
8 Opinion Reasonable and Prudent Alternative until
9 such time, if any, as it is modified or replaced, in
10 whole or in part, through the consultation process
11 under section 7(a) of the Endangered Species Act of
12 1973.

13 (2) The Secretary may reallocate not more than
14 10 percent of overall storage in the joint conserva-
15 tion pool, as authorized by this Act and without fur-
16 ther congressional action, if such reallocation is con-
17 sistent with the ongoing consultation under section
18 7(a) of the Endangered Species Act of 1973 related
19 to Willamette Valley System operations.

20 (3) The Secretary shall ensure that the revised
21 reallocation is not reallocated from a single storage
22 use, does not seriously affect authorized project pur-
23 poses, and does not otherwise involve major oper-
24 ational changes to the project.

1 (e) CANO MARTIN PENA, SAN JUAN, PUERTO
2 RICO.—Section 5127 of the Water Resources Develop-
3 ment Act of 2007 (121 Stat. 1242) is amended by striking
4 “ \$150,000,000” and inserting “ \$255,816,000”.

5 **SEC. 403. AUTHORIZATION OF PROJECTS BASED ON FEASI-**
6 **BILITY STUDIES PREPARED BY NON-FED-**
7 **ERAL INTERESTS.**

8 (a) IN GENERAL.—The Secretary is authorized to
9 carry out the following projects for water resources devel-
10 opment and conservation and other purposes, subject to
11 subsection (b):

12 (1) FORT PIERCE, ST. LUCIE COUNTY, FLOR-
13 IDA.—The project for hurricane and storm damage
14 reduction, Fort Pierce, St. Lucie County, Florida, as
15 described in the review assessment of the Secretary,
16 titled “Review Assessment of St. Lucie County,
17 Florida Fort Pierce Shore Protection Project Section
18 203 Integrated Feasibility Study and Environmental
19 Assessment (June 2018)” and dated July 2018, at
20 a total cost of \$33,107,639, and at an estimated
21 total cost of \$97,958,972 for periodic nourishment
22 over the 50-year life of the project.

23 (2) BAPTISTE COLLETTE BAYOU, LOUISIANA.—
24 The project for navigation, Baptiste Collette Bayou,
25 Louisiana, as described in the review assessment of

1 the Secretary, titled “Review Assessment of
2 Plaquemines Parish Government’s Section 203
3 Study Baptiste Collette Bayou Navigation Channel
4 Deepening Project Integrated Feasibility Study and
5 Environmental Assessment (January 2017, Amend-
6 ed April 2018)” and dated June 2018, at a total
7 cost of \$44,920,000.

8 (3) HOUMA NAVIGATION CANAL, LOUISIANA.—
9 The project for navigation, Houma Navigation
10 Canal, Louisiana, as described in the review assess-
11 ment of the Secretary, titled “Review Assessment of
12 Houma Navigation Canal Deepening Project Section
13 203 Integrated Feasibility Report and DRAFT En-
14 vironmental Impact Statement (June 2018)” and
15 dated July 2018, at a total cost of \$253,458,000.

16 (4) PORT FOURCHON BELLE PASS CHANNEL,
17 LOUISIANA.—The project for navigation, Port
18 Fourchon Belle Pass Channel, Louisiana, as de-
19 scribed in the review assessment of the Secretary, ti-
20 tled “Review Assessment of Port Fourchon Belle
21 Pass Channel Deepening Project Section 203 Feasi-
22 bility Study (January 2019, revised January 2020)”
23 and dated April 2020, at a total cost of
24 \$95,483,000.

1 (5) WILMINGTON HARBOR, NORTH CAROLINA.—
2 The project for navigation, Wilmington Harbor,
3 North Carolina, as described in the review assess-
4 ment of the Secretary, titled “Review Assessment of
5 Wilmington Harbor, North Carolina Navigation Im-
6 provement Project Integrated Section 203 Study &
7 Environmental Report (February 2020)” and dated
8 May 2020, at a total cost of \$834,093,000.

9 (6) CHACON CREEK, TEXAS.—The project for
10 flood risk management, ecosystem restoration, and
11 other purposes, Chacon Creek, Texas, as described
12 in the review assessment of the Secretary, titled
13 “Review Assessment of Chacon Creek, Texas Section
14 203 Integrated Feasibility Report and DRAFT En-
15 vironmental Assessment (August 2018)” and dated
16 September 2018, at a total cost of \$51,973,000.

17 (b) REQUIREMENTS.—The Secretary may only carry
18 out a project authorized under subsection (a)—

19 (1) substantially in accordance with the applica-
20 ble review assessment for the project submitted by
21 the Secretary under section 203(c) of the Water Re-
22 sources Development Act of 1986, as identified in
23 subsection (a) of this section, and subject to such
24 modifications or conditions as the Secretary con-
25 siders appropriate and identifies in a final assess-

1 ment that addresses the concerns, recommendations,
2 and conditions identified by the Secretary in the ap-
3 plicable review assessment; and

4 (2) after the Secretary transmits to the Com-
5 mittee on Transportation and Infrastructure of the
6 House of Representatives and the Committee on En-
7 vironment and Public Works of the Senate such
8 final assessment.

9 **TITLE V—OTHER MATTERS**

10 **SEC. 501. UPDATE ON INVASIVE SPECIES POLICY GUID-** 11 **ANCE.**

12 (a) IN GENERAL.—The Secretary shall periodically
13 update the Invasive Species Policy Guidance, developed
14 under section 104 of the River and Harbor Act of 1958
15 (33 U.S.C. 610) and the Nonindigenous Aquatic Nuisance
16 Prevention and Control Act of 1990 (16 U.S.C. 4701 et
17 seq.), in accordance with the most recent National
18 Invasive Species Council Management Plan developed pur-
19 suant to Executive Order 13112.

20 (b) INCLUSION.—The Secretary may include in the
21 updated guidance invasive species specific efforts at feder-
22 ally authorized water resources development projects lo-
23 cated in—

24 (1) high-altitude lakes; and

1 (2) the Tennessee and Cumberland River ba-
2 sins.

3 **SEC. 502. AQUATIC INVASIVE SPECIES RESEARCH.**

4 Section 1108 of the Water Resources Development
5 Act of 2018 (33 U.S.C. 2263a) is amended—

6 (1) in subsection (a)—

7 (A) by striking “management” and insert-
8 ing “prevention, management,”; and

9 (B) by inserting “, elodea, quagga mus-
10 sels,” after “Asian carp”; and

11 (2) in subsection (b)—

12 (A) by inserting “or could be impacted in
13 the future” after “impacted”; and

14 (B) by striking “Pacific” and all that fol-
15 lows through the period at the end and insert-
16 ing “Pacific, Arctic, and Gulf Coasts, the Great
17 Lakes, and reservoirs operated and maintained
18 by the Secretary.”.

19 **SEC. 503. TERRESTRIAL NOXIOUS WEED CONTROL PILOT**
20 **PROGRAM.**

21 (a) IN GENERAL.—The Secretary shall carry out a
22 pilot program, in consultation with the Federal Inter-
23 agency Committee for the Management of Noxious and
24 Exotic Weeds, to identify and develop new and improved

1 strategies for terrestrial noxious weed control on Federal
2 land under the jurisdiction of the Secretary.

3 (b) PARTNERSHIPS.—In carrying out the pilot pro-
4 gram under subsection (a), the Secretary shall act in part-
5 nership with such other individuals and entities as the
6 Secretary determines to be appropriate.

7 (c) COOPERATIVE AGREEMENTS.—The Secretary
8 may utilize cooperative agreements with county and State
9 agencies for the implementation of the pilot program
10 under subsection (a).

11 (d) REPORT TO CONGRESS.—Not later than 2 years
12 after the date of enactment of this Act, the Secretary shall
13 provide to the Committee on Environment and Public
14 Works of the Senate and the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives
16 a report describing the new and improved strategies devel-
17 oped through the pilot program under subsection (a).

18 **SEC. 504. INVASIVE SPECIES RISK ASSESSMENT,**
19 **PRIORITIZATION, AND MANAGEMENT.**

20 Section 528(f)(2) of the Water Resources Develop-
21 ment Act of 1996 (110 Stat. 3771) is amended—

22 (1) by redesignating subparagraphs (I) and (J)
23 as subparagraphs (J) and (K), respectively;

24 (2) by inserting after subparagraph (H) the fol-
25 lowing:

1 “(I) shall, using existing amounts appro-
2 priated to the Task Force, develop and update,
3 as appropriate, a priority list of invasive species
4 that—

5 “(i) reflects an assessment of ecologi-
6 cal risk that the listed invasive species rep-
7 resent;

8 “(ii) includes populations of invasive
9 plants and animals that—

10 “(I) are significantly impacting
11 the structure and function of ecologi-
12 cal communities, native species, or
13 habitat within the South Florida eco-
14 system; or

15 “(II) demonstrate a strong po-
16 tential to reduce, obscure, or other-
17 wise alter key indicators used to
18 measure Everglades restoration
19 progress; and

20 “(iii) shall be used by the Task Force
21 and agencies and entities represented on
22 the Task Force to focus cooperative and
23 collaborative efforts—

24 “(I) to guide applied research;

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1 “(II) to develop innovative strate-
2 gies and tools to facilitate improved
3 management, control, or eradication
4 of listed invasive species;

5 “(III) to implement specific man-
6 agement, control, or eradication ac-
7 tivities at the appropriate periodicity
8 and intensity necessary to reduce or
9 neutralize the impacts of listed
10 invasive species, including the use of
11 qualified skilled volunteers when ap-
12 propriate; and

13 “(IV) to develop innovative strat-
14 egies and tools to prevent future in-
15 troductions of nonnative species;”;

16 (3) in subparagraph (J) (as so redesignated),
17 by striking “ecosystem” and inserting “ecosystem,
18 including the activities described in subparagraph
19 (I)”; and

20 (4) in clause (i) of subparagraph (K) (as so re-
21 designated), by inserting “, including the priority list
22 under subparagraph (I) and the activities described
23 in that subparagraph” after “Task Force”.

1 **SEC. 505. INVASIVE SPECIES MITIGATION AND REDUCTION.**

2 Section 104 of the River and Harbor Act of 1958
3 (33 U.S.C. 610) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-
7 graph (A), by striking “this section
8 \$110,000,000” and inserting “this section
9 (except for subsections (f) and (g))
10 \$130,000,000”;

11 (ii) in subparagraph (B), by striking
12 “and” at the end;

13 (iii) in subparagraph (C), by striking
14 the period at the end and inserting a semi-
15 colon; and

16 (iv) by adding at the end the fol-
17 lowing:

18 “(D) \$30,000,000 shall be made available
19 to carry out subsection (d)(1)(A)(iv); and

20 “(E) \$10,000,000 shall be made available
21 to carry out subsection (d)(1)(A)(v).”;

22 (B) by redesignating paragraph (2) as
23 paragraph (3);

24 (C) by inserting after paragraph (1) the
25 following:

26 “(2) OTHER PROGRAMS.—

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1 “(A) IN GENERAL.—There are authorized
2 to be appropriated—

3 “(i) \$10,000,000 for each of fiscal
4 years 2021 through 2024 to carry out sub-
5 section (f); and

6 “(ii) \$50,000,000 for each of fiscal
7 years 2021 through 2024 to carry out sub-
8 section (g)(2).

9 “(B) INVASIVE PLANT SPECIES PILOT PRO-
10 GRAM.—There is authorized to be appropriated
11 to the Secretary of the Interior, acting through
12 the Director of the United States Fish and
13 Wildlife Service, \$10,000,000 to carry out sub-
14 section (g)(3).”; and

15 (D) in paragraph (3) (as so redesignated),
16 by inserting “or (2)(A)” after “paragraph (1)”;
17 (2) in subsection (d)—

18 (A) in the subsection heading, by inserting
19 “AND DECONTAMINATION” after “INSPEC-
20 TION”;

21 (B) in paragraph (1)—

22 (i) in subparagraph (A)—

23 (I) in the subparagraph heading,
24 by inserting “AND DECONTAMINA-
25 TION” after “INSPECTION”;

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1 (II) in clause (ii), by striking
2 “and” at the end;

3 (III) in clause (iii), by striking
4 “Arizona River Basins.” and inserting
5 “Arkansas River Basins;”; and

6 (IV) by adding at the end the fol-
7 lowing:

8 “(iv) to protect the Russian River
9 Basin, California; and

10 “(v) to protect basins and watersheds
11 that adjoin an international border be-
12 tween the United States and Canada.”;
13 and

14 (ii) by striking subparagraph (B) and
15 inserting the following:

16 “(B) LOCATIONS.—The Secretary shall
17 place watercraft inspection and decontamination
18 stations under subparagraph (A) at locations
19 with the highest likelihood of preventing the
20 spread of aquatic invasive species into and out
21 of waters of the United States, as determined
22 by the Secretary in consultation with the Gov-
23 ernors and entities described in paragraph
24 (3).”;

1 (C) in paragraph (3)(A), by striking “(iii)”
2 and inserting “(v)”; and

3 (D) by striking “watercraft inspection sta-
4 tions” each place it appears and inserting
5 “watercraft inspection and decontamination sta-
6 tions”; and

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

8 “(f) INVASIVE SPECIES MANAGEMENT PILOT PRO-
9 GRAM.—

10 “(1) DEFINITION OF INVASIVE SPECIES.—In
11 this subsection, the term ‘invasive species’ has the
12 meaning given the term in section 1 of Executive
13 Order 13112 (64 Fed. Reg. 6183; relating to
14 invasive species (February 3, 1999)) (as amended by
15 section 2 of Executive Order 13751 (81 Fed. Reg.
16 88609; relating to safeguarding the Nation from the
17 impacts of invasive species (December 5, 2016))).

18 “(2) DEVELOPMENT OF PLANS.—The Sec-
19 retary, in coordination with the Aquatic Nuisance
20 Species Task Force, shall carry out a pilot program
21 under which the Secretary shall collaborate with
22 States in the Upper Missouri River Basin in devel-
23 oping voluntary aquatic invasive species management
24 plans to mitigate the effects of invasive species on

1 public infrastructure facilities located on reservoirs
2 of the Corps of Engineers in those States.

3 “(3) MANAGEMENT PLAN.—

4 “(A) IN GENERAL.—The Secretary, in con-
5 sultation with the Governor of each State in the
6 Upper Missouri River Basin that elects to par-
7 ticipate in the pilot program, shall prepare a
8 management plan, or update or expand an ex-
9 isting plan, for each participating State that
10 identifies public infrastructure facilities located
11 on reservoirs of the Corps of Engineers in those
12 States that—

13 “(i) are affected by aquatic invasive
14 species; and

15 “(ii) need financial and technical as-
16 sistance in order to maintain operations.

17 “(B) USE OF EXISTING PLANS.—In devel-
18 oping a management plan under subparagraph
19 (A), the Secretary shall consider a management
20 plan submitted by a participating State under
21 section 1204(a) of the Nonindigenous Aquatic
22 Nuisance Prevention and Control Act of 1990
23 (16 U.S.C. 4724(a)).

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1 “(4) TERMINATION OF AUTHORITY.—The au-
2 thority provided under this subsection shall termi-
3 nate on September 30, 2024.

4 “(g) INVASIVE SPECIES PREVENTION, CONTROL,
5 AND ERADICATION.—

6 “(1) DEFINITION OF INVASIVE SPECIES.—In
7 this subsection, the term ‘invasive species’ has the
8 meaning given the term in section 1 of Executive
9 Order 13112 (64 Fed. Reg. 6183; relating to
10 invasive species (February 3, 1999)) (as amended by
11 section 2 of Executive Order 13751 (81 Fed. Reg.
12 88609; relating to safeguarding the Nation from the
13 impacts of invasive species (December 5, 2016))).

14 “(2) INVASIVE SPECIES PARTNERSHIPS.—

15 “(A) IN GENERAL.—The Secretary may
16 enter into partnerships with applicable States
17 and other Federal agencies to carry out actions
18 to prevent the introduction of, control, or eradi-
19 cate, to the maximum extent practicable,
20 invasive species that adversely impact water
21 quantity or water quality in the Platte River
22 Basin, the Upper Colorado River Basin, the
23 Upper Snake River Basin, and the Upper Mis-
24 souri River Basin.

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1 “(B) PRIORITIZATION.—In selecting ac-
2 tions to carry out under a partnership under
3 subparagraph (A), the Secretary shall give pri-
4 ority to projects that are intended to control or
5 eradicate the Russian olive (*Elaeagnus*
6 *angustifolia*) or saltcedar (of the genus
7 *Tamarix*).

8 “(3) INVASIVE PLANT SPECIES PILOT PRO-
9 GRAM.—

10 “(A) DEFINITIONS.—In this paragraph:

11 “(i) ELIGIBLE ENTITY.—The term ‘el-
12 igible entity’ means a partnership between
13 or among 2 or more entities that—

14 “(I) includes—

15 “(aa) at least 1 flood control
16 district; and

17 “(bb) at least 1 city, county,
18 township, town, borough, parish,
19 village, or other general purpose
20 political subdivision of a State or
21 Indian Tribe (as defined in sec-
22 tion 4 of the Indian Self-Deter-
23 mination and Education Assist-
24 ance Act (25 U.S.C. 5304)); and

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1 “(II) may include any other enti-
2 ty (such as a nonprofit organization
3 or institution of higher education), as
4 determined by the Secretary.

5 “(ii) INVASIVE PLANT SPECIES.—The
6 term ‘invasive plant species’ means a plant
7 that is nonnative to the ecosystem under
8 consideration, the introduction of which
9 causes or is likely to cause economic harm
10 or harm to human health.

11 “(B) PILOT PROGRAM.—The Secretary of
12 the Interior, acting through the Director of the
13 United States Fish and Wildlife Service, shall
14 establish a pilot program under which such Sec-
15 retary shall work with eligible entities to carry
16 out activities—

17 “(i) to remove invasive plant species
18 in riparian areas that contribute to
19 drought conditions in—

20 “(I) the Lower Colorado River
21 Basin;

22 “(II) the Rio Grande River
23 Basin;

24 “(III) the Texas Gulf Coast
25 Basin; and

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1 “(IV) the Arkansas-White-Red
2 Basin;

3 “(ii) where appropriate, to replace the
4 invasive plant species described in clause
5 (i) with ecologically suitable native species;
6 and

7 “(iii) to maintain and monitor ripar-
8 ian areas in which activities are carried out
9 under clauses (i) and (ii).

10 “(C) REPORT TO CONGRESS.—Not later
11 than 18 months after the date of enactment of
12 this subsection, the Secretary of the Interior,
13 acting through the Director of the United
14 States Fish and Wildlife Service, shall submit
15 to the Committee on Environment and Public
16 Works of the Senate and the Committee on
17 Transportation and Infrastructure of the House
18 of Representatives a report describing the im-
19 plementation of the pilot program.

20 “(D) TERMINATION OF AUTHORITY.—The
21 authority provided under this paragraph shall
22 terminate on September 30, 2024.

23 “(4) COST SHARE.—The Federal share of an
24 action carried out under a partnership under para-
25 graph (2) or an activity carried out under the pilot

1 program under paragraph (3) shall not exceed 80
2 percent of the total cost of the action or activity.”.

3 **SEC. 506. AQUATIC INVASIVE SPECIES PREVENTION.**

4 Section 1039(b) of the Water Resources Reform and
5 Development Act of 2014 (16 U.S.C. 4701 note) is
6 amended—

7 (1) in paragraph (1)—

8 (A) in the paragraph heading, by striking
9 “UPPER MISSISSIPPI AND OHIO RIVER BASINS
10 AND TRIBUTARIES” and inserting “MISSISSIPPI
11 RIVER AND TRIBUTARIES, INCLUDING SUB-BA-
12 SINS”;

13 (B) in subparagraph (A), by striking
14 “Upper Mississippi and Ohio River basins and
15 tributaries” and inserting “Mississippi River
16 and tributaries, including the 6 sub-basins of
17 the River,”; and

18 (C) in subparagraph (B), by striking “and
19 the document prepared” and all that follows
20 through “February 2012.” and inserting “the
21 Mississippi River Basin Asian Carp Control
22 Strategy Framework, and the Asian Carp Re-
23 gional Coordinating Committee’s Asian Carp
24 Action Plan.”; and

25 (2) in paragraph (2)—

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1 (A) in subparagraph (A)—

2 (i) by striking “December 31 of each
3 year” and inserting “December 31, 2020,
4 and biennially thereafter”; and

5 (ii) by striking “Upper Mississippi
6 and Ohio River basins and tributaries”
7 and inserting “Mississippi River and tribu-
8 taries, including the 6 sub-basins of the
9 River”; and

10 (B) in subparagraph (B)—

11 (i) in clause (i), by striking “Upper
12 Mississippi and Ohio River basins and trib-
13 utaries” and inserting “Mississippi River
14 and tributaries, including the 6 sub-basins
15 of the River,”; and

16 (ii) in clause (ii), by striking “Upper
17 Mississippi and Ohio River basins and trib-
18 utaries” and inserting “Mississippi River
19 and tributaries, including the 6 sub-basins
20 of the River”.

21 **SEC. 507. INVASIVE SPECIES IN ALPINE LAKES PILOT PRO-**
22 **GRAM.**

23 (a) ESTABLISHMENT.—The Secretary of the Interior,
24 acting through the Director of the United States Fish and
25 Wildlife Service, shall establish a pilot program (referred

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1 to in this section as the “pilot program”) to develop and
2 carry out effective measures necessary to prevent, control,
3 or eradicate aquatic invasive species in alpine lakes that
4 are not located within a unit of the National Park System.

5 (b) PARTNERSHIPS.—The Secretary of the Interior,
6 acting through the Director of the United States Fish and
7 Wildlife Service, shall offer to enter into a partnership to
8 carry out the pilot program with—

9 (1) any relevant partnering Federal agency; and
10 (2) any relevant compact agency organized with
11 the consent of Congress under article I, section 10
12 of the Constitution of the United States.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out the pilot pro-
15 gram \$25,000,000 for the period of fiscal years 2022
16 through 2024.

17 **SEC. 508. MURDER HORNET ERADICATION PILOT PRO-**
18 **GRAM.**

19 (a) GRANT AUTHORITY.—The Secretary of the Inte-
20 rior, acting through the Director of the Fish and Wildlife
21 Service, and in consultation with all relevant Federal
22 agencies, shall establish a pilot program to provide finan-
23 cial assistance to States for management, research, and
24 public education activities necessary to—

25 (1) eradicate the Asian giant hornet; and

1 (2) restore bee populations damaged by the
2 Asian giant hornet.

3 (b) ELIGIBILITY.—A State is eligible to receive finan-
4 cial assistance under this section if the State has dem-
5 onstrated to the Secretary of the Interior sufficient need
6 to implement measures to eradicate the Asian giant hor-
7 net.

8 (c) COST SHARING.—

9 (1) FEDERAL SHARE.—The Federal share of
10 the costs of activities carried out under the pilot pro-
11 gram may not exceed 75 percent of the total costs
12 of such activities.

13 (2) IN-KIND CONTRIBUTIONS.—The non-Fed-
14 eral share of the costs of activities carried out under
15 the pilot program may be provided in the form of in-
16 kind contributions of materials or services.

17 (d) LIMITATION ON ADMINISTRATIVE EXPENSES.—
18 Not more than 5 percent of financial assistance provided
19 by the Secretary of the Interior under this section may
20 be used for administrative expenses.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to the Secretary of the Inte-
23 rior to carry out the pilot program \$4,000,000 for each
24 of fiscal years 2021 through 2025.

25 (f) DEFINITIONS.—In this section:

1 (1) ASIAN GIANT HORNET.—The term “Asian
2 giant hornet” means a *Vespa mandarinia*.

3 (2) STATE.—The term “State” means each of
4 the several States, the District of Columbia, and the
5 territories and insular possessions of the United
6 States.

7 (g) SUNSET.—The authority under this section shall
8 terminate on the date that is 5 years after the date of
9 enactment of this Act.

10 **SEC. 509. ASIAN CARP PREVENTION AND CONTROL PILOT**
11 **PROGRAM.**

12 (a) CORPS OF ENGINEERS ASIAN CARP PREVENTION
13 PILOT PROGRAM.—

14 (1) IN GENERAL.—The Secretary, in conjunc-
15 tion with the Tennessee Valley Authority and other
16 relevant Federal agencies, shall carry out an Asian
17 carp prevention pilot program to carry out projects
18 to manage and prevent the spread of Asian carp
19 using innovative technologies, methods, and meas-
20 ures.

21 (2) PROJECT SELECTION.—

22 (A) LOCATION.—Each project under the
23 pilot program shall be carried out in a river sys-
24 tem or reservoir in the Cumberland River Wa-
25 tershed or Tennessee River Watershed in which

1 Asian carp populations are expanding or have
2 been documented.

3 (B) CONSULTATION.—In selecting projects
4 to carry out under the pilot program, the Sec-
5 retary shall consult with—

6 (i) applicable Federal, State, and local
7 agencies;

8 (ii) institutions of higher education;
9 and

10 (iii) relevant private organizations, in-
11 cluding nonprofit organizations.

12 (C) LIMITATIONS.—

13 (i) NUMBER OF PROJECTS.—The Sec-
14 retary may select not more than 10
15 projects to carry out under the pilot pro-
16 gram.

17 (ii) DEADLINE.—Not later than Sep-
18 tember 30, 2024, the Secretary shall com-
19 plete projects selected to be carried out
20 under the pilot program.

21 (3) BEST PRACTICES.—In carrying out the pilot
22 program, to the maximum extent practicable, the
23 Secretary shall consider existing best practices, such
24 as those described in the document of the Asian
25 Carp Working Group of the Aquatic Nuisance Spe-

1 cies Task Force entitled “Management and Control
2 Plan for Bighead, Black, Grass, and Silver Carps in
3 the United States” and dated November 2007.

4 (4) COST-SHARE.—

5 (A) IN GENERAL.—The Federal share of
6 the costs of a project carried out under the pro-
7 gram may not exceed 75 percent of the total
8 costs of the project.

9 (B) OPERATION, MAINTENANCE, REHA-
10 BILITATION, AND REPAIR.—After the comple-
11 tion of a project under the pilot program, the
12 Federal share of the costs for operation, main-
13 tenance, rehabilitation, and repair of the project
14 shall be 100 percent.

15 (5) MEMORANDUM OF AGREEMENT.—For
16 projects carried out in reservoirs owned or managed
17 by the Tennessee Valley Authority, the Secretary
18 and the Tennessee Valley Authority shall execute a
19 memorandum of agreement establishing the frame-
20 work for a partnership and the terms and conditions
21 for sharing expertise and resources.

22 (6) PAYMENTS.—The Secretary is authorized to
23 accept and expend funds from the Tennessee Valley
24 Authority to complete any work under this section at

1 a reservoir owned or managed by the Tennessee Val-
2 ley Authority.

3 (7) REPORT.—Not later than 2 years after the
4 date of enactment of this Act, and 2 years there-
5 after, the Secretary shall submit to Congress a re-
6 port describing the results of the pilot program, in-
7 cluding an analysis of the effectiveness of the inno-
8 vative technologies, methods, and measures used in
9 projects carried out under the pilot program at pre-
10 venting the spread, or managing the eradicating of,
11 Asian carp.

12 (8) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to carry out
14 this subsection \$25,000,000, to remain available
15 until expended.

16 (b) FISH AND WILDLIFE SERVICE ASIAN CARP
17 ERADICATION PROGRAM.—

18 (1) ESTABLISHMENT.—The Secretary of the In-
19 terior, acting through the Director of the United
20 States Fish and Wildlife Service, shall establish a
21 program to provide financial assistance to States to
22 implement measures, including for management, re-
23 search, and public education activities, necessary to
24 eradicate the Asian carp.

1 (2) ELIGIBILITY.—A State is eligible to receive
2 financial assistance under this subsection if such
3 State has demonstrated to the Secretary of the Inte-
4 rior sufficient need to implement measures to eradi-
5 cate the Asian carp.

6 (3) PRIORITY.—In providing financial assist-
7 ance under the program, the Secretary of the Inte-
8 rior shall give priority to States in the Cumberland
9 River Watershed or the Tennessee River Watershed
10 in which Asian carp populations are expanding or
11 have been documented.

12 (4) COST SHARING.—

13 (A) FEDERAL SHARE.—The Federal share
14 of the costs of activities carried out under the
15 program may not exceed 80 percent of the total
16 costs of such activities.

17 (B) IN-KIND CONTRIBUTIONS.—The non-
18 Federal share of the costs of activities carried
19 out under the program may be provided in the
20 form of in-kind contributions of materials or
21 services.

22 (5) LIMITATION ON ADMINISTRATIVE EX-
23 PENSES.—Not more than 5 percent of financial as-
24 sistance provided by the Secretary of the Interior

1 under this subsection may be used for administrative
2 expenses.

3 (6) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Sec-
5 retary of the Interior to carry out this subsection
6 \$4,000,000 for each of fiscal years 2021 through
7 2025.

8 **SEC. 510. INVASIVE SPECIES IN NONCONTIGUOUS STATES**
9 **AND TERRITORIES PILOT PROGRAM.**

10 (a) ESTABLISHMENT.—The Secretary of the Interior,
11 acting through the Director of the United States Fish and
12 Wildlife Service, shall establish a pilot program to carry
13 out measures necessary to prevent, control, or eradicate
14 invasive species in culturally significant forested water-
15 sheds in noncontiguous States and territories of the
16 United States in which the Corps of Engineers is carrying
17 out flood risk management projects.

18 (b) IMPLEMENTATION.—The Secretary of the Inte-
19 rior, acting through the Director of the United States Fish
20 and Wildlife Service, is encouraged to carry out the meas-
21 ures described in subsection (a) in consultation with—

22 (1) States, any territory or possession of the
23 United States, and units of local government, includ-
24 ing federally recognized Indian Tribes (as defined in

1 section 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304)); and

3 (2) nonprofit organizations with knowledge of,
4 and experience in, forested watershed management,
5 including nonprofit organizations with a primary
6 purpose of serving and partnering with indigenous
7 communities.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out the pilot pro-
10 gram under subsection (a) \$25,000,000 for the period of
11 fiscal years 2022 through 2024.

12 **SEC. 511. SOIL MOISTURE AND SNOWPACK MONITORING.**

13 (a) INSTALLATION OF NETWORK.—

14 (1) IN GENERAL.—In accordance with the ac-
15 tivities required under section 4003(a) of the Water
16 Resources Reform and Development Act of 2014
17 (128 Stat. 1310; 130 Stat. 1676), and to support
18 the goals of the Weather Research and Forecasting
19 Innovation Act of 2017 (Public Law 115–25) and
20 the National Integrated Drought Information Sys-
21 tem Reauthorization Act of 2018 (Public Law 115–
22 423), the Secretary, in coordination with the Admin-
23 istrator of the National Oceanic and Atmospheric
24 Administration (referred to in this section as the
25 “Administrator”), the Chief of the Natural Re-

1 sources Conservation Service, the Director of the
2 United States Geological Survey, and the Commis-
3 sioner of Reclamation, shall continue installation of
4 a network of soil moisture and plains snowpack
5 monitoring stations, and modification of existing sta-
6 tions, in the Upper Missouri River Basin.

7 (2) REQUIREMENTS.—In carrying out installa-
8 tion and modification activities under paragraph (1),
9 the Secretary—

10 (A) may continue to enter into agreements,
11 including cooperative agreements, with State
12 mesonet programs for purposes of installing
13 new stations or modifying existing stations;

14 (B) shall transfer ownership and all re-
15 sponsibilities for operation and maintenance of
16 new stations to the respective State mesonet
17 program for the State in which the monitoring
18 station is located on completion of installation
19 of the station; and

20 (C) shall establish, in consultation with the
21 Administrator, requirements and standards for
22 the installation of new stations and modification
23 of existing stations to ensure seamless data in-
24 tegration into—

25 (i) the National Mesonet Program;

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- 1 (ii) the National Coordinated Soil
2 Moisture Network; and
3 (iii) other relevant networks.

4 (3) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to carry out
6 this subsection, in addition to any other funds au-
7 thorized to be appropriated for the installation of a
8 network of soil moisture and plains snowpack moni-
9 toring stations or the modification of existing sta-
10 tions in the Upper Missouri River Basin, \$7,000,000
11 for each of fiscal years 2021 through 2025.

12 (b) SOIL MOISTURE AND SNOWPACK MONITORING
13 PILOT PROGRAM.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the Ad-
16 ministrator shall establish within the National
17 Mesonet Program a pilot program for the acquisition
18 and use of data generated by the network described
19 in subsection (a).

20 (2) REQUIREMENTS.—In establishing the pilot
21 program under paragraph (1), the Administrator
22 shall—

23 (A) enter into agreements with State
24 mesonet programs in the Upper Missouri River

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1 Basin to acquire data generated by the network
2 described in subsection (a) that—

3 (i) are similar to the agreements in ef-
4 fect as of the date of the enactment of this
5 Act with States under the National
6 Mesonet Program; and

7 (ii) allow for sharing of data with
8 other Federal agencies and with institu-
9 tions engaged in federally supported re-
10 search, including the United States
11 Drought Monitor, as appropriate and fea-
12 sible;

13 (B) in coordination with the Secretary, the
14 Chief of the Natural Resources Conservation
15 Service, the Director of the United States Geo-
16 logical Survey, and the Commissioner of Rec-
17 lamation, gather data from the operation of the
18 network to inform ongoing efforts of the Na-
19 tional Oceanic and Atmospheric Administration
20 in support of—

21 (i) the National Integrated Drought
22 Information System, including the Na-
23 tional Coordinated Soil Moisture Network;

24 (ii) the United States Drought Mon-
25 itor;

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1 (iii) the National Water Model and
2 other relevant national modeling efforts;

3 (iv) validation, verification, and cali-
4 bration of satellite-based, in situ, and other
5 remote sensing activities and output prod-
6 ucts;

7 (v) flood risk and water resources
8 monitoring initiatives by the Secretary and
9 the Commissioner; and

10 (vi) any other programs or initiatives
11 the Administrator considers appropriate;

12 (C) at the request of State mesonet pro-
13 grams, or as the Administrator considers appro-
14 priate, provide technical assistance to such pro-
15 grams under the pilot program under para-
16 graph (1) to ensure proper data requirements;
17 and

18 (D) ensure an appropriate mechanism for
19 quality control and quality assurance is em-
20 ployed for the data acquired under the pilot
21 program, such as the Meteorological Assimila-
22 tion Data Ingest System.

23 (3) STUDY REQUIRED.—

24 (A) IN GENERAL.—Not later than 1 year
25 after the date of the enactment of this Act, the

1 Administrator shall initiate a study of the pilot
2 program required by paragraph (1) to evaluate
3 the data generated by the network described in
4 subsection (a) and the applications of that data
5 to programs and initiatives described in para-
6 graph (2)(B).

7 (B) ELEMENTS.—The study required by
8 subparagraph (A) shall include an assessment
9 of—

10 (i) the contribution of the soil mois-
11 ture, snowpack, and other relevant data
12 generated by the network described in sub-
13 section (a) to weather, subseasonal and
14 seasonal, and climate forecasting products
15 on the local, regional, and national levels;

16 (ii) the enhancements made to the
17 National Integrated Drought Information
18 System, the National Water Model, and
19 the United States Drought Monitor, and
20 other relevant national modeling efforts,
21 using data and derived data products gen-
22 erated by the network;

23 (iii) the contribution of data gen-
24 erated by the network to remote sensing
25 products and approaches;

1 (iv) the viability of the ownership and
2 operational structure of the network; and

3 (v) any other matters the Adminis-
4 trator considers appropriate, in coordina-
5 tion with the Secretary, the Chief of the
6 Natural Resources Conservation Service,
7 the Director of the United States Geologi-
8 cal Survey, and the Commissioner of Rec-
9 lamation.

10 (4) REPORT REQUIRED.—Not later than 4
11 years after the date of the enactment of this Act, the
12 Administrator shall submit to the appropriate con-
13 gressional committees a report—

14 (A) setting forth the findings of the study
15 required by paragraph (3); and

16 (B) making recommendations based on
17 those findings to improve weather, subseasonal,
18 seasonal, and climate monitoring nationally.

19 (5) GOVERNMENT ACCOUNTABILITY OFFICE
20 AUDIT.—

21 (A) IN GENERAL.—Not later than 60 days
22 after the report required by paragraph (4) is
23 submitted, the Comptroller General of the
24 United States shall initiate an audit to evaluate
25 that report and determine whether—

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1 (i) the Administrator, in conducting
2 the pilot program under paragraph (1),
3 has utilized the relevant data generated by
4 the network described in subsection (a) in
5 the manner most beneficial to the pro-
6 grams and initiatives described in para-
7 graph (2)(B);

8 (ii) the acquisition agreements entered
9 into under paragraph (2)(A) with State
10 mesonet programs fully comply with the
11 requirements of that paragraph; and

12 (iii) the heads of other agencies, in-
13 cluding the Secretary, the Chief of the
14 Natural Resources Conservation Service,
15 the Director of the United States Geologi-
16 cal Survey, and the Commissioner of Rec-
17 lamation, are utilizing the data generated
18 by the network to better inform and im-
19 prove the missions of those agencies.

20 (B) REPORT REQUIRED.—Not later than
21 270 days after initiating the audit required by
22 subparagraph (A), the Comptroller General
23 shall submit to the appropriate congressional
24 committees a report setting forth the findings
25 of the audit.

1 (6) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term “ap-
3 propriate congressional committees” means—

4 (A) the Committee on Commerce, Science,
5 and Transportation, the Committee on Environ-
6 ment and Public Works, and the Committee on
7 Energy and Natural Resources of the Senate;
8 and

9 (B) the Committee on Transportation and
10 Infrastructure, the Committee on Science,
11 Space, and Technology, and the Committee on
12 Natural Resources of the House of Representa-
13 tives.

14 **SEC. 512. GREAT LAKES ST. LAWRENCE SEAWAY DEVELOP-**
15 **MENT CORPORATION.**

16 (a) RENAMING THE SAINT LAWRENCE SEAWAY DE-
17 VELOPMENT CORPORATION.—The Act of May 13, 1954
18 (33 U.S.C. 981 et seq.) is amended—

19 (1) in section 1 (33 U.S.C. 981), by striking
20 “Saint Lawrence Seaway Development Corporation”
21 and inserting “Great Lakes St. Lawrence Seaway
22 Development Corporation”; and

23 (2) in section 2(b) (33 U.S.C. 982(b)), by strik-
24 ing “Saint Lawrence Seaway Development Corpora-

1 tion” and inserting “Great Lakes St. Lawrence Sea-
2 way Development Corporation”.

3 (b) REFERENCES.—Any reference to the Saint Law-
4 rence Seaway Development Corporation in any law, regu-
5 lation, document, record, Executive order, or other paper
6 of the United States shall be deemed to be a reference
7 to the Great Lakes St. Lawrence Seaway Development
8 Corporation.

9 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) TITLE 5.—Section 5315 of title 5, United
11 States Code, is amended by striking “Saint Law-
12 rence Seaway Development Corporation” and insert-
13 ing “Great Lakes St. Lawrence Seaway Develop-
14 ment Corporation”.

15 (2) TITLE 18.—Section 2282B of title 18,
16 United States Code, is amended by striking “Saint
17 Lawrence Seaway Development Corporation” and in-
18 serting “Great Lakes St. Lawrence Seaway Develop-
19 ment Corporation”.

20 (3) INTERNAL REVENUE CODE.—Section
21 9505(a)(2) of the Internal Revenue Code of 1986
22 (26 U.S.C. 9505(a)(2)) is amended by striking
23 “Saint Lawrence Seaway Development Corporation”
24 and inserting “Great Lakes St. Lawrence Seaway
25 Development Corporation”.

1 (4) TITLE 31.—Section 9101(3)(K) of title 31,
2 United States Code, is amended by striking “Saint
3 Lawrence Seaway Development Corporation” and in-
4 serting “Great Lakes St. Lawrence Seaway Develop-
5 ment Corporation”.

6 (5) WATER RESOURCES DEVELOPMENT ACT OF
7 1986.—The Water Resources Development Act of
8 1986 (33 U.S.C. 2211 et seq.) is amended—

9 (A) in section 206 (33 U.S.C. 2234), by
10 striking “Saint Lawrence Seaway Development
11 Corporation” and inserting “Great Lakes St.
12 Lawrence Seaway Development Corporation”;

13 (B) in section 210(a)(1) (33 U.S.C.
14 2238(a)(1)), by striking “Saint Lawrence Sea-
15 way Development Corporation” and inserting
16 “Great Lakes St. Lawrence Seaway Develop-
17 ment Corporation”;

18 (C) in section 214(2)(B) (33 U.S.C.
19 2241(2)(B)), by striking “Saint Lawrence Sea-
20 way Development Corporation” and inserting
21 “Great Lakes St. Lawrence Seaway Develop-
22 ment Corporation”; and

23 (D) in section 1132(b) (33 U.S.C.
24 2309(b)), by striking “Saint Lawrence Seaway
25 Development Corporation” and inserting

1 “Great Lakes St. Lawrence Seaway Develop-
2 ment Corporation” each place it appears.

3 (6) TITLE 46.—Title 46, United States Code, is
4 amended—

5 (A) in section 2109, by striking “Saint
6 Lawrence Seaway Development Corporation”
7 and inserting “Great Lakes St. Lawrence Sea-
8 way Development Corporation”;

9 (B) in section 8103(g), by striking “Saint
10 Lawrence Seaway Development Corporation”
11 and inserting “Great Lakes St. Lawrence Sea-
12 way Development Corporation”;

13 (C) in section 8503(c), by striking “Saint
14 Lawrence Seaway Development Corporation”
15 and inserting “Great Lakes St. Lawrence Sea-
16 way Development Corporation”;

17 (D) in section 55112(a)(3), by striking
18 “St. Lawrence Seaway Development Corpora-
19 tion” and inserting “Great Lakes St. Lawrence
20 Seaway Development Corporation”;

21 (E) in section 55331(3), by striking “Saint
22 Lawrence Seaway Development Corporation”
23 and inserting “Great Lakes St. Lawrence Sea-
24 way Development Corporation”; and

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1 (F) in section 70032, by striking “Saint
2 Lawrence Seaway Development Corporation”
3 and inserting “Great Lakes St. Lawrence Sea-
4 way Development Corporation” each place it
5 appears.

6 (7) TITLE 49.—

7 (A) IN GENERAL.—Title 49, United States
8 Code, is amended—

9 (i) in section 110—

10 (I) in the heading, by striking
11 **“Saint Lawrence Seaway De-**
12 **velopment Corporation”** and in-
13 sserting **“Great Lakes St. Law-**
14 **rence Seaway Development**
15 **Corporation”**; and

16 (II) in subsection (a), by striking
17 “Saint Lawrence Seaway Development
18 Corporation” and inserting “Great
19 Lakes St. Lawrence Seaway Develop-
20 ment Corporation”; and

21 (ii) in section 6314(c)(2)(G), by strik-
22 ing “Saint Lawrence Seaway Development
23 Corporation” and inserting “Great Lakes
24 St. Lawrence Seaway Development Cor-
25 poration”.

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1 (B) TABLE OF SECTIONS.—The table of
2 sections for chapter 1 of subtitle I of title 49,
3 United States Code, is amended by amending
4 the item relating to section 110 to read as fol-
5 lows:

“110. Great Lakes St. Lawrence Seaway Development Corporation.”.

1 **DIVISION BB—PRIVATE HEALTH**
 2 **INSURANCE AND PUBLIC**
 3 **HEALTH PROVISIONS**

4 **SEC. 1. TABLE OF CONTENTS.**

5 The table of contents of the division is as follows:

DIVISION BB—PRIVATE HEALTH INSURANCE AND PUBLIC
HEALTH PROVISIONS

Sec. 1. Table of contents.

TITLE I—NO SURPRISES ACT

- Sec. 101. Short title.
 Sec. 102. Health insurance requirements regarding surprise medical billing.
 Sec. 103. Determination of out-of-network rates to be paid by health plans;
Independent dispute resolution process.
 Sec. 104. Health care provider requirements regarding surprise medical billing.
 Sec. 105. Ending surprise air ambulance bills.
 Sec. 106. Reporting requirements regarding air ambulance services.
 Sec. 107. Transparency regarding in-network and out-of-network deductibles
and out-of-pocket limitations.
 Sec. 108. Implementing protections against provider discrimination.
 Sec. 109. Reports.
 Sec. 110. Consumer protections through application of health plan external re-
view in cases of certain surprise medical bills.
 Sec. 111. Consumer protections through health plan requirement for fair and
honest advance cost estimate.
 Sec. 112. Patient protections through transparency and patient-provider dis-
pute resolution.
 Sec. 113. Ensuring continuity of care.
 Sec. 114. Maintenance of price comparison tool.
 Sec. 115. State All Payer Claims Databases.
 Sec. 116. Protecting patients and improving the accuracy of provider directory
information.
 Sec. 117. Advisory committee on ground ambulance and patient billing.
 Sec. 118. Implementation funding.

TITLE II—TRANSPARENCY

- Sec. 201. Increasing transparency by removing gag clauses on price and quality
information.
 Sec. 202. Disclosure of direct and indirect compensation for brokers and con-
sultants to employer-sponsored health plans and enrollees in
plans on the individual market.
 Sec. 203. Strengthening parity in mental health and substance use disorder
benefits.
 Sec. 204. Reporting on pharmacy benefits and drug costs.

TITLE III—PUBLIC HEALTH PROVISIONS

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Subtitle A—Extenders Provisions

- Sec. 301. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.
- Sec. 302. Diabetes programs.

Subtitle B—Strengthening Public Health

- Sec. 311. Improving awareness of disease prevention.
- Sec. 312. Guide on evidence-based strategies for public health department obesity prevention programs.
- Sec. 313. Expanding capacity for health outcomes.
- Sec. 314. Public health data system modernization.
- Sec. 315. Native American suicide prevention.
- Sec. 316. Reauthorization of the Young Women’s Breast Health Education and Awareness Requires Learning Young Act of 2009.
- Sec. 317. Reauthorization of school-based health centers.

Subtitle C—FDA Amendments

- Sec. 321. Rare pediatric disease priority review voucher extension.
- Sec. 322. Conditions of use for biosimilar biological products.
- Sec. 323. Orphan drug clarification.
- Sec. 324. Modernizing the labeling of certain generic drugs.
- Sec. 325. Biological product patent transparency.

Subtitle D—Technical Corrections

- Sec. 331. Technical corrections.

1 TITLE I—NO SURPRISES ACT**2 SEC. 101. SHORT TITLE.**

3 This title may be cited as the “No Surprises Act”.

4 SEC. 102. HEALTH INSURANCE REQUIREMENTS REGARD-
5 ING SURPRISE MEDICAL BILLING.

6 (a) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

7 (1) IN GENERAL.—Title XXVII of the Public
8 Health Service Act (42 U.S.C. 300gg et seq.) is
9 amended by adding at the end the following new
10 part:

1 **“PART D—ADDITIONAL COVERAGE PROVISIONS**

2 **“SEC. 2799A-1. PREVENTING SURPRISE MEDICAL BILLS.**

3 “(a) COVERAGE OF EMERGENCY SERVICES.—

4 “(1) IN GENERAL.—If a group health plan, or
5 a health insurance issuer offering group or indi-
6 vidual health insurance coverage, provides or covers
7 any benefits with respect to services in an emergency
8 department of a hospital or with respect to emer-
9 gency services in an independent freestanding emer-
10 gency department (as defined in paragraph (3)(D)),
11 the plan or issuer shall cover emergency services (as
12 defined in paragraph (3)(C))—

13 “(A) without the need for any prior au-
14 thorization determination;

15 “(B) whether the health care provider fur-
16 nishing such services is a participating provider
17 or a participating emergency facility, as appli-
18 cable, with respect to such services;

19 “(C) in a manner so that, if such services
20 are provided to a participant, beneficiary, or en-
21 rollee by a nonparticipating provider or a non-
22 participating emergency facility—

23 “(i) such services will be provided
24 without imposing any requirement under
25 the plan or coverage for prior authoriza-
26 tion of services or any limitation on cov-

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1 erage that is more restrictive than the re-
2 quirements or limitations that apply to
3 emergency services received from partici-
4 pating providers and participating emer-
5 gency facilities with respect to such plan or
6 coverage, respectively;

7 “(ii) the cost-sharing requirement is
8 not greater than the requirement that
9 would apply if such services were provided
10 by a participating provider or a partici-
11 pating emergency facility;

12 “(iii) such cost-sharing requirement is
13 calculated as if the total amount that
14 would have been charged for such services
15 by such participating provider or partici-
16 pating emergency facility were equal to the
17 recognized amount (as defined in para-
18 graph (3)(H)) for such services, plan or
19 coverage, and year;

20 “(iv) the group health plan or health
21 insurance issuer, respectively—

22 “(I) not later than 30 calendar
23 days after the bill for such services is
24 transmitted by such provider or facil-
25 ity, sends to the provider or facility,

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1 as applicable, an initial payment or
2 notice of denial of payment; and

3 “(II) pays a total plan or cov-
4 erage payment directly to such pro-
5 vider or facility, respectively (in ac-
6 cordance, if applicable, with the tim-
7 ing requirement described in sub-
8 section (c)(6)) that is, with applica-
9 tion of any initial payment under sub-
10 clause (I), equal to the amount by
11 which the out-of-network rate (as de-
12 fined in paragraph (3)(K)) for such
13 services exceeds the cost-sharing
14 amount for such services (as deter-
15 mined in accordance with clauses (ii)
16 and (iii)) and year; and

17 “(v) any cost-sharing payments made
18 by the participant, beneficiary, or enrollee
19 with respect to such emergency services so
20 furnished shall be counted toward any in-
21 network deductible or out-of-pocket maxi-
22 mums applied under the plan or coverage,
23 respectively (and such in-network deduct-
24 ible and out-of-pocket maximums shall be
25 applied) in the same manner as if such

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1 cost-sharing payments were made with re-
2 spect to emergency services furnished by a
3 participating provider or a participating
4 emergency facility; and

5 “(D) without regard to any other term or
6 condition of such coverage (other than exclusion
7 or coordination of benefits, or an affiliation or
8 waiting period, permitted under section 2704 of
9 this Act, including as incorporated pursuant to
10 section 715 of the Employee Retirement Income
11 Security Act of 1974 and section 9815 of the
12 Internal Revenue Code of 1986, and other than
13 applicable cost-sharing).

14 “(2) AUDIT PROCESS AND REGULATIONS FOR
15 QUALIFYING PAYMENT AMOUNTS.—

16 “(A) AUDIT PROCESS.—

17 “(i) IN GENERAL.—Not later than Oc-
18 tober 1, 2021, the Secretary, in consulta-
19 tion with the Secretary of Labor and the
20 Secretary of the Treasury, shall establish
21 through rulemaking a process, in accord-
22 ance with clause (ii), under which group
23 health plans and health insurance issuers
24 offering group or individual health insur-
25 ance coverage are audited by the Secretary

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1 or applicable State authority to ensure
2 that—

3 “(I) such plans and coverage are
4 in compliance with the requirement of
5 applying a qualifying payment amount
6 under this section; and

7 “(II) such qualifying payment
8 amount so applied satisfies the defini-
9 tion under paragraph (3)(E) with re-
10 spect to the year involved, including
11 with respect to a group health plan or
12 health insurance issuer described in
13 clause (ii) of such paragraph (3)(E).

14 “(ii) AUDIT SAMPLES.—Under the
15 process established pursuant to clause (i),
16 the Secretary—

17 “(I) shall conduct audits de-
18 scribed in such clause, with respect to
19 a year (beginning with 2022), of a
20 sample with respect to such year of
21 claims data from not more than 25
22 group health plans and health insur-
23 ance issuers offering group or indi-
24 vidual health insurance coverage; and

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1 “(II) may audit any group health
2 plan or health insurance issuer offer-
3 ing group or individual health insur-
4 ance coverage if the Secretary has re-
5 ceived any complaint or other infor-
6 mation about such plan or coverage,
7 respectively, that involves the compli-
8 ance of the plan or coverage, respec-
9 tively, with either of the requirements
10 described in subclauses (I) and (II) of
11 such clause.

12 “(iii) REPORTS.—Beginning for 2022,
13 the Secretary shall annually submit to
14 Congress a report on the number of plans
15 and issuers with respect to which audits
16 were conducted during such year pursuant
17 to this subparagraph.

18 “(B) RULEMAKING.—Not later than July
19 1, 2021, the Secretary, in consultation with the
20 Secretary of Labor and the Secretary of the
21 Treasury, shall establish through rulemaking—

22 “(i) the methodology the group health
23 plan or health insurance issuer offering
24 group or individual health insurance cov-
25 erage shall use to determine the qualifying

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1 payment amount, differentiating by indi-
2 vidual market, large group market, and
3 small group market;

4 “(ii) the information such plan or
5 issuer, respectively, shall share with the
6 nonparticipating provider or nonpartici-
7 pating facility, as applicable, when making
8 such a determination;

9 “(iii) the geographic regions applied
10 for purposes of this subparagraph, taking
11 into account access to items and services in
12 rural and underserved areas, including
13 health professional shortage areas, as de-
14 fined in section 332; and

15 “(iv) a process to receive complaints
16 of violations of the requirements described
17 in subclauses (I) and (II) of subparagraph
18 (A)(i) by group health plans and health in-
19 surance issuers offering group or indi-
20 vidual health insurance coverage.

21 Such rulemaking shall take into account pay-
22 ments that are made by such plan or issuer, re-
23 spectively, that are not on a fee-for-service
24 basis. Such methodology may account for rel-
25 evant payment adjustments that take into ac-

1 count quality or facility type (including higher
2 acuity settings and the case-mix of various fa-
3 cility types) that are otherwise taken into ac-
4 count for purposes of determining payment
5 amounts with respect to participating facilities.
6 In carrying out clause (iii), the Secretary shall
7 consult with the National Association of Insur-
8 ance Commissioners to establish the geographic
9 regions under such clause and shall periodically
10 update such regions, as appropriate, taking into
11 account the findings of the report submitted
12 under section 109(a) of the No Surprises Act.

13 “(3) DEFINITIONS.—In this part and part E:

14 “(A) EMERGENCY DEPARTMENT OF A HOS-
15 PITAL.—The term ‘emergency department of a
16 hospital’ includes a hospital outpatient depart-
17 ment that provides emergency services (as de-
18 fined in subparagraph (C)(i)).

19 “(B) EMERGENCY MEDICAL CONDITION.—
20 The term ‘emergency medical condition’ means
21 a medical condition manifesting itself by acute
22 symptoms of sufficient severity (including se-
23 vere pain) such that a prudent layperson, who
24 possesses an average knowledge of health and
25 medicine, could reasonably expect the absence

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1 of immediate medical attention to result in a
2 condition described in clause (i), (ii), or (iii) of
3 section 1867(e)(1)(A) of the Social Security
4 Act.

5 “(C) EMERGENCY SERVICES.—

6 “(i) IN GENERAL.—The term ‘emer-
7 gency services’, with respect to an emer-
8 gency medical condition, means—

9 “(I) a medical screening exam-
10 ination (as required under section
11 1867 of the Social Security Act, or as
12 would be required under such section
13 if such section applied to an inde-
14 pendent freestanding emergency de-
15 partment) that is within the capability
16 of the emergency department of a hos-
17 pital or of an independent free-
18 standing emergency department, as
19 applicable, including ancillary services
20 routinely available to the emergency
21 department to evaluate such emer-
22 gency medical condition; and

23 “(II) within the capabilities of
24 the staff and facilities available at the
25 hospital or the independent free-

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1 standing emergency department, as
2 applicable, such further medical exam-
3 ination and treatment as are required
4 under section 1867 of such Act, or as
5 would be required under such section
6 if such section applied to an inde-
7 pendent freestanding emergency de-
8 partment, to stabilize the patient (re-
9 gardless of the department of the hos-
10 pital in which such further examina-
11 tion or treatment is furnished).

12 “(ii) INCLUSION OF ADDITIONAL
13 SERVICES.—

14 “(I) IN GENERAL.—For purposes
15 of this subsection and section 2799B-
16 1, in the case of a participant, bene-
17 ficiary, or enrollee who is enrolled in
18 a group health plan or group or indi-
19 vidual health insurance coverage of-
20 fered by a health insurance issuer and
21 who is furnished services described in
22 clause (i) with respect to an emer-
23 gency medical condition, the term
24 ‘emergency services’ shall include, un-
25 less each of the conditions described

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1 in subclause (II) are met, in addition
2 to the items and services described in
3 clause (i), items and services—

4 “(aa) for which benefits are
5 provided or covered under the
6 plan or coverage, respectively;
7 and

8 “(bb) that are furnished by
9 a nonparticipating provider or
10 nonparticipating emergency facil-
11 ity (regardless of the department
12 of the hospital in which such
13 items or services are furnished)
14 after the participant, beneficiary,
15 or enrollee is stabilized and as
16 part of outpatient observation or
17 an inpatient or outpatient stay
18 with respect to the visit in which
19 the services described in clause
20 (i) are furnished.

21 “(II) CONDITIONS.—For pur-
22 poses of subclause (I), the conditions
23 described in this subclause, with re-
24 spect to a participant, beneficiary, or
25 enrollee who is stabilized and fur-

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1 nished additional items and services
2 described in subclause (I) after such
3 stabilization by a provider or facility
4 described in subclause (I), are the fol-
5 lowing;

6 “(aa) Such provider or facil-
7 ity determines such individual is
8 able to travel using nonmedical
9 transportation or nonemergency
10 medical transportation.

11 “(bb) Such provider fur-
12 nishing such additional items and
13 services satisfies the notice and
14 consent criteria of section
15 2799B–2(d) with respect to such
16 items and services.

17 “(cc) Such individual is in a
18 condition to receive (as deter-
19 mined in accordance with guide-
20 lines issued by the Secretary pur-
21 suant to rulemaking) the infor-
22 mation described in section
23 2799B–2 and to provide in-
24 formed consent under such sec-

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1 tion, in accordance with applica-
2 ble State law.

3 “(dd) Such other conditions,
4 as specified by the Secretary,
5 such as conditions relating to co-
6 ordinating care transitions to
7 participating providers and facili-
8 ties.

9 “(D) INDEPENDENT FREESTANDING
10 EMERGENCY DEPARTMENT.—The term ‘inde-
11 pendent freestanding emergency department’
12 means a health care facility that—

13 “(i) is geographically separate and
14 distinct and licensed separately from a hos-
15 pital under applicable State law; and

16 “(ii) provides any of the emergency
17 services (as defined in subparagraph
18 (C)(i)).

19 “(E) QUALIFYING PAYMENT AMOUNT.—

20 “(i) IN GENERAL.—The term ‘quali-
21 fying payment amount’ means, subject to
22 clauses (ii) and (iii), with respect to a
23 sponsor of a group health plan and health
24 insurance issuer offering group or indi-
25 vidual health insurance coverage—

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1 “(I) for an item or service fur-
2 nished during 2022, the median of the
3 contracted rates recognized by the
4 plan or issuer, respectively (deter-
5 mined with respect to all such plans
6 of such sponsor or all such coverage
7 offered by such issuer that are offered
8 within the same insurance market
9 (specified in subclause (I), (II), (III),
10 or (IV) of clause (iv)) as the plan or
11 coverage) as the total maximum pay-
12 ment (including the cost-sharing
13 amount imposed for such item or
14 service and the amount to be paid by
15 the plan or issuer, respectively) under
16 such plans or coverage, respectively,
17 on January 31, 2019, for the same or
18 a similar item or service that is pro-
19 vided by a provider in the same or
20 similar specialty and provided in the
21 geographic region in which the item or
22 service is furnished, consistent with
23 the methodology established by the
24 Secretary under paragraph (2)(B), in-
25 creased by the percentage increase in

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1 the consumer price index for all urban
2 consumers (United States city aver-
3 age) over 2019, such percentage in-
4 crease over 2020, and such percentage
5 increase over 2021; and

6 “(II) for an item or service fur-
7 nished during 2023 or a subsequent
8 year, the qualifying payment amount
9 determined under this clause for such
10 an item or service furnished in the
11 previous year, increased by the per-
12 centage increase in the consumer price
13 index for all urban consumers (United
14 States city average) over such pre-
15 vious year.

16 “(ii) NEW PLANS AND COVERAGE.—
17 The term ‘qualifying payment amount’
18 means, with respect to a sponsor of a
19 group health plan or health insurance
20 issuer offering group or individual health
21 insurance coverage in a geographic region
22 in which such sponsor or issuer, respec-
23 tively, did not offer any group health plan
24 or health insurance coverage during
25 2019—

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1 “(I) for the first year in which
2 such group health plan, group health
3 insurance coverage, or individual
4 health insurance coverage, respec-
5 tively, is offered in such region, a rate
6 (determined in accordance with a
7 methodology established by the Sec-
8 retary) for items and services that are
9 covered by such plan or coverage and
10 furnished during such first year; and

11 “(II) for each subsequent year
12 such group health plan, group health
13 insurance coverage, or individual
14 health insurance coverage, respec-
15 tively, is offered in such region, the
16 qualifying payment amount deter-
17 mined under this clause for such
18 items and services furnished in the
19 previous year, increased by the per-
20 centage increase in the consumer price
21 index for all urban consumers (United
22 States city average) over such pre-
23 vious year.

24 “(iii) INSUFFICIENT INFORMATION;
25 NEWLY COVERED ITEMS AND SERVICES.—

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1 In the case of a sponsor of a group health
2 plan or health insurance issuer offering
3 group or individual health insurance cov-
4 erage that does not have sufficient infor-
5 mation to calculate the median of the con-
6 tracted rates described in clause (i)(I) in
7 2019 (or, in the case of a newly covered
8 item or service (as defined in clause
9 (v)(III)), in the first coverage year (as de-
10 fined in clause (v)(I)) for such item or
11 service with respect to such plan or cov-
12 erage) for an item or service (including
13 with respect to provider type, or amount,
14 of claims for items or services (as deter-
15 mined by the Secretary) provided in a par-
16 ticular geographic region (other than in a
17 case with respect to which clause (ii) ap-
18 plies)) the term ‘qualifying payment
19 amount’—

20 “(I) for an item or service fur-
21 nished during 2022 (or, in the case of
22 a newly covered item or service, dur-
23 ing the first coverage year for such
24 item or service with respect to such
25 plan or coverage), means such rate for

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1 such item or service determined by
2 the sponsor or issuer, respectively,
3 through use of any database that is
4 determined, in accordance with rule-
5 making described in paragraph
6 (2)(B), to not have any conflicts of in-
7 terest and to have sufficient informa-
8 tion reflecting allowed amounts paid
9 to a health care provider or facility for
10 relevant services furnished in the ap-
11 plicable geographic region (such as a
12 State all-payer claims database);

13 “(II) for an item or service fur-
14 nished in a subsequent year (before
15 the first sufficient information year
16 (as defined in clause (v)(II)) for such
17 item or service with respect to such
18 plan or coverage), means the rate de-
19 termined under subclause (I) or this
20 subclause, as applicable, for such item
21 or service for the year previous to
22 such subsequent year, increased by
23 the percentage increase in the con-
24 sumer price index for all urban con-

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1 sumers (United States city average)
2 over such previous year;

3 “(III) for an item or service fur-
4 nished in the first sufficient informa-
5 tion year for such item or service with
6 respect to such plan or coverage, has
7 the meaning given the term qualifying
8 payment amount in clause (i)(I), ex-
9 cept that in applying such clause to
10 such item or service, the reference to
11 ‘furnished during 2022’ shall be treat-
12 ed as a reference to furnished during
13 such first sufficient information year,
14 the reference to ‘in 2019’ shall be
15 treated as a reference to such suffi-
16 cient information year, and the in-
17 crease described in such clause shall
18 not be applied; and

19 “(IV) for an item or service fur-
20 nished in any year subsequent to the
21 first sufficient information year for
22 such item or service with respect to
23 such plan or coverage, has the mean-
24 ing given such term in clause (i)(II),
25 except that in applying such clause to

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1 such item or service, the reference to
2 ‘furnished during 2023 or a subse-
3 quent year’ shall be treated as a ref-
4 erence to furnished during the year
5 after such first sufficient information
6 year or a subsequent year.

7 “(iv) INSURANCE MARKET.—For pur-
8 poses of clause (i)(I), a health insurance
9 market specified in this clause is one of the
10 following:

11 “(I) The individual market.

12 “(II) The large group market
13 (other than plans described in sub-
14 clause (IV)).

15 “(III) The small group market
16 (other than plans described in sub-
17 clause (IV)).

18 “(IV) In the case of a self-in-
19 sured group health plan, other self-in-
20 sured group health plans.

21 “(v) DEFINITIONS.—For purposes of
22 this subparagraph:

23 “(I) FIRST COVERAGE YEAR.—
24 The term ‘first coverage year’ means,
25 with respect to a group health plan or

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1 group or individual health insurance
2 coverage offered by a health insurance
3 issuer and an item or service for
4 which coverage is not offered in 2019
5 under such plan or coverage, the first
6 year after 2019 for which coverage for
7 such item or service is offered under
8 such plan or health insurance cov-
9 erage.

10 “(II) FIRST SUFFICIENT INFOR-
11 MATION YEAR.—The term ‘first suffi-
12 cient information year’ means, with
13 respect to a group health plan or
14 group or individual health insurance
15 coverage offered by a health insurance
16 issuer—

17 “(aa) in the case of an item
18 or service for which the plan or
19 coverage does not have sufficient
20 information to calculate the me-
21 dian of the contracted rates de-
22 scribed in clause (i)(I) in 2019,
23 the first year subsequent to 2022
24 for which the sponsor or issuer
25 has such sufficient information to

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1 calculate the median of such con-
2 tracted rates in the year previous
3 to such first subsequent year;
4 and

5 “(bb) in the case of a newly
6 covered item or service, the first
7 year subsequent to the first cov-
8 erage year for such item or serv-
9 ice with respect to such plan or
10 coverage for which the sponsor or
11 issuer has sufficient information
12 to calculate the median of the
13 contracted rates described in
14 clause (i)(I) in the year previous
15 to such first subsequent year.

16 “(III) NEWLY COVERED ITEM OR
17 SERVICE.—The term ‘newly covered
18 item or service’ means, with respect to
19 a group health plan or group or indi-
20 vidual health insurance issuer offering
21 health insurance coverage, an item or
22 service for which coverage was not of-
23 fered in 2019 under such plan or cov-
24 erage, but is offered under such plan
25 or coverage in a year after 2019.

1 “(F) NONPARTICIPATING EMERGENCY FA-
2 CILITY; PARTICIPATING EMERGENCY FACIL-
3 ITY.—

4 “(i) NONPARTICIPATING EMERGENCY
5 FACILITY.—The term ‘nonparticipating
6 emergency facility’ means, with respect to
7 an item or service and a group health plan
8 or group or individual health insurance
9 coverage offered by a health insurance
10 issuer, an emergency department of a hos-
11 pital, or an independent freestanding emer-
12 gency department, that does not have a
13 contractual relationship directly or indi-
14 rectly with the plan or issuer, respectively,
15 for furnishing such item or service under
16 the plan or coverage, respectively.

17 “(ii) PARTICIPATING EMERGENCY FA-
18 CILITY.—The term ‘participating emer-
19 gency facility’ means, with respect to an
20 item or service and a group health plan or
21 group or individual health insurance cov-
22 erage offered by a health insurance issuer,
23 an emergency department of a hospital, or
24 an independent freestanding emergency de-
25 partment, that has a contractual relation-

1 ship directly or indirectly with the plan or
2 issuer, respectively, with respect to the fur-
3 nishing of such an item or service at such
4 facility.

5 “(G) NONPARTICIPATING PROVIDERS; PAR-
6 TICIPATING PROVIDERS.—

7 “(i) NONPARTICIPATING PROVIDER.—

8 The term ‘nonparticipating provider’
9 means, with respect to an item or service
10 and a group health plan or group or indi-
11 vidual health insurance coverage offered by
12 a health insurance issuer, a physician or
13 other health care provider who is acting
14 within the scope of practice of that pro-
15 vider’s license or certification under appli-
16 cable State law and who does not have a
17 contractual relationship with the plan or
18 issuer, respectively, for furnishing such
19 item or service under the plan or coverage,
20 respectively.

21 “(ii) PARTICIPATING PROVIDER.—The
22 term ‘participating provider’ means, with
23 respect to an item or service and a group
24 health plan or group or individual health
25 insurance coverage offered by a health in-

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1 insurance issuer, a physician or other health
2 care provider who is acting within the
3 scope of practice of that provider's license
4 or certification under applicable State law
5 and who has a contractual relationship
6 with the plan or issuer, respectively, for
7 furnishing such item or service under the
8 plan or coverage, respectively.

9 “(H) RECOGNIZED AMOUNT.—The term
10 ‘recognized amount’ means, with respect to an
11 item or service furnished by a nonparticipating
12 provider or nonparticipating emergency facility
13 during a year and a group health plan or group
14 or individual health insurance coverage offered
15 by a health insurance issuer—

16 “(i) subject to clause (iii), in the case
17 of such item or service furnished in a State
18 that has in effect a specified State law
19 with respect to such plan, coverage, or
20 issuer, respectively; such a nonparticipating
21 provider or nonparticipating emergency
22 facility; and such an item or service,
23 the amount determined in accordance with
24 such law;

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1 “(ii) subject to clause (iii), in the case
2 of such item or service furnished in a State
3 that does not have in effect a specified
4 State law, with respect to such plan, cov-
5 erage, or issuer, respectively; such a non-
6 participating provider or nonparticipating
7 emergency facility; and such an item or
8 service, the amount that is the qualifying
9 payment amount (as defined in subpara-
10 graph (E)) for such year and determined
11 in accordance with rulemaking described in
12 paragraph (2)(B)) for such item or service;
13 or

14 “(iii) in the case of such item or serv-
15 ice furnished in a State with an All-Payer
16 Model Agreement under section 1115A of
17 the Social Security Act, the amount that
18 the State approves under such system for
19 such item or service so furnished.

20 “(I) SPECIFIED STATE LAW.—The term
21 ‘specified State law’ means, with respect to a
22 State, an item or service furnished by a non-
23 participating provider or nonparticipating emer-
24 gency facility during a year and a group health
25 plan or group or individual health insurance

1 coverage offered by a health insurance issuer, a
2 State law that provides for a method for deter-
3 mining the total amount payable under such a
4 plan, coverage, or issuer, respectively (to the ex-
5 tent such State law applies to such plan, cov-
6 erage, or issuer, subject to section 514 of the
7 Employee Retirement Income Security Act of
8 1974) in the case of a participant, beneficiary,
9 or enrollee covered under such plan or coverage
10 and receiving such item or service from such a
11 nonparticipating provider or nonparticipating
12 emergency facility.

13 “(J) STABILIZE.—The term ‘to stabilize’,
14 with respect to an emergency medical condition
15 (as defined in subparagraph (B)), has the
16 meaning give in section 1867(e)(3) of the Social
17 Security Act (42 U.S.C. 1395dd(e)(3)).

18 “(K) OUT-OF-NETWORK RATE.—The term
19 ‘out-of-network rate’ means, with respect to an
20 item or service furnished in a State during a
21 year to a participant, beneficiary, or enrollee of
22 a group health plan or group or individual
23 health insurance coverage offered by a health
24 insurance issuer receiving such item or service

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1 from a nonparticipating provider or nonparticipating emergency facility—

2
3 “(i) subject to clause (iii), in the case
4 of such item or service furnished in a State
5 that has in effect a specified State law
6 with respect to such plan, coverage, or
7 issuer, respectively; such a nonparticipating provider or nonparticipating emergency facility; and such an item or service,
8 the amount determined in accordance with
9 such law;

10
11
12 “(ii) subject to clause (iii), in the case
13 such State does not have in effect such a
14 law with respect to such item or service,
15 plan, and provider or facility—

16 “(I) subject to subclause (II), if
17 the provider or facility (as applicable)
18 and such plan or coverage agree on an
19 amount of payment (including if such
20 agreed on amount is the initial payment sent by the plan under subsection (a)(1)(C)(iv)(I), subsection (b)(1)(C), or section 2799A–2(a)(3)(A), as applicable, or is agreed on through open negotiations under

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1 subsection (c)(1)) with respect to such
2 item or service, such agreed on
3 amount; or

4 “(II) if such provider or facility
5 (as applicable) and such plan or cov-
6 erage enter the independent dispute
7 resolution process under subsection
8 (c) and do not so agree before the
9 date on which a certified IDR entity
10 (as defined in paragraph (4) of such
11 subsection) makes a determination
12 with respect to such item or service
13 under such subsection, the amount of
14 such determination; or

15 “(iii) in the case such State has an
16 All-Payer Model Agreement under section
17 1115A of the Social Security Act, the
18 amount that the State approves under
19 such system for such item or service so
20 furnished.

21 “(L) COST-SHARING.—The term ‘cost-
22 sharing’ includes copayments, coinsurance, and
23 deductibles.

1 “(b) COVERAGE OF NON-EMERGENCY SERVICES
2 PERFORMED BY NONPARTICIPATING PROVIDERS AT CER-
3 TAIN PARTICIPATING FACILITIES.—

4 “(1) IN GENERAL.—In the case of items or
5 services (other than emergency services to which
6 subsection (a) applies) for which any benefits are
7 provided or covered by a group health plan or health
8 insurance issuer offering group or individual health
9 insurance coverage furnished to a participant, bene-
10 ficiary, or enrollee of such plan or coverage by a
11 nonparticipating provider (as defined in subsection
12 (a)(3)(G)(i)) (and who, with respect to such items
13 and services, has not satisfied the notice and consent
14 criteria of section 2799B–2(d)) with respect to a
15 visit (as defined by the Secretary in accordance with
16 paragraph (2)(B)) at a participating health care fa-
17 cility (as defined in paragraph (2)(A)), with respect
18 to such plan or coverage, respectively, the plan or
19 coverage, respectively—

20 “(A) shall not impose on such participant,
21 beneficiary, or enrollee a cost-sharing require-
22 ment for such items and services so furnished
23 that is greater than the cost-sharing require-
24 ment that would apply under such plan or cov-
25 erage, respectively, had such items or services

1 been furnished by a participating provider (as
2 defined in subsection (a)(3)(G)(ii));

3 “(B) shall calculate such cost-sharing re-
4 quirement as if the total amount that would
5 have been charged for such items and services
6 by such participating provider were equal to the
7 recognized amount (as defined in subsection
8 (a)(3)(H)) for such items and services, plan or
9 coverage, and year;

10 “(C) not later than 30 calendar days after
11 the bill for such services is transmitted by such
12 provider, shall send to the provider an initial
13 payment or notice of denial of payment;

14 “(D) shall pay a total plan or coverage
15 payment directly, in accordance, if applica-
16 ble, with the timing requirement described in
17 subsection (e)(6), to such provider furnishing
18 such items and services to such participant,
19 beneficiary, or enrollee that is, with application
20 of any initial payment under subparagraph (C),
21 equal to the amount by which the out-of-net-
22 work rate (as defined in subsection (a)(3)(K))
23 for such items and services involved exceeds the
24 cost-sharing amount imposed under the plan or
25 coverage, respectively, for such items and serv-

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1 ices (as determined in accordance with subpara-
2 graphs (A) and (B)) and year; and

3 “(E) shall count toward any in-network de-
4 ductible and in-network out-of-pocket maxi-
5 mums (as applicable) applied under the plan or
6 coverage, respectively, any cost-sharing pay-
7 ments made by the participant, beneficiary, or
8 enrollee (and such in-network deductible and
9 out-of-pocket maximums shall be applied) with
10 respect to such items and services so furnished
11 in the same manner as if such cost-sharing pay-
12 ments were with respect to items and services
13 furnished by a participating provider.

14 “(2) DEFINITIONS.—In this section:

15 “(A) PARTICIPATING HEALTH CARE FACIL-
16 ITY.—

17 “(i) IN GENERAL.—The term ‘partici-
18 pating health care facility’ means, with re-
19 spect to an item or service and a group
20 health plan or health insurance issuer of-
21 fering group or individual health insurance
22 coverage, a health care facility described in
23 clause (ii) that has a direct or indirect con-
24 tractual relationship with the plan or
25 issuer, respectively, with respect to the fur-

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1 nishing of such an item or service at the
2 facility.

3 “(ii) HEALTH CARE FACILITY DE-
4 SCRIBED.—A health care facility described
5 in this clause, with respect to a group
6 health plan or group or individual health
7 insurance coverage, is each of the fol-
8 lowing:

9 “(I) A hospital (as defined in
10 1861(e) of the Social Security Act).

11 “(II) A hospital outpatient de-
12 partment.

13 “(III) A critical access hospital
14 (as defined in section 1861(mm)(1) of
15 such Act).

16 “(IV) An ambulatory surgical
17 center described in section
18 1833(i)(1)(A) of such Act.

19 “(V) Any other facility, specified
20 by the Secretary, that provides items
21 or services for which coverage is pro-
22 vided under the plan or coverage, re-
23 spectively.

24 “(B) VISIT.—The term ‘visit’ shall, with
25 respect to items and services furnished to an in-

1 dividual at a health care facility, include equip-
2 ment and devices, telemedicine services, imag-
3 ing services, laboratory services, preoperative
4 and postoperative services, and such other items
5 and services as the Secretary may specify, re-
6 gardless of whether or not the provider fur-
7 nishing such items or services is at the facility.

8 “(c) CERTAIN ACCESS FEES TO CERTAIN DATA-
9 BASES.—In the case of a sponsor of a group health plan
10 or health insurance issuer offering group or individual
11 health insurance coverage that, pursuant to subsection
12 (a)(3)(E)(iii), uses a database described in such sub-
13 section to determine a rate to apply under such subsection
14 for an item or service by reason of having insufficient in-
15 formation described in such subsection with respect to
16 such item or service, such sponsor or issuer shall cover
17 the cost for access to such database.”

18 (2) TRANSFER AMENDMENT.—Part D of title
19 XXVII of the Public Health Service Act, as added
20 by paragraph (1), is amended by adding at the end
21 the following new section:

22 **“SEC. 2799A-7. OTHER PATIENT PROTECTIONS.**

23 “(a) CHOICE OF HEALTH CARE PROFESSIONAL.—If
24 a group health plan, or a health insurance issuer offering
25 group or individual health insurance coverage, requires or

1 provides for designation by a participant, beneficiary, or
2 enrollee of a participating primary care provider, then the
3 plan or issuer shall permit each participant, beneficiary,
4 and enrollee to designate any participating primary care
5 provider who is available to accept such individual.

6 “(b) ACCESS TO PEDIATRIC CARE.—

7 “(1) PEDIATRIC CARE.—In the case of a person
8 who has a child who is a participant, beneficiary, or
9 enrollee under a group health plan, or group or indi-
10 vidual health insurance coverage offered by a health
11 insurance issuer, if the plan or issuer requires or
12 provides for the designation of a participating pri-
13 mary care provider for the child, the plan or issuer
14 shall permit such person to designate a physician
15 (allopathic or osteopathic) who specializes in pediat-
16 rics as the child’s primary care provider if such pro-
17 vider participates in the network of the plan or
18 issuer.

19 “(2) CONSTRUCTION.—Nothing in paragraph
20 (1) shall be construed to waive any exclusions of cov-
21 erage under the terms and conditions of the plan or
22 health insurance coverage with respect to coverage
23 of pediatric care.

24 “(c) PATIENT ACCESS TO OBSTETRICAL AND GYNE-
25 COLOGICAL CARE.—

1 “(1) GENERAL RIGHTS.—

2 “(A) DIRECT ACCESS.—A group health
3 plan, or health insurance issuer offering group
4 or individual health insurance coverage, de-
5 scribed in paragraph (2) may not require au-
6 thorization or referral by the plan, issuer, or
7 any person (including a primary care provider
8 described in paragraph (2)(B)) in the case of a
9 female participant, beneficiary, or enrollee who
10 seeks coverage for obstetrical or gynecological
11 care provided by a participating health care
12 professional who specializes in obstetrics or
13 gynecology. Such professional shall agree to
14 otherwise adhere to such plan’s or issuer’s poli-
15 cies and procedures, including procedures re-
16 garding referrals and obtaining prior authoriza-
17 tion and providing services pursuant to a treat-
18 ment plan (if any) approved by the plan or
19 issuer.

20 “(B) OBSTETRICAL AND GYNECOLOGICAL
21 CARE.—A group health plan or health insur-
22 ance issuer described in paragraph (2) shall
23 treat the provision of obstetrical and gynecolo-
24 gical care, and the ordering of related obstet-
25 rical and gynecological items and services, pur-

1 suant to the direct access described under sub-
2 paragraph (A), by a participating health care
3 professional who specializes in obstetrics or
4 gynecology as the authorization of the primary
5 care provider.

6 “(2) APPLICATION OF PARAGRAPH.—A group
7 health plan, or health insurance issuer offering
8 group or individual health insurance coverage, de-
9 scribed in this paragraph is a group health plan or
10 health insurance coverage that—

11 “(A) provides coverage for obstetric or
12 gynecologic care; and

13 “(B) requires the designation by a partici-
14 pant, beneficiary, or enrollee of a participating
15 primary care provider.

16 “(3) CONSTRUCTION.—Nothing in paragraph
17 (1) shall be construed to—

18 “(A) waive any exclusions of coverage
19 under the terms and conditions of the plan or
20 health insurance coverage with respect to cov-
21 erage of obstetrical or gynecological care; or

22 “(B) preclude the group health plan or
23 health insurance issuer involved from requiring
24 that the obstetrical or gynecological provider

1 notify the primary care health care professional
2 or the plan or issuer of treatment decisions.”.

3 (3) CONFORMING AMENDMENTS.—

4 (A) Section 2719A of the Public Health
5 Service Act (42 U.S.C. 300gg–19a) is amended
6 by adding at the end the following new sub-
7 section:

8 “(e) APPLICATION.—The provisions of this section
9 shall not apply with respect to a group health plan, health
10 insurance issuers, or group or individual health insurance
11 coverage with respect to plan years beginning on or on
12 January 1, 2022.”.

13 (B) Section 2722 of the Public Health
14 Service Act (42 U.S.C. 300gg–21) is amend-
15 ed—

16 (i) in subsection (a)(1), by inserting
17 “and part D” after “subparts 1 and 2”;

18 (ii) in subsection (b), by inserting
19 “and part D” after “subparts 1 and 2”;

20 (iii) in subsection (c)(1), by inserting
21 “and part D” after “subparts 1 and 2”;

22 (iv) in subsection (c)(2), by inserting
23 “and part D” after “subparts 1 and 2”;

24 (v) in subsection (c)(3), by inserting
25 “and part D” after “this part”; and

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1 (vi) in subsection (d), in the matter
2 preceding paragraph (1), by inserting “and
3 part D” after “this part”.

4 (C) Section 2723 of the Public Health
5 Service Act (42 U.S.C. 300gg–22) is amend-
6 ed—

7 (i) in subsection (a)(1), by inserting
8 “and part D” after “this part”;

9 (ii) in subsection (a)(2), by inserting
10 “or part D” after “this part”;

11 (iii) in subsection (b)(1), by inserting
12 “or part D” after “this part”;

13 (iv) in subsection (b)(2)(A), by insert-
14 ing “or part D” after “this part”; and

15 (v) in subsection (b)(2)(C)(ii), by in-
16 serting “and part D” after “this part”.

17 (D) Section 2724 of the Public Health
18 Service Act (42 U.S.C. 300gg–23) is amend-
19 ed—

20 (i) in subsection (a)(1)—

21 (I) by striking “this part and
22 part C insofar as it relates to this
23 part” and inserting “this part, part
24 D, and part C insofar as it relates to
25 this part or part D”; and

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1 (II) by inserting “or part D”
2 after “requirement of this part”;
3 (ii) in subsection (a)(2), by inserting
4 “or part D” after “this part”; and
5 (iii) in subsection (c), by inserting “or
6 part D” after “this part (other than sec-
7 tion 2704)”.

8 (b) ERISA AMENDMENTS.—

9 (1) IN GENERAL.—Subpart B of part 7 of title
10 I of the Employee Retirement Income Security Act
11 of 1974 (29 U.S.C. 1185 et seq.) is amended by
12 adding at the end the following:

13 **“SEC. 716. PREVENTING SURPRISE MEDICAL BILLS.**

14 **“(a) COVERAGE OF EMERGENCY SERVICES.—**

15 **“(1) IN GENERAL.—**If a group health plan, or
16 a health insurance issuer offering group health in-
17 surance coverage, provides or covers any benefits
18 with respect to services in an emergency department
19 of a hospital or with respect to emergency services
20 in an independent freestanding emergency depart-
21 ment (as defined in paragraph (3)(D)), the plan or
22 issuer shall cover emergency services (as defined in
23 paragraph (3)(C))—

24 **“(A)** without the need for any prior au-
25 thorization determination;

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1 “(B) whether the health care provider fur-
2 nishing such services is a participating provider
3 or a participating emergency facility, as appli-
4 cable, with respect to such services;

5 “(C) in a manner so that, if such services
6 are provided to a participant or beneficiary by
7 a nonparticipating provider or a nonpartici-
8 pating emergency facility—

9 “(i) such services will be provided
10 without imposing any requirement under
11 the plan for prior authorization of services
12 or any limitation on coverage that is more
13 restrictive than the requirements or limita-
14 tions that apply to emergency services re-
15 ceived from participating providers and
16 participating emergency facilities with re-
17 spect to such plan or coverage, respec-
18 tively;

19 “(ii) the cost-sharing requirement is
20 not greater than the requirement that
21 would apply if such services were provided
22 by a participating provider or a partici-
23 pating emergency facility;

24 “(iii) such cost-sharing requirement is
25 calculated as if the total amount that

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1 would have been charged for such services
2 by such participating provider or partici-
3 pating emergency facility were equal to the
4 recognized amount (as defined in para-
5 graph (3)(H)) for such services, plan or
6 coverage, and year;

7 “(iv) the group health plan or health
8 insurance issuer, respectively—

9 “(I) not later than 30 calendar
10 days after the bill for such services is
11 transmitted by such provider or facil-
12 ity, sends to the provider or facility,
13 as applicable, an initial payment or
14 notice of denial of payment; and

15 “(II) pays a total plan or cov-
16 erage payment directly to such pro-
17 vider or facility, respectively (in ac-
18 cordance, if applicable, with the tim-
19 ing requirement described in sub-
20 section (c)(6)) that is, with applica-
21 tion of any initial payment under sub-
22 clause (I), equal to the amount by
23 which the out-of-network rate (as de-
24 fined in paragraph (3)(K)) for such
25 services exceeds the cost-sharing

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1 amount for such services (as deter-
2 mined in accordance with clauses (ii)
3 and (iii)) and year; and

4 “(v) any cost-sharing payments made
5 by the participant or beneficiary with re-
6 spect to such emergency services so fur-
7 nished shall be counted toward any in-net-
8 work deductible or out-of-pocket maxi-
9 mums applied under the plan or coverage,
10 respectively (and such in-network deduct-
11 ible and out-of-pocket maximums shall be
12 applied) in the same manner as if such
13 cost-sharing payments were made with re-
14 spect to emergency services furnished by a
15 participating provider or a participating
16 emergency facility; and

17 “(D) without regard to any other term or
18 condition of such coverage (other than exclusion
19 or coordination of benefits, or an affiliation or
20 waiting period, permitted under section 2704 of
21 the Public Health Service Act, including as in-
22 corporated pursuant to section 715 of this Act
23 and section 9815 of the Internal Revenue Code
24 of 1986, and other than applicable cost-shar-
25 ing).

1 “(2) REGULATIONS FOR QUALIFYING PAYMENT
2 AMOUNTS.—Not later than July 1, 2021, the Sec-
3 retary, in consultation with the Secretary of the
4 Treasury and the Secretary of Health and Human
5 Services, shall establish through rulemaking—

6 “(A) the methodology the group health
7 plan or health insurance issuer offering health
8 insurance coverage in the group market shall
9 use to determine the qualifying payment
10 amount, differentiating by large group market,
11 and small group market;

12 “(B) the information such plan or issuer,
13 respectively, shall share with the nonpartici-
14 pating provider or nonparticipating facility, as
15 applicable, when making such a determination;

16 “(C) the geographic regions applied for
17 purposes of this subparagraph, taking into ac-
18 count access to items and services in rural and
19 underserved areas, including health professional
20 shortage areas, as defined in section 332 of the
21 Public Health Service Act; and

22 “(D) a process to receive complaints of vio-
23 lations of the requirements described in sub-
24 clauses (I) and (II) of subparagraph (A)(i) by
25 group health plans and health insurance issuers

1 offering health insurance coverage in the group
2 market.

3 Such rulemaking shall take into account payments
4 that are made by such plan or issuer, respectively,
5 that are not on a fee-for-service basis. Such method-
6 ology may account for relevant payment adjustments
7 that take into account quality or facility type (in-
8 cluding higher acuity settings and the case-mix of
9 various facility types) that are otherwise taken into
10 account for purposes of determining payment
11 amounts with respect to participating facilities. In
12 carrying out clause (iii), the Secretary shall consult
13 with the National Association of Insurance Commis-
14 sioners to establish the geographic regions under
15 such clause and shall periodically update such re-
16 gions, as appropriate, taking into account the find-
17 ings of the report submitted under section 109(a) of
18 the No Surprises Act.

19 “(3) DEFINITIONS.—In this subpart:

20 “(A) EMERGENCY DEPARTMENT OF A HOS-
21 PITAL.—The term ‘emergency department of a
22 hospital’ includes a hospital outpatient depart-
23 ment that provides emergency services (as de-
24 fined in subparagraph (C)(i)).

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1 “(B) EMERGENCY MEDICAL CONDITION.—

2 The term ‘emergency medical condition’ means
3 a medical condition manifesting itself by acute
4 symptoms of sufficient severity (including se-
5 vere pain) such that a prudent layperson, who
6 possesses an average knowledge of health and
7 medicine, could reasonably expect the absence
8 of immediate medical attention to result in a
9 condition described in clause (i), (ii), or (iii) of
10 section 1867(e)(1)(A) of the Social Security
11 Act.

12 “(C) EMERGENCY SERVICES.—

13 “(i) IN GENERAL.—The term ‘emer-
14 gency services’, with respect to an emer-
15 gency medical condition, means—

16 “(I) a medical screening exam-
17 ination (as required under section
18 1867 of the Social Security Act, or as
19 would be required under such section
20 if such section applied to an inde-
21 pendent freestanding emergency de-
22 partment) that is within the capability
23 of the emergency department of a hos-
24 pital or of an independent free-
25 standing emergency department, as

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1 applicable, including ancillary services
2 routinely available to the emergency
3 department to evaluate such emer-
4 gency medical condition; and

5 “(II) within the capabilities of
6 the staff and facilities available at the
7 hospital or the independent free-
8 standing emergency department, as
9 applicable, such further medical exam-
10 ination and treatment as are required
11 under section 1867 of such Act, or as
12 would be required under such section
13 if such section applied to an inde-
14 pendent freestanding emergency de-
15 partment, to stabilize the patient (re-
16 gardless of the department of the hos-
17 pital in which such further examina-
18 tion or treatment is furnished).

19 “(ii) INCLUSION OF ADDITIONAL
20 SERVICES.—

21 “(I) IN GENERAL.—For purposes
22 of this subsection and section 2799B-
23 1 of the Public Health Service Act, in
24 the case of a participant or bene-
25 ficiary who is enrolled in a group

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1 health plan or group health insurance
2 coverage offered by a health insurance
3 issuer and who is furnished services
4 described in clause (i) with respect to
5 an emergency medical condition, the
6 term ‘emergency services’ shall in-
7 clude, unless each of the conditions
8 described in subclause (II) are met, in
9 addition to the items and services de-
10 scribed in clause (i), items and serv-
11 ices—

12 “(aa) for which benefits are
13 provided or covered under the
14 plan or coverage, respectively;
15 and

16 “(bb) that are furnished by
17 a nonparticipating provider or
18 nonparticipating emergency facil-
19 ity (regardless of the department
20 of the hospital in which such
21 items or services are furnished)
22 after the participant or bene-
23 ficiary is stabilized and as part of
24 outpatient observation or an in-
25 patient or outpatient stay with

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1 respect to the visit in which the
2 services described in clause (i)
3 are furnished.

4 “(II) CONDITIONS.—For pur-
5 poses of subclause (I), the conditions
6 described in this subclause, with re-
7 spect to a participant or beneficiary
8 who is stabilized and furnished addi-
9 tional items and services described in
10 subclause (I) after such stabilization
11 by a provider or facility described in
12 subclause (I), are the following;

13 “(aa) Such provider or facil-
14 ity determines such individual is
15 able to travel using nonmedical
16 transportation or nonemergency
17 medical transportation.

18 “(bb) Such provider fur-
19 nishing such additional items and
20 services satisfies the notice and
21 consent criteria of section
22 2799B–2(d) with respect to such
23 items and services.

24 “(cc) Such individual is in a
25 condition to receive (as deter-

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1 mined in accordance with guide-
2 lines issued by the Secretary pur-
3 suant to rulemaking) the infor-
4 mation described in section
5 2799B-2 and to provide in-
6 formed consent under such sec-
7 tion, in accordance with applica-
8 ble State law.

9 “(dd) Such other conditions,
10 as specified by the Secretary,
11 such as conditions relating to co-
12 ordinating care transitions to
13 participating providers and facili-
14 ties.

15 “(D) INDEPENDENT FREESTANDING
16 EMERGENCY DEPARTMENT.—The term ‘inde-
17 pendent freestanding emergency department’
18 means a health care facility that—

19 “(i) is geographically separate and
20 distinct and licensed separately from a hos-
21 pital under applicable State law; and

22 “(ii) provides any of the emergency
23 services (as defined in subparagraph
24 (C)(i)).

25 “(E) QUALIFYING PAYMENT AMOUNT.—

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1 “(i) IN GENERAL.—The term ‘quali-
2 fying payment amount’ means, subject to
3 clauses (ii) and (iii), with respect to a
4 sponsor of a group health plan and health
5 insurance issuer offering group health in-
6 surance coverage—

7 “(I) for an item or service fur-
8 nished during 2022, the median of the
9 contracted rates recognized by the
10 plan or issuer, respectively (deter-
11 mined with respect to all such plans
12 of such sponsor or all such coverage
13 offered by such issuer that are offered
14 within the same insurance market
15 (specified in subclause (I), (II), or
16 (III) of clause (iv)) as the plan or cov-
17 erage) as the total maximum payment
18 (including the cost-sharing amount
19 imposed for such item or service and
20 the amount to be paid by the plan or
21 issuer, respectively) under such plans
22 or coverage, respectively, on January
23 31, 2019, for the same or a similar
24 item or service that is provided by a
25 provider in the same or similar spe-

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1 cialty and provided in the geographic
2 region in which the item or service is
3 furnished, consistent with the method-
4 ology established by the Secretary
5 under paragraph (2), increased by the
6 percentage increase in the consumer
7 price index for all urban consumers
8 (United States city average) over
9 2019, such percentage increase over
10 2020, and such percentage increase
11 over 2021; and

12 “(II) for an item or service fur-
13 nished during 2023 or a subsequent
14 year, the qualifying payment amount
15 determined under this clause for such
16 an item or service furnished in the
17 previous year, increased by the per-
18 centage increase in the consumer price
19 index for all urban consumers (United
20 States city average) over such pre-
21 vious year.

22 “(ii) NEW PLANS AND COVERAGE.—
23 The term ‘qualifying payment amount’
24 means, with respect to a sponsor of a
25 group health plan or health insurance

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1 issuer offering group health insurance cov-
2 erage in a geographic region in which such
3 sponsor or issuer, respectively, did not
4 offer any group health plan or health in-
5 surance coverage during 2019—

6 “(I) for the first year in which
7 such group health plan or health in-
8 surance coverage, respectively, is of-
9 fered in such region, a rate (deter-
10 mined in accordance with a method-
11 ology established by the Secretary) for
12 items and services that are covered by
13 such plan and furnished during such
14 first year; and

15 “(II) for each subsequent year
16 such group health plan or health in-
17 surance coverage, respectively, is of-
18 fered in such region, the qualifying
19 payment amount determined under
20 this clause for such items and services
21 furnished in the previous year, in-
22 creased by the percentage increase in
23 the consumer price index for all urban
24 consumers (United States city aver-
25 age) over such previous year.

1 “(iii) INSUFFICIENT INFORMATION;
2 NEWLY COVERED ITEMS AND SERVICES.—
3 In the case of a sponsor of a group health
4 plan or health insurance issuer offering
5 group health insurance coverage that does
6 not have sufficient information to calculate
7 the median of the contracted rates de-
8 scribed in clause (i)(I) in 2019 (or, in the
9 case of a newly covered item or service (as
10 defined in clause (v)(III)), in the first cov-
11 erage year (as defined in clause (v)(I)) for
12 such item or service with respect to such
13 plan or coverage) for an item or service
14 (including with respect to provider type, or
15 amount, of claims for items or services (as
16 determined by the Secretary) provided in a
17 particular geographic region (other than in
18 a case with respect to which clause (ii) ap-
19 plies)) the term ‘qualifying payment
20 amount’—

21 “(I) for an item or service fur-
22 nished during 2022 (or, in the case of
23 a newly covered item or service, dur-
24 ing the first coverage year for such
25 item or service with respect to such

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1 plan or coverage), means such rate for
2 such item or service determined by
3 the sponsor or issuer, respectively,
4 through use of any database that is
5 determined, in accordance with rule-
6 making described in paragraph (2), to
7 not have any conflicts of interest and
8 to have sufficient information reflect-
9 ing allowed amounts paid to a health
10 care provider or facility for relevant
11 services furnished in the applicable ge-
12 ographic region (such as a State all-
13 payer claims database);

14 “(II) for an item or service fur-
15 nished in a subsequent year (before
16 the first sufficient information year
17 (as defined in clause (v)(II)) for such
18 item or service with respect to such
19 plan or coverage), means the rate de-
20 termined under subclause (I) or this
21 subclause, as applicable, for such item
22 or service for the year previous to
23 such subsequent year, increased by
24 the percentage increase in the con-
25 sumer price index for all urban con-

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1 sumers (United States city average)
2 over such previous year;

3 “(III) for an item or service fur-
4 nished in the first sufficient informa-
5 tion year for such item or service with
6 respect to such plan or coverage, has
7 the meaning given the term qualifying
8 payment amount in clause (i)(I), ex-
9 cept that in applying such clause to
10 such item or service, the reference to
11 ‘furnished during 2022’ shall be treat-
12 ed as a reference to furnished during
13 such first sufficient information year,
14 the reference to ‘in 2019’ shall be
15 treated as a reference to such suffi-
16 cient information year, and the in-
17 crease described in such clause shall
18 not be applied; and

19 “(IV) for an item or service fur-
20 nished in any year subsequent to the
21 first sufficient information year for
22 such item or service with respect to
23 such plan or coverage, has the mean-
24 ing given such term in clause (i)(II),
25 except that in applying such clause to

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1 such item or service, the reference to
2 ‘furnished during 2023 or a subse-
3 quent year’ shall be treated as a ref-
4 erence to furnished during the year
5 after such first sufficient information
6 year or a subsequent year.

7 “(iv) INSURANCE MARKET.—For pur-
8 poses of clause (i)(I), a health insurance
9 market specified in this clause is one of the
10 following:

11 “(I) The large group market
12 (other than plans described in sub-
13 clause (III)).

14 “(II) The small group market
15 (other than plans described in sub-
16 clause (III)).

17 “(III) In the case of a self-in-
18 sured group health plan, other self-in-
19 sured group health plans.

20 “(v) DEFINITIONS.—For purposes of
21 this subparagraph:

22 “(I) FIRST COVERAGE YEAR.—
23 The term ‘first coverage year’ means,
24 with respect to a group health plan or
25 group health insurance coverage of-

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1 ferred by a health insurance issuer and
2 an item or service for which coverage
3 is not offered in 2019 under such plan
4 or coverage, the first year after 2019
5 for which coverage for such item or
6 service is offered under such plan or
7 health insurance coverage.

8 “(II) FIRST SUFFICIENT INFOR-
9 MATION YEAR.—The term ‘first suffi-
10 cient information year’ means, with
11 respect to a group health plan or
12 group health insurance coverage of-
13 fered by a health insurance issuer—

14 “(aa) in the case of an item
15 or service for which the plan or
16 coverage does not have sufficient
17 information to calculate the me-
18 dian of the contracted rates de-
19 scribed in clause (i)(I) in 2019,
20 the first year subsequent to 2022
21 for which such sponsor or issuer
22 has such sufficient information to
23 calculate the median of such con-
24 tracted rates in the year previous

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1 to such first subsequent year;
2 and

3 “(bb) in the case of a newly
4 covered item or service, the first
5 year subsequent to the first cov-
6 erage year for such item or serv-
7 ice with respect to such plan or
8 coverage for which the sponsor or
9 issuer has sufficient information
10 to calculate the median of the
11 contracted rates described in
12 clause (i)(I) in the year previous
13 to such first subsequent year.

14 “(III) NEWLY COVERED ITEM OR
15 SERVICE.—The term ‘newly covered
16 item or service’ means, with respect to
17 a group health plan or health insur-
18 ance issuer offering group health in-
19 surance coverage, an item or service
20 for which coverage was not offered in
21 2019 under such plan or coverage, but
22 is offered under such plan or coverage
23 in a year after 2019.

1 “(F) NONPARTICIPATING EMERGENCY FA-
2 CILITY; PARTICIPATING EMERGENCY FACIL-
3 ITY.—

4 “(i) NONPARTICIPATING EMERGENCY
5 FACILITY.—The term ‘nonparticipating
6 emergency facility’ means, with respect to
7 an item or service and a group health plan
8 or group health insurance coverage offered
9 by a health insurance issuer, an emergency
10 department of a hospital, or an inde-
11 pendent freestanding emergency depart-
12 ment, that does not have a contractual re-
13 lationship directly or indirectly with the
14 plan or issuer, respectively, for furnishing
15 such item or service under the plan or cov-
16 erage, respectively.

17 “(ii) PARTICIPATING EMERGENCY FA-
18 CILITY.—The term ‘participating emer-
19 gency facility’ means, with respect to an
20 item or service and a group health plan or
21 group health insurance coverage offered by
22 a health insurance issuer, an emergency
23 department of a hospital, or an inde-
24 pendent freestanding emergency depart-
25 ment, that has a contractual relationship

1 directly or indirectly with the plan or
2 issuer, respectively, with respect to the fur-
3 nishing of such an item or service at such
4 facility.

5 “(G) NONPARTICIPATING PROVIDERS; PAR-
6 TICIPATING PROVIDERS.—

7 “(i) NONPARTICIPATING PROVIDER.—

8 The term ‘nonparticipating provider’
9 means, with respect to an item or service
10 and a group health plan or group health
11 insurance coverage offered by a health in-
12 surance issuer, a physician or other health
13 care provider who is acting within the
14 scope of practice of that provider’s license
15 or certification under applicable State law
16 and who does not have a contractual rela-
17 tionship with the plan or issuer, respec-
18 tively, for furnishing such item or service
19 under the plan or coverage, respectively.

20 “(ii) PARTICIPATING PROVIDER.—The
21 term ‘participating provider’ means, with
22 respect to an item or service and a group
23 health plan or group health insurance cov-
24 erage offered by a health insurance issuer,
25 a physician or other health care provider

1 who is acting within the scope of practice
2 of that provider’s license or certification
3 under applicable State law and who has a
4 contractual relationship with the plan or
5 issuer, respectively, for furnishing such
6 item or service under the plan or coverage,
7 respectively.

8 “(H) RECOGNIZED AMOUNT.—The term
9 ‘recognized amount’ means, with respect to an
10 item or service furnished by a nonparticipating
11 provider or nonparticipating emergency facility
12 during a year and a group health plan or group
13 health insurance coverage offered by a health
14 insurance issuer—

15 “(i) subject to clause (iii), in the case
16 of such item or service furnished in a State
17 that has in effect a specified State law
18 with respect to such plan, coverage, or
19 issuer, respectively; such a nonparticipating
20 provider or nonparticipating emergency
21 facility; and such an item or service,
22 the amount determined in accordance with
23 such law;

24 “(ii) subject to clause (iii), in the case
25 of such item or service furnished in a State

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1 that does not have in effect a specified
2 State law, with respect to such plan, cov-
3 erage, or issuer, respectively; such a non-
4 participating provider or nonparticipating
5 emergency facility; and such an item or
6 service, the amount that is the qualifying
7 payment amount (as defined in subpara-
8 graph (E)) for such year and determined
9 in accordance with rulemaking described in
10 paragraph (2)) for such item or service; or

11 “(iii) in the case of such item or serv-
12 ice furnished in a State with an All-Payer
13 Model Agreement under section 1115A of
14 the Social Security Act, the amount that
15 the State approves under such system for
16 such item or service so furnished.

17 “(I) SPECIFIED STATE LAW.—The term
18 ‘specified State law’ means, with respect to a
19 State, an item or service furnished by a non-
20 participating provider or nonparticipating emer-
21 gency facility during a year and a group health
22 plan or group health insurance coverage offered
23 by a health insurance issuer, a State law that
24 provides for a method for determining the total
25 amount payable under such a plan, coverage, or

1 issuer, respectively (to the extent such State
2 law applies to such plan, coverage, or issuer,
3 subject to section 514) in the case of a partici-
4 pant or beneficiary covered under such plan or
5 coverage and receiving such item or service
6 from such a nonparticipating provider or non-
7 participating emergency facility.

8 “(J) STABILIZE.—The term ‘to stabilize’,
9 with respect to an emergency medical condition
10 (as defined in subparagraph (B)), has the
11 meaning give in section 1867(e)(3) of the Social
12 Security Act (42 U.S.C. 1395dd(e)(3)).

13 “(K) OUT-OF-NETWORK RATE.—The term
14 ‘out-of-network rate’ means, with respect to an
15 item or service furnished in a State during a
16 year to a participant or beneficiary of a group
17 health plan or group health insurance coverage
18 offered by a health insurance issuer receiving
19 such item or service from a nonparticipating
20 provider or nonparticipating emergency facil-
21 ity—

22 “(i) subject to clause (iii), in the case
23 of such item or service furnished in a State
24 that has in effect a specified State law
25 with respect to such plan, coverage, or

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1 issuer, respectively; such a nonpartici-
2 pating provider or nonparticipating emer-
3 gency facility; and such an item or service,
4 the amount determined in accordance with
5 such law;

6 “(ii) subject to clause (iii), in the case
7 such State does not have in effect such a
8 law with respect to such item or service,
9 plan, and provider or facility—

10 “(I) subject to subclause (II), if
11 the provider or facility (as applicable)
12 and such plan or coverage agree on an
13 amount of payment (including if such
14 agreed on amount is the initial pay-
15 ment sent by the plan under sub-
16 section (a)(1)(C)(iv)(I), subsection
17 (b)(1)(C), or section 717(a)(3)(A), as
18 applicable, or is agreed on through
19 open negotiations under subsection
20 (c)(1)) with respect to such item or
21 service, such agreed on amount; or

22 “(II) if such provider or facility
23 (as applicable) and such plan or cov-
24 erage enter the independent dispute
25 resolution process under subsection

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1 (c) and do not so agree before the
2 date on which a certified IDR entity
3 (as defined in paragraph (4) of such
4 subsection) makes a determination
5 with respect to such item or service
6 under such subsection, the amount of
7 such determination; or

8 “(iii) in the case such State has an
9 All-Payer Model Agreement under section
10 1115A of the Social Security Act, the
11 amount that the State approves under
12 such system for such item or service so
13 furnished.

14 “(L) COST-SHARING.—The term ‘cost-
15 sharing’ includes copayments, coinsurance, and
16 deductibles.

17 “(b) COVERAGE OF NON-EMERGENCY SERVICES
18 PERFORMED BY NONPARTICIPATING PROVIDERS AT CER-
19 TAIN PARTICIPATING FACILITIES.—

20 “(1) IN GENERAL.—In the case of items or
21 services (other than emergency services to which
22 subsection (a) applies) for which any benefits are
23 provided or covered by a group health plan or health
24 insurance issuer offering group health insurance cov-
25 erage furnished to a participant or beneficiary of

1 such plan or coverage by a nonparticipating provider
2 (as defined in subsection (a)(3)(G)(i)) (and who,
3 with respect to such items and services, has not sat-
4 isfied the notice and consent criteria of section
5 2799B–2(d) of the Public Health Service Act) with
6 respect to a visit (as defined by the Secretary in ac-
7 cordance with paragraph (2)(B)) at a participating
8 health care facility (as defined in paragraph (2)(A)),
9 with respect to such plan or coverage, respectively,
10 the plan or coverage, respectively—

11 “(A) shall not impose on such participant
12 or beneficiary a cost-sharing requirement for
13 such items and services so furnished that is
14 greater than the cost-sharing requirement that
15 would apply under such plan or coverage, re-
16 spectively, had such items or services been fur-
17 nished by a participating provider (as defined in
18 subsection (a)(3)(G)(ii));

19 “(B) shall calculate such cost-sharing re-
20 quirement as if the total amount that would
21 have been charged for such items and services
22 by such participating provider were equal to the
23 recognized amount (as defined in subsection
24 (a)(3)(H)) for such items and services, plan or
25 coverage, and year;

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1 “(C) not later than 30 calendar days after
2 the bill for such items or services is transmitted
3 by such provider, shall send to the provider an
4 initial payment or notice of denial of payment;

5 “(D) shall pay a total plan or coverage
6 payment directly, in accordance, if applicable,
7 with the timing requirement described in sub-
8 section (c)(6), to such provider furnishing such
9 items and services to such participant or bene-
10 ficiary that is, with application of any initial
11 payment under subparagraph (C), equal to the
12 amount by which the out-of-network rate (as
13 defined in subsection (a)(3)(K)) for such items
14 and services exceeds the cost-sharing amount
15 imposed under the plan or coverage, respec-
16 tively, for such items and services (as deter-
17 mined in accordance with subparagraphs (A)
18 and (B)) and year; and

19 “(E) shall count toward any in-network de-
20 ductible and in-network out-of-pocket maxi-
21 mums (as applicable) applied under the plan or
22 coverage, respectively, any cost-sharing pay-
23 ments made by the participant or beneficiary
24 (and such in-network deductible and out-of-
25 pocket maximums shall be applied) with respect

1 to such items and services so furnished in the
2 same manner as if such cost-sharing payments
3 were with respect to items and services fur-
4 nished by a participating provider.

5 “(2) DEFINITIONS.—In this section:

6 “(A) PARTICIPATING HEALTH CARE FACIL-
7 ITY.—

8 “(i) IN GENERAL.—The term ‘partici-
9 pating health care facility’ means, with re-
10 spect to an item or service and a group
11 health plan or health insurance issuer of-
12 fering group health insurance coverage, a
13 health care facility described in clause (ii)
14 that has a direct or indirect contractual re-
15 lationship with the plan or issuer, respec-
16 tively, with respect to the furnishing of
17 such an item or service at the facility.

18 “(ii) HEALTH CARE FACILITY DE-
19 SCRIBED.—A health care facility described
20 in this clause, with respect to a group
21 health plan or group health insurance cov-
22 erage, is each of the following:

23 “(I) A hospital (as defined in
24 1861(e) of the Social Security Act).

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1 “(II) A hospital outpatient de-
2 partment.

3 “(III) A critical access hospital
4 (as defined in section 1861(mm)(1) of
5 such Act).

6 “(IV) An ambulatory surgical
7 center described in section
8 1833(i)(1)(A) of such Act.

9 “(V) Any other facility, specified
10 by the Secretary, that provides items
11 or services for which coverage is pro-
12 vided under the plan or coverage, re-
13 spectively.

14 “(B) VISIT.—The term ‘visit’ shall, with
15 respect to items and services furnished to an in-
16 dividual at a health care facility, include equip-
17 ment and devices, telemedicine services, imag-
18 ing services, laboratory services, preoperative
19 and postoperative services, and such other items
20 and services as the Secretary may specify, re-
21 gardless of whether or not the provider fur-
22 nishing such items or services is at the facility.

23 “(c) CERTAIN ACCESS FEES TO CERTAIN DATA-
24 BASES.—In the case of a sponsor of a group health plan
25 or health insurance issuer offering group health insurance

1 coverage that, pursuant to subsection (a)(3)(E)(iii), uses
2 a database described in such subsection to determine a
3 rate to apply under such subsection for an item or service
4 by reason of having insufficient information described in
5 such subsection with respect to such item or service, such
6 sponsor or issuer shall cover the cost for access to such
7 database.”.

8 (2) TRANSFER AMENDMENT.—Subpart B of
9 part 7 of title I of the Employee Retirement Income
10 Security Act of 1974 (29 U.S.C. 1185 et seq.), as
11 amended by paragraph (1), is further amended by
12 adding at the end the following:

13 **“SEC. 722. OTHER PATIENT PROTECTIONS.**

14 “(a) CHOICE OF HEALTH CARE PROFESSIONAL.—If
15 a group health plan, or a health insurance issuer offering
16 group health insurance coverage, requires or provides for
17 designation by a participant or beneficiary of a partici-
18 pating primary care provider, then the plan or issuer shall
19 permit each participant and beneficiary to designate any
20 participating primary care provider who is available to ac-
21 cept such individual.

22 “(b) ACCESS TO PEDIATRIC CARE.—

23 “(1) PEDIATRIC CARE.—In the case of a person
24 who has a child who is a participant or beneficiary
25 under a group health plan, or group health insur-

1 ance coverage offered by a health insurance issuer,
2 if the plan or issuer requires or provides for the des-
3 ignation of a participating primary care provider for
4 the child, the plan or issuer shall permit such person
5 to designate a physician (allopathic or osteopathic)
6 who specializes in pediatrics as the child’s primary
7 care provider if such provider participates in the net-
8 work of the plan or issuer.

9 “(2) CONSTRUCTION.—Nothing in paragraph
10 (1) shall be construed to waive any exclusions of cov-
11 erage under the terms and conditions of the plan or
12 health insurance coverage with respect to coverage
13 of pediatric care.

14 “(c) PATIENT ACCESS TO OBSTETRICAL AND GYNE-
15 COLOGICAL CARE.—

16 “(1) GENERAL RIGHTS.—

17 “(A) DIRECT ACCESS.—A group health
18 plan, or health insurance issuer offering group
19 health insurance coverage, described in para-
20 graph (2) may not require authorization or re-
21 ferral by the plan, issuer, or any person (includ-
22 ing a primary care provider described in para-
23 graph (2)(B)) in the case of a female partici-
24 pant or beneficiary who seeks coverage for ob-
25 stetrical or gynecological care provided by a

1 participating health care professional who spe-
2 cializes in obstetrics or gynecology. Such profes-
3 sional shall agree to otherwise adhere to such
4 plan's or issuer's policies and procedures, in-
5 cluding procedures regarding referrals and ob-
6 taining prior authorization and providing serv-
7 ices pursuant to a treatment plan (if any) ap-
8 proved by the plan or issuer.

9 “(B) OBSTETRICAL AND GYNECOLOGICAL
10 CARE.—A group health plan or health insur-
11 ance issuer described in paragraph (2) shall
12 treat the provision of obstetrical and gynecolo-
13 gical care, and the ordering of related obstet-
14 rical and gynecological items and services, pur-
15 suant to the direct access described under sub-
16 paragraph (A), by a participating health care
17 professional who specializes in obstetrics or
18 gynecology as the authorization of the primary
19 care provider.

20 “(2) APPLICATION OF PARAGRAPH.—A group
21 health plan, or health insurance issuer offering
22 group health insurance coverage, described in this
23 paragraph is a group health plan or coverage that—

24 “(A) provides coverage for obstetric or
25 gynecologic care; and

1 “(B) requires the designation by a partici-
2 pant or beneficiary of a participating primary
3 care provider.

4 “(3) CONSTRUCTION.—Nothing in paragraph
5 (1) shall be construed to—

6 “(A) waive any exclusions of coverage
7 under the terms and conditions of the plan or
8 health insurance coverage with respect to cov-
9 erage of obstetrical or gynecological care; or

10 “(B) preclude the group health plan or
11 health insurance issuer involved from requiring
12 that the obstetrical or gynecological provider
13 notify the primary care health care professional
14 or the plan or issuer of treatment decisions.”.

15 (3) CLERICAL AMENDMENT.—The table of con-
16 tents of the Employee Retirement Income Security
17 Act of 1974 is amended by inserting after the item
18 relating to section 714 the following:

“Sec. 715. Additional market reforms.

“Sec. 716. Preventing surprise medical bills.

“Sec. 722. Other patient protections.”.

19 (c) IRC AMENDMENTS.—

20 (1) IN GENERAL.—Subchapter B of chapter
21 100 of the Internal Revenue Code of 1986 is amend-
22 ed by adding at the end the following:

23 **“SEC. 9816. PREVENTING SURPRISE MEDICAL BILLS.**

24 “(a) COVERAGE OF EMERGENCY SERVICES.—

1 “(1) IN GENERAL.—If a group health plan pro-
2 vides or covers any benefits with respect to services
3 in an emergency department of a hospital or with re-
4 spect to emergency services in an independent free-
5 standing emergency department (as defined in para-
6 graph (3)(D)), the plan shall cover emergency serv-
7 ices (as defined in paragraph (3)(C))—

8 “(A) without the need for any prior au-
9 thorization determination;

10 “(B) whether the health care provider fur-
11 nishing such services is a participating provider
12 or a participating emergency facility, as appli-
13 cable, with respect to such services;

14 “(C) in a manner so that, if such services
15 are provided to a participant or beneficiary by
16 a nonparticipating provider or a nonparti-
17 cipating emergency facility—

18 “(i) such services will be provided
19 without imposing any requirement under
20 the plan for prior authorization of services
21 or any limitation on coverage that is more
22 restrictive than the requirements or limita-
23 tions that apply to emergency services re-
24 ceived from participating providers and

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1 participating emergency facilities with re-
2 spect to such plan;

3 “(ii) the cost-sharing requirement is
4 not greater than the requirement that
5 would apply if such services were provided
6 by a participating provider or a partici-
7 pating emergency facility;

8 “(iii) such cost-sharing requirement is
9 calculated as if the total amount that
10 would have been charged for such services
11 by such participating provider or partici-
12 pating emergency facility were equal to the
13 recognized amount (as defined in para-
14 graph (3)(H)) for such services, plan, and
15 year;

16 “(iv) the group health plan—

17 “(I) not later than 30 calendar
18 days after the bill for such services is
19 transmitted by such provider or facil-
20 ity, sends to the provider or facility,
21 as applicable, an initial payment or
22 notice of denial of payment; and

23 “(II) pays a total plan payment
24 directly to such provider or facility,
25 respectively (in accordance, if applica-

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1 ble, with the timing requirement de-
2 scribed in subsection (c)(6)) that is,
3 with application of any initial pay-
4 ment under subclause (I), equal to the
5 amount by which the out-of-network
6 rate (as defined in paragraph (3)(K))
7 for such services exceeds the cost-
8 sharing amount for such services (as
9 determined in accordance with clauses
10 (ii) and (iii)) and year; and

11 “(iv) any cost-sharing payments made
12 by the participant or beneficiary with re-
13 spect to such emergency services so fur-
14 nished shall be counted toward any in-net-
15 work deductible or out-of-pocket maxi-
16 mums applied under the plan (and such in-
17 network deductible and out-of-pocket maxi-
18 mums shall be applied) in the same man-
19 ner as if such cost-sharing payments were
20 made with respect to emergency services
21 furnished by a participating provider or a
22 participating emergency facility; and

23 “(D) without regard to any other term or
24 condition of such coverage (other than exclusion
25 or coordination of benefits, or an affiliation or

1 waiting period, permitted under section 2704 of
2 the Public Health Service Act, including as in-
3 corporated pursuant to section 715 of the Em-
4 ployee Retirement Income Security Act of 1974
5 and section 9815 of this Act, and other than
6 applicable cost-sharing).

7 “(2) AUDIT PROCESS AND REGULATIONS FOR
8 QUALIFYING PAYMENT AMOUNTS.—

9 “(A) AUDIT PROCESS.—

10 “(i) IN GENERAL.—Not later than Oc-
11 tober 1, 2021, the Secretary, in consulta-
12 tion with the Secretary of Health and
13 Human Services and the Secretary of
14 Labor, shall establish through rulemaking
15 a process, in accordance with clause (ii),
16 under which group health plans are au-
17 dited by the Secretary or applicable State
18 authority to ensure that—

19 “(I) such plans are in compliance
20 with the requirement of applying a
21 qualifying payment amount under this
22 section; and

23 “(II) such qualifying payment
24 amount so applied satisfies the defini-
25 tion under paragraph (3)(E) with re-

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1 spect to the year involved, including
2 with respect to a group health plan
3 described in clause (ii) of such para-
4 graph (3)(E).

5 “(ii) AUDIT SAMPLES.—Under the
6 process established pursuant to clause (i),
7 the Secretary—

8 “(I) shall conduct audits de-
9 scribed in such clause, with respect to
10 a year (beginning with 2022), of a
11 sample with respect to such year of
12 claims data from not more than 25
13 group health plans; and

14 “(II) may audit any group health
15 plan if the Secretary has received any
16 complaint or other information about
17 such plan or coverage, respectively,
18 that involves the compliance of the
19 plan with either of the requirements
20 described in subclauses (I) and (II) of
21 such clause.

22 “(iii) REPORTS.—Beginning for 2022,
23 the Secretary shall annually submit to
24 Congress a report on the number of plans
25 and issuers with respect to which audits

1 were conducted during such year pursuant
2 to this subparagraph.

3 “(B) RULEMAKING.—Not later than July
4 1, 2021, the Secretary, in consultation with the
5 Secretary of Labor and the Secretary of Health
6 and Human Services, shall establish through
7 rulemaking—

8 “(i) the methodology the group health
9 plan shall use to determine the qualifying
10 payment amount, differentiating by large
11 group market and small group market;

12 “(ii) the information such plan or
13 issuer, respectively, shall share with the
14 nonparticipating provider or nonpartici-
15 pating facility, as applicable, when making
16 such a determination;

17 “(iii) the geographic regions applied
18 for purposes of this subparagraph, taking
19 into account access to items and services in
20 rural and underserved areas, including
21 health professional shortage areas, as de-
22 fined in section 332 of the Public Health
23 Service Act; and

24 “(iv) a process to receive complaints
25 of violations of the requirements described

1 in subclauses (I) and (II) of subparagraph
2 (A)(i) by group health plans.

3 Such rulemaking shall take into account pay-
4 ments that are made by such plan that are not
5 on a fee-for-service basis. Such methodology
6 may account for relevant payment adjustments
7 that take into account quality or facility type
8 (including higher acuity settings and the case-
9 mix of various facility types) that are otherwise
10 taken into account for purposes of determining
11 payment amounts with respect to participating
12 facilities. In carrying out clause (iii), the Sec-
13 retary shall consult with the National Associa-
14 tion of Insurance Commissioners to establish
15 the geographic regions under such clause and
16 shall periodically update such regions, as appro-
17 priate, taking into account the findings of the
18 report submitted under section 109(a) of the
19 No Surprises Act.

20 “(3) DEFINITIONS.—In this subchapter:

21 “(A) EMERGENCY DEPARTMENT OF A HOS-
22 PITAL.—The term ‘emergency department of a
23 hospital’ includes a hospital outpatient depart-
24 ment that provides emergency services (as de-
25 fined in subparagraph (C)(i)).

1 “(B) EMERGENCY MEDICAL CONDITION.—
2 The term ‘emergency medical condition’ means
3 a medical condition manifesting itself by acute
4 symptoms of sufficient severity (including se-
5 vere pain) such that a prudent layperson, who
6 possesses an average knowledge of health and
7 medicine, could reasonably expect the absence
8 of immediate medical attention to result in a
9 condition described in clause (i), (ii), or (iii) of
10 section 1867(e)(1)(A) of the Social Security
11 Act.

12 “(C) EMERGENCY SERVICES.—

13 “(i) IN GENERAL.—The term ‘emer-
14 gency services’, with respect to an emer-
15 gency medical condition, means—

16 “(I) a medical screening exam-
17 ination (as required under section
18 1867 of the Social Security Act, or as
19 would be required under such section
20 if such section applied to an inde-
21 pendent freestanding emergency de-
22 partment) that is within the capability
23 of the emergency department of a hos-
24 pital or of an independent free-
25 standing emergency department, as

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1 applicable, including ancillary services
2 routinely available to the emergency
3 department to evaluate such emer-
4 gency medical condition; and

5 “(II) within the capabilities of
6 the staff and facilities available at the
7 hospital or the independent free-
8 standing emergency department, as
9 applicable, such further medical exam-
10 ination and treatment as are required
11 under section 1867 of such Act, or as
12 would be required under such section
13 if such section applied to an inde-
14 pendent freestanding emergency de-
15 partment, to stabilize the patient (re-
16 gardless of the department of the hos-
17 pital in which such further examina-
18 tion or treatment is furnished).

19 “(ii) INCLUSION OF ADDITIONAL
20 SERVICES.—

21 “(I) IN GENERAL.—For purposes
22 of this subsection and section 2799B-
23 1 of the Public Health Service Act, in
24 the case of a participant or bene-
25 ficiary who is enrolled in a group

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1 health plan and who is furnished serv-
2 ices described in clause (i) with re-
3 spect to an emergency medical condi-
4 tion, the term ‘emergency services’
5 shall include, unless each of the condi-
6 tions described in subclause (II) are
7 met, in addition to the items and serv-
8 ices described in clause (i), items and
9 services—

10 “(aa) for which benefits are
11 provided or covered under the
12 plan; and

13 “(bb) that are furnished by
14 a nonparticipating provider or
15 nonparticipating emergency facil-
16 ity (regardless of the department
17 of the hospital in which such
18 items or services are furnished)
19 after the participant or bene-
20 ficiary is stabilized and as part of
21 outpatient observation or an in-
22 patient or outpatient stay with
23 respect to the visit in which the
24 services described in clause (i)
25 are furnished.

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1 “(II) CONDITIONS.—For pur-
2 poses of subclause (I), the conditions
3 described in this subclause, with re-
4 spect to a participant or beneficiary
5 who is stabilized and furnished addi-
6 tional items and services described in
7 subclause (I) after such stabilization
8 by a provider or facility described in
9 subclause (I), are the following;

10 “(aa) Such provider or facil-
11 ity determines such individual is
12 able to travel using nonmedical
13 transportation or nonemergency
14 medical transportation.

15 “(bb) Such provider fur-
16 nishing such additional items and
17 services satisfies the notice and
18 consent criteria of section
19 2799B–2(d) with respect to such
20 items and services.

21 “(cc) Such individual is in a
22 condition to receive (as deter-
23 mined in accordance with guide-
24 lines issued by the Secretary pur-
25 suant to rulemaking) the infor-

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1 mation described in section
2 2799B-2 and to provide in-
3 formed consent under such sec-
4 tion, in accordance with applica-
5 ble State law.

6 “(dd) Such other conditions,
7 as specified by the Secretary,
8 such as conditions relating to co-
9 ordinating care transitions to
10 participating providers and facili-
11 ties.

12 “(D) INDEPENDENT FREESTANDING
13 EMERGENCY DEPARTMENT.—The term ‘inde-
14 pendent freestanding emergency department’
15 means a health care facility that—

16 “(i) is geographically separate and
17 distinct and licensed separately from a hos-
18 pital under applicable State law; and

19 “(ii) provides any of the emergency
20 services (as defined in subparagraph
21 (C)(i)).

22 “(E) QUALIFYING PAYMENT AMOUNT.—

23 “(i) IN GENERAL.—The term ‘quali-
24 fying payment amount’ means, subject to

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1 clauses (ii) and (iii), with respect to a
2 sponsor of a group health plan—

3 “(I) for an item or service fur-
4 nished during 2022, the median of the
5 contracted rates recognized by the
6 plan (determined with respect to all
7 such plans of such sponsor that are
8 offered within the same insurance
9 market (specified in subclause (I),
10 (II), or (III) of clause (iv)) as the
11 plan) as the total maximum payment
12 (including the cost-sharing amount
13 imposed for such item or service and
14 the amount to be paid by the plan)
15 under such plans on January 31,
16 2019 for the same or a similar item
17 or service that is provided by a pro-
18 vider in the same or similar specialty
19 and provided in the geographic region
20 in which the item or service is fur-
21 nished, consistent with the method-
22 ology established by the Secretary
23 under paragraph (2)(B), increased by
24 the percentage increase in the con-
25 sumer price index for all urban con-

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1 consumers (United States city average)
2 over 2019, such percentage increase
3 over 2020, and such percentage in-
4 crease over 2021; and

5 “(II) for an item or service fur-
6 nished during 2023 or a subsequent
7 year, the qualifying payment amount
8 determined under this clause for such
9 an item or service furnished in the
10 previous year, increased by the per-
11 centage increase in the consumer price
12 index for all urban consumers (United
13 States city average) over such pre-
14 vious year.

15 “(ii) NEW PLANS AND COVERAGE.—
16 The term ‘qualifying payment amount’
17 means, with respect to a sponsor of a
18 group health plan in a geographic region in
19 which such sponsor, respectively, did not
20 offer any group health plan or health in-
21 surance coverage during 2019—

22 “(I) for the first year in which
23 such group health plan is offered in
24 such region, a rate (determined in ac-
25 cordance with a methodology estab-

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1 lished by the Secretary) for items and
2 services that are covered by such plan
3 and furnished during such first year;
4 and

5 “(II) for each subsequent year
6 such group health plan is offered in
7 such region, the qualifying payment
8 amount determined under this clause
9 for such items and services furnished
10 in the previous year, increased by the
11 percentage increase in the consumer
12 price index for all urban consumers
13 (United States city average) over such
14 previous year.

15 “(iii) INSUFFICIENT INFORMATION;
16 NEWLY COVERED ITEMS AND SERVICES.—
17 In the case of a sponsor of a group health
18 plan that does not have sufficient informa-
19 tion to calculate the median of the con-
20 tracted rates described in clause (i)(I) in
21 2019 (or, in the case of a newly covered
22 item or service (as defined in clause
23 (v)(III)), in the first coverage year (as de-
24 fined in clause (v)(I)) for such item or
25 service with respect to such plan) for an

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1 item or service (including with respect to
2 provider type, or amount, of claims for
3 items or services (as determined by the
4 Secretary) provided in a particular geo-
5 graphic region (other than in a case with
6 respect to which clause (ii) applies)) the
7 term ‘qualifying payment amount’—

8 “(I) for an item or service fur-
9 nished during 2022 (or, in the case of
10 a newly covered item or service, dur-
11 ing the first coverage year for such
12 item or service with respect to such
13 plan), means such rate for such item
14 or service determined by the sponsor
15 through use of any database that is
16 determined, in accordance with rule-
17 making described in paragraph
18 (2)(B), to not have any conflicts of in-
19 terest and to have sufficient informa-
20 tion reflecting allowed amounts paid
21 to a health care provider or facility for
22 relevant services furnished in the ap-
23 plicable geographic region (such as a
24 State all-payer claims database);

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1 “(II) for an item or service fur-
2 nished in a subsequent year (before
3 the first sufficient information year
4 (as defined in clause (v)(II)) for such
5 item or service with respect to such
6 plan), means the rate determined
7 under subclause (I) or this subclause,
8 as applicable, for such item or service
9 for the year previous to such subse-
10 quent year, increased by the percent-
11 age increase in the consumer price
12 index for all urban consumers (United
13 States city average) over such pre-
14 vious year;

15 “(III) for an item or service fur-
16 nished in the first sufficient informa-
17 tion year for such item or service with
18 respect to such plan, has the meaning
19 given the term qualifying payment
20 amount in clause (i)(I), except that in
21 applying such clause to such item or
22 service, the reference to ‘furnished
23 during 2022’ shall be treated as a ref-
24 erence to furnished during such first
25 sufficient information year, the ref-

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1 erence to ‘on January 31, 2019’ shall
2 be treated as a reference to in such
3 sufficient information year, and the
4 increase described in such clause shall
5 not be applied; and

6 “(IV) for an item or service fur-
7 nished in any year subsequent to the
8 first sufficient information year for
9 such item or service with respect to
10 such plan, has the meaning given such
11 term in clause (i)(II), except that in
12 applying such clause to such item or
13 service, the reference to ‘furnished
14 during 2023 or a subsequent year’
15 shall be treated as a reference to fur-
16 nished during the year after such first
17 sufficient information year or a subse-
18 quent year.

19 “(iv) INSURANCE MARKET.—For pur-
20 poses of clause (i)(I), a health insurance
21 market specified in this clause is one of the
22 following:

23 “(I) The large group market
24 (other than plans described in sub-
25 clause (III)).

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1 “(II) The small group market
2 (other than plans described in sub-
3 clause (III)).

4 “(III) In the case of a self-in-
5 sured group health plan, other self-in-
6 sured group health plans.

7 “(v) DEFINITIONS.—For purposes of
8 this subparagraph:

9 “(I) FIRST COVERAGE YEAR.—
10 The term ‘first coverage year’ means,
11 with respect to a group health plan
12 and an item or service for which cov-
13 erage is not offered in 2019 under
14 such plan or coverage, the first year
15 after 2019 for which coverage for
16 such item or service is offered under
17 such plan.

18 “(II) FIRST SUFFICIENT INFOR-
19 MATION YEAR.—The term ‘first suffi-
20 cient information year’ means, with
21 respect to a group health plan—

22 “(aa) in the case of an item
23 or service for which the plan does
24 not have sufficient information to
25 calculate the median of the con-

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1 tracted rates described in clause
2 (i)(I) in 2019, the first year sub-
3 sequent to 2022 for which such
4 sponsor has such sufficient infor-
5 mation to calculate the median of
6 such contracted rates in the year
7 previous to such first subsequent
8 year; and

9 “*(bb)* in the case of a newly
10 covered item or service, the first
11 year subsequent to the first cov-
12 erage year for such item or serv-
13 ice with respect to such plan for
14 which the sponsor has sufficient
15 information to calculate the me-
16 dian of the contracted rates de-
17 scribed in clause *(i)(I)* in the
18 year previous to such first subse-
19 quent year.

20 “*(III)* NEWLY COVERED ITEM OR
21 SERVICE.—The term ‘newly covered
22 item or service’ means, with respect to
23 a group health plan, an item or serv-
24 ice for which coverage was not offered
25 in 2019 under such plan or coverage,

1 but is offered under such plan or cov-
2 erage in a year after 2019.

3 “(F) NONPARTICIPATING EMERGENCY FA-
4 CILITY; PARTICIPATING EMERGENCY FACIL-
5 ITY.—

6 “(i) NONPARTICIPATING EMERGENCY
7 FACILITY.—The term ‘nonparticipating
8 emergency facility’ means, with respect to
9 an item or service and a group health plan,
10 an emergency department of a hospital, or
11 an independent freestanding emergency de-
12 partment, that does not have a contractual
13 relationship directly or indirectly with the
14 plan for furnishing such item or service
15 under the plan.

16 “(ii) PARTICIPATING EMERGENCY FA-
17 CILITY.—The term ‘participating emer-
18 gency facility’ means, with respect to an
19 item or service and a group health plan, an
20 emergency department of a hospital, or an
21 independent freestanding emergency de-
22 partment, that has a contractual relation-
23 ship directly or indirectly with the plan,
24 with respect to the furnishing of such an
25 item or service at such facility.

1 “(G) NONPARTICIPATING PROVIDERS; PAR-
2 TICIPATING PROVIDERS.—

3 “(i) NONPARTICIPATING PROVIDER.—

4 The term ‘nonparticipating provider’
5 means, with respect to an item or service
6 and a group health plan, a physician or
7 other health care provider who is acting
8 within the scope of practice of that pro-
9 vider’s license or certification under appli-
10 cable State law and who does not have a
11 contractual relationship with the plan or
12 issuer, respectively, for furnishing such
13 item or service under the plan.

14 “(ii) PARTICIPATING PROVIDER.—The
15 term ‘participating provider’ means, with
16 respect to an item or service and a group
17 health plan, a physician or other health
18 care provider who is acting within the
19 scope of practice of that provider’s license
20 or certification under applicable State law
21 and who has a contractual relationship
22 with the plan for furnishing such item or
23 service under the plan.

24 “(H) RECOGNIZED AMOUNT.—The term
25 ‘recognized amount’ means, with respect to an

1 item or service furnished by a nonparticipating
2 provider or nonparticipating emergency facility
3 during a year and a group health plan—

4 “(i) subject to clause (iii), in the case
5 of such item or service furnished in a State
6 that has in effect a specified State law
7 with respect to such plan; such a non-
8 participating provider or nonparticipating
9 emergency facility; and such an item or
10 service, the amount determined in accord-
11 ance with such law;

12 “(ii) subject to clause (iii), in the case
13 of such item or service furnished in a State
14 that does not have in effect a specified
15 State law, with respect to such plan; such
16 a nonparticipating provider or nonpartici-
17 pating emergency facility; and such an
18 item or service, the amount that is the
19 qualifying payment amount (as defined in
20 subparagraph (E)) for such year and de-
21 termined in accordance with rulemaking
22 described in paragraph (2)(B)) for such
23 item or service; or

24 “(iii) in the case of such item or serv-
25 ice furnished in a State with an All-Payer

1 Model Agreement under section 1115A of
2 the Social Security Act, the amount that
3 the State approves under such system for
4 such item or service so furnished.

5 “(I) SPECIFIED STATE LAW.—The term
6 ‘specified State law’ means, with respect to a
7 State, an item or service furnished by a non-
8 participating provider or nonparticipating emer-
9 gency facility during a year and a group health
10 plan, a State law that provides for a method for
11 determining the total amount payable under
12 such a plan (to the extent such State law ap-
13 plies to such plan, subject to section 514) in the
14 case of a participant or beneficiary covered
15 under such plan and receiving such item or
16 service from such a nonparticipating provider or
17 nonparticipating emergency facility.

18 “(J) STABILIZE.—The term ‘to stabilize’,
19 with respect to an emergency medical condition
20 (as defined in subparagraph (B)), has the
21 meaning give in section 1867(e)(3) of the Social
22 Security Act (42 U.S.C. 1395dd(e)(3)).

23 “(K) OUT-OF-NETWORK RATE.—The term
24 ‘out-of-network rate’ means, with respect to an
25 item or service furnished in a State during a

1 year to a participant or beneficiary of a group
2 health plan receiving such item or service from
3 a nonparticipating provider or nonparticipating
4 emergency facility—

5 “(i) subject to clause (iii), in the case
6 of such item or service furnished in a State
7 that has in effect a specified State law
8 with respect to such plan; such a non-
9 participating provider or nonparticipating
10 emergency facility; and such an item or
11 service, the amount determined in accord-
12 ance with such law;

13 “(ii) subject to clause (iii), in the case
14 such State does not have in effect such a
15 law with respect to such item or service,
16 plan, and provider or facility—

17 “(I) subject to subclause (II), if
18 the provider or facility (as applicable)
19 and such plan or coverage agree on an
20 amount of payment (including if such
21 agreed on amount is the initial pay-
22 ment sent by the plan under sub-
23 section (a)(1)(C)(iv)(I), subsection
24 (b)(1)(C), or section 9817(a)(3)(A),
25 as applicable, or is agreed on through

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1 open negotiations under subsection
2 (c)(1)) with respect to such item or
3 service, such agreed on amount; or

4 “(II) if such provider or facility
5 (as applicable) and such plan or cov-
6 erage enter the independent dispute
7 resolution process under subsection
8 (c) and do not so agree before the
9 date on which a certified IDR entity
10 (as defined in paragraph (4) of such
11 subsection) makes a determination
12 with respect to such item or service
13 under such subsection, the amount of
14 such determination; or

15 “(iii) in the case such State has an
16 All-Payer Model Agreement under section
17 1115A of the Social Security Act, the
18 amount that the State approves under
19 such system for such item or service so
20 furnished.

21 “(L) COST-SHARING.—The term ‘cost-
22 sharing’ includes copayments, coinsurance, and
23 deductibles.

1 “(b) COVERAGE OF NON-EMERGENCY SERVICES
2 PERFORMED BY NONPARTICIPATING PROVIDERS AT CER-
3 TAIN PARTICIPATING FACILITIES.—

4 “(1) IN GENERAL.—In the case of items or
5 services (other than emergency services to which
6 subsection (a) applies) for which any benefits are
7 provided or covered by a group health plan furnished
8 to a participant or beneficiary of such plan by a
9 nonparticipating provider (as defined in subsection
10 (a)(3)(G)(i)) (and who, with respect to such items
11 and services, has not satisfied the notice and consent
12 criteria of section 2799B–2(d) of the Public Health
13 Service Act) with respect to a visit (as defined by
14 the Secretary in accordance with paragraph (2)(B))
15 at a participating health care facility (as defined in
16 paragraph (2)(A)), with respect to such plan, the
17 plan—

18 “(A) shall not impose on such participant
19 or beneficiary a cost-sharing requirement for
20 such items and services so furnished that is
21 greater than the cost-sharing requirement that
22 would apply under such plan had such items or
23 services been furnished by a participating pro-
24 vider (as defined in subsection (a)(3)(G)(ii));

1 “(B) shall calculate such cost-sharing re-
2 quirement as if the total amount that would
3 have been charged for such items and services
4 by such participating provider were equal to the
5 recognized amount (as defined in subsection
6 (a)(3)(H)) for such items and services, plan,
7 and year;

8 “(C) not later than 30 calendar days after
9 the bill for such items or services is transmitted
10 by such provider, shall send to the provider an
11 initial payment or notice of denial of payment;

12 “(D) shall pay a total plan payment di-
13 rectly, in accordance, if applicable, with the
14 timing requirement described in subsection
15 (c)(6), to such provider furnishing such items
16 and services to such participant or beneficiary
17 that is, with application of any initial payment
18 under subparagraph (C), equal to the amount
19 by which the out-of-network rate (as defined in
20 subsection (a)(3)(K)) for such items and serv-
21 ices exceeds the cost-sharing amount imposed
22 under the plan for such items and services (as
23 determined in accordance with subparagraphs
24 (A) and (B)) and year; and

1 “(E) shall count toward any in-network de-
2 ductible and in-network out-of-pocket maxi-
3 mums (as applicable) applied under the plan,
4 any cost-sharing payments made by the partici-
5 pant or beneficiary (and such in-network de-
6 ductible and out-of-pocket maximums shall be
7 applied) with respect to such items and services
8 so furnished in the same manner as if such
9 cost-sharing payments were with respect to
10 items and services furnished by a participating
11 provider.

12 “(2) DEFINITIONS.—In this section:

13 “(A) PARTICIPATING HEALTH CARE FACIL-
14 ITY.—

15 “(i) IN GENERAL.—The term ‘partici-
16 pating health care facility’ means, with re-
17 spect to an item or service and a group
18 health plan, a health care facility described
19 in clause (ii) that has a direct or indirect
20 contractual relationship with the plan, with
21 respect to the furnishing of such an item
22 or service at the facility.

23 “(ii) HEALTH CARE FACILITY DE-
24 SCRIBED.—A health care facility described
25 in this clause, with respect to a group

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1 health plan or health insurance coverage
2 offered in the group or individual market,
3 is each of the following:

4 “(I) A hospital (as defined in
5 1861(e) of the Social Security Act).

6 “(II) A hospital outpatient de-
7 partment.

8 “(III) A critical access hospital
9 (as defined in section 1861(mm)(1) of
10 such Act).

11 “(IV) An ambulatory surgical
12 center described in section
13 1833(i)(1)(A) of such Act.

14 “(V) Any other facility, specified
15 by the Secretary, that provides items
16 or services for which coverage is pro-
17 vided under the plan or coverage, re-
18 spectively.

19 “(B) VISIT.—The term ‘visit’ shall, with
20 respect to items and services furnished to an in-
21 dividual at a health care facility, include equip-
22 ment and devices, telemedicine services, imag-
23 ing services, laboratory services, preoperative
24 and postoperative services, and such other items
25 and services as the Secretary may specify, re-

1 regardless of whether or not the provider fur-
2 nishing such items or services is at the facility.

3 “(c) CERTAIN ACCESS FEES TO CERTAIN DATA-
4 BASES.—In the case of a sponsor of a group health plan
5 that, pursuant to subsection (a)(3)(E)(iii), uses a data-
6 base described in such subsection to determine a rate to
7 apply under such subsection for an item or service by rea-
8 son of having insufficient information described in such
9 subsection with respect to such item or service, such spon-
10 sor shall cover the cost for access to such database.”.

11 (2) TRANSFER AMENDMENT.—Subchapter B of
12 chapter 100 of the Internal Revenue Code of 1986,
13 as amended by paragraph (1), is further amended by
14 adding at the end the following:

15 **“SEC. 9822. OTHER PATIENT PROTECTIONS.**

16 “(a) CHOICE OF HEALTH CARE PROFESSIONAL.—If
17 a group health plan requires or provides for designation
18 by a participant or beneficiary of a participating primary
19 care provider, then the plan shall permit each participant
20 and beneficiary to designate any participating primary
21 care provider who is available to accept such individual.

22 “(b) ACCESS TO PEDIATRIC CARE.—

23 “(1) PEDIATRIC CARE.—In the case of a person
24 who has a child who is a participant or beneficiary
25 under a group health plan if the plan requires or

1 provides for the designation of a participating pri-
2 mary care provider for the child, the plan shall per-
3 mit such person to designate a physician (allopathic
4 or osteopathic) who specializes in pediatrics as the
5 child's primary care provider if such provider par-
6 ticipates in the network of the plan.

7 “(2) CONSTRUCTION.—Nothing in paragraph
8 (1) shall be construed to waive any exclusions of cov-
9 erage under the terms and conditions of the plan
10 with respect to coverage of pediatric care.

11 “(c) PATIENT ACCESS TO OBSTETRICAL AND GYNE-
12 COLOGICAL CARE.—

13 “(1) GENERAL RIGHTS.—

14 “(A) DIRECT ACCESS.—A group health
15 plan described in paragraph (2) may not re-
16 quire authorization or referral by the plan,
17 issuer, or any person (including a primary care
18 provider described in paragraph (2)(B)) in the
19 case of a female participant or beneficiary who
20 seeks coverage for obstetrical or gynecological
21 care provided by a participating health care
22 professional who specializes in obstetrics or
23 gynecology. Such professional shall agree to
24 otherwise adhere to such plan's policies and
25 procedures, including procedures regarding re-

1 ferrals and obtaining prior authorization and
2 providing services pursuant to a treatment plan
3 (if any) approved by the plan.

4 “(B) OBSTETRICAL AND GYNECOLOGICAL
5 CARE.—A group health plan described in para-
6 graph (2) shall treat the provision of obstetrical
7 and gynecological care, and the ordering of re-
8 lated obstetrical and gynecological items and
9 services, pursuant to the direct access described
10 under subparagraph (A), by a participating
11 health care professional who specializes in ob-
12 stetrics or gynecology as the authorization of
13 the primary care provider.

14 “(2) APPLICATION OF PARAGRAPH.—A group
15 health plan described in this paragraph is a group
16 health plan that—

17 “(A) provides coverage for obstetric or
18 gynecologic care; and

19 “(B) requires the designation by a partici-
20 pant or beneficiary of a participating primary
21 care provider.

22 “(3) CONSTRUCTION.—Nothing in paragraph
23 (1) shall be construed to—

24 “(A) waive any exclusions of coverage
25 under the terms and conditions of the plan with

1 respect to coverage of obstetrical or gynecological care; or

2
3 “(B) preclude the group health plan involved from requiring that the obstetrical or
4 gynecological provider notify the primary care
5 health care professional or the plan or issuer of
6 treatment decisions.”.

7
8 (3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at
9
10 the end the following new item:
11

“Sec. 9815. Additional market reforms.

“Sec. 9816. Preventing surprise medical bills.

“Sec. 9822. Other patient protections.”.

12 (4) CONFORMING AMENDMENTS.—

13 (A) IN GENERAL.—Section 223(c) of the
14 Internal Revenue Code of 1986 is amended—

15 (i) in paragraph (1), by adding at the
16 end the following:

17 “(D) SPECIAL RULE FOR INDIVIDUALS RECEIVING BENEFITS SUBJECT TO SURPRISE BILLING STATUTES.—An individual shall not
18 fail to be treated as an eligible individual for
19 any period merely because the individual receives benefits for medical care subject to and
20 in accordance with section 9816 or 9817, section 2799A–1 or 2799A–2 of the Public Health
21
22
23
24

1 Service Act, or section 716 or 717 of the Em-
2 ployee Retirement Income Security Act of 1974,
3 or any State law providing similar protections
4 to such individual.”; and

5 (ii) in paragraph (2), by adding at the
6 end the following:

7 “(F) SPECIAL RULE FOR SURPRISE BILL-
8 ING.—A plan shall not fail to be treated as a
9 high deductible health plan by reason of pro-
10 viding benefits for medical care in accordance
11 with section 9816 or 9817, section 2799A–1 or
12 2799A–2 of the Public Health Service Act, or
13 section 716 or 717 of the Employee Retirement
14 Income Security Act of 1974, or any State law
15 providing similar protections to individuals,
16 prior to the satisfaction of the deductible under
17 paragraph (2)(A)(i).”.

18 (B) EFFECTIVE DATE.—The amendments
19 made by subparagraph (A) shall apply for plan
20 years beginning on or after January 1, 2022.

21 (d) ADDITIONAL APPLICATION PROVISIONS.—

22 (1) APPLICATION TO FEHB.—Section 8902 of
23 title 5, United States Code, is amended by adding
24 at the end the following new subsection:

1 “(p) Each contract under this chapter shall require
2 the carrier to comply with requirements described in the
3 provisions of sections 2799A–1, 2799A–2, and 2799A–7
4 of the Public Health Service Act, sections 716, 717, and
5 722 of the Employee Retirement Income Security Act of
6 1974, and sections 9816, 9817, and 9822 of the Internal
7 Revenue Code of 1986 (as applicable) in the same manner
8 as such provisions apply to a group health plan or health
9 insurance issuer offering group or individual health insur-
10 ance coverage, as described in such sections. The provi-
11 sions of sections 2799B–1, 2799B–2, 2799B–3, and
12 2799B–5 of the Public Health Service Act shall apply to
13 a health care provider and facility and an air ambulance
14 provider described in such respective sections with respect
15 to an enrollee in a health benefits plan under this chapter
16 in the same manner as such provisions apply to such a
17 provider and facility with respect to an enrollee in a group
18 health plan or group or individual health insurance cov-
19 erage offered by a health insurance issuer, as described
20 in such sections.”.

21 (2) APPLICATION TO GRANDFATHERED
22 PLANS.—Section 1251(a) of the Patient Protection
23 and Affordable Care Act (42 U.S.C. 18011(a)) is
24 amended by adding at the end the following:

1 “(5) APPLICATION OF ADDITIONAL PROVI-
2 SIONS.—Sections 2799A–1, 2799A–2, and 2799A–7
3 of the Public Health Service Act shall apply to
4 grandfathered health plans for plan years beginning
5 on or after January 1, 2022.”.

6 (3) RULE OF CONSTRUCTION.—Nothing in this
7 title, including the amendments made by this title
8 may be construed as modifying, reducing, or elimi-
9 nating—

10 (A) the protections under section 222 of
11 the Indian Health Care Improvement Act (25
12 U.S.C. 1621u) and under subpart I of part 136
13 of title 42, Code of Federal Regulations (or any
14 successor regulation), against payment liability
15 for a patient who receives contract health serv-
16 ices that are authorized by the Indian Health
17 Service; or

18 (B) the requirements under section
19 1866(a)(1)(U) of the Social Security Act (42
20 U.S.C. 1395cc(a)(1)(U)).

21 (e) EFFECTIVE DATE.—The amendments made by
22 this section shall apply with respect to plan years (or, in
23 the case of the amendment made by subsection (d)(1),
24 with respect to contracts entered into or renewed for con-
25 tract years) beginning on or after January 1, 2022.

1 **SEC. 103. DETERMINATION OF OUT-OF-NETWORK RATES TO**
2 **BE PAID BY HEALTH PLANS; INDEPENDENT**
3 **DISPUTE RESOLUTION PROCESS.**

4 (a) PHSA.—Section 2799A–1, as added by section
5 102, is amended—

6 (1) by redesignating subsection (c) as sub-
7 section (d); and

8 (2) by inserting after subsection (b) the fol-
9 lowing new subsection:

10 “(c) DETERMINATION OF OUT-OF-NETWORK RATES
11 TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE
12 RESOLUTION PROCESS.—

13 “(1) DETERMINATION THROUGH OPEN NEGO-
14 TIATION.—

15 “(A) IN GENERAL.—With respect to an
16 item or service furnished in a year by a non-
17 participating provider or a nonparticipating fa-
18 cility, with respect to a group health plan or
19 health insurance issuer offering group or indi-
20 vidual health insurance coverage, in a State de-
21 scribed in subsection (a)(3)(K)(ii) with respect
22 to such plan or coverage and provider or facil-
23 ity, and for which a payment is required to be
24 made by the plan or coverage pursuant to sub-
25 section (a)(1) or (b)(1), the provider or facility
26 (as applicable) or plan or coverage may, during

1 the 30-day period beginning on the day the pro-
2 vider or facility receives an initial payment or
3 a notice of denial of payment from the plan or
4 coverage regarding a claim for payment for
5 such item or service, initiate open negotiations
6 under this paragraph between such provider or
7 facility and plan or coverage for purposes of de-
8 termining, during the open negotiation period,
9 an amount agreed on by such provider or facil-
10 ity, respectively, and such plan or coverage for
11 payment (including any cost-sharing) for such
12 item or service. For purposes of this subsection,
13 the open negotiation period, with respect to an
14 item or service, is the 30-day period beginning
15 on the date of initiation of the negotiations with
16 respect to such item or service.

17 “(B) ACCESSING INDEPENDENT DISPUTE
18 RESOLUTION PROCESS IN CASE OF FAILED NE-
19 GOTIATIONS.—In the case of open negotiations
20 pursuant to subparagraph (A), with respect to
21 an item or service, that do not result in a deter-
22 mination of an amount of payment for such
23 item or service by the last day of the open nego-
24 tiation period described in such subparagraph
25 with respect to such item or service, the pro-

1 vider or facility (as applicable) or group health
2 plan or health insurance issuer offering group
3 or individual health insurance coverage that was
4 party to such negotiations may, during the 4-
5 day period beginning on the day after such
6 open negotiation period, initiate the inde-
7 pendent dispute resolution process under para-
8 graph (2) with respect to such item or service.
9 The independent dispute resolution process
10 shall be initiated by a party pursuant to the
11 previous sentence by submission to the other
12 party and to the Secretary of a notification
13 (containing such information as specified by the
14 Secretary) and for purposes of this subsection,
15 the date of initiation of such process shall be
16 the date of such submission or such other date
17 specified by the Secretary pursuant to regula-
18 tions that is not later than the date of receipt
19 of such notification by both the other party and
20 the Secretary.

21 “(2) INDEPENDENT DISPUTE RESOLUTION
22 PROCESS AVAILABLE IN CASE OF FAILED OPEN NE-
23 GOTIATIONS.—

24 “(A) ESTABLISHMENT.—Not later than 1
25 year after the date of the enactment of this

1 subsection, the Secretary, jointly with the Sec-
2 retary of Labor and the Secretary of the Treas-
3 ury, shall establish by regulation one inde-
4 pendent dispute resolution process (referred to
5 in this subsection as the ‘IDR process’) under
6 which, in the case of an item or service with re-
7 spect to which a provider or facility (as applica-
8 ble) or group health plan or health insurance
9 issuer offering group or individual health insur-
10 ance coverage submits a notification under
11 paragraph (1)(B) (in this subsection referred to
12 as a ‘qualified IDR item or service’), a certified
13 IDR entity under paragraph (4) determines,
14 subject to subparagraph (B) and in accordance
15 with the succeeding provisions of this sub-
16 section, the amount of payment under the plan
17 or coverage for such item or service furnished
18 by such provider or facility.

19 “(B) AUTHORITY TO CONTINUE NEGOTIA-
20 TIONS.—Under the independent dispute resolu-
21 tion process, in the case that the parties to a
22 determination for a qualified IDR item or serv-
23 ice agree on a payment amount for such item
24 or service during such process but before the
25 date on which the entity selected with respect to

1 such determination under paragraph (4) makes
2 such determination under paragraph (5), such
3 amount shall be treated for purposes of sub-
4 section (a)(3)(K)(ii) as the amount agreed to by
5 such parties for such item or service. In the
6 case of an agreement described in the previous
7 sentence, the independent dispute resolution
8 process shall provide for a method to determine
9 how to allocate between the parties to such de-
10 termination the payment of the compensation of
11 the entity selected with respect to such deter-
12 mination.

13 “(C) CLARIFICATION.—A nonparticipating
14 provider may not, with respect to an item or
15 service furnished by such provider, submit a no-
16 tification under paragraph (1)(B) if such pro-
17 vider is exempt from the requirement under
18 subsection (a) of section 2799B–2 with respect
19 to such item or service pursuant to subsection
20 (b) of such section.

21 “(3) TREATMENT OF BATCHING OF ITEMS AND
22 SERVICES.—

23 “(A) IN GENERAL.—Under the IDR proc-
24 ess, the Secretary shall specify criteria under
25 which multiple qualified IDR dispute items and

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1 services are permitted to be considered jointly
2 as part of a single determination by an entity
3 for purposes of encouraging the efficiency (in-
4 cluding minimizing costs) of the IDR process.
5 Such items and services may be so considered
6 only if—

7 “(i) such items and services to be in-
8 cluded in such determination are furnished
9 by the same provider or facility;

10 “(ii) payment for such items and serv-
11 ices is required to be made by the same
12 group health plan or health insurance
13 issuer;

14 “(iii) such items and services are re-
15 lated to the treatment of a similar condi-
16 tion; and

17 “(iv) such items and services were
18 furnished during the 30 day period fol-
19 lowing the date on which the first item or
20 service included with respect to such deter-
21 mination was furnished or an alternative
22 period as determined by the Secretary, for
23 use in limited situations, such as by the
24 consent of the parties or in the case of low-
25 volume items and services, to encourage

1 procedural efficiency and minimize health
2 plan and provider administrative costs.

3 “(B) TREATMENT OF BUNDLED PAY-
4 MENTS.—In carrying out subparagraph (A), the
5 Secretary shall provide that, in the case of
6 items and services which are included by a pro-
7 vider or facility as part of a bundled payment,
8 such items and services included in such bun-
9 dled payment may be part of a single deter-
10 mination under this subsection.

11 “(4) CERTIFICATION AND SELECTION OF IDR
12 ENTITIES.—

13 “(A) IN GENERAL.—The Secretary, in con-
14 sultation with the Secretary of Labor and Sec-
15 retary of the Treasury, shall establish a process
16 to certify (including to recertify) entities under
17 this paragraph. Such process shall ensure that
18 an entity so certified—

19 “(i) has (directly or through contracts
20 or other arrangements) sufficient medical,
21 legal, and other expertise and sufficient
22 staffing to make determinations described
23 in paragraph (5) on a timely basis;

24 “(ii) is not—

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1 “(I) a group health plan or
2 health insurance issuer offering group
3 or individual health insurance cov-
4 erage, provider, or facility;

5 “(II) an affiliate or a subsidiary
6 of such a group health plan or health
7 insurance issuer, provider, or facility;
8 or

9 “(III) an affiliate or subsidiary of
10 a professional or trade association of
11 such group health plans or health in-
12 surance issuers or of providers or fa-
13 cilities;

14 “(iii) carries out the responsibilities of
15 such an entity in accordance with this sub-
16 section;

17 “(iv) meets appropriate indicators of
18 fiscal integrity;

19 “(v) maintains the confidentiality (in
20 accordance with regulations promulgated
21 by the Secretary) of individually identifi-
22 able health information obtained in the
23 course of conducting such determinations;

24 “(vi) does not under the IDR process
25 carry out any determination with respect

1 to which the entity would not pursuant to
2 subclause (I), (II), or (III) of subpara-
3 graph (F)(i) be eligible for selection; and

4 “(vii) meets such other requirements
5 as determined appropriate by the Sec-
6 retary.

7 “(B) PERIOD OF CERTIFICATION.—Subject
8 to subparagraph (C), each certification (includ-
9 ing a recertification) of an entity under the
10 process described in subparagraph (A) shall be
11 for a 5-year period.

12 “(C) REVOCATION.—A certification of an
13 entity under this paragraph may be revoked
14 under the process described in subparagraph
15 (A) if the entity has a pattern or practice of
16 noncompliance with any of the requirements de-
17 scribed in such subparagraph.

18 “(D) PETITION FOR DENIAL OR WITH-
19 DRAWAL.—The process described in subpara-
20 graph (A) shall ensure that an individual, pro-
21 vider, facility, or group health plan or health in-
22 surance issuer offering group or individual
23 health insurance coverage may petition for a de-
24 nial of a certification or a revocation of a cer-
25 tification with respect to an entity under this

1 paragraph for failure of meeting a requirement
2 of this subsection.

3 “(E) SUFFICIENT NUMBER OF ENTI-
4 TIES.—The process described in subparagraph
5 (A) shall ensure that a sufficient number of en-
6 tities are certified under this paragraph to en-
7 sure the timely and efficient provision of deter-
8 minations described in paragraph (5).

9 “(F) SELECTION OF CERTIFIED IDR ENTI-
10 TY.—The Secretary shall, with respect to the
11 determination of the amount of payment under
12 this subsection of an item or service, provide for
13 a method—

14 “(i) that allows for the group health
15 plan or health insurance issuer offering
16 group or individual health insurance cov-
17 erage and the nonparticipating provider or
18 the nonparticipating emergency facility (as
19 applicable) involved in a notification under
20 paragraph (1)(B) to jointly select, not later
21 than the last day of the 3-business day pe-
22 riod following the date of the initiation of
23 the process with respect to such item or
24 service, for purposes of making such deter-

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1 mination, an entity certified under this
2 paragraph that—

3 “(I) is not a party to such deter-
4 mination or an employee or agent of
5 such a party;

6 “(II) does not have a material fa-
7 miliar, financial, or professional rela-
8 tionship with such a party; and

9 “(III) does not otherwise have a
10 conflict of interest with such a party
11 (as determined by the Secretary); and

12 “(ii) that requires, in the case such
13 parties do not make such selection by such
14 last day, the Secretary to, not later than 6
15 business days after such date of initi-
16 ation—

17 “(I) select such an entity that
18 satisfies subclauses (I) through (III)
19 of clause (i)); and

20 “(II) provide notification of such
21 selection to the provider or facility (as
22 applicable) and the plan or issuer (as
23 applicable) party to such determina-
24 tion.

1 An entity selected pursuant to the previous sentence to
2 make a determination described in such sentence shall be
3 referred to in this subsection as the ‘certified IDR entity’
4 with respect to such determination.

5 “(5) PAYMENT DETERMINATION.—

6 “(A) IN GENERAL.—Not later than 30
7 days after the date of selection of the certified
8 IDR entity with respect to a determination for
9 a qualified IDR item or service, the certified
10 IDR entity shall—

11 “(i) taking into account the consider-
12 ations specified in subparagraph (C), select
13 one of the offers submitted under subpara-
14 graph (B) to be the amount of payment for
15 such item or service determined under this
16 subsection for purposes of subsection
17 (a)(1) or (b)(1), as applicable; and

18 “(ii) notify the provider or facility and
19 the group health plan or health insurance
20 issuer offering group or individual health
21 insurance coverage party to such deter-
22 mination of the offer selected under clause
23 (i).

24 “(B) SUBMISSION OF OFFERS.—Not later
25 than 10 days after the date of selection of the

1 certified IDR entity with respect to a deter-
2 mination for a qualified IDR item or service,
3 the provider or facility and the group health
4 plan or health insurance issuer offering group
5 or individual health insurance coverage party to
6 such determination—

7 “(i) shall each submit to the certified
8 IDR entity with respect to such determina-
9 tion—

10 “(I) an offer for a payment
11 amount for such item or service fur-
12 nished by such provider or facility;
13 and

14 “(II) such information as re-
15 quested by the certified IDR entity re-
16 lating to such offer; and

17 “(ii) may each submit to the certified
18 IDR entity with respect to such determina-
19 tion any information relating to such offer
20 submitted by either party, including infor-
21 mation relating to any circumstance de-
22 scribed in subparagraph (C)(ii).

23 “(C) CONSIDERATIONS IN DETERMINA-
24 TION.—

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1 “(i) IN GENERAL.—In determining
2 which offer is the payment to be applied
3 pursuant to this paragraph, the certified
4 IDR entity, with respect to the determina-
5 tion for a qualified IDR item or service
6 shall consider—

7 “(I) the qualifying payment
8 amounts (as defined in subsection
9 (a)(3)(E)) for the applicable year for
10 items or services that are comparable
11 to the qualified IDR item or service
12 and that are furnished in the same
13 geographic region (as defined by the
14 Secretary for purposes of such sub-
15 section) as such qualified IDR item or
16 service; and

17 “(II) subject to subparagraph
18 (D), information on any circumstance
19 described in clause (ii), such informa-
20 tion as requested in subparagraph
21 (B)(i)(II), and any additional infor-
22 mation provided in subparagraph
23 (B)(ii).

24 “(ii) ADDITIONAL CIRCUMSTANCES.—
25 For purposes of clause (i)(II), the cir-

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1 cumstances described in this clause are,
2 with respect to a qualified IDR item or
3 service of a nonparticipating provider, non-
4 participating emergency facility, group
5 health plan, or health insurance issuer of
6 group or individual health insurance cov-
7 erage the following:

8 “(I) The level of training, experi-
9 ence, and quality and outcomes meas-
10 urements of the provider or facility
11 that furnished such item or service
12 (such as those endorsed by the con-
13 sensus-based entity authorized in sec-
14 tion 1890 of the Social Security Act).

15 “(II) The market share held by
16 the nonparticipating provider or facil-
17 ity or that of the plan or issuer in the
18 geographic region in which the item or
19 service was provided.

20 “(III) The acuity of the indi-
21 vidual receiving such item or service
22 or the complexity of furnishing such
23 item or service to such individual.

24 “(IV) The teaching status, case
25 mix, and scope of services of the non-

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1 participating facility that furnished
2 such item or service.

3 “(V) Demonstrations of good
4 faith efforts (or lack of good faith ef-
5 forts) made by the nonparticipating
6 provider or nonparticipating facility or
7 the plan or issuer to enter into net-
8 work agreements and, if applicable,
9 contracted rates between the provider
10 or facility, as applicable, and the plan
11 or issuer, as applicable, during the
12 previous 4 plan years.

13 “(D) PROHIBITION ON CONSIDERATION OF
14 CERTAIN FACTORS.—In determining which offer
15 is the payment to be applied with respect to
16 qualified IDR items and services furnished by a
17 provider or facility, the certified IDR entity
18 with respect to a determination shall not con-
19 sider usual and customary charges, the amount
20 that would have been billed by such provider or
21 facility with respect to such items and services
22 had the provisions of section 2799B–1 or
23 2799B–2 (as applicable) not applied, or the
24 payment or reimbursement rate for such items
25 and services furnished by such provider or facil-

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1 ity payable by a public payor, including under
2 the Medicare program under title XVIII of the
3 Social Security Act, under the Medicaid pro-
4 gram under title XIX of such Act, under the
5 Children’s Health Insurance Program under
6 title XXI of such Act, under the TRICARE
7 program under chapter 55 of title 10, United
8 States Code, or under chapter 17 of title 38,
9 United States Code.

10 “(E) EFFECTS OF DETERMINATION.—

11 “(i) IN GENERAL.—A determination
12 of a certified IDR entity under subpara-
13 graph (A)—

14 “(I) shall be binding upon the
15 parties involved, in the absence of a
16 fraudulent claim or evidence of mis-
17 representation of facts presented to
18 the IDR entity involved regarding
19 such claim; and

20 “(II) shall not be subject to judi-
21 cial review, except in a case described
22 in any of paragraphs (1) through (4)
23 of section 10(a) of title 9, United
24 States Code.

1 “(ii) SUSPENSION OF CERTAIN SUBSE-
2 QUENT IDR REQUESTS.—In the case of a
3 determination of a certified IDR entity
4 under subparagraph (A), with respect to
5 an initial notification submitted under
6 paragraph (1)(B) with respect to qualified
7 IDR items and services and the two par-
8 ties involved with such notification, the
9 party that submitted such notification may
10 not submit during the 90-day period fol-
11 lowing such determination a subsequent
12 notification under such paragraph involv-
13 ing the same other party to such notifica-
14 tion with respect to such an item or service
15 that was the subject of such initial notifi-
16 cation.

17 “(iii) SUBSEQUENT SUBMISSION OF
18 REQUESTS PERMITTED.—In the case of a
19 notification that pursuant to clause (ii) is
20 not permitted to be submitted under para-
21 graph (1)(B) during a 90-day period speci-
22 fied in such clause, if the end of the open
23 negotiation period specified in paragraph
24 (1)(A), that but for this clause would oth-
25 erwise apply with respect to such notifica-

1 tion, occurs during such 90-day period,
2 such paragraph (1)(B) shall be applied as
3 if the reference in such paragraph to the
4 4-day period beginning on the day after
5 such open negotiation period were instead
6 a reference to the 30-day period beginning
7 on the day after the last day of such 90-
8 day period.

9 “(iv) REPORTS.—The Secretary, joint-
10 ly with the Secretary of Labor and the
11 Secretary of the Treasury, shall examine
12 the impact of the application of clause (ii)
13 and whether the application of such clause
14 delays payment determinations or impacts
15 early, alternative resolution of claims (such
16 as through open negotiations), and shall
17 submit to Congress, not later than 2 years
18 after the date of implementation of such
19 clause an interim report (and not later
20 than 4 years after such date of implemen-
21 tation, a final report) on whether any
22 group health plans or health insurance
23 issuers offering group or individual health
24 insurance coverage or types of such plans
25 or coverage have a pattern or practice of

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1 routine denial, low payment, or down-cod-
2 ing of claims, or otherwise abuse the 90-
3 day period described in such clause, includ-
4 ing recommendations on ways to discour-
5 age such a pattern or practice.

6 “(F) COSTS OF INDEPENDENT DISPUTE
7 RESOLUTION PROCESS.—In the case of a notifi-
8 cation under paragraph (1)(B) submitted by a
9 nonparticipating provider, nonparticipating
10 emergency facility, group health plan, or health
11 insurance issuer offering group or individual
12 health insurance coverage and submitted to a
13 certified IDR entity—

14 “(i) if such entity makes a determina-
15 tion with respect to such notification under
16 subparagraph (A), the party whose offer is
17 not chosen under such subparagraph shall
18 be responsible for paying all fees charged
19 by such entity; and

20 “(ii) if the parties reach a settlement
21 with respect to such notification prior to
22 such a determination, each party shall pay
23 half of all fees charged by such entity, un-
24 less the parties otherwise agree.

1 “(6) TIMING OF PAYMENT.—The total plan or
2 coverage payment required pursuant to subsection
3 (a)(1) or (b)(1), with respect to a qualified IDR
4 item or service for which a determination is made
5 under paragraph (5)(A) or with respect to an item
6 or service for which a payment amount is deter-
7 mined under open negotiations under paragraph (1),
8 shall be made directly to the nonparticipating pro-
9 vider or facility not later than 30 days after the date
10 on which such determination is made.

11 “(7) PUBLICATION OF INFORMATION RELATING
12 TO THE IDR PROCESS.—

13 “(A) PUBLICATION OF INFORMATION.—
14 For each calendar quarter in 2022 and each
15 calendar quarter in a subsequent year, the Sec-
16 retary shall make available on the public
17 website of the Department of Health and
18 Human Services—

19 “(i) the number of notifications sub-
20 mitted under paragraph (1)(B) during
21 such calendar quarter;

22 “(ii) the size of the provider practices
23 and the size of the facilities submitting no-
24 tifications under paragraph (1)(B) during
25 such calendar quarter;

1 “(iii) the number of such notifications
2 with respect to which a determination was
3 made under paragraph (5)(A);

4 “(iv) the information described in sub-
5 paragraph (B) with respect to each notifi-
6 cation with respect to which such a deter-
7 mination was so made;

8 “(v) the number of times the payment
9 amount determined (or agreed to) under
10 this subsection exceeds the qualifying pay-
11 ment amount, specified by items and serv-
12 ices;

13 “(vi) the amount of expenditures
14 made by the Secretary during such cal-
15 endar quarter to carry out the IDR proc-
16 ess;

17 “(vii) the total amount of fees paid
18 under paragraph (8) during such calendar
19 quarter; and

20 “(viii) the total amount of compensa-
21 tion paid to certified IDR entities under
22 paragraph (5)(F) during such calendar
23 quarter.

24 “(B) INFORMATION.—For purposes of sub-
25 paragraph (A), the information described in

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1 this subparagraph is, with respect to a notifica-
2 tion under paragraph (1)(B) by a nonpartici-
3 pating provider, nonparticipating emergency fa-
4 cility, group health plan, or health insurance
5 issuer offering group or individual health insur-
6 ance coverage—

7 “(i) a description of each item and
8 service included with respect to such notifi-
9 cation;

10 “(ii) the geography in which the items
11 and services with respect to such notifica-
12 tion were provided;

13 “(iii) the amount of the offer sub-
14 mitted under paragraph (5)(B) by the
15 group health plan or health insurance
16 issuer (as applicable) and by the non-
17 participating provider or nonparticipating
18 emergency facility (as applicable) expressed
19 as a percentage of the qualifying payment
20 amount;

21 “(iv) whether the offer selected by the
22 certified IDR entity under paragraph (5)
23 to be the payment applied was the offer
24 submitted by such plan or issuer (as appli-
25 cable) or by such provider or facility (as

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1 applicable) and the amount of such offer
2 so selected expressed as a percentage of
3 the qualifying payment amount;

4 “(v) the category and practice spe-
5 cialty of each such provider or facility in-
6 volved in furnishing such items and serv-
7 ices;

8 “(vi) the identity of the health plan or
9 health insurance issuer, provider, or facil-
10 ity, with respect to the notification;

11 “(vii) the length of time in making
12 each determination;

13 “(viii) the compensation paid to the
14 certified IDR entity with respect to the
15 settlement or determination; and

16 “(ix) any other information specified
17 by the Secretary.

18 “(C) IDR ENTITY REQUIREMENTS.—For
19 2022 and each subsequent year, an IDR entity,
20 as a condition of certification as an IDR entity,
21 shall submit to the Secretary such information
22 as the Secretary determines necessary to carry
23 out the provisions of this subsection.

24 “(D) CLARIFICATION.—The Secretary
25 shall ensure the public reporting under this

1 paragraph does not contain information that
2 would disclose privileged or confidential infor-
3 mation of a group health plan or health insur-
4 ance issuer offering group or individual health
5 insurance coverage or of a provider or facility.

6 “(8) ADMINISTRATIVE FEE.—

7 “(A) IN GENERAL.—Each party to a deter-
8 mination under paragraph (5) to which an enti-
9 ty is selected under paragraph (3) in a year
10 shall pay to the Secretary, at such time and in
11 such manner as specified by the Secretary, a
12 fee for participating in the IDR process with re-
13 spect to such determination in an amount de-
14 scribed in subparagraph (B) for such year.

15 “(B) AMOUNT OF FEE.—The amount de-
16 scribed in this subparagraph for a year is an
17 amount established by the Secretary in a man-
18 ner such that the total amount of fees paid
19 under this paragraph for such year is estimated
20 to be equal to the amount of expenditures esti-
21 mated to be made by the Secretary for such
22 year in carrying out the IDR process.

23 “(9) WAIVER AUTHORITY.—The Secretary may
24 modify any deadline or other timing requirement
25 specified under this subsection (other than the es-

1 establishment date for the IDR process under para-
2 graph (2)(A) and other than under paragraph (6))
3 in cases of extenuating circumstances, as specified
4 by the Secretary, or to ensure that all claims that
5 occur during a 90-day period described in paragraph
6 (5)(E)(ii), but with respect to which a notification is
7 not permitted by reason of such paragraph to be
8 submitted under paragraph (1)(B) during such pe-
9 riod, are eligible for the IDR process.”.

10 (b) ERISA.—Section 716 of the Employee Retire-
11 ment Income Security Act of 1974, as added by section
12 102, is amended—

13 (1) by redesignating subsection (c) as sub-
14 section (d); and

15 (2) by inserting after subsection (b) the fol-
16 lowing new subsection:

17 “(c) DETERMINATION OF OUT-OF-NETWORK RATES
18 TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE
19 RESOLUTION PROCESS.—

20 “(1) DETERMINATION THROUGH OPEN NEGO-
21 TIATION.—

22 “(A) IN GENERAL.—With respect to an
23 item or service furnished in a year by a non-
24 participating provider or a nonparticipating fa-
25 cility, with respect to a group health plan or

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1 health insurance issuer offering group health
2 insurance coverage, in a State described in sub-
3 section (a)(3)(K)(ii) with respect to such plan
4 or coverage and provider or facility, and for
5 which a payment is required to be made by the
6 plan or coverage pursuant to subsection (a)(1)
7 or (b)(1), the provider or facility (as applicable)
8 or plan or coverage may, during the 30-day pe-
9 riod beginning on the day the provider or facil-
10 ity receives an initial payment or a notice of de-
11 nial of payment from the plan or coverage re-
12 garding a claim for payment for such item or
13 service, initiate open negotiations under this
14 paragraph between such provider or facility and
15 plan or coverage for purposes of determining,
16 during the open negotiation period, an amount
17 agreed on by such provider or facility, respec-
18 tively, and such plan or coverage for payment
19 (including any cost-sharing) for such item or
20 service. For purposes of this subsection, the
21 open negotiation period, with respect to an item
22 or service, is the 30-day period beginning on
23 the date of initiation of the negotiations with
24 respect to such item or service.

1 “(B) ACCESSING INDEPENDENT DISPUTE
2 RESOLUTION PROCESS IN CASE OF FAILED NE-
3 GOTIATIONS.—In the case of open negotiations
4 pursuant to subparagraph (A), with respect to
5 an item or service, that do not result in a deter-
6 mination of an amount of payment for such
7 item or service by the last day of the open nego-
8 tiation period described in such subparagraph
9 with respect to such item or service, the pro-
10 vider or facility (as applicable) or group health
11 plan or health insurance issuer offering group
12 health insurance coverage that was party to
13 such negotiations may, during the 4-day period
14 beginning on the day after such open negotia-
15 tion period, initiate the independent dispute res-
16 olution process under paragraph (2) with re-
17 spect to such item or service. The independent
18 dispute resolution process shall be initiated by
19 a party pursuant to the previous sentence by
20 submission to the other party and to the Sec-
21 retary of a notification (containing such infor-
22 mation as specified by the Secretary) and for
23 purposes of this subsection, the date of initi-
24 ation of such process shall be the date of such
25 submission or such other date specified by the

1 Secretary pursuant to regulations that is not
2 later than the date of receipt of such notifica-
3 tion by both the other party and the Secretary.

4 “(2) INDEPENDENT DISPUTE RESOLUTION
5 PROCESS AVAILABLE IN CASE OF FAILED OPEN NE-
6 GOTIATIONS.—

7 “(A) ESTABLISHMENT.—Not later than 1
8 year after the date of the enactment of this
9 subsection, the Secretary, jointly with the Sec-
10 retary of Health and Human Services and the
11 Secretary of the Treasury, shall establish by
12 regulation one independent dispute resolution
13 process (referred to in this subsection as the
14 ‘IDR process’) under which, in the case of an
15 item or service with respect to which a provider
16 or facility (as applicable) or group health plan
17 or health insurance issuer offering group health
18 insurance coverage submits a notification under
19 paragraph (1)(B) (in this subsection referred to
20 as a ‘qualified IDR item or service’), a certified
21 IDR entity under paragraph (4) determines,
22 subject to subparagraph (B) and in accordance
23 with the succeeding provisions of this sub-
24 section, the amount of payment under the plan

1 or coverage for such item or service furnished
2 by such provider or facility.

3 “(B) AUTHORITY TO CONTINUE NEGOTIA-
4 TIONS.—Under the independent dispute resolu-
5 tion process, in the case that the parties to a
6 determination for a qualified IDR item or serv-
7 ice agree on a payment amount for such item
8 or service during such process but before the
9 date on which the entity selected with respect to
10 such determination under paragraph (4) makes
11 such determination under paragraph (5), such
12 amount shall be treated for purposes of sub-
13 section (a)(3)(K)(ii) as the amount agreed to by
14 such parties for such item or service. In the
15 case of an agreement described in the previous
16 sentence, the independent dispute resolution
17 process shall provide for a method to determine
18 how to allocate between the parties to such de-
19 termination the payment of the compensation of
20 the entity selected with respect to such deter-
21 mination.

22 “(C) CLARIFICATION.—A nonparticipating
23 provider may not, with respect to an item or
24 service furnished by such provider, submit a no-
25 tification under paragraph (1)(B) if such pro-

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1 vider is exempt from the requirement under
2 subsection (a) of section 2799B–2 of the Public
3 Health Service Act with respect to such item or
4 service pursuant to subsection (b) of such sec-
5 tion.

6 “(3) TREATMENT OF BATCHING OF ITEMS AND
7 SERVICES.—

8 “(A) IN GENERAL.—Under the IDR proc-
9 ess, the Secretary shall specify criteria under
10 which multiple qualified IDR dispute items and
11 services are permitted to be considered jointly
12 as part of a single determination by an entity
13 for purposes of encouraging the efficiency (in-
14 cluding minimizing costs) of the IDR process.
15 Such items and services may be so considered
16 only if—

17 “(i) such items and services to be in-
18 cluded in such determination are furnished
19 by the same provider or facility;

20 “(ii) payment for such items and serv-
21 ices is required to be made by the same
22 group health plan or health insurance
23 issuer;

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1 “(iii) such items and services are re-
2 lated to the treatment of a similar condi-
3 tion; and

4 “(iv) such items and services were
5 furnished during the 30 day period fol-
6 lowing the date on which the first item or
7 service included with respect to such deter-
8 mination was furnished or an alternative
9 period as determined by the Secretary, for
10 use in limited situations, such as by the
11 consent of the parties or in the case of low-
12 volume items and services, to encourage
13 procedural efficiency and minimize health
14 plan and provider administrative costs.

15 “(B) TREATMENT OF BUNDLED PAY-
16 MENTS.—In carrying out subparagraph (A), the
17 Secretary shall provide that, in the case of
18 items and services which are included by a pro-
19 vider or facility as part of a bundled payment,
20 such items and services included in such bun-
21 dled payment may be part of a single deter-
22 mination under this subsection.

23 “(4) CERTIFICATION AND SELECTION OF IDR
24 ENTITIES.—

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1 “(A) IN GENERAL.—The Secretary, jointly
2 with the Secretary of Health and Human Serv-
3 ices and Secretary of the Treasury, shall estab-
4 lish a process to certify (including to recertify)
5 entities under this paragraph. Such process
6 shall ensure that an entity so certified—

7 “(i) has (directly or through contracts
8 or other arrangements) sufficient medical,
9 legal, and other expertise and sufficient
10 staffing to make determinations described
11 in paragraph (5) on a timely basis;

12 “(ii) is not—

13 “(I) a group health plan or
14 health insurance issuer offering group
15 health insurance coverage, provider,
16 or facility;

17 “(II) an affiliate or a subsidiary
18 of such a group health plan or health
19 insurance issuer, provider, or facility;
20 or

21 “(III) an affiliate or subsidiary of
22 a professional or trade association of
23 such group health plans or health in-
24 surance issuers or of providers or fa-
25 cilities;

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1 “(iii) carries out the responsibilities of
2 such an entity in accordance with this sub-
3 section;

4 “(iv) meets appropriate indicators of
5 fiscal integrity;

6 “(v) maintains the confidentiality (in
7 accordance with regulations promulgated
8 by the Secretary) of individually identifi-
9 able health information obtained in the
10 course of conducting such determinations;

11 “(vi) does not under the IDR process
12 carry out any determination with respect
13 to which the entity would not pursuant to
14 subclause (I), (II), or (III) of subpara-
15 graph (F)(i) be eligible for selection; and

16 “(vii) meets such other requirements
17 as determined appropriate by the Sec-
18 retary.

19 “(B) PERIOD OF CERTIFICATION.—Subject
20 to subparagraph (C), each certification (includ-
21 ing a recertification) of an entity under the
22 process described in subparagraph (A) shall be
23 for a 5-year period.

24 “(C) REVOCATION.—A certification of an
25 entity under this paragraph may be revoked

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1 under the process described in subparagraph
2 (A) if the entity has a pattern or practice of
3 noncompliance with any of the requirements de-
4 scribed in such subparagraph.

5 “(D) PETITION FOR DENIAL OR WITH-
6 DRAWAL.—The process described in subpara-
7 graph (A) shall ensure that an individual, pro-
8 vider, facility, or group health plan or health in-
9 surance issuer offering group health insurance
10 coverage may petition for a denial of a certifi-
11 cation or a revocation of a certification with re-
12 spect to an entity under this paragraph for fail-
13 ure of meeting a requirement of this subsection.

14 “(E) SUFFICIENT NUMBER OF ENTI-
15 TIES.—The process described in subparagraph
16 (A) shall ensure that a sufficient number of en-
17 tities are certified under this paragraph to en-
18 sure the timely and efficient provision of deter-
19 minations described in paragraph (5).

20 “(F) SELECTION OF CERTIFIED IDR ENTI-
21 TY.—The Secretary shall, with respect to the
22 determination of the amount of payment under
23 this subsection of an item or service, provide for
24 a method—

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1 “(i) that allows for the group health
2 plan or health insurance issuer offering
3 group health insurance coverage and the
4 nonparticipating provider or the non-
5 participating emergency facility (as appli-
6 cable) involved in a notification under
7 paragraph (1)(B) to jointly select, not later
8 than the last day of the 3-business day pe-
9 riod following the date of the initiation of
10 the process with respect to such item or
11 service, for purposes of making such deter-
12 mination, an entity certified under this
13 paragraph that—

14 “(I) is not a party to such deter-
15 mination or an employee or agent of
16 such a party;

17 “(II) does not have a material fa-
18 milial, financial, or professional rela-
19 tionship with such a party; and

20 “(III) does not otherwise have a
21 conflict of interest with such a party
22 (as determined by the Secretary); and

23 “(ii) that requires, in the case such
24 parties do not make such selection by such
25 last day, the Secretary to, not later than 6

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1 business days after such date of initi-
2 ation—

3 “(I) select such an entity that
4 satisfies subclauses (I) through (III)
5 of clause (i)); and

6 “(II) provide notification of such
7 selection to the provider or facility (as
8 applicable) and the plan or issuer (as
9 applicable) party to such determina-
10 tion.

11 An entity selected pursuant to the previous sentence to
12 make a determination described in such sentence shall be
13 referred to in this subsection as the ‘certified IDR entity’
14 with respect to such determination.

15 “(5) PAYMENT DETERMINATION.—

16 “(A) IN GENERAL.—Not later than 30
17 days after the date of selection of the certified
18 IDR entity with respect to a determination for
19 a qualified IDR item or service, the certified
20 IDR entity shall—

21 “(i) taking into account the consider-
22 ations specified in subparagraph (C), select
23 one of the offers submitted under subpara-
24 graph (B) to be the amount of payment for
25 such item or service determined under this

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1 subsection for purposes of subsection
2 (a)(1) or (b)(1), as applicable; and

3 “(ii) notify the provider or facility and
4 the group health plan or health insurance
5 issuer offering group health insurance cov-
6 erage party to such determination of the
7 offer selected under clause (i).

8 “(B) SUBMISSION OF OFFERS.—Not later
9 than 10 days after the date of selection of the
10 certified IDR entity with respect to a deter-
11 mination for a qualified IDR item or service,
12 the provider or facility and the group health
13 plan or health insurance issuer offering group
14 health insurance coverage party to such deter-
15 mination—

16 “(i) shall each submit to the certified
17 IDR entity with respect to such determina-
18 tion—

19 “(I) an offer for a payment
20 amount for such item or service fur-
21 nished by such provider or facility;
22 and

23 “(II) such information as re-
24 quested by the certified IDR entity re-
25 lating to such offer; and

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1 “(ii) may each submit to the certified
2 IDR entity with respect to such determina-
3 tion any information relating to such offer
4 submitted by either party, including infor-
5 mation relating to any circumstance de-
6 scribed in subparagraph (C)(ii).

7 “(C) CONSIDERATIONS IN DETERMINA-
8 TION.—

9 “(i) IN GENERAL.—In determining
10 which offer is the payment to be applied
11 pursuant to this paragraph, the certified
12 IDR entity, with respect to the determina-
13 tion for a qualified IDR item or service
14 shall consider—

15 “(I) the qualifying payment
16 amounts (as defined in subsection
17 (a)(3)(E)) for the applicable year for
18 items or services that are comparable
19 to the qualified IDR item or service
20 and that are furnished in the same
21 geographic region (as defined by the
22 Secretary for purposes of such sub-
23 section) as such qualified IDR item or
24 service; and

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1 “(II) subject to subparagraph
2 (D), information on any circumstance
3 described in clause (ii), such informa-
4 tion as requested in subparagraph
5 (B)(i)(II), and any additional infor-
6 mation provided in subparagraph
7 (B)(ii).

8 “(ii) ADDITIONAL CIRCUMSTANCES.—
9 For purposes of clause (i)(II), the cir-
10 cumstances described in this clause are,
11 with respect to a qualified IDR item or
12 service of a nonparticipating provider, non-
13 participating emergency facility, group
14 health plan, or health insurance issuer of
15 group health insurance coverage the fol-
16 lowing:

17 “(I) The level of training, experi-
18 ence, and quality and outcomes meas-
19 urements of the provider or facility
20 that furnished such item or service
21 (such as those endorsed by the con-
22 sensus-based entity authorized in sec-
23 tion 1890 of the Social Security Act).

24 “(II) The market share held by
25 the nonparticipating provider or facil-

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1 ity or that of the plan or issuer in the
2 geographic region in which the item or
3 service was provided.

4 “(III) The acuity of the indi-
5 vidual receiving such item or service
6 or the complexity of furnishing such
7 item or service to such individual.

8 “(IV) The teaching status, case
9 mix, and scope of services of the non-
10 participating facility that furnished
11 such item or service.

12 “(V) Demonstrations of good
13 faith efforts (or lack of good faith ef-
14 forts) made by the nonparticipating
15 provider or nonparticipating facility or
16 the plan or issuer to enter into net-
17 work agreements and, if applicable,
18 contracted rates between the provider
19 or facility, as applicable, and the plan
20 or issuer, as applicable, during the
21 previous 4 plan years.

22 “(D) PROHIBITION ON CONSIDERATION OF
23 CERTAIN FACTORS.—In determining which offer
24 is the payment to be applied with respect to
25 qualified IDR items and services furnished by a

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1 provider or facility, the certified IDR entity
2 with respect to a determination shall not con-
3 sider usual and customary charges, the amount
4 that would have been billed by such provider or
5 facility with respect to such items and services
6 had the provisions of section 2799B–1 of the
7 Public Health Service Act or 2799B–2 of such
8 Act (as applicable) not applied, or the payment
9 or reimbursement rate for such items and serv-
10 ices furnished by such provider or facility pay-
11 able by a public payor, including under the
12 Medicare program under title XVIII of the So-
13 cial Security Act, under the Medicaid program
14 under title XIX of such Act, under the Chil-
15 dren’s Health Insurance Program under title
16 XXI of such Act, under the TRICARE program
17 under chapter 55 of title 10, United States
18 Code, or under chapter 17 of title 38, United
19 States Code.

20 “(E) EFFECTS OF DETERMINATION.—

21 “(i) IN GENERAL.—A determination
22 of a certified IDR entity under subpara-
23 graph (A)—

24 “(I) shall be binding upon the
25 parties involved, in the absence of a

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1 fraudulent claim or evidence of mis-
2 representation of facts presented to
3 the IDR entity involved regarding
4 such claim; and

5 “(II) shall not be subject to judi-
6 cial review, except in a case described
7 in any of paragraphs (1) through (4)
8 of section 10(a) of title 9, United
9 States Code.

10 “(ii) SUSPENSION OF CERTAIN SUBSE-
11 QUENT IDR REQUESTS.—In the case of a
12 determination of a certified IDR entity
13 under subparagraph (A), with respect to
14 an initial notification submitted under
15 paragraph (1)(B) with respect to qualified
16 IDR items and services and the two par-
17 ties involved with such notification, the
18 party that submitted such notification may
19 not submit during the 90-day period fol-
20 lowing such determination a subsequent
21 notification under such paragraph involv-
22 ing the same other party to such notifica-
23 tion with respect to such an item or service
24 that was the subject of such initial notifi-
25 cation.

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1 “(iii) SUBSEQUENT SUBMISSION OF
2 REQUESTS PERMITTED.—In the case of a
3 notification that pursuant to clause (ii) is
4 not permitted to be submitted under para-
5 graph (1)(B) during a 90-day period speci-
6 fied in such clause, if the end of the open
7 negotiation period specified in paragraph
8 (1)(A), that but for this clause would oth-
9 erwise apply with respect to such notifica-
10 tion, occurs during such 90-day period,
11 such paragraph (1)(B) shall be applied as
12 if the reference in such paragraph to the
13 4-day period beginning on the day after
14 such open negotiation period were instead
15 a reference to the 30-day period beginning
16 on the day after the last day of such 90-
17 day period.

18 “(iv) REPORTS.—The Secretary, joint-
19 ly with the Secretary of Health and
20 Human Services and the Secretary of the
21 Treasury, shall examine the impact of the
22 application of clause (ii) and whether the
23 application of such clause delays payment
24 determinations or impacts early, alter-
25 native resolution of claims (such as

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1 through open negotiations), and shall sub-
2 mit to Congress, not later than 2 years
3 after the date of implementation of such
4 clause an interim report (and not later
5 than 4 years after such date of implemen-
6 tation, a final report) on whether any
7 group health plans or health insurance
8 issuers offering group or individual health
9 insurance coverage or types of such plans
10 or coverage have a pattern or practice of
11 routine denial, low payment, or down-cod-
12 ing of claims, or otherwise abuse the 90-
13 day period described in such clause, includ-
14 ing recommendations on ways to discour-
15 age such a pattern or practice.

16 “(F) COSTS OF INDEPENDENT DISPUTE
17 RESOLUTION PROCESS.—In the case of a notifi-
18 cation under paragraph (1)(B) submitted by a
19 nonparticipating provider, nonparticipating
20 emergency facility, group health plan, or health
21 insurance issuer offering group health insur-
22 ance coverage and submitted to a certified IDR
23 entity—

24 “(i) if such entity makes a determina-
25 tion with respect to such notification under

1 subparagraph (A), the party whose offer is
2 not chosen under such subparagraph shall
3 be responsible for paying all fees charged
4 by such entity; and

5 “(ii) if the parties reach a settlement
6 with respect to such notification prior to
7 such a determination, each party shall pay
8 half of all fees charged by such entity, un-
9 less the parties otherwise agree.

10 “(6) TIMING OF PAYMENT.—The total plan or
11 coverage payment required pursuant to subsection
12 (a)(1) or (b)(1), with respect to a qualified IDR
13 item or service for which a determination is made
14 under paragraph (5)(A) or with respect to an item
15 or service for which a payment amount is deter-
16 mined under open negotiations under paragraph (1),
17 shall be made directly to the nonparticipating pro-
18 vider or facility not later than 30 days after the date
19 on which such determination is made.

20 “(7) PUBLICATION OF INFORMATION RELATING
21 TO THE IDR PROCESS.—

22 “(A) PUBLICATION OF INFORMATION.—
23 For each calendar quarter in 2022 and each
24 calendar quarter in a subsequent year, the Sec-

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1 retary shall make available on the public
2 website of the Department of Labor—

3 “(i) the number of notifications sub-
4 mitted under paragraph (1)(B) during
5 such calendar quarter;

6 “(ii) the size of the provider practices
7 and the size of the facilities submitting no-
8 tifications under paragraph (1)(B) during
9 such calendar quarter;

10 “(iii) the number of such notifications
11 with respect to which a determination was
12 made under paragraph (5)(A);

13 “(iv) the information described in sub-
14 paragraph (B) with respect to each notifi-
15 cation with respect to which such a deter-
16 mination was so made;

17 “(v) the number of times the payment
18 amount determined (or agreed to) under
19 this subsection exceeds the qualifying pay-
20 ment amount, specified by items and serv-
21 ices;

22 “(vi) the amount of expenditures
23 made by the Secretary during such cal-
24 endar quarter to carry out the IDR proc-
25 ess;

1 “(vii) the total amount of fees paid
2 under paragraph (8) during such calendar
3 quarter; and

4 “(viii) the total amount of compensa-
5 tion paid to certified IDR entities under
6 paragraph (5)(F) during such calendar
7 quarter.

8 “(B) INFORMATION.—For purposes of sub-
9 paragraph (A), the information described in
10 this subparagraph is, with respect to a notifica-
11 tion under paragraph (1)(B) by a nonpartici-
12 pating provider, nonparticipating emergency fa-
13 cility, group health plan, or health insurance
14 issuer offering group health insurance cov-
15 erage—

16 “(i) a description of each item and
17 service included with respect to such notifi-
18 cation;

19 “(ii) the geography in which the items
20 and services with respect to such notifica-
21 tion were provided;

22 “(iii) the amount of the offer sub-
23 mitted under paragraph (5)(B) by the
24 group health plan or health insurance
25 issuer (as applicable) and by the non-

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1 participating provider or nonparticipating
2 emergency facility (as applicable) expressed
3 as a percentage of the qualifying payment
4 amount;

5 “(iv) whether the offer selected by the
6 certified IDR entity under paragraph (5)
7 to be the payment applied was the offer
8 submitted by such plan or issuer (as appli-
9 cable) or by such provider or facility (as
10 applicable) and the amount of such offer
11 so selected expressed as a percentage of
12 the qualifying payment amount;

13 “(v) the category and practice spe-
14 cialty of each such provider or facility in-
15 volved in furnishing such items and serv-
16 ices;

17 “(vi) the identity of the health plan or
18 health insurance issuer, provider, or facil-
19 ity, with respect to the notification;

20 “(vii) the length of time in making
21 each determination;

22 “(viii) the compensation paid to the
23 certified IDR entity with respect to the
24 settlement or determination; and

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1 “(ix) any other information specified
2 by the Secretary.

3 “(C) IDR ENTITY REQUIREMENTS.—For
4 2022 and each subsequent year, an IDR entity,
5 as a condition of certification as an IDR entity,
6 shall submit to the Secretary such information
7 as the Secretary determines necessary to carry
8 out the provisions of this subsection.

9 “(D) CLARIFICATION.—The Secretary
10 shall ensure the public reporting under this
11 paragraph does not contain information that
12 would disclose privileged or confidential infor-
13 mation of a group health plan or health insur-
14 ance issuer offering group or individual health
15 insurance coverage or of a provider or facility.

16 “(8) ADMINISTRATIVE FEE.—

17 “(A) IN GENERAL.—Each party to a deter-
18 mination under paragraph (5) to which an enti-
19 ty is selected under paragraph (3) in a year
20 shall pay to the Secretary, at such time and in
21 such manner as specified by the Secretary, a
22 fee for participating in the IDR process with re-
23 spect to such determination in an amount de-
24 scribed in subparagraph (B) for such year.

1 “(B) AMOUNT OF FEE.—The amount de-
2 scribed in this subparagraph for a year is an
3 amount established by the Secretary in a man-
4 ner such that the total amount of fees paid
5 under this paragraph for such year is estimated
6 to be equal to the amount of expenditures esti-
7 mated to be made by the Secretary for such
8 year in carrying out the IDR process.

9 “(9) WAIVER AUTHORITY.—The Secretary may
10 modify any deadline or other timing requirement
11 specified under this subsection (other than the es-
12 tablishment date for the IDR process under para-
13 graph (2)(A) and other than under paragraph (6))
14 in cases of extenuating circumstances, as specified
15 by the Secretary, or to ensure that all claims that
16 occur during a 90-day period described in paragraph
17 (5)(E)(ii), but with respect to which a notification is
18 not permitted by reason of such paragraph to be
19 submitted under paragraph (1)(B) during such pe-
20 riod, are eligible for the IDR process.”.

21 (c) IRC.—Section 9816 of the Internal Revenue Code
22 of 1986, as added by section 102, is amended—

23 (1) by redesignating subsection (c) as sub-
24 section (d); and

1 (2) by inserting after subsection (b) the fol-
2 lowing new subsection:

3 “(c) DETERMINATION OF OUT-OF-NETWORK RATES
4 TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE
5 RESOLUTION PROCESS.—

6 “(1) DETERMINATION THROUGH OPEN NEGO-
7 TIATION.—

8 “(A) IN GENERAL.—With respect to an
9 item or service furnished in a year by a non-
10 participating provider or a nonparticipating fa-
11 cility, with respect to a group health plan, in a
12 State described in subsection (a)(3)(K)(ii) with
13 respect to such plan and provider or facility,
14 and for which a payment is required to be made
15 by the plan pursuant to subsection (a)(1) or
16 (b)(1), the provider or facility (as applicable) or
17 plan may, during the 30-day period beginning
18 on the day the provider or facility receives an
19 initial payment or a notice of denial of payment
20 from the plan regarding a claim for payment
21 for such item or service, initiate open negotia-
22 tions under this paragraph between such pro-
23 vider or facility and plan for purposes of deter-
24 mining, during the open negotiation period, an
25 amount agreed on by such provider or facility,

1 respectively, and such plan for payment (includ-
2 ing any cost-sharing) for such item or service.
3 For purposes of this subsection, the open nego-
4 tiation period, with respect to an item or serv-
5 ice, is the 30-day period beginning on the date
6 of initiation of the negotiations with respect to
7 such item or service.

8 “(B) ACCESSING INDEPENDENT DISPUTE
9 RESOLUTION PROCESS IN CASE OF FAILED NE-
10 GOTIATIONS.—In the case of open negotiations
11 pursuant to subparagraph (A), with respect to
12 an item or service, that do not result in a deter-
13 mination of an amount of payment for such
14 item or service by the last day of the open nego-
15 tiation period described in such subparagraph
16 with respect to such item or service, the pro-
17 vider or facility (as applicable) or group health
18 plan that was party to such negotiations may,
19 during the 4-day period beginning on the day
20 after such open negotiation period, initiate the
21 independent dispute resolution process under
22 paragraph (2) with respect to such item or
23 service. The independent dispute resolution
24 process shall be initiated by a party pursuant to
25 the previous sentence by submission to the

1 other party and to the Secretary of a notifica-
2 tion (containing such information as specified
3 by the Secretary) and for purposes of this sub-
4 section, the date of initiation of such process
5 shall be the date of such submission or such
6 other date specified by the Secretary pursuant
7 to regulations that is not later than the date of
8 receipt of such notification by both the other
9 party and the Secretary.

10 “(2) INDEPENDENT DISPUTE RESOLUTION
11 PROCESS AVAILABLE IN CASE OF FAILED OPEN NE-
12 GOTIATIONS.—

13 “(A) ESTABLISHMENT.—Not later than 1
14 year after the date of the enactment of this
15 subsection, the Secretary, jointly with the Sec-
16 retary of Health and Human Services and the
17 Secretary of Labor, shall establish by regulation
18 one independent dispute resolution process (re-
19 ferred to in this subsection as the ‘IDR proc-
20 ess’) under which, in the case of an item or
21 service with respect to which a provider or facil-
22 ity (as applicable) or group health plan submits
23 a notification under paragraph (1)(B) (in this
24 subsection referred to as a ‘qualified IDR item
25 or service’), a certified IDR entity under para-

1 graph (4) determines, subject to subparagraph
2 (B) and in accordance with the succeeding pro-
3 visions of this subsection, the amount of pay-
4 ment under the plan for such item or service
5 furnished by such provider or facility.

6 “(B) AUTHORITY TO CONTINUE NEGOTIA-
7 TIONS.—Under the independent dispute resolu-
8 tion process, in the case that the parties to a
9 determination for a qualified IDR item or serv-
10 ice agree on a payment amount for such item
11 or service during such process but before the
12 date on which the entity selected with respect to
13 such determination under paragraph (4) makes
14 such determination under paragraph (5), such
15 amount shall be treated for purposes of sub-
16 section (a)(3)(K)(ii) as the amount agreed to by
17 such parties for such item or service. In the
18 case of an agreement described in the previous
19 sentence, the independent dispute resolution
20 process shall provide for a method to determine
21 how to allocate between the parties to such de-
22 termination the payment of the compensation of
23 the entity selected with respect to such deter-
24 mination.

1 “(C) CLARIFICATION.—A nonparticipating
2 provider may not, with respect to an item or
3 service furnished by such provider, submit a no-
4 tification under paragraph (1)(B) if such pro-
5 vider is exempt from the requirement under
6 subsection (a) of section 2799B–2 of the Public
7 Health Service Act with respect to such item or
8 service pursuant to subsection (b) of such sec-
9 tion.

10 “(3) TREATMENT OF BATCHING OF ITEMS AND
11 SERVICES.—

12 “(A) IN GENERAL.—Under the IDR proc-
13 ess, the Secretary shall specify criteria under
14 which multiple qualified IDR dispute items and
15 services are permitted to be considered jointly
16 as part of a single determination by an entity
17 for purposes of encouraging the efficiency (in-
18 cluding minimizing costs) of the IDR process.
19 Such items and services may be so considered
20 only if—

21 “(i) such items and services to be in-
22 cluded in such determination are furnished
23 by the same provider or facility;

24 “(ii) payment for such items and serv-
25 ices is required to be made by the same

1 group health plan or health insurance
2 issuer;

3 “(iii) such items and services are re-
4 lated to the treatment of a similar condi-
5 tion; and

6 “(iv) such items and services were
7 furnished during the 30 day period fol-
8 lowing the date on which the first item or
9 service included with respect to such deter-
10 mination was furnished or an alternative
11 period as determined by the Secretary, for
12 use in limited situations, such as by the
13 consent of the parties or in the case of low-
14 volume items and services, to encourage
15 procedural efficiency and minimize health
16 plan and provider administrative costs.

17 “(B) TREATMENT OF BUNDLED PAY-
18 MENTS.—In carrying out subparagraph (A), the
19 Secretary shall provide that, in the case of
20 items and services which are included by a pro-
21 vider or facility as part of a bundled payment,
22 such items and services included in such bun-
23 dled payment may be part of a single deter-
24 mination under this subsection.

1 “(4) CERTIFICATION AND SELECTION OF IDR
2 ENTITIES.—

3 “(A) IN GENERAL.—The Secretary, jointly
4 with the Secretary of Health and Human Serv-
5 ices and the Secretary of Labor, shall establish
6 a process to certify (including to recertify) enti-
7 ties under this paragraph. Such process shall
8 ensure that an entity so certified—

9 “(i) has (directly or through contracts
10 or other arrangements) sufficient medical,
11 legal, and other expertise and sufficient
12 staffing to make determinations described
13 in paragraph (5) on a timely basis;

14 “(ii) is not—

15 “(I) a group health plan, pro-
16 vider, or facility;

17 “(II) an affiliate or a subsidiary
18 of such a group health plan, provider,
19 or facility; or

20 “(III) an affiliate or subsidiary of
21 a professional or trade association of
22 such group health plans or of pro-
23 viders or facilities;

1 “(iii) carries out the responsibilities of
2 such an entity in accordance with this sub-
3 section;

4 “(iv) meets appropriate indicators of
5 fiscal integrity;

6 “(v) maintains the confidentiality (in
7 accordance with regulations promulgated
8 by the Secretary) of individually identifi-
9 able health information obtained in the
10 course of conducting such determinations;

11 “(vi) does not under the IDR process
12 carry out any determination with respect
13 to which the entity would not pursuant to
14 subclause (I), (II), or (III) of subpara-
15 graph (F)(i) be eligible for selection; and

16 “(vii) meets such other requirements
17 as determined appropriate by the Sec-
18 retary.

19 “(B) PERIOD OF CERTIFICATION.—Subject
20 to subparagraph (C), each certification (includ-
21 ing a recertification) of an entity under the
22 process described in subparagraph (A) shall be
23 for a 5-year period.

24 “(C) REVOCATION.—A certification of an
25 entity under this paragraph may be revoked

1 under the process described in subparagraph
2 (A) if the entity has a pattern or practice of
3 noncompliance with any of the requirements de-
4 scribed in such subparagraph.

5 “(D) PETITION FOR DENIAL OR WITH-
6 DRAWAL.—The process described in subpara-
7 graph (A) shall ensure that an individual, pro-
8 vider, facility, or group health plan may petition
9 for a denial of a certification or a revocation of
10 a certification with respect to an entity under
11 this paragraph for failure of meeting a require-
12 ment of this subsection.

13 “(E) SUFFICIENT NUMBER OF ENTI-
14 TIES.—The process described in subparagraph
15 (A) shall ensure that a sufficient number of en-
16 tities are certified under this paragraph to en-
17 sure the timely and efficient provision of deter-
18 minations described in paragraph (5).

19 “(F) SELECTION OF CERTIFIED IDR ENTI-
20 TY.—The Secretary shall, with respect to the
21 determination of the amount of payment under
22 this subsection of an item or service, provide for
23 a method—

24 “(i) that allows for the group health
25 plan and the nonparticipating provider or

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1 the nonparticipating emergency facility (as
2 applicable) involved in a notification under
3 paragraph (1)(B) to jointly select, not later
4 than the last day of the 3-business day pe-
5 riod following the date of the initiation of
6 the process with respect to such item or
7 service, for purposes of making such deter-
8 mination, an entity certified under this
9 paragraph that—

10 “(I) is not a party to such deter-
11 mination or an employee or agent of
12 such a party;

13 “(II) does not have a material fa-
14 milial, financial, or professional rela-
15 tionship with such a party; and

16 “(III) does not otherwise have a
17 conflict of interest with such a party
18 (as determined by the Secretary); and

19 “(ii) that requires, in the case such
20 parties do not make such selection by such
21 last day, the Secretary to, not later than 6
22 business days after such date of initi-
23 ation—

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1 “(I) select such an entity that
2 satisfies subclauses (I) through (III)
3 of clause (i)); and

4 “(II) provide notification of such
5 selection to the provider or facility (as
6 applicable) and the plan or issuer (as
7 applicable) party to such determina-
8 tion.

9 An entity selected pursuant to the previous sentence to
10 make a determination described in such sentence shall be
11 referred to in this subsection as the ‘certified IDR entity’
12 with respect to such determination.

13 “(5) PAYMENT DETERMINATION.—

14 “(A) IN GENERAL.—Not later than 30
15 days after the date of selection of the certified
16 IDR entity with respect to a determination for
17 a qualified IDR item or service, the certified
18 IDR entity shall—

19 “(i) taking into account the consider-
20 ations specified in subparagraph (C), select
21 one of the offers submitted under subpara-
22 graph (B) to be the amount of payment for
23 such item or service determined under this
24 subsection for purposes of subsection
25 (a)(1) or (b)(1), as applicable; and

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1 “(ii) notify the provider or facility and
2 the group health plan party to such deter-
3 mination of the offer selected under clause
4 (i).

5 “(B) SUBMISSION OF OFFERS.—Not later
6 than 10 days after the date of selection of the
7 certified IDR entity with respect to a determina-
8 tion for a qualified IDR item or service, the
9 provider or facility and the group health plan
10 party to such determination—

11 “(i) shall each submit to the certified
12 IDR entity with respect to such determina-
13 tion—

14 “(I) an offer for a payment
15 amount for such item or service fur-
16 nished by such provider or facility;
17 and

18 “(II) such information as re-
19 quested by the certified IDR entity re-
20 lating to such offer; and

21 “(ii) may each submit to the certified
22 IDR entity with respect to such determina-
23 tion any information relating to such offer
24 submitted by either party, including infor-

1 mation relating to any circumstance de-
2 scribed in subparagraph (C)(ii).

3 “(C) CONSIDERATIONS IN DETERMINA-
4 TION.—

5 “(i) IN GENERAL.—In determining
6 which offer is the payment to be applied
7 pursuant to this paragraph, the certified
8 IDR entity, with respect to the determina-
9 tion for a qualified IDR item or service
10 shall consider—

11 “(I) the qualifying payment
12 amounts (as defined in subsection
13 (a)(3)(E)) for the applicable year for
14 items or services that are comparable
15 to the qualified IDR item or service
16 and that are furnished in the same
17 geographic region (as defined by the
18 Secretary for purposes of such sub-
19 section) as such qualified IDR item or
20 service; and

21 “(II) subject to subparagraph
22 (D), information on any circumstance
23 described in clause (ii), such informa-
24 tion as requested in subparagraph
25 (B)(i)(II), and any additional infor-

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1 mation provided in subparagraph
2 (B)(ii).

3 “(ii) ADDITIONAL CIRCUMSTANCES.—

4 For purposes of clause (i)(II), the cir-
5 cumstances described in this clause are,
6 with respect to a qualified IDR item or
7 service of a nonparticipating provider, non-
8 participating emergency facility, or group
9 health plan, the following:

10 “(I) The level of training, experi-
11 ence, and quality and outcomes meas-
12 urements of the provider or facility
13 that furnished such item or service
14 (such as those endorsed by the con-
15 sensus-based entity authorized in sec-
16 tion 1890 of the Social Security Act).

17 “(II) The market share held by
18 the nonparticipating provider or facil-
19 ity or that of the plan or issuer in the
20 geographic region in which the item or
21 service was provided.

22 “(III) The acuity of the indi-
23 vidual receiving such item or service
24 or the complexity of furnishing such
25 item or service to such individual.

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1 “(IV) The teaching status, case
2 mix, and scope of services of the non-
3 participating facility that furnished
4 such item or service.

5 “(V) Demonstrations of good
6 faith efforts (or lack of good faith ef-
7 forts) made by the nonparticipating
8 provider or nonparticipating facility or
9 the plan or issuer to enter into net-
10 work agreements and, if applicable,
11 contracted rates between the provider
12 or facility, as applicable, and the plan
13 or issuer, as applicable, during the
14 previous 4 plan years.

15 “(D) PROHIBITION ON CONSIDERATION OF
16 CERTAIN FACTORS.—In determining which offer
17 is the payment to be applied with respect to
18 qualified IDR items and services furnished by a
19 provider or facility, the certified IDR entity
20 with respect to a determination shall not con-
21 sider usual and customary charges, the amount
22 that would have been billed by such provider or
23 facility with respect to such items and services
24 had the provisions of section 2799B–1 of the
25 Public Health Service Act or 2799B–2 of such

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1 Act (as applicable) not applied, or the payment
2 or reimbursement rate for such items and serv-
3 ices furnished by such provider or facility pay-
4 able by a public payor, including under the
5 Medicare program under title XVIII of the So-
6 cial Security Act, under the Medicaid program
7 under title XIX of such Act, under the Chil-
8 dren’s Health Insurance Program under title
9 XXI of such Act, under the TRICARE program
10 under chapter 55 of title 10, United States
11 Code, or under chapter 17 of title 38, United
12 States Code.

13 “(E) EFFECTS OF DETERMINATION.—

14 “(i) IN GENERAL.—A determination
15 of a certified IDR entity under subpara-
16 graph (A)—

17 “(I) shall be binding upon the
18 parties involved, in the absence of a
19 fraudulent claim or evidence of mis-
20 representation of facts presented to
21 the IDR entity involved regarding
22 such claim; and

23 “(II) shall not be subject to judi-
24 cial review, except in a case described
25 in any of paragraphs (1) through (4)

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1 of section 10(a) of title 9, United
2 States Code.

3 “(ii) SUSPENSION OF CERTAIN SUBSE-
4 QUENT IDR REQUESTS.—In the case of a
5 determination of a certified IDR entity
6 under subparagraph (A), with respect to
7 an initial notification submitted under
8 paragraph (1)(B) with respect to qualified
9 IDR items and services and the two par-
10 ties involved with such notification, the
11 party that submitted such notification may
12 not submit during the 90-day period fol-
13 lowing such determination a subsequent
14 notification under such paragraph involv-
15 ing the same other party to such notifica-
16 tion with respect to such an item or service
17 that was the subject of such initial notifi-
18 cation.

19 “(iii) SUBSEQUENT SUBMISSION OF
20 REQUESTS PERMITTED.—In the case of a
21 notification that pursuant to clause (ii) is
22 not permitted to be submitted under para-
23 graph (1)(B) during a 90-day period speci-
24 fied in such clause, if the end of the open
25 negotiation period specified in paragraph

1 (1)(A), that but for this clause would oth-
2 erwise apply with respect to such notifica-
3 tion, occurs during such 90-day period,
4 such paragraph (1)(B) shall be applied as
5 if the reference in such paragraph to the
6 4-day period beginning on the day after
7 such open negotiation period were instead
8 a reference to the 30-day period beginning
9 on the day after the last day of such 90-
10 day period.

11 “(iv) REPORTS.—The Secretary, joint-
12 ly with the Secretary of Labor and the
13 Secretary of the Health and Human Serv-
14 ices, shall examine the impact of the appli-
15 cation of clause (ii) and whether the appli-
16 cation of such clause delays payment deter-
17 minations or impacts early, alternative res-
18 olution of claims (such as through open ne-
19 gotiations), and shall submit to Congress,
20 not later than 2 years after the date of im-
21 plementation of such clause an interim re-
22 port (and not later than 4 years after such
23 date of implementation, a final report) on
24 whether any group health plans or health
25 insurance issuers offering group or indi-

1 vidual health insurance coverage or types
2 of such plans or coverage have a pattern or
3 practice of routine denial, low payment, or
4 down-coding of claims, or otherwise abuse
5 the 90-day period described in such clause,
6 including recommendations on ways to dis-
7 courage such a pattern or practice.

8 “(F) COSTS OF INDEPENDENT DISPUTE
9 RESOLUTION PROCESS.—In the case of a notifi-
10 cation under paragraph (1)(B) submitted by a
11 nonparticipating provider, nonparticipating
12 emergency facility, or group health plan and
13 submitted to a certified IDR entity—

14 “(i) if such entity makes a determina-
15 tion with respect to such notification under
16 subparagraph (A), the party whose offer is
17 not chosen under such subparagraph shall
18 be responsible for paying all fees charged
19 by such entity; and

20 “(ii) if the parties reach a settlement
21 with respect to such notification prior to
22 such a determination, each party shall pay
23 half of all fees charged by such entity, un-
24 less the parties otherwise agree.

1 “(6) TIMING OF PAYMENT.—The total plan
2 payment required pursuant to subsection (a)(1) or
3 (b)(1), with respect to a qualified IDR item or serv-
4 ice for which a determination is made under para-
5 graph (5)(A) or with respect to an item or service
6 for which a payment amount is determined under
7 open negotiations under paragraph (1), shall be
8 made directly to the nonparticipating provider or fa-
9 cility not later than 30 days after the date on which
10 such determination is made.

11 “(7) PUBLICATION OF INFORMATION RELATING
12 TO THE IDR PROCESS.—

13 “(A) PUBLICATION OF INFORMATION.—
14 For each calendar quarter in 2022 and each
15 calendar quarter in a subsequent year, the Sec-
16 retary shall make available on the public
17 website of the Department of the Treasury—

18 “(i) the number of notifications sub-
19 mitted under paragraph (1)(B) during
20 such calendar quarter;

21 “(ii) the size of the provider practices
22 and the size of the facilities submitting no-
23 tifications under paragraph (1)(B) during
24 such calendar quarter;

1 “(iii) the number of such notifications
2 with respect to which a determination was
3 made under paragraph (5)(A);

4 “(iv) the information described in sub-
5 paragraph (B) with respect to each notifi-
6 cation with respect to which such a deter-
7 mination was so made;

8 “(v) the number of times the payment
9 amount determined (or agreed to) under
10 this subsection exceeds the qualifying pay-
11 ment amount, specified by items and serv-
12 ices;

13 “(vi) the amount of expenditures
14 made by the Secretary during such cal-
15 endar quarter to carry out the IDR proc-
16 ess;

17 “(vii) the total amount of fees paid
18 under paragraph (8) during such calendar
19 quarter; and

20 “(viii) the total amount of compensa-
21 tion paid to certified IDR entities under
22 paragraph (5)(F) during such calendar
23 quarter.

24 “(B) INFORMATION.—For purposes of sub-
25 paragraph (A), the information described in

1 this subparagraph is, with respect to a notifica-
2 tion under paragraph (1)(B) by a nonpartici-
3 pating provider, nonparticipating emergency fa-
4 cility, or group health plan—

5 “(i) a description of each item and
6 service included with respect to such notifi-
7 cation;

8 “(ii) the geography in which the items
9 and services with respect to such notifica-
10 tion were provided;

11 “(iii) the amount of the offer sub-
12 mitted under paragraph (5)(B) by the
13 group health plan and by the nonpartici-
14 pating provider or nonparticipating emer-
15 gency facility (as applicable) expressed as
16 a percentage of the qualifying payment
17 amount;

18 “(iv) whether the offer selected by the
19 certified IDR entity under paragraph (5)
20 to be the payment applied was the offer
21 submitted by such plan or by such provider
22 or facility (as applicable) and the amount
23 of such offer so selected expressed as a
24 percentage of the qualifying payment
25 amount;

1 “(v) the category and practice spe-
2 cialty of each such provider or facility in-
3 volved in furnishing such items and serv-
4 ices;

5 “(vi) the identity of the group health
6 plan, provider, or facility, with respect to
7 the notification;

8 “(vii) the length of time in making
9 each determination;

10 “(viii) the compensation paid to the
11 certified IDR entity with respect to the
12 settlement or determination; and

13 “(ix) any other information specified
14 by the Secretary.

15 “(C) IDR ENTITY REQUIREMENTS.—For
16 2022 and each subsequent year, an IDR entity,
17 as a condition of certification as an IDR entity,
18 shall submit to the Secretary such information
19 as the Secretary determines necessary to carry
20 out the provisions of this subsection.

21 “(D) CLARIFICATION.—The Secretary
22 shall ensure the public reporting under this
23 paragraph does not contain information that
24 would disclose privileged or confidential infor-
25 mation of a group health plan or health insur-

1 ance issuer offering group or individual health
2 insurance coverage or of a provider or facility.

3 “(8) ADMINISTRATIVE FEE.—

4 “(A) IN GENERAL.—Each party to a deter-
5 mination under paragraph (5) to which an enti-
6 ty is selected under paragraph (3) in a year
7 shall pay to the Secretary, at such time and in
8 such manner as specified by the Secretary, a
9 fee for participating in the IDR process with re-
10 spect to such determination in an amount de-
11 scribed in subparagraph (B) for such year.

12 “(B) AMOUNT OF FEE.—The amount de-
13 scribed in this subparagraph for a year is an
14 amount established by the Secretary in a man-
15 ner such that the total amount of fees paid
16 under this paragraph for such year is estimated
17 to be equal to the amount of expenditures esti-
18 mated to be made by the Secretary for such
19 year in carrying out the IDR process.

20 “(9) WAIVER AUTHORITY.—The Secretary may
21 modify any deadline or other timing requirement
22 specified under this subsection (other than the es-
23 tablishment date for the IDR process under para-
24 graph (2)(A) and other than under paragraph (6))
25 in cases of extenuating circumstances, as specified

1 by the Secretary, or to ensure that all claims that
2 occur during a 90-day period described in paragraph
3 (5)(E)(ii), but with respect to which a notification is
4 not permitted by reason of such paragraph to be
5 submitted under paragraph (1)(B) during such pe-
6 riod, are eligible for the IDR process.”.

7 **SEC. 104. HEALTH CARE PROVIDER REQUIREMENTS RE-**
8 **GARDING SURPRISE MEDICAL BILLING.**

9 (a) IN GENERAL.—Title XXVII of the Public Health
10 Service Act (42 U.S.C. 300gg et seq.) is amended by in-
11 serting after part D, as added by section 102, the fol-
12 lowing:

13 **“PART E—HEALTH CARE PROVIDER**
14 **REQUIREMENTS**
15 **“SEC. 2799B-1. BALANCE BILLING IN CASES OF EMERGENCY**
16 **SERVICES.**

17 “(a) IN GENERAL.—In the case of a participant, ben-
18 eficiary, or enrollee with benefits under a group health
19 plan or group or individual health insurance coverage of-
20 fered by a health insurance issuer and who is furnished
21 during a plan year beginning on or after January 1, 2022,
22 emergency services (for which benefits are provided under
23 the plan or coverage) with respect to an emergency med-
24 ical condition with respect to a visit at an emergency de-

1 partment of a hospital or an independent freestanding
2 emergency department—

3 “(1) in the case that the hospital or inde-
4 pendent freestanding emergency department is a
5 nonparticipating emergency facility, the emergency
6 department of a hospital or independent free-
7 standing emergency department shall not bill, and
8 shall not hold liable, the participant, beneficiary, or
9 enrollee for a payment amount for such emergency
10 services so furnished that is more than the cost-
11 sharing requirement for such services (as determined
12 in accordance with clauses (ii) and (iii) of section
13 2799A–1(a)(1)(C), of section 9816(a)(1)(C) of the
14 Internal Revenue Code of 1986, and of section
15 716(a)(1)(C) of the Employee Retirement Income
16 Security Act of 1974, as applicable); and

17 “(2) in the case that such services are furnished
18 by a nonparticipating provider, the health care pro-
19 vider shall not bill, and shall not hold liable, such
20 participant, beneficiary, or enrollee for a payment
21 amount for an emergency service furnished to such
22 individual by such provider with respect to such
23 emergency medical condition and visit for which the
24 individual receives emergency services at the hospital
25 or emergency department that is more than the cost-

1 sharing requirement for such services furnished by
2 the provider (as determined in accordance with
3 clauses (ii) and (iii) of section 2799A–1(a)(1)(C), of
4 section 9816(a)(1)(C) of the Internal Revenue Code
5 of 1986, and of section 716(a)(1)(C) of the Em-
6 ployee Retirement Income Security Act of 1974, as
7 applicable).

8 “(b) DEFINITION.—In this section, the term ‘visit’
9 shall have such meaning as applied to such term for pur-
10 poses of section 2799A–1(b).

11 **“SEC. 2799B–2. BALANCE BILLING IN CASES OF NON-EMER-**
12 **GENCY SERVICES PERFORMED BY NON-**
13 **PARTICIPATING PROVIDERS AT CERTAIN**
14 **PARTICIPATING FACILITIES.**

15 “(a) IN GENERAL.—Subject to subsection (b), in the
16 case of a participant, beneficiary, or enrollee with benefits
17 under a group health plan or group or individual health
18 insurance coverage offered by a health insurance issuer
19 and who is furnished during a plan year beginning on or
20 after January 1, 2022, items or services (other than emer-
21 gency services to which section 2799B–1 applies) for
22 which benefits are provided under the plan or coverage
23 at a participating health care facility by a nonparticipating
24 provider, such provider shall not bill, and shall not hold
25 liable, such participant, beneficiary, or enrollee for a pay-

1 ment amount for such an item or service furnished by such
2 provider with respect to a visit at such facility that is more
3 than the cost-sharing requirement for such item or service
4 (as determined in accordance with subparagraphs (A) and
5 (B) of section 2799A–1(b)(1) of section 9816(b)(1) of the
6 Internal Revenue Code of 1986, and of section 716(b)(1)
7 of the Employee Retirement Income Security Act of 1974,
8 as applicable).

9 “(b) EXCEPTION.—

10 “(1) IN GENERAL.—Subsection (a) shall not
11 apply with respect to items or services (other than
12 ancillary services described in paragraph (2)) fur-
13 nished by a nonparticipating provider to a partici-
14 pant, beneficiary, or enrollee of a group health plan
15 or group or individual health insurance coverage of-
16 fered by a health insurance issuer, if the provider
17 satisfies the notice and consent criteria of subsection
18 (d).

19 “(2) ANCILLARY SERVICES DESCRIBED.—For
20 purposes of paragraph (1), ancillary services de-
21 scribed in this paragraph are, with respect to a par-
22 ticipating health care facility—

23 “(A) subject to paragraph (3), items and
24 services related to emergency medicine, anesthe-
25 siology, pathology, radiology, and neonatology,

1 whether or not provided by a physician or non-
2 physician practitioner, and items and services
3 provided by assistant surgeons, hospitalists, and
4 intensivists;

5 “(B) subject to paragraph (3), diagnostic
6 services (including radiology and laboratory
7 services);

8 “(C) items and services provided by such
9 other specialty practitioners, as the Secretary
10 specifies through rulemaking; and

11 “(D) items and services provided by a non-
12 participating provider if there is no partici-
13 pating provider who can furnish such item or
14 service at such facility.

15 “(3) EXCEPTION.—The Secretary may, through
16 rulemaking, establish a list (and update such list pe-
17 riodically) of advanced diagnostic laboratory tests,
18 which shall not be included as an ancillary service
19 described in paragraph (2) and with respect to
20 which subsection (a) would apply.

21 “(e) CLARIFICATION.—In the case of a nonpartici-
22 pating provider that satisfies the notice and consent cri-
23 teria of subsection (d) with respect to an item or service
24 (referred to in this subsection as a ‘covered item or serv-
25 ice’), such notice and consent criteria may not be con-

1 strued as applying with respect to any item or service that
2 is furnished as a result of unforeseen, urgent medical
3 needs that arise at the time such covered item or service
4 is furnished. For purposes of the previous sentence, a cov-
5 ered item or service shall not include an ancillary service
6 described in subsection (b)(2).

7 “(d) NOTICE AND CONSENT TO BE TREATED BY A
8 NONPARTICIPATING PROVIDER OR NONPARTICIPATING
9 FACILITY.—

10 “(1) IN GENERAL.—A nonparticipating provider
11 or nonparticipating facility satisfies the notice and
12 consent criteria of this subsection, with respect to
13 items or services furnished by the provider or facility
14 to a participant, beneficiary, or enrollee of a group
15 health plan or group or individual health insurance
16 coverage offered by a health insurance issuer, if the
17 provider (or, if applicable, the participating health
18 care facility on behalf of such provider) or non-
19 participating facility—

20 “(A) in the case that the participant, bene-
21 ficiary, or enrollee makes an appointment to be
22 furnished such items or services at least 72
23 hours prior to the date on which the individual
24 is to be furnished such items or services, pro-
25 vides to the participant, beneficiary, or enrollee

1 (or to an authorized representative of the par-
2 ticipant, beneficiary, or enrollee) not later than
3 72 hours prior to the date on which the indi-
4 vidual is furnished such items or services (or, in
5 the case that the participant, beneficiary, or en-
6 rollee makes such an appointment within 72
7 hours of when such items or services are to be
8 furnished, provides to the participant, bene-
9 ficiary, or enrollee (or to an authorized rep-
10 resentative of the participant, beneficiary, or
11 enrollee) on such date the appointment is
12 made), a written notice in paper or electronic
13 form, as selected by the participant, beneficiary,
14 or enrollee, (and including electronic notifica-
15 tion, as practicable) specified by the Secretary,
16 not later than July 1, 2021, through guidance
17 (which shall be updated as determined nec-
18 essary by the Secretary) that—

19 “(i) contains the information required
20 under paragraph (2);

21 “(ii) clearly states that consent to re-
22 ceive such items and services from such
23 nonparticipating provider or nonpartici-
24 pating facility is optional and that the par-
25 ticipant, beneficiary, or enrollee may in-

1 stead seek care from a participating pro-
2 vider or at a participating facility, with re-
3 spect to such plan or coverage, as applica-
4 ble, in which case the cost-sharing respon-
5 sibility of the participant, beneficiary, or
6 enrollee would not exceed such responsi-
7 bility that would apply with respect to such
8 an item or service that is furnished by a
9 participating provider or participating fa-
10 cility, as applicable with respect to such
11 plan; and

12 “(iii) is available in the 15 most com-
13 mon languages in the geographic region of
14 the applicable facility;

15 “(B) obtains from the participant, bene-
16 ficiary, or enrollee (or from such an authorized
17 representative) the consent described in para-
18 graph (3) to be treated by a nonparticipating
19 provider or nonparticipating facility; and

20 “(C) provides a signed copy of such con-
21 sent to the participant, beneficiary, or enrollee
22 through mail or email (as selected by the par-
23 ticipant, beneficiary, or enrollee).

24 “(2) INFORMATION REQUIRED UNDER WRITTEN
25 NOTICE.—For purposes of paragraph (1)(A)(i), the

1 information described in this paragraph, with re-
2 spect to a nonparticipating provider or nonpartici-
3 pating facility and a participant, beneficiary, or en-
4 rollee of a group health plan or group or individual
5 health insurance coverage offered by a health insur-
6 ance issuer, is each of the following:

7 “(A) Notification, as applicable, that the
8 health care provider is a nonparticipating pro-
9 vider with respect to the health plan or the
10 health care facility is a nonparticipating facility
11 with respect to the health plan.

12 “(B) Notification of the good faith esti-
13 mated amount that such provider or facility
14 may charge the participant, beneficiary, or en-
15 rollee for such items and services involved, in-
16 cluding a notification that the provision of such
17 estimate or consent to be treated under para-
18 graph (3) does not constitute a contract with
19 respect to the charges estimated for such items
20 and services.

21 “(C) In the case of a participating facility
22 and a nonparticipating provider, a list of any
23 participating providers at the facility who are
24 able to furnish such items and services involved
25 and notification that the participant, bene-

1 ficiary, or enrollee may be referred, at their op-
2 tion, to such a participating provider.

3 “(D) Information about whether prior au-
4 thorization or other care management limita-
5 tions may be required in advance of receiving
6 such items or services at the facility.

7 “(3) CONSENT DESCRIBED TO BE TREATED BY
8 A NONPARTICIPATING PROVIDER OR NONPARTICI-
9 PATING FACILITY.—For purposes of paragraph
10 (1)(B), the consent described in this paragraph, with
11 respect to a participant, beneficiary, or enrollee of a
12 group health plan or group or individual health in-
13 surance coverage offered by a health insurance
14 issuer who is to be furnished items or services by a
15 nonparticipating provider or nonparticipating facil-
16 ity, is a document specified by the Secretary, in con-
17 sultation with the Secretary of Labor, through guid-
18 ance that shall be signed by the participant, bene-
19 ficiary, or enrollee before such items or services are
20 furnished and that —

21 “(A) acknowledges (in clear and under-
22 standable language) that the participant, bene-
23 ficiary, or enrollee has been—

24 “(i) provided with the written notice
25 under paragraph (1)(A);

1 “(ii) informed that the payment of
2 such charge by the participant, beneficiary,
3 or enrollee may not accrue toward meeting
4 any limitation that the plan or coverage
5 places on cost-sharing, including an expla-
6 nation that such payment may not apply to
7 an in-network deductible applied under the
8 plan or coverage; and

9 “(iii) provided the opportunity to re-
10 ceive the written notice under paragraph
11 (1)(A) in the form selected by the partici-
12 pant, beneficiary or enrollee; and

13 “(B) documents the date on which the par-
14 ticipant, beneficiary, or enrollee received the
15 written notice under paragraph (1)(A) and the
16 date on which the individual signed such con-
17 sent to be furnished such items or services by
18 such provider or facility.

19 “(4) RULE OF CONSTRUCTION.—The consent
20 described in paragraph (3), with respect to a partici-
21 pant, beneficiary, or enrollee of a group health plan
22 or group or individual health insurance coverage of-
23 fered by a health insurance issuer, shall constitute
24 only consent to the receipt of the information pro-
25 vided pursuant to this subsection and shall not con-

1 stitute a contractual agreement of the participant,
2 beneficiary, or enrollee to any estimated charge or
3 amount included in such information.

4 “(e) RETENTION OF CERTAIN DOCUMENTS.—A non-
5 participating facility (with respect to such facility or any
6 nonparticipating provider at such facility) or a partici-
7 pating facility (with respect to nonparticipating providers
8 at such facility) that obtains from a participant, bene-
9 ficiary, or enrollee of a group health plan or group or indi-
10 vidual health insurance coverage offered by a health insur-
11 ance issuer (or an authorized representative of such par-
12 ticipant, beneficiary, or enrollee) a written notice in ac-
13 cordance with subsection (d)(1)(B), with respect to fur-
14 nishing an item or service to such participant, beneficiary,
15 or enrollee, shall retain such notice for at least a 7-year
16 period after the date on which such item or service is so
17 furnished.

18 “(f) DEFINITIONS.—In this section:

19 “(1) The terms ‘nonparticipating provider’ and
20 ‘participating provider’ have the meanings given
21 such terms, respectively, in subsection (a)(3) of sec-
22 tion 2799A–1.

23 “(2) The term ‘participating health care facil-
24 ity’ has the meaning given such term in subsection
25 (b)(2) of section 2799A–1.

1 “(3) The term ‘nonparticipating facility’
2 means—

3 “(A) with respect to emergency services (as
4 defined in section 2799A–1(a)(3)(C)(i)) and a
5 group health plan or group or individual health
6 insurance coverage offered by a health insur-
7 ance issuer, an emergency department of a hos-
8 pital, or an independent freestanding emergency
9 department, that does not have a contractual
10 relationship with the plan or issuer, respec-
11 tively, with respect to the furnishing of such
12 services under the plan or coverage, respec-
13 tively; and

14 “(B) with respect to services described in
15 section 2799A–1(a)(3)(C)(ii) and a group
16 health plan or group or individual health insur-
17 ance coverage offered by a health insurance
18 issuer, a hospital or an independent free-
19 standing emergency department, that does not
20 have a contractual relationship with the plan or
21 issuer, respectively, with respect to the fur-
22 nishing of such services under the plan or cov-
23 erage, respectively.

24 “(4) The term ‘participating facility’ means—

1 “(A) with respect to emergency services (as
2 defined in clause (i) of section 2799A–
3 1(a)(3)(C)) that are not described in clause(ii)
4 of such section and a group health plan or
5 group or individual health insurance coverage
6 offered by a health insurance issuer, an emer-
7 gency department of a hospital, or an inde-
8 pendent freestanding emergency department,
9 that has a direct or indirect contractual rela-
10 tionship with the plan or issuer, respectively,
11 with respect to the furnishing of such services
12 under the plan or coverage, respectively; and

13 “(B) with respect to services that pursuant
14 to clause (ii) of section 2799A–1(a)(3)(C), of
15 section 9816(a)(3) of the Internal Revenue
16 Code of 1986, and of section 716(a)(3) of the
17 Employee Retirement Income Security Act of
18 1974, as applicable are included as emergency
19 services (as defined in clause (i) of such section
20 and a group health plan or group or individual
21 health insurance coverage offered by a health
22 insurance issuer, a hospital or an independent
23 freestanding emergency department, that has a
24 contractual relationship with the plan or cov-
25 erage, respectively, with respect to the fur-

1 nishing of such services under the plan or cov-
2 erage, respectively.

3 **“SEC. 2799B-3. PROVIDER REQUIREMENTS WITH RESPECT**
4 **TO DISCLOSURE ON PATIENT PROTECTIONS**
5 **AGAINST BALANCE BILLING.**

6 “Beginning not later than January 1, 2022, each
7 health care provider and health care facility shall make
8 publicly available, and (if applicable) post on a public
9 website of such provider or facility and provide to individ-
10 uals who are participants, beneficiaries, or enrollees of a
11 group health plan or group or individual health insurance
12 coverage offered by a health insurance issuer a one-page
13 notice (either postal or electronic mail, as specified by the
14 participant, beneficiary, or enrollee) in clear and under-
15 standable language containing information on—

16 “(1) the requirements and prohibitions of such
17 provider or facility under sections 2799B-1 and
18 2799B-2 (relating to prohibitions on balance billing
19 in certain circumstances);

20 “(2) any other applicable State law require-
21 ments on such provider or facility regarding the
22 amounts such provider or facility may, with respect
23 to an item or service, charge a participant, bene-
24 ficiary, or enrollee of a group health plan or group
25 or individual health insurance coverage offered by a

1 health insurance issuer with respect to which such
2 provider or facility does not have a contractual rela-
3 tionship for furnishing such item or service under
4 the plan or coverage, respectively, after receiving
5 payment from the plan or coverage, respectively, for
6 such item or service and any applicable cost-sharing
7 payment from such participant, beneficiary, or en-
8 rollee; and

9 “(3) information on contacting appropriate
10 State and Federal agencies in the case that an indi-
11 vidual believes that such provider or facility has vio-
12 lated any requirement described in paragraph (1) or
13 (2) with respect to such individual.

14 **“SEC. 2799B-4. ENFORCEMENT.**

15 “(a) STATE ENFORCEMENT.—

16 “(1) STATE AUTHORITY.—Each State may re-
17 quire a provider or health care facility (including a
18 provider of air ambulance services) subject to the re-
19 quirements of this part to satisfy such requirements
20 applicable to the provider or facility.

21 “(2) FAILURE TO IMPLEMENT REQUIRE-
22 MENTS.—In the case of a determination by the Sec-
23 retary that a State has failed to substantially en-
24 force the requirements to which paragraph (1) ap-
25 plies with respect to applicable providers and facili-

1 ties in the State, the Secretary shall enforce such re-
2 quirements under subsection (b) insofar as they re-
3 late to violations of such requirements occurring in
4 such State.

5 “(3) NOTIFICATION OF APPLICABLE SEC-
6 RETARY.—A State may notify the Secretary of
7 Labor, Secretary of Health and Human Services, or
8 the Secretary of the Treasury, as applicable, of in-
9 stances of violations of sections 2799B–1, 2799B–2,
10 or 2799B–5 with respect to participants, bene-
11 ficiaries, or enrollees under a group health plan or
12 group or individual health insurance coverage, as ap-
13 plicable offered by a health insurance issuer and any
14 enforcement actions taken against providers or fa-
15 cilities as a result of such violations, including the
16 disposition of any such enforcement actions.

17 “(b) SECRETARIAL ENFORCEMENT AUTHORITY.—

18 “(1) IN GENERAL.—If a provider or facility is
19 found by the Secretary to be in violation of a re-
20 quirement to which subsection (a)(1) applies, the
21 Secretary may apply a civil monetary penalty with
22 respect to such provider or facility (including, as ap-
23 plicable, a provider of air ambulance services) in an
24 amount not to exceed \$10,000 per violation. The
25 provisions of subsections (c) (with the exception of

1 the first sentence of paragraph (1) of such sub-
2 section), (d), (e), (g), (h), (k), and (l) of section
3 1128A of the Social Security Act shall apply to a
4 civil monetary penalty or assessment under this sub-
5 section in the same manner as such provisions apply
6 to a penalty, assessment, or proceeding under sub-
7 section (a) of such section.

8 “(2) LIMITATION.—The provisions of para-
9 graph (1) shall apply to enforcement of a provision
10 (or provisions) specified in subsection (a)(1) only as
11 provided under subsection (a)(2).

12 “(3) COMPLAINT PROCESS.—The Secretary
13 shall, through rulemaking, establish a process to re-
14 ceive consumer complaints of violations of such pro-
15 visions and provide a response to such complaints
16 within 60 days of receipt of such complaints.

17 “(4) EXCEPTION.—The Secretary shall waive
18 the penalties described under paragraph (1) with re-
19 spect to a facility or provider (including a provider
20 of air ambulance services) who does not knowingly
21 violate, and should not have reasonably known it vio-
22 lated, section 2799B–1 or 2799B–2 (or, in the case
23 of a provider of air ambulance services, section
24 2799B–5) with respect to a participant, beneficiary,
25 or enrollee, if such facility or provider, within 30

1 days of the violation, withdraws the bill that was in
2 violation of such provision and reimburses the health
3 plan or enrollee, as applicable, in an amount equal
4 to the difference between the amount billed and the
5 amount allowed to be billed under the provision, plus
6 interest, at an interest rate determined by the Sec-
7 retary.

8 “(5) HARDSHIP EXEMPTION.—The Secretary
9 may establish a hardship exemption to the penalties
10 under this subsection.

11 “(c) CONTINUED APPLICABILITY OF STATE LAW.—
12 The sections specified in subsection (a)(1) shall not be
13 construed to supersede any provision of State law which
14 establishes, implements, or continues in effect any require-
15 ment or prohibition except to the extent that such require-
16 ment or prohibition prevents the application of a require-
17 ment or prohibition of such a section.”.

18 (b) SECRETARY OF LABOR ENFORCEMENT.—

19 (1) IN GENERAL.—Part 5 of subtitle B of title
20 I of the Employee Retirement Income Security Act
21 of 1974 (29 U.S.C. 1131 et seq.) is amended by
22 adding at the end the following new section:

1 **“SEC. 522. COORDINATION OF ENFORCEMENT REGARDING**
2 **VIOLATIONS OF CERTAIN HEALTH CARE PRO-**
3 **VIDER REQUIREMENTS; COMPLAINT PROC-**
4 **ESS.**

5 “(a) INVESTIGATING VIOLATIONS.—Upon receiving a
6 notice from a State or the Secretary of Health and Human
7 Services of violations of sections 2799B–1, 2799B–2, or
8 2799B–5 of the Public Health Service Act, the Secretary
9 of Labor shall identify patterns of such violations with re-
10 spect to participants or beneficiaries under a group health
11 plan or group health insurance coverage offered by a
12 health insurance issuer and conduct an investigation pur-
13 suant to section 504 where appropriate, as determined by
14 the Secretary. The Secretary shall coordinate with States
15 and the Secretary of Health and Human Services, in ac-
16 cordance with section 506 and with section 104 of Health
17 Insurance Portability and Accountability Act of 1996,
18 where appropriate, as determined by the Secretary, to en-
19 sure that appropriate measures have been taken to correct
20 such violations retrospectively and prospectively with re-
21 spect to participants or beneficiaries under a group health
22 plan or group health insurance coverage offered by a
23 health insurance issuer.

24 “(b) COMPLAINT PROCESS.— Not later than January
25 1, 2022, the Secretary shall ensure a process under which
26 the Secretary—

1 “(1) may receive complaints from participants
2 and beneficiaries of group health plans or group
3 health insurance coverage offered by a health insur-
4 ance issuer relating to alleged violations of the sec-
5 tions specified in subsection (a); and

6 “(2) transmits such complaints to States or the
7 Secretary of Health and Human Services (as deter-
8 mined appropriate by the Secretary) for potential
9 enforcement actions.”.

10 (2) TECHNICAL AMENDMENT.—The table of
11 contents in section 1 of the Employee Retirement
12 Income Security Act of 1974 (29 U.S.C. 1001 et
13 seq.) is amended by inserting after the item relating
14 to section 521 the following new item:

 “Sec. 522. Coordination of enforcement regarding violations of certain health
 care provider requirements; complaint process.”.

15 **SEC. 105. ENDING SURPRISE AIR AMBULANCE BILLS.**

16 (a) GROUP HEALTH PLANS AND INDIVIDUAL AND
17 GROUP HEALTH INSURANCE COVERAGE.—

18 (1) PHSA AMENDMENTS.—Part D of title
19 XXVII of the Public Health Service Act, as added
20 and amended by section 102 and further amended
21 by the previous provisions of this title, is further
22 amended by inserting after section 2799A–1 the fol-
23 lowing:

1 **“SEC. 2799A-2. ENDING SURPRISE AIR AMBULANCE BILLS.**

2 “(a) IN GENERAL.—In the case of a participant, ben-
3 eficiary, or enrollee who is in a group health plan or group
4 or individual health insurance coverage offered by a health
5 insurance issuer and who receives air ambulance services
6 from a nonparticipating provider (as defined in section
7 2799A-1(a)(3)(G)) with respect to such plan or coverage,
8 if such services would be covered if provided by a partici-
9 pating provider (as defined in such section) with respect
10 to such plan or coverage—

11 “(1) the cost-sharing requirement with respect
12 to such services shall be the same requirement that
13 would apply if such services were provided by such
14 a participating provider, and any coinsurance or de-
15 ductible shall be based on rates that would apply for
16 such services if they were furnished by such a par-
17 ticipating provider;

18 “(2) such cost-sharing amounts shall be count-
19 ed towards the in-network deductible and in-network
20 out-of-pocket maximum amount under the plan or
21 coverage for the plan year (and such in-network de-
22 ductible shall be applied) with respect to such items
23 and services so furnished in the same manner as if
24 such cost-sharing payments were with respect to
25 items and services furnished by a participating pro-
26 vider; and

1 “(3) the group health plan or health insurance
2 issuer, respectively, shall—

3 “(A) not later than 30 calendar days after
4 the bill for such services is transmitted by such
5 provider, send to the provider, an initial pay-
6 ment or notice of denial of payment; and

7 “(B) pay a total plan or coverage payment,
8 in accordance with, if applicable, subsection
9 (b)(6), directly to such provider furnishing such
10 services to such participant, beneficiary, or en-
11 rollee that is, with application of any initial
12 payment under subparagraph (A), equal to the
13 amount by which the out-of-network rate (as
14 defined in section 2799A–1(a)(3)(K)) for such
15 services and year involved exceeds the cost-shar-
16 ing amount imposed under the plan or cov-
17 erage, respectively, for such services (as deter-
18 mined in accordance with paragraphs (1) and
19 (2)).

20 “(b) DETERMINATION OF OUT-OF-NETWORK RATES
21 TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE
22 RESOLUTION PROCESS.—

23 “(1) DETERMINATION THROUGH OPEN NEGO-
24 TATION.—

1 “(A) IN GENERAL.—With respect to air
2 ambulance services furnished in a year by a
3 nonparticipating provider, with respect to a
4 group health plan or health insurance issuer of-
5 fering group or individual health insurance cov-
6 erage, and for which a payment is required to
7 be made by the plan or coverage pursuant to
8 subsection (a)(3), the provider or plan or cov-
9 erage may, during the 30-day period beginning
10 on the day the provider receives an initial pay-
11 ment or a notice of denial of payment from the
12 plan or coverage regarding a claim for payment
13 for such service, initiate open negotiations
14 under this paragraph between such provider
15 and plan or coverage for purposes of deter-
16 mining, during the open negotiation period, an
17 amount agreed on by such provider, and such
18 plan or coverage for payment (including any
19 cost-sharing) for such service. For purposes of
20 this subsection, the open negotiation period,
21 with respect to air ambulance services, is the
22 30-day period beginning on the date of initi-
23 ation of the negotiations with respect to such
24 services.

1 “(B) ACCESSING INDEPENDENT DISPUTE
2 RESOLUTION PROCESS IN CASE OF FAILED NE-
3 GOTIATIONS.—In the case of open negotiations
4 pursuant to subparagraph (A), with respect to
5 air ambulance services, that do not result in a
6 determination of an amount of payment for
7 such services by the last day of the open nego-
8 tiation period described in such subparagraph
9 with respect to such services, the provider or
10 group health plan or health insurance issuer of-
11 fering group or individual health insurance cov-
12 erage that was party to such negotiations may,
13 during the 4-day period beginning on the day
14 after such open negotiation period, initiate the
15 independent dispute resolution process under
16 paragraph (2) with respect to such item or
17 service. The independent dispute resolution
18 process shall be initiated by a party pursuant to
19 the previous sentence by submission to the
20 other party and to the Secretary of a notifica-
21 tion (containing such information as specified
22 by the Secretary) and for purposes of this sub-
23 section, the date of initiation of such process
24 shall be the date of such submission or such
25 other date specified by the Secretary pursuant

1 to regulations that is not later than the date of
2 receipt of such notification by both the other
3 party and the Secretary.

4 “(2) INDEPENDENT DISPUTE RESOLUTION
5 PROCESS AVAILABLE IN CASE OF FAILED OPEN NE-
6 GOTIATIONS.—

7 “(A) ESTABLISHMENT.—Not later than 1
8 year after the date of the enactment of this
9 subsection, the Secretary, jointly with the Sec-
10 retary of Labor and the Secretary of the Treas-
11 ury, shall establish by regulation one inde-
12 pendent dispute resolution process (referred to
13 in this subsection as the ‘IDR process’) under
14 which, in the case of air ambulance services
15 with respect to which a provider or group
16 health plan or health insurance issuer offering
17 group or individual health insurance coverage
18 submits a notification under paragraph (1)(B)
19 (in this subsection referred to as a ‘qualified
20 IDR air ambulance services’), a certified IDR
21 entity under paragraph (4) determines, subject
22 to subparagraph (B) and in accordance with
23 the succeeding provisions of this subsection, the
24 amount of payment under the plan or coverage
25 for such services furnished by such provider.

1 “(B) AUTHORITY TO CONTINUE NEGOTIA-
2 TIONS.—Under the independent dispute resolu-
3 tion process, in the case that the parties to a
4 determination for qualified IDR air ambulance
5 services agree on a payment amount for such
6 services during such process but before the date
7 on which the entity selected with respect to
8 such determination under paragraph (4) makes
9 such determination under paragraph (5), such
10 amount shall be treated for purposes of section
11 2799A–1(a)(3)(K)(ii) as the amount agreed to
12 by such parties for such services. In the case of
13 an agreement described in the previous sen-
14 tence, the independent dispute resolution proc-
15 ess shall provide for a method to determine how
16 to allocate between the parties to such deter-
17 mination the payment of the compensation of
18 the entity selected with respect to such deter-
19 mination.

20 “(C) CLARIFICATION.—A nonparticipating
21 provider may not, with respect to an item or
22 service furnished by such provider, submit a no-
23 tification under paragraph (1)(B) if such pro-
24 vider is exempt from the requirement under
25 subsection (a) of section 2799B–2 with respect

1 to such item or service pursuant to subsection
2 (b) of such section.

3 “(3) TREATMENT OF BATCHING OF SERV-
4 ICES.—The provisions of section 2799A–1(c)(3)
5 shall apply with respect to a notification submitted
6 under this subsection with respect to air ambulance
7 services in the same manner and to the same extent
8 such provisions apply with respect to a notification
9 submitted under section 2799A–1(c) with respect to
10 items and services described in such section.

11 “(4) IDR ENTITIES.—

12 “(A) ELIGIBILITY.—An IDR entity cer-
13 tified under this subsection is an IDR entity
14 certified under section 2799A–1(c)(4).

15 “(B) SELECTION OF CERTIFIED IDR ENTI-
16 TY.—The provisions of subparagraph (F) of
17 section 2799A–1(c)(4) shall apply with respect
18 to selecting an IDR entity certified pursuant to
19 subparagraph (A) with respect to the deter-
20 mination of the amount of payment under this
21 subsection of air ambulance services in the
22 same manner as such provisions apply with re-
23 spect to selecting an IDR entity certified under
24 such section with respect to the determination
25 of the amount of payment under section

1 2799A–1(c) of an item or service. An entity se-
2 lected pursuant to the previous sentence to
3 make a determination described in such sen-
4 tence shall be referred to in this subsection as
5 the ‘certified IDR entity’ with respect to such
6 determination.

7 “(5) PAYMENT DETERMINATION.—

8 “(A) IN GENERAL.—Not later than 30
9 days after the date of selection of the certified
10 IDR entity with respect to a determination for
11 qualified IDR ambulance services, the certified
12 IDR entity shall—

13 “(i) taking into account the consider-
14 ations specified in subparagraph (C), select
15 one of the offers submitted under subpara-
16 graph (B) to be the amount of payment for
17 such services determined under this sub-
18 section for purposes of subsection (a)(3);
19 and

20 “(ii) notify the provider or facility and
21 the group health plan or health insurance
22 issuer offering group or individual health
23 insurance coverage party to such deter-
24 mination of the offer selected under clause
25 (i).

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1 “(B) SUBMISSION OF OFFERS.—Not later
2 than 10 days after the date of selection of the
3 certified IDR entity with respect to a deter-
4 mination for qualified IDR air ambulance serv-
5 ices, the provider and the group health plan or
6 health insurance issuer offering group or indi-
7 vidual health insurance coverage party to such
8 determination—

9 “(i) shall each submit to the certified
10 IDR entity with respect to such determina-
11 tion—

12 “(I) an offer for a payment
13 amount for such services furnished by
14 such provider; and

15 “(II) such information as re-
16 quested by the certified IDR entity re-
17 lating to such offer; and

18 “(ii) may each submit to the certified
19 IDR entity with respect to such determina-
20 tion any information relating to such offer
21 submitted by either party, including infor-
22 mation relating to any circumstance de-
23 scribed in subparagraph (C)(ii).

24 “(C) CONSIDERATIONS IN DETERMINA-
25 TION.—

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1 “(i) IN GENERAL.—In determining
2 which offer is the payment to be applied
3 pursuant to this paragraph, the certified
4 IDR entity, with respect to the determina-
5 tion for a qualified IDR air ambulance
6 service shall consider—

7 “(I) the qualifying payment
8 amounts (as defined in section
9 2799A–1(a)(3)(E)) for the applicable
10 year for items or services that are
11 comparable to the qualified IDR air
12 ambulance service and that are fur-
13 nished in the same geographic region
14 (as defined by the Secretary for pur-
15 poses of such subsection) as such
16 qualified IDR air ambulance service;
17 and

18 “(II) subject to clause (iii), infor-
19 mation on any circumstance described
20 in clause (ii), such information as re-
21 quested in subparagraph (B)(i)(II),
22 and any additional information pro-
23 vided in subparagraph (B)(ii).

24 “(ii) ADDITIONAL CIRCUMSTANCES.—
25 For purposes of clause (i)(II), the cir-

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1 cumstances described in this clause are,
2 with respect to air ambulance services in-
3 cluded in the notification submitted under
4 paragraph (1)(B) of a nonparticipating
5 provider, group health plan, or health in-
6 surance issuer the following:

7 “(I) The quality and outcomes
8 measurements of the provider that
9 furnished such services.

10 “(II) The acuity of the individual
11 receiving such services or the com-
12 plexity of furnishing such services to
13 such individual.

14 “(III) The training, experience,
15 and quality of the medical personnel
16 that furnished such services.

17 “(IV) Ambulance vehicle type, in-
18 cluding the clinical capability level of
19 such vehicle.

20 “(V) Population density of the
21 pick up location (such as urban, sub-
22 urban, rural, or frontier).

23 “(VI) Demonstrations of good
24 faith efforts (or lack of good faith ef-
25 forts) made by the nonparticipating

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1 provider or nonparticipating facility or
2 the plan or issuer to enter into net-
3 work agreements and, if applicable,
4 contracted rates between the provider
5 and the plan or issuer, as applicable,
6 during the previous 4 plan years.

7 “(iii) PROHIBITION ON CONSIDER-
8 ATION OF CERTAIN FACTORS.—In deter-
9 mining which offer is the payment amount
10 to be applied with respect to qualified IDR
11 air ambulance services furnished by a pro-
12 vider, the certified IDR entity with respect
13 to such determination shall not consider
14 usual and customary charges, the amount
15 that would have been billed by such pro-
16 vider with respect to such services had the
17 provisions of section 2799B–5 not applied,
18 or the payment or reimbursement rate for
19 such services furnished by such provider
20 payable by a public payor, including under
21 the Medicare program under title XVIII of
22 the Social Security Act, under the Med-
23 icaid program under title XIX of such Act,
24 under the Children’s Health Insurance
25 Program under title XXI of such Act,

1 under the TRICARE program under chap-
2 ter 55 of title 10, United States Code, or
3 under chapter 17 of title 38, United States
4 Code.

5 “(D) EFFECTS OF DETERMINATION.—The
6 provisions of section 2799A–1(c)(5)(E)) shall
7 apply with respect to a determination of a cer-
8 tified IDR entity under subparagraph (A), the
9 notification submitted with respect to such de-
10 termination, the services with respect to such
11 notification, and the parties to such notification
12 in the same manner as such provisions apply
13 with respect to a determination of a certified
14 IDR entity under section 2799A–1(c)(5)(E),
15 the notification submitted with respect to such
16 determination, the items and services with re-
17 spect to such notification, and the parties to
18 such notification.

19 “(E) COSTS OF INDEPENDENT DISPUTE
20 RESOLUTION PROCESS.—The provisions of sec-
21 tion 2799A–1(c)(5)(F) shall apply to a notifica-
22 tion made under this subsection, the parties to
23 such notification, and a determination under
24 subparagraph (A) in the same manner and to
25 the same extent such provisions apply to a noti-

1 fication under section 2799A–1(c), the parties
2 to such notification and a determination made
3 under section 2799A–1(c)(5)(A).

4 “(6) TIMING OF PAYMENT.—The total plan or
5 coverage payment required pursuant to subsection
6 (a)(3), with respect to qualified IDR air ambulance
7 services for which a determination is made under
8 paragraph (5)(A) or with respect to an air ambu-
9 lance service for which a payment amount is deter-
10 mined under open negotiations under paragraph (1),
11 shall be made directly to the nonparticipating pro-
12 vider not later than 30 days after the date on which
13 such determination is made.

14 “(7) PUBLICATION OF INFORMATION RELATING
15 TO THE IDR PROCESS.—

16 “(A) IN GENERAL.—For each calendar
17 quarter in 2022 and each calendar quarter in a
18 subsequent year, the Secretary shall publish on
19 the public website of the Department of Health
20 and Human Services—

21 “(i) the number of notifications sub-
22 mitted under the IDR process during such
23 calendar quarter;

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1 “(ii) the number of such notifications
2 with respect to which a final determination
3 was made under paragraph (5)(A);

4 “(iii) the information described in
5 subparagraph (B) with respect to each no-
6 tification with respect to which such a de-
7 termination was so made.

8 “(iv) the number of times the pay-
9 ment amount determined (or agreed to)
10 under this subsection exceeds the quali-
11 fying payment amount;

12 “(v) the amount of expenditures made
13 by the Secretary during such calendar
14 quarter to carry out the IDR process;

15 “(vi) the total amount of fees paid
16 under paragraph (8) during such calendar
17 quarter; and

18 “(vii) the total amount of compensa-
19 tion paid to certified IDR entities under
20 paragraph (5)(E) during such calendar
21 quarter.

22 “(B) INFORMATION WITH RESPECT TO RE-
23 QUESTS.—For purposes of subparagraph (A),
24 the information described in this subparagraph
25 is, with respect to a notification under the IDR

1 process of a nonparticipating provider, group
2 health plan, or health insurance issuer offering
3 group or individual health insurance coverage—

4 “(i) a description of each air ambu-
5 lance service included in such notification;

6 “(ii) the geography in which the serv-
7 ices included in such notification were pro-
8 vided;

9 “(iii) the amount of the offer sub-
10 mitted under paragraph (2) by the group
11 health plan or health insurance issuer (as
12 applicable) and by the nonparticipating
13 provider expressed as a percentage of the
14 qualifying payment amount;

15 “(iv) whether the offer selected by the
16 certified IDR entity under paragraph (5)
17 to be the payment applied was the offer
18 submitted by such plan or issuer (as appli-
19 cable) or by such provider and the amount
20 of such offer so selected expressed as a
21 percentage of the qualifying payment
22 amount;

23 “(v) ambulance vehicle type, including
24 the clinical capability level of such vehicle;

1 “(vi) the identity of the group health
2 plan or health insurance issuer or air am-
3 bulance provider with respect to such noti-
4 fication;

5 “(vii) the length of time in making
6 each determination;

7 “(viii) the compensation paid to the
8 certified IDR entity with respect to the
9 settlement or determination; and

10 “(ix) any other information specified
11 by the Secretary.

12 “(C) IDR ENTITY REQUIREMENTS.—For
13 2022 and each subsequent year, an IDR entity,
14 as a condition of certification as an IDR entity,
15 shall submit to the Secretary such information
16 as the Secretary determines necessary for the
17 Secretary to carry out the provisions of this
18 paragraph.

19 “(D) CLARIFICATION.—The Secretary
20 shall ensure the public reporting under this
21 paragraph does not contain information that
22 would disclose privileged or confidential infor-
23 mation of a group health plan or health insur-
24 ance issuer offering group or individual health
25 insurance coverage or of a provider or facility.

1 “(8) ADMINISTRATIVE FEE.—

2 “(A) IN GENERAL.—Each party to a deter-
3 mination under paragraph (5) to which an enti-
4 ty is selected under paragraph (4) in a year
5 shall pay to the Secretary, at such time and in
6 such manner as specified by the Secretary, a
7 fee for participating in the IDR process with re-
8 spect to such determination in an amount de-
9 scribed in subparagraph (B) for such year.

10 “(B) AMOUNT OF FEE.—The amount de-
11 scribed in this subparagraph for a year is an
12 amount established by the Secretary in a man-
13 ner such that the total amount of fees paid
14 under this paragraph for such year is estimated
15 to be equal to the amount of expenditures esti-
16 mated to be made by the Secretary for such
17 year in carrying out the IDR process.

18 “(9) WAIVER AUTHORITY.—The Secretary may
19 modify any deadline or other timing requirement
20 specified under this subsection (other than the es-
21 tablishment date for the IDR process under para-
22 graph (2)(A) and other than under paragraph (6))
23 in cases of extenuating circumstances, as specified
24 by the Secretary, or to ensure that all claims that
25 occur during a 90-day period applied through para-

1 graph (5)(D), but with respect to which a notifica-
2 tion is not permitted by reason of such paragraph to
3 be submitted under paragraph (1)(B) during such
4 period, are eligible for the IDR process.

5 “(c) DEFINITIONS.—For purposes of this section:

6 “(1) AIR AMBULANCE SERVICE.—The term ‘air
7 ambulance service’ means medical transport by heli-
8 copter or airplane for patients.

9 “(2) QUALIFYING PAYMENT AMOUNT.—The
10 term ‘qualifying payment amount’ has the meaning
11 given such term in section 2799A–1(a)(3).

12 “(3) NONPARTICIPATING PROVIDER.—The term
13 ‘nonparticipating provider’ has the meaning given
14 such term in section 2799A–1(a)(3).”.

15 (2) ERISA AMENDMENT.—

16 (A) IN GENERAL.—Subpart B of part 7 of
17 title I of the Employee Retirement Income Se-
18 curity Act of 1974 (29 U.S.C. 1185 et seq.), as
19 amended by section 102(b) and further amend-
20 ed by the previous provisions of this title, is fur-
21 ther amended by inserting after section 716 the
22 following:

23 **“SEC. 717. ENDING SURPRISE AIR AMBULANCE BILLS.**

24 “(a) IN GENERAL.—In the case of a participant or
25 beneficiary who is in a group health plan or group health

1 insurance coverage offered by a health insurance issuer
2 and who receives air ambulance services from a nonpartici-
3 pating provider (as defined in section 716(a)(3)(G)) with
4 respect to such plan or coverage, if such services would
5 be covered if provided by a participating provider (as de-
6 fined in such section) with respect to such plan or cov-
7 erage—

8 “(1) the cost-sharing requirement with respect
9 to such services shall be the same requirement that
10 would apply if such services were provided by such
11 a participating provider, and any coinsurance or de-
12 ductible shall be based on rates that would apply for
13 such services if they were furnished by such a par-
14 ticipating provider;

15 “(2) such cost-sharing amounts shall be count-
16 ed towards the in-network deductible and in-network
17 out-of-pocket maximum amount under the plan or
18 coverage for the plan year (and such in-network de-
19 ductible shall be applied) with respect to such items
20 and services so furnished in the same manner as if
21 such cost-sharing payments were with respect to
22 items and services furnished by a participating pro-
23 vider; and

24 “(3) the group health plan or health insurance
25 issuer, respectively, shall—

1 “(A) not later than 30 calendar days after
2 the bill for such services is transmitted by such
3 provider, send to the provider, an initial pay-
4 ment or notice of denial of payment; and

5 “(B) pay a total plan or coverage payment,
6 in accordance with, if applicable, subsection
7 (b)(6), directly to such provider furnishing such
8 services to such participant, beneficiary, or en-
9 rollee that is, with application of any initial
10 payment under subparagraph (A), equal to the
11 amount by which the out-of-network rate (as
12 defined in section 716(a)(3)(K)) for such serv-
13 ices and year involved exceeds the cost-sharing
14 amount imposed under the plan or coverage, re-
15 spectively, for such services (as determined in
16 accordance with paragraphs (1) and (2)).

17 “(b) DETERMINATION OF OUT-OF-NETWORK RATES
18 TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE
19 RESOLUTION PROCESS.—

20 “(1) DETERMINATION THROUGH OPEN NEGO-
21 TIATION.—

22 “(A) IN GENERAL.—With respect to air
23 ambulance services furnished in a year by a
24 nonparticipating provider, with respect to a
25 group health plan or health insurance issuer of-

1 fering group health insurance coverage, and for
2 which a payment is required to be made by the
3 plan or coverage pursuant to subsection (a)(3),
4 the provider or plan or coverage may, during
5 the 30-day period beginning on the day the pro-
6 vider receives a payment or a statement of de-
7 nial of payment from the plan or coverage re-
8 garding a claim for payment for such service,
9 initiate open negotiations under this paragraph
10 between such provider and plan or coverage for
11 purposes of determining, during the open nego-
12 tiation period, an amount agreed on by such
13 provider, and such plan or coverage for pay-
14 ment (including any cost-sharing) for such serv-
15 ice. For purposes of this subsection, the open
16 negotiation period, with respect to air ambu-
17 lance services, is the 30-day period beginning
18 on the date of initiation of the negotiations with
19 respect to such services.

20 “(B) ACCESSING INDEPENDENT DISPUTE
21 RESOLUTION PROCESS IN CASE OF FAILED NE-
22 GOTIATIONS.—In the case of open negotiations
23 pursuant to subparagraph (A), with respect to
24 air ambulance services, that do not result in a
25 determination of an amount of payment for

1 such services by the last day of the open nego-
2 tiation period described in such subparagraph
3 with respect to such services, the provider or
4 group health plan or health insurance issuer of-
5 fering group health insurance coverage that was
6 party to such negotiations may, during the 4-
7 day period beginning on the day after such
8 open negotiation period, initiate the inde-
9 pendent dispute resolution process under para-
10 graph (2) with respect to such item or service.
11 The independent dispute resolution process
12 shall be initiated by a party pursuant to the
13 previous sentence by submission to the other
14 party and to the Secretary of a notification
15 (containing such information as specified by the
16 Secretary) and for purposes of this subsection,
17 the date of initiation of such process shall be
18 the date of such submission or such other date
19 specified by the Secretary pursuant to regula-
20 tions that is not later than the date of receipt
21 of such notification by both the other party and
22 the Secretary.

23 “(2) INDEPENDENT DISPUTE RESOLUTION
24 PROCESS AVAILABLE IN CASE OF FAILED OPEN NE-
25 GOTIATIONS.—

1 “(A) ESTABLISHMENT.—Not later than 1
2 year after the date of the enactment of this
3 subsection, the Secretary, jointly with the Sec-
4 retary of Health and Human Services and the
5 Secretary of the Treasury, shall establish by
6 regulation one independent dispute resolution
7 process (referred to in this subsection as the
8 ‘IDR process’) under which, in the case of air
9 ambulance services with respect to which a pro-
10 vider or group health plan or health insurance
11 issuer offering group health insurance coverage
12 submits a notification under paragraph (1)(B)
13 (in this subsection referred to as a ‘qualified
14 IDR air ambulance services’), a certified IDR
15 entity under paragraph (4) determines, subject
16 to subparagraph (B) and in accordance with
17 the succeeding provisions of this subsection, the
18 amount of payment under the plan or coverage
19 for such services furnished by such provider.

20 “(B) AUTHORITY TO CONTINUE NEGOTIA-
21 TIONS.—Under the independent dispute resolu-
22 tion process, in the case that the parties to a
23 determination for qualified IDR air ambulance
24 services agree on a payment amount for such
25 services during such process but before the date

1 on which the entity selected with respect to
2 such determination under paragraph (4) makes
3 such determination under paragraph (5), such
4 amount shall be treated for purposes of section
5 716(a)(3)(K)(ii) as the amount agreed to by
6 such parties for such services. In the case of an
7 agreement described in the previous sentence,
8 the independent dispute resolution process shall
9 provide for a method to determine how to allo-
10 cate between the parties to such determination
11 the payment of the compensation of the entity
12 selected with respect to such determination.

13 “(C) CLARIFICATION.—A nonparticipating
14 provider may not, with respect to an item or
15 service furnished by such provider, submit a no-
16 tification under paragraph (1)(B) if such pro-
17 vider is exempt from the requirement under
18 subsection (a) of section 2799B–2 of the Public
19 Health Service Act with respect to such item or
20 service pursuant to subsection (b) of such sec-
21 tion.

22 “(3) TREATMENT OF BATCHING OF SERV-
23 ICES.—The provisions of section 716(c)(3) shall
24 apply with respect to a notification submitted under
25 this subsection with respect to air ambulance serv-

1 ices in the same manner and to the same extent
2 such provisions apply with respect to a notification
3 submitted under section 716(c) with respect to items
4 and services described in such section.

5 “(4) IDR ENTITIES.—

6 “(A) ELIGIBILITY.—An IDR entity cer-
7 tified under this subsection is an IDR entity
8 certified under section 716(c)(4).

9 “(B) SELECTION OF CERTIFIED IDR ENTI-
10 TY.—The provisions of subparagraph (F) of
11 section 716(c)(4) shall apply with respect to se-
12 lecting an IDR entity certified pursuant to sub-
13 paragraph (A) with respect to the determina-
14 tion of the amount of payment under this sub-
15 section of air ambulance services in the same
16 manner as such provisions apply with respect to
17 selecting an IDR entity certified under such
18 section with respect to the determination of the
19 amount of payment under section 716(c) of an
20 item or service. An entity selected pursuant to
21 the previous sentence to make a determination
22 described in such sentence shall be referred to
23 in this subsection as the ‘certified IDR entity’
24 with respect to such determination.

25 “(5) PAYMENT DETERMINATION.—

1 “(A) IN GENERAL.—Not later than 30
2 days after the date of selection of the certified
3 IDR entity with respect to a determination for
4 qualified IDR ambulance services, the certified
5 IDR entity shall—

6 “(i) taking into account the consider-
7 ations specified in subparagraph (C), select
8 one of the offers submitted under subpara-
9 graph (B) to be the amount of payment for
10 such services determined under this sub-
11 section for purposes of subsection (a)(3);
12 and

13 “(ii) notify the provider or facility and
14 the group health plan or health insurance
15 issuer offering group health insurance cov-
16 erage party to such determination of the
17 offer selected under clause (i).

18 “(B) SUBMISSION OF OFFERS.—Not later
19 than 10 days after the date of selection of the
20 certified IDR entity with respect to a deter-
21 mination for qualified IDR air ambulance serv-
22 ices, the provider and the group health plan or
23 health insurance issuer offering group health
24 insurance coverage party to such determina-
25 tion—

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1 “(i) shall each submit to the certified
2 IDR entity with respect to such determina-
3 tion—

4 “(I) an offer for a payment
5 amount for such services furnished by
6 such provider; and

7 “(II) such information as re-
8 quested by the certified IDR entity re-
9 lating to such offer; and

10 “(ii) may each submit to the certified
11 IDR entity with respect to such determina-
12 tion any information relating to such offer
13 submitted by either party, including infor-
14 mation relating to any circumstance de-
15 scribed in subparagraph (C)(ii).

16 “(C) CONSIDERATIONS IN DETERMINA-
17 TION.—

18 “(i) IN GENERAL.—In determining
19 which offer is the payment to be applied
20 pursuant to this paragraph, the certified
21 IDR entity, with respect to the determina-
22 tion for a qualified IDR air ambulance
23 service shall consider—

24 “(I) the qualifying payment
25 amounts (as defined in section

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1 716(a)(3)(E)) for the applicable year
2 for items and services that are com-
3 parable to the qualified IDR air am-
4 bulance service and that are furnished
5 in the same geographic region (as de-
6 fined by the Secretary for purposes of
7 such subsection) as such qualified
8 IDR air ambulance service; and

9 “**(II)** subject to clause (iii), infor-
10 mation on any circumstance described
11 in clause (ii), such information as re-
12 quested in subparagraph (B)(i)(II),
13 and any additional information pro-
14 vided in subparagraph (B)(ii).

15 “(ii) **ADDITIONAL CIRCUMSTANCES.**—
16 For purposes of clause (i)(II), the cir-
17 cumstances described in this clause are,
18 with respect to air ambulance services in-
19 cluded in the notification submitted under
20 paragraph (1)(B) of a nonparticipating
21 provider, group health plan, or health in-
22 surance issuer the following:

23 “(I) The quality and outcomes
24 measurements of the provider that
25 furnished such services.

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1 “(II) The acuity of the individual
2 receiving such services or the com-
3 plexity of furnishing such services to
4 such individual.

5 “(III) The training, experience,
6 and quality of the medical personnel
7 that furnished such services.

8 “(IV) Ambulance vehicle type, in-
9 cluding the clinical capability level of
10 such vehicle.

11 “(V) Population density of the
12 pick up location (such as urban, sub-
13 urban, rural, or frontier).

14 “(VI) Demonstrations of good
15 faith efforts (or lack of good faith ef-
16 forts) made by the nonparticipating
17 provider or nonparticipating facility or
18 the plan or issuer to enter into net-
19 work agreements and, if applicable,
20 contracted rates between the provider
21 and the plan or issuer, as applicable,
22 during the previous 4 plan years.

23 “(iii) PROHIBITION ON CONSIDER-
24 ATION OF CERTAIN FACTORS.—In deter-
25 mining which offer is the payment amount

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1 to be applied with respect to qualified IDR
2 air ambulance services furnished by a pro-
3 vider, the certified IDR entity with respect
4 to such determination shall not consider
5 usual and customary charges, the amount
6 that would have been billed by such pro-
7 vider with respect to such services had the
8 provisions of section 2799B-5 of the Pub-
9 lic Health Service Act not applied, or the
10 payment or reimbursement rate for such
11 services furnished by such provider payable
12 by a public payor, including under the
13 Medicare program under title XVIII of the
14 Social Security Act, under the Medicaid
15 program under title XIX of such Act,
16 under the Children’s Health Insurance
17 Program under title XXI of such Act,
18 under the TRICARE program under chap-
19 ter 55 of title 10, United States Code, or
20 under chapter 17 of title 38, United States
21 Code.

22 “(D) EFFECTS OF DETERMINATION.—The
23 provisions of section 716(c)(5)(E)) shall apply
24 with respect to a determination of a certified
25 IDR entity under subparagraph (A), the notifi-

1 cation submitted with respect to such deter-
2 mination, the services with respect to such noti-
3 fication, and the parties to such notification in
4 the same manner as such provisions apply with
5 respect to a determination of a certified IDR
6 entity under section 716(c)(5)(E), the notifica-
7 tion submitted with respect to such determina-
8 tion, the items and services with respect to such
9 notification, and the parties to such notifica-
10 tion.

11 “(E) COSTS OF INDEPENDENT DISPUTE
12 RESOLUTION PROCESS.—The provisions of sec-
13 tion 716(c)(5)(F) shall apply to a notification
14 made under this subsection, the parties to such
15 notification, and a determination under sub-
16 paragraph (A) in the same manner and to the
17 same extent such provisions apply to a notifica-
18 tion under section 716(c), the parties to such
19 notification and a determination made under
20 section 716(c)(5)(A).

21 “(6) TIMING OF PAYMENT.—The total plan or
22 coverage payment required pursuant to subsection
23 (a)(3), with respect to qualified IDR air ambulance
24 services for which a determination is made under
25 paragraph (5)(A) or with respect to air ambulance

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1 services for which a payment amount is determined
2 under open negotiations under paragraph (1), shall
3 be made directly to the nonparticipating provider not
4 later than 30 days after the date on which such de-
5 termination is made.

6 “(7) PUBLICATION OF INFORMATION RELATING
7 TO THE IDR PROCESS.—

8 “(A) IN GENERAL.—For each calendar
9 quarter in 2022 and each calendar quarter in a
10 subsequent year, the Secretary shall publish on
11 the public website of the Department of
12 Labor—

13 “(i) the number of notifications sub-
14 mitted under the IDR process during such
15 calendar quarter;

16 “(ii) the number of such notifications
17 with respect to which a final determination
18 was made under paragraph (5)(A);

19 “(iii) the information described in
20 subparagraph (B) with respect to each no-
21 tification with respect to which such a de-
22 termination was so made.

23 “(iv) the number of times the pay-
24 ment amount determined (or agreed to)

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1 under this subsection exceeds the quali-
2 fying payment amount;

3 “(v) the amount of expenditures made
4 by the Secretary during such calendar
5 quarter to carry out the IDR process;

6 “(vi) the total amount of fees paid
7 under paragraph (8) during such calendar
8 quarter; and

9 “(vii) the total amount of compensa-
10 tion paid to certified IDR entities under
11 paragraph (5)(E) during such calendar
12 quarter.

13 “(B) INFORMATION WITH RESPECT TO RE-
14 QUESTS.—For purposes of subparagraph (A),
15 the information described in this subparagraph
16 is, with respect to a notification under the IDR
17 process of a nonparticipating provider, group
18 health plan, or health insurance issuer offering
19 group health insurance coverage—

20 “(i) a description of each air ambu-
21 lance service included in such notification;

22 “(ii) the geography in which the serv-
23 ices included in such notification were pro-
24 vided;

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1 “(iii) the amount of the offer sub-
2 mitted under paragraph (2) by the group
3 health plan or health insurance issuer (as
4 applicable) and by the nonparticipating
5 provider expressed as a percentage of the
6 qualifying payment amount;

7 “(iv) whether the offer selected by the
8 certified IDR entity under paragraph (5)
9 to be the payment applied was the offer
10 submitted by such plan or issuer (as appli-
11 cable) or by such provider and the amount
12 of such offer so selected expressed as a
13 percentage of the qualifying payment
14 amount;

15 “(v) ambulance vehicle type, including
16 the clinical capability level of such vehicle;

17 “(vi) the identity of the group health
18 plan or health insurance issuer or air am-
19 bulance provider with respect to such noti-
20 fication;

21 “(vii) the length of time in making
22 each determination;

23 “(viii) the compensation paid to the
24 certified IDR entity with respect to the
25 settlement or determination; and

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1 “(ix) any other information specified
2 by the Secretary.

3 “(C) IDR ENTITY REQUIREMENTS.—For
4 2022 and each subsequent year, an IDR entity,
5 as a condition of certification as an IDR entity,
6 shall submit to the Secretary such information
7 as the Secretary determines necessary for the
8 Secretary to carry out the provisions of this
9 paragraph.

10 “(D) CLARIFICATION.—The Secretary
11 shall ensure the public reporting under this
12 paragraph does not contain information that
13 would disclose privileged or confidential infor-
14 mation of a group health plan or health insur-
15 ance issuer offering group or individual health
16 insurance coverage or of a provider or facility.

17 “(8) ADMINISTRATIVE FEE.—

18 “(A) IN GENERAL.—Each party to a deter-
19 mination under paragraph (5) to which an enti-
20 ty is selected under paragraph (4) in a year
21 shall pay to the Secretary, at such time and in
22 such manner as specified by the Secretary, a
23 fee for participating in the IDR process with re-
24 spect to such determination in an amount de-
25 scribed in subparagraph (B) for such year.

1 “(B) AMOUNT OF FEE.—The amount de-
2 scribed in this subparagraph for a year is an
3 amount established by the Secretary in a man-
4 ner such that the total amount of fees paid
5 under this paragraph for such year is estimated
6 to be equal to the amount of expenditures esti-
7 mated to be made by the Secretary for such
8 year in carrying out the IDR process.

9 “(9) WAIVER AUTHORITY.—The Secretary may
10 modify any deadline or other timing requirement
11 specified under this subsection (other than the es-
12 tablishment date for the IDR process under para-
13 graph (2)(A) and other than under paragraph (6))
14 in cases of extenuating circumstances, as specified
15 by the Secretary, or to ensure that all claims that
16 occur during a 90-day period applied through para-
17 graph (5)(D), but with respect to which a notifica-
18 tion is not permitted by reason of such paragraph to
19 be submitted under paragraph (1)(B) during such
20 period, are eligible for the IDR process.

21 “(c) DEFINITION.—For purposes of this section:

22 “(1) AIR AMBULANCE SERVICES.—The term
23 ‘air ambulance service’ means medical transport by
24 helicopter or airplane for patients.

1 “(2) QUALIFYING PAYMENT AMOUNT.—The
2 term ‘qualifying payment amount’ has the meaning
3 given such term in section 716(a)(3).

4 “(3) NONPARTICIPATING PROVIDER.—The term
5 ‘nonparticipating provider’ has the meaning given
6 such term in section 716(a)(3).”.

7 (3) IRC AMENDMENTS.—

8 (A) IN GENERAL.—Subchapter B of chap-
9 ter 100 of the Internal Revenue Code of 1986,
10 as amended by section 102(c) and further
11 amended by the previous provisions of this title,
12 is further amended by inserting after section
13 9816 the following:

14 **“SEC. 9817. ENDING SURPRISE AIR AMBULANCE BILLS.**

15 “(a) IN GENERAL.—In the case of a participant or
16 beneficiary in a group health plan who receives air ambu-
17 lance services from a nonparticipating provider (as defined
18 in section 9816(a)(3)(G)) with respect to such plan, if
19 such services would be covered if provided by a partici-
20 pating provider (as defined in such section) with respect
21 to such plan—

22 “(1) the cost-sharing requirement with respect
23 to such services shall be the same requirement that
24 would apply if such services were provided by such
25 a participating provider, and any coinsurance or de-

1 ductible shall be based on rates that would apply for
2 such services if they were furnished by such a par-
3 ticipating provider;

4 “(2) such cost-sharing amounts shall be count-
5 ed towards the in-network deductible and in-network
6 out-of-pocket maximum amount under the plan for
7 the plan year (and such in-network deductible shall
8 be applied) with respect to such items and services
9 so furnished in the same manner as if such cost-
10 sharing payments were with respect to items and
11 services furnished by a participating provider; and

12 “(3) the group health plan shall—

13 “(A) not later than 30 calendar days after
14 the bill for such services is transmitted by such
15 provider, send to the provider, an initial pay-
16 ment or notice of denial of payment; and

17 “(B) pay a total plan payment, in accord-
18 ance with, if applicable, subsection (b)(6), di-
19 rectly to such provider furnishing such services
20 to such participant, beneficiary, or enrollee that
21 is, with application of any initial payment under
22 subparagraph (A), equal to the amount by
23 which the out-of-network rate (as defined in
24 section 9816(a)(3)(K)) for such services and
25 year involved exceeds the cost-sharing amount

1 imposed under the plan for such services (as de-
2 termined in accordance with paragraphs (1)
3 and (2)).

4 “(b) DETERMINATION OF OUT-OF-NETWORK RATES
5 TO BE PAID BY HEALTH PLANS; INDEPENDENT DISPUTE
6 RESOLUTION PROCESS.—

7 “(1) DETERMINATION THROUGH OPEN NEGO-
8 TATION.—

9 “(A) IN GENERAL.—With respect to air
10 ambulance services furnished in a year by a
11 nonparticipating provider, with respect to a
12 group health plan, and for which a payment is
13 required to be made by the plan pursuant to
14 subsection (a)(3), the provider or plan may,
15 during the 30-day period beginning on the day
16 the provider receives a payment or a statement
17 of denial of payment from the plan regarding a
18 claim for payment for such service, initiate open
19 negotiations under this paragraph between such
20 provider and plan for purposes of determining,
21 during the open negotiation period, an amount
22 agreed on by such provider, and such plan for
23 payment (including any cost-sharing) for such
24 service. For purposes of this subsection, the
25 open negotiation period, with respect to air am-

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1 balance services, is the 30-day period beginning
2 on the date of initiation of the negotiations with
3 respect to such services.

4 “(B) ACCESSING INDEPENDENT DISPUTE
5 RESOLUTION PROCESS IN CASE OF FAILED NE-
6 GOTIATIONS.—In the case of open negotiations
7 pursuant to subparagraph (A), with respect to
8 air ambulance services, that do not result in a
9 determination of an amount of payment for
10 such services by the last day of the open nego-
11 tiation period described in such subparagraph
12 with respect to such services, the provider or
13 group health plan that was party to such nego-
14 tiations may, during the 4-day period beginning
15 on the day after such open negotiation period,
16 initiate the independent dispute resolution proc-
17 ess under paragraph (2) with respect to such
18 services. The independent dispute resolution
19 process shall be initiated by a party pursuant to
20 the previous sentence by submission to the
21 other party and to the Secretary of a notifica-
22 tion (containing such information as specified
23 by the Secretary) and for purposes of this sub-
24 section, the date of initiation of such process
25 shall be the date of such submission or such

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1 other date specified by the Secretary pursuant
2 to regulations that is not later than the date of
3 receipt of such notification by both the other
4 party and the Secretary.

5 “(2) INDEPENDENT DISPUTE RESOLUTION
6 PROCESS AVAILABLE IN CASE OF FAILED OPEN NE-
7 GOTIATIONS.—

8 “(A) ESTABLISHMENT.—Not later than 1
9 year after the date of the enactment of this
10 subsection, the Secretary, jointly with the Sec-
11 retary of Health and Human Services and the
12 Secretary of Labor, shall establish by regulation
13 one independent dispute resolution process (re-
14 ferred to in this subsection as the ‘IDR proc-
15 ess’) under which, in the case of air ambulance
16 services with respect to which a provider or
17 group health plan submits a notification under
18 paragraph (1)(B) (in this subsection referred to
19 as a ‘qualified IDR air ambulance services’), a
20 certified IDR entity under paragraph (4) deter-
21 mines, subject to subparagraph (B) and in ac-
22 cordance with the succeeding provisions of this
23 subsection, the amount of payment under the
24 plan for such services furnished by such pro-
25 vider.

1 “(B) AUTHORITY TO CONTINUE NEGOTIA-
2 TIONS.—Under the independent dispute resolu-
3 tion process, in the case that the parties to a
4 determination for qualified IDR air ambulance
5 services agree on a payment amount for such
6 services during such process but before the date
7 on which the entity selected with respect to
8 such determination under paragraph (4) makes
9 such determination under paragraph (5), such
10 amount shall be treated for purposes of section
11 9816(a)(3)(K)(ii) as the amount agreed to by
12 such parties for such services. In the case of an
13 agreement described in the previous sentence,
14 the independent dispute resolution process shall
15 provide for a method to determine how to allo-
16 cate between the parties to such determination
17 the payment of the compensation of the entity
18 selected with respect to such determination.

19 “(C) CLARIFICATION.—A nonparticipating
20 provider may not, with respect to an item or
21 service furnished by such provider, submit a no-
22 tification under paragraph (1)(B) if such pro-
23 vider is exempt from the requirement under
24 subsection (a) of section 2799B–2 of the Public
25 Health Service Act with respect to such item or

1 service pursuant to subsection (b) of such sec-
2 tion.

3 “(3) TREATMENT OF BATCHING OF SERV-
4 ICES.—The provisions of section 9816(c)(3) shall
5 apply with respect to a notification submitted under
6 this subsection with respect to air ambulance serv-
7 ices in the same manner and to the same extent
8 such provisions apply with respect to a notification
9 submitted under section 9816(c) with respect to
10 items and services described in such section.

11 “(4) IDR ENTITIES.—

12 “(A) ELIGIBILITY.—An IDR entity cer-
13 tified under this subsection is an IDR entity
14 certified under section 9816(c)(4).

15 “(B) SELECTION OF CERTIFIED IDR ENTI-
16 TY.—The provisions of subparagraph (F) of
17 section 9816(c)(4) shall apply with respect to
18 selecting an IDR entity certified pursuant to
19 subparagraph (A) with respect to the deter-
20 mination of the amount of payment under this
21 subsection of air ambulance services in the
22 same manner as such provisions apply with re-
23 spect to selecting an IDR entity certified under
24 such section with respect to the determination
25 of the amount of payment under section

1 9816(c) of an item or service. An entity selected
2 pursuant to the previous sentence to make a de-
3 termination described in such sentence shall be
4 referred to in this subsection as the ‘certified
5 IDR entity’ with respect to such determination.

6 “(5) PAYMENT DETERMINATION.—

7 “(A) IN GENERAL.—Not later than 30
8 days after the date of selection of the certified
9 IDR entity with respect to a determination for
10 qualified IDR ambulance services, the certified
11 IDR entity shall—

12 “(i) taking into account the consider-
13 ations specified in subparagraph (C), select
14 one of the offers submitted under subpara-
15 graph (B) to be the amount of payment for
16 such services determined under this sub-
17 section for purposes of subsection (a)(3);
18 and

19 “(ii) notify the provider or facility and
20 the group health plan party to such deter-
21 mination of the offer selected under clause
22 (i).

23 “(B) SUBMISSION OF OFFERS.—Not later
24 than 10 days after the date of selection of the
25 certified IDR entity with respect to a deter-

1 mination for qualified IDR air ambulance serv-
2 ices, the provider and the group health plan
3 party to such determination—

4 “(i) shall each submit to the certified
5 IDR entity with respect to such determina-
6 tion—

7 “(I) an offer for a payment
8 amount for such services furnished by
9 such provider; and

10 “(II) such information as re-
11 quested by the certified IDR entity re-
12 lating to such offer; and

13 “(ii) may each submit to the certified
14 IDR entity with respect to such determina-
15 tion any information relating to such offer
16 submitted by either party, including infor-
17 mation relating to any circumstance de-
18 scribed in subparagraph (C)(ii).

19 “(C) CONSIDERATIONS IN DETERMINA-
20 TION.—

21 “(i) IN GENERAL.—In determining
22 which offer is the payment to be applied
23 pursuant to this paragraph, the certified
24 IDR entity, with respect to the determina-

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1 tion for a qualified IDR air ambulance
2 service shall consider—

3 “(I) the qualifying payment
4 amounts (as defined in section
5 9816(a)(3)(E)) for the applicable year
6 for items or services that are com-
7 parable to the qualified IDR air am-
8 bulance service and that are furnished
9 in the same geographic region (as de-
10 fined by the Secretary for purposes of
11 such subsection) as such qualified
12 IDR air ambulance service; and

13 “(II) subject to clause (iii), infor-
14 mation on any circumstance described
15 in clause (ii), such information as re-
16 quested in subparagraph (B)(i)(II),
17 and any additional information pro-
18 vided in subparagraph (B)(ii).

19 “(ii) ADDITIONAL CIRCUMSTANCES.—
20 For purposes of clause (i)(II), the cir-
21 cumstances described in this clause are,
22 with respect to air ambulance services in-
23 cluded in the notification submitted under
24 paragraph (1)(B) of a nonparticipating

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1 provider, or group health plan the fol-
2 lowing:

3 “(I) The quality and outcomes
4 measurements of the provider that
5 furnished such services.

6 “(II) The acuity of the individual
7 receiving such services or the com-
8 plexity of furnishing such services to
9 such individual.

10 “(III) The training, experience,
11 and quality of the medical personnel
12 that furnished such services.

13 “(IV) Ambulance vehicle type, in-
14 cluding the clinical capability level of
15 such vehicle.

16 “(V) Population density of the
17 pick up location (such as urban, sub-
18 urban, rural, or frontier).

19 “(VI) Demonstrations of good
20 faith efforts (or lack of good faith ef-
21 forts) made by the nonparticipating
22 provider or nonparticipating facility or
23 the plan to enter into network agree-
24 ments and, if applicable, contracted

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1 rates between the provider and the
2 plan during the previous 4 plan years.

3 “(iii) PROHIBITION ON CONSIDER-
4 ATION OF CERTAIN FACTORS.—In deter-
5 mining which offer is the payment amount
6 to be applied with respect to qualified IDR
7 air ambulance services furnished by a pro-
8 vider, the certified IDR entity with respect
9 to such determination shall not consider
10 usual and customary charges, the amount
11 that would have been billed by such pro-
12 vider with respect to such services had the
13 provisions of section 2799B–5 of the Pub-
14 lic Health Service Act not applied, or the
15 payment or reimbursement rate for such
16 services furnished by such provider payable
17 by a public payor, including under the
18 Medicare program under title XVIII of the
19 Social Security Act, under the Medicaid
20 program under title XIX of such Act,
21 under the Children’s Health Insurance
22 Program under title XXI of such Act,
23 under the TRICARE program under chap-
24 ter 55 of title 10, United States Code, or

1 under chapter 17 of title 38, United States
2 Code.

3 “(D) EFFECTS OF DETERMINATION.—The
4 provisions of section 9816(c)(5)(E)) shall apply
5 with respect to a determination of a certified
6 IDR entity under subparagraph (A), the notifi-
7 cation submitted with respect to such deter-
8 mination, the services with respect to such noti-
9 fication, and the parties to such notification in
10 the same manner as such provisions apply with
11 respect to a determination of a certified IDR
12 entity under section 9816(c)(5)(E), the notifica-
13 tion submitted with respect to such determina-
14 tion, the items and services with respect to such
15 notification, and the parties to such notifica-
16 tion.

17 “(E) COSTS OF INDEPENDENT DISPUTE
18 RESOLUTION PROCESS.—The provisions of sec-
19 tion 9816(c)(5)(F) shall apply to a notification
20 made under this subsection, the parties to such
21 notification, and a determination under sub-
22 paragraph (A) in the same manner and to the
23 same extent such provisions apply to a notifica-
24 tion under section 9816(c), the parties to such

1 notification and a determination made under
2 section 9816(e)(5)(A).

3 “(6) TIMING OF PAYMENT.—The total plan
4 payment required pursuant to subsection (a)(3),
5 with respect to qualified IDR air ambulance services
6 for which a determination is made under paragraph
7 (5)(A) or with respect to air ambulance services for
8 which a payment amount is determined under open
9 negotiations under paragraph (1), shall be made di-
10 rectly to the nonparticipating provider not later than
11 30 days after the date on which such determination
12 is made.

13 “(7) PUBLICATION OF INFORMATION RELATING
14 TO THE IDR PROCESS.—

15 “(A) IN GENERAL.—For each calendar
16 quarter in 2022 and each calendar quarter in a
17 subsequent year, the Secretary shall publish on
18 the public website of the Department of the
19 Treasury—

20 “(i) the number of notifications sub-
21 mitted under the IDR process during such
22 calendar quarter;

23 “(ii) the number of such notifications
24 with respect to which a final determination
25 was made under paragraph (5)(A);

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1 “(iii) the information described in
2 subparagraph (B) with respect to each no-
3 tification with respect to which such a de-
4 termination was so made.

5 “(iv) the number of times the pay-
6 ment amount determined (or agreed to)
7 under this subsection exceeds the quali-
8 fying payment amount;

9 “(v) the amount of expenditures made
10 by the Secretary during such calendar
11 quarter to carry out the IDR process;

12 “(vi) the total amount of fees paid
13 under paragraph (8) during such calendar
14 quarter; and

15 “(vii) the total amount of compensa-
16 tion paid to certified IDR entities under
17 paragraph (5)(E) during such calendar
18 quarter.

19 “(B) INFORMATION WITH RESPECT TO RE-
20 QUESTS.—For purposes of subparagraph (A),
21 the information described in this subparagraph
22 is, with respect to a notification under the IDR
23 process of a nonparticipating provider, or group
24 health plan—

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1 “(i) a description of each air ambu-
2 lance service included in such notification;

3 “(ii) the geography in which the serv-
4 ices included in such notification were pro-
5 vided;

6 “(iii) the amount of the offer sub-
7 mitted under paragraph (2) by the group
8 health plan and by the nonparticipating
9 provider expressed as a percentage of the
10 qualifying payment amount;

11 “(iv) whether the offer selected by the
12 certified IDR entity under paragraph (5)
13 to be the payment applied was the offer
14 submitted by such plan or issuer (as appli-
15 cable) or by such provider and the amount
16 of such offer so selected expressed as a
17 percentage of the qualifying payment
18 amount;

19 “(v) ambulance vehicle type, including
20 the clinical capability level of such vehicle;

21 “(vi) the identity of the group health
22 plan or health insurance issuer or air am-
23 bulance provider with respect to such noti-
24 fication;

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1 “(vii) the length of time in making
2 each determination;

3 “(viii) the compensation paid to the
4 certified IDR entity with respect to the
5 settlement or determination; and

6 “(ix) any other information specified
7 by the Secretary.

8 “(C) IDR ENTITY REQUIREMENTS.—For
9 2022 and each subsequent year, an IDR entity,
10 as a condition of certification as an IDR entity,
11 shall submit to the Secretary such information
12 as the Secretary determines necessary for the
13 Secretary to carry out the provisions of this
14 paragraph.

15 “(D) CLARIFICATION.—The Secretary
16 shall ensure the public reporting under this
17 paragraph does not contain information that
18 would disclose privileged or confidential infor-
19 mation of a group health plan or health insur-
20 ance issuer offering group or individual health
21 insurance coverage or of a provider or facility.

22 “(8) ADMINISTRATIVE FEE.—

23 “(A) IN GENERAL.—Each party to a deter-
24 mination under paragraph (5) to which an enti-
25 ty is selected under paragraph (4) in a year

1 shall pay to the Secretary, at such time and in
2 such manner as specified by the Secretary, a
3 fee for participating in the IDR process with re-
4 spect to such determination in an amount de-
5 scribed in subparagraph (B) for such year.

6 “(B) AMOUNT OF FEE.—The amount de-
7 scribed in this subparagraph for a year is an
8 amount established by the Secretary in a man-
9 ner such that the total amount of fees paid
10 under this paragraph for such year is estimated
11 to be equal to the amount of expenditures esti-
12 mated to be made by the Secretary for such
13 year in carrying out the IDR process.

14 “(9) WAIVER AUTHORITY.—The Secretary may
15 modify any deadline or other timing requirement
16 specified under this subsection (other than the es-
17 tablishment date for the IDR process under para-
18 graph (2)(A) and other than under paragraph (6))
19 in cases of extenuating circumstances, as specified
20 by the Secretary, or to ensure that all claims that
21 occur during a 90-day period applied through para-
22 graph (5)(D), but with respect to which a notifica-
23 tion is not permitted by reason of such paragraph to
24 be submitted under paragraph (1)(B) during such
25 period, are eligible for the IDR process.

1 “(c) DEFINITIONS.—For purposes of this section:

2 “(1) AIR AMBULANCE SERVICES.—The term
3 ‘air ambulance service’ means medical transport by
4 helicopter or airplane for patients.

5 “(2) QUALIFYING PAYMENT AMOUNT.—The
6 term ‘qualifying payment amount’ has the meaning
7 given such term in section 9816(a)(3).

8 “(3) NONPARTICIPATING PROVIDER.—The term
9 ‘nonparticipating provider’ has the meaning given
10 such term in section 9816(a)(3).”.

11 (B) CLERICAL AMENDMENT.—The table of
12 sections for subchapter B of chapter 100 of the
13 Internal Revenue Code of 1986, as amended by
14 section 102(c)(3), is further amended by insert-
15 ing after the item relating to section 9816 the
16 following new item:

“Sec. 9817. Ending surprise air ambulance bills.”.

17 (4) EFFECTIVE DATE.—The amendments made
18 by this subsection shall apply with respect to plan
19 years beginning on or after January 1, 2022.

20 (b) AIR AMBULANCE PROVIDER BALANCE BILL-
21 ING.—Part E of title XXVII of the Public Health Service
22 Act, as added and amended by section 104, is further
23 amended by adding at the end the following new section:

1 **“SEC. 2799B-5. AIR AMBULANCE SERVICES.**

2 “In the case of a participant, beneficiary, or enrollee
3 with benefits under a group health plan or group or indi-
4 vidual health insurance coverage offered by a health insur-
5 ance issuer and who is furnished in a plan year beginning
6 on or after January 1, 2022, air ambulance services (for
7 which benefits are available under such plan or coverage)
8 from a nonparticipating provider (as defined in section
9 2799A-1(a)(3)(G)) with respect to such plan or coverage,
10 such provider shall not bill, and shall not hold liable, such
11 participant, beneficiary, or enrollee for a payment amount
12 for such service furnished by such provider that is more
13 than the cost-sharing amount for such service (as deter-
14 mined in accordance with paragraphs (1) and (2) of sec-
15 tion 2799A-2(a), section 717(a) of the Employee Retire-
16 ment Income Security Act of 1974, or section 9817(a) of
17 the Internal Revenue Code of 1986, as applicable).”.

18 **SEC. 106. REPORTING REQUIREMENTS REGARDING AIR AM-**
19 **BULANCE SERVICES.**

20 (a) REPORTING REQUIREMENTS FOR PROVIDERS OF
21 AIR AMBULANCE SERVICES.—

22 (1) IN GENERAL.—A provider of air ambulance
23 services shall submit to the Secretary of Health and
24 Human Services and the Secretary of Transpor-
25 tation—

1 (A) not later than the date that is 90 days
2 after the last day of the first calendar year be-
3 ginning on or after the date on which a final
4 rule is promulgated pursuant to the rulemaking
5 described in subsection (d), the information de-
6 scribed in paragraph (2) with respect to such
7 plan year; and

8 (B) not later than the date that is 90 days
9 after the last day of the plan year immediately
10 succeeding the plan year described in subpara-
11 graph (A), such information with respect to
12 such immediately succeeding plan year.

13 (2) INFORMATION DESCRIBED.—For purposes
14 of paragraph (1), information described in this para-
15 graph, with respect to a provider of air ambulance
16 services, is each of the following:

17 (A) Cost data, as determined appropriate
18 by the Secretary of Health and Human Serv-
19 ices, in consultation with the Secretary of
20 Transportation, for air ambulance services fur-
21 nished by such provider, separated to the max-
22 imum extent possible by air transportation costs
23 associated with furnishing such air ambulance
24 services and costs of medical services and sup-

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1 plies associated with furnishing such air ambu-
2 lance services.

3 (B) The number and location of all air am-
4 bulance bases operated by such provider.

5 (C) The number and type of aircraft oper-
6 ated by such provider.

7 (D) The number of air ambulance trans-
8 ports, disaggregated by payor mix, including—

9 (i)(I) group health plans;

10 (II) health insurance issuers; and

11 (III) State and Federal Government
12 payors; and

13 (ii) uninsured individuals.

14 (E) The number of claims of such provider
15 that have been denied payment by a group
16 health plan or health insurance issuer and the
17 reasons for any such denials.

18 (F) The number of emergency and non-
19 emergency air ambulance transports,
20 disaggregated by air ambulance base and type
21 of aircraft.

22 (G) Such other information regarding air
23 ambulance services as the Secretary of Health
24 and Human Services may specify.

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1 (b) REPORTING REQUIREMENTS FOR GROUP
2 HEALTH PLANS AND HEALTH INSURANCE ISSUERS.—

3 (1) PHSA.—Part D of title XXVII of the Pub-
4 lic Health Service Act, as added by section
5 102(a)(1), is amended by adding after section
6 2799A–7, as added by section 102(a)(2)(A) of this
7 Act, the following new section:

8 **“SEC. 2799A–8. AIR AMBULANCE REPORT REQUIREMENTS.**

9 “(a) IN GENERAL.—Each group health plan and
10 health insurance issuer offering group or individual health
11 insurance coverage shall submit to the Secretary, jointly
12 with the Secretary of Labor and the Secretary of the
13 Treasury—

14 “(1) not later than the date that is 90 days
15 after the last day of the first calendar year begin-
16 ning on or after the date on which a final rule is
17 promulgated pursuant to the rulemaking described
18 in section 106(d) of the No Surprises Act, the infor-
19 mation described in subsection (b) with respect to
20 such plan year; and

21 “(2) not later than the date that is 90 days
22 after the last day of the calendar year immediately
23 succeeding the plan year described in paragraph (1),
24 such information with respect to such immediately
25 succeeding plan year.

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1 “(b) INFORMATION DESCRIBED.—For purposes of
2 subsection (a), information described in this subsection,
3 with respect to a group health plan or a health insurance
4 issuer offering group or individual health insurance cov-
5 erage, is each of the following:

6 “(1) Claims data for air ambulance services
7 furnished by providers of such services,
8 disaggregated by each of the following factors:

9 “(A) Whether such services were furnished
10 on an emergent or nonemergent basis.

11 “(B) Whether the provider of such services
12 is part of a hospital-owned or sponsored pro-
13 gram, municipality-sponsored program, hospital
14 independent partnership (hybrid) program,
15 independent program, or tribally operated pro-
16 gram in Alaska.

17 “(C) Whether the transport in which the
18 services were furnished originated in a rural or
19 urban area.

20 “(D) The type of aircraft (such as rotor
21 transport or fixed wing transport) used to fur-
22 nish such services.

23 “(E) Whether the provider of such services
24 has a contract with the plan or issuer, as appli-

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1 cable, to furnish such services under the plan or
2 coverage, respectively.

3 “(2) Such other information regarding pro-
4 viders of air ambulance services as the Secretary
5 may specify.”.

6 (2) ERISA.—

7 (A) IN GENERAL.—Subpart B of part 7 of
8 title I of the Employee Retirement Income Se-
9 curity Act of 1974 (29 U.S.C. 1185 et seq.) is
10 amended by adding after section 722, as added
11 by section 102(b)(2)(A) of this Act, the fol-
12 lowing new section:

13 **“SEC. 723. AIR AMBULANCE REPORT REQUIREMENTS.**

14 “(a) IN GENERAL.—Each group health plan and
15 health insurance issuer offering group health insurance
16 coverage shall submit to the Secretary, jointly with the
17 Secretary of Health and Human Services and the Sec-
18 retary of the Treasury—

19 “(1) not later than the date that is 90 days
20 after the last day of the first calendar year begin-
21 ning on or after the date on which a final rule is
22 promulgated pursuant to the rulemaking described
23 in section 106(d) of the No Surprises Act, the infor-
24 mation described in subsection (b) with respect to
25 such plan year; and

1 “(2) not later than the date that is 90 days
2 after the last day of the plan year immediately suc-
3 ceeding the calendar year described in paragraph
4 (1), such information with respect to such imme-
5 diately succeeding plan year.

6 “(b) INFORMATION DESCRIBED.—For purposes of
7 subsection (a), information described in this subsection,
8 with respect to a group health plan or a health insurance
9 issuer offering group health insurance coverage, is each
10 of the following:

11 “(1) Claims data for air ambulance services
12 furnished by providers of such services,
13 disaggregated by each of the following factors:

14 “(A) Whether such services were furnished
15 on an emergent or nonemergent basis.

16 “(B) Whether the provider of such services
17 is part of a hospital-owned or sponsored pro-
18 gram, municipality-sponsored program, hospital
19 independent partnership (hybrid) program,
20 independent program, or tribally operated pro-
21 gram in Alaska.

22 “(C) Whether the transport in which the
23 services were furnished originated in a rural or
24 urban area.

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1 “(D) The type of aircraft (such as rotor
2 transport or fixed wing transport) used to fur-
3 nish such services.

4 “(E) Whether the provider of such services
5 has a contract with the plan or issuer, as appli-
6 cable, to furnish such services under the plan or
7 coverage, respectively.

8 “(2) Such other information regarding pro-
9 viders of air ambulance services as the Secretary
10 may specify.”.

11 (B) CLERICAL AMENDMENT.—The table of
12 contents of the Employee Retirement Income
13 Security Act of 1974 is amended by adding
14 after the item relating to section 722, as added
15 by section 102(b) the following:

“Sec. 723. Air ambulance report requirements.”.

16 (3) IRC.—

17 (A) IN GENERAL.—Subchapter B of chap-
18 ter 100 of the Internal Revenue Code of 1986
19 is amended by adding after section 9822, as
20 added by section 102(c)(2)(A) of this Act, the
21 following new section:

22 **“SEC. 9823. AIR AMBULANCE REPORT REQUIREMENTS.**

23 “(a) IN GENERAL.—Each group health plan shall
24 submit to the Secretary, jointly with the Secretary of
25 Labor and the Secretary of Health and Human Services—

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1 “(1) not later than the date that is 90 days
2 after the last day of the first calendar year begin-
3 ning on or after the date on which a final rule is
4 promulgated pursuant to the rulemaking described
5 in section 106(d) of the No Surprises Act, the infor-
6 mation described in subsection (b) with respect to
7 such plan year; and

8 “(2) not later than the date that is 90 days
9 after the last day of the calendar year immediately
10 succeeding the plan year described in paragraph (1),
11 such information with respect to such immediately
12 succeeding plan year.

13 “(b) INFORMATION DESCRIBED.—For purposes of
14 subsection (a), information described in this subsection,
15 with respect to a group health plan is each of the fol-
16 lowing:

17 “(1) Claims data for air ambulance services
18 furnished by providers of such services,
19 disaggregated by each of the following factors:

20 “(A) Whether such services were furnished
21 on an emergent or nonemergent basis.

22 “(B) Whether the provider of such services
23 is part of a hospital-owned or sponsored pro-
24 gram, municipality-sponsored program, hospital
25 independent partnership (hybrid) program,

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1 independent program, or tribally operated pro-
2 gram in Alaska.

3 “(C) Whether the transport in which the
4 services were furnished originated in a rural or
5 urban area.

6 “(D) The type of aircraft (such as rotor
7 transport or fixed wing transport) used to fur-
8 nish such services.

9 “(E) Whether the provider of such services
10 has a contract with the plan or issuer, as appli-
11 cable, to furnish such services under the plan or
12 coverage, respectively.

13 “(2) Such other information regarding pro-
14 viders of air ambulance services as the Secretary
15 may specify.”.

16 (B) CLERICAL AMENDMENT.—The table of
17 sections for subchapter B of chapter 100 of the
18 Internal Revenue Code of 1986 is amended by
19 adding after the item relating to section 9822,
20 as added by section 102(c), the following new
21 item:

“Sec. 9823. Air ambulance report requirements.”.

22 (c) PUBLICATION OF COMPREHENSIVE REPORT.—

23 (1) IN GENERAL.—Not later than the date that
24 is one year after the date described in subsection
25 (a)(2) of section 2799A–8 of the Public Health

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1 Service Act, of section 723 of the Employee Retirement
2 ment Income Security Act of 1974, and of section
3 9823 of the Internal Revenue Code of 1986, as such
4 sections are added by subsection (b), the Secretary
5 of Health and Human Services, in consultation with
6 the Secretary of Transportation (referred to in this
7 section as the “Secretaries”), shall develop, and
8 make publicly available (subject to paragraph (3)), a
9 comprehensive report summarizing the information
10 submitted under subsection (a) and the amendments
11 made by subsection (b) and including each of the
12 following:

13 (A) The percentage of providers of air am-
14 bulance services that are part of a hospital-
15 owned or sponsored program, municipality-
16 sponsored program, hospital-independent part-
17 nership (hybrid) program, or independent pro-
18 gram.

19 (B) An assessment of the extent of com-
20 petition among providers of air ambulance serv-
21 ices on the basis of price and services offered,
22 and any changes in such competition over time.

23 (C) An assessment of the average charges
24 for air ambulance services, amounts paid by
25 group health plans and health insurance issuers

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1 offering group or individual health insurance
2 coverage to providers of air ambulance services
3 for furnishing such services, and amounts paid
4 out-of-pocket by consumers, and any changes in
5 such amounts paid over time.

6 (D) An assessment of the presence of air
7 ambulance bases in, or with the capability to
8 serve, rural areas, and the relative growth in air
9 ambulance bases in rural and urban areas over
10 time.

11 (E) Any evidence of gaps in rural access to
12 providers of air ambulance services.

13 (F) The percentage of providers of air am-
14 bulance services that have contracts with group
15 health plans or health insurance issuers offering
16 group or individual health insurance coverage to
17 furnish such services under such plans or cov-
18 erage, respectively.

19 (G) An assessment of whether there are in-
20 stances of unfair, deceptive, or predatory prac-
21 tices by providers of air ambulance services in
22 collecting payments from patients to whom such
23 services are furnished, such as referral of such
24 patients to collections, lawsuits, and liens or
25 wage garnishment actions.

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1 (H) An assessment of whether there are,
2 within the air ambulance industry, instances of
3 unreasonable industry concentration, excessive
4 market domination, or other conditions that
5 would allow at least one provider of air ambu-
6 lance services to unreasonably increase prices or
7 exclude competition in air ambulance services in
8 a given geographic region.

9 (I) An assessment of the frequency of pa-
10 tient balance billing, patient referrals to collec-
11 tions, lawsuits to collect balance bills, and liens
12 or wage garnishment actions by providers of air
13 ambulance services as part of a collections proc-
14 ess across hospital-owned or sponsored pro-
15 grams, municipality-sponsored programs, hos-
16 pital-independent partnership (hybrid) pro-
17 grams, tribally operated programs in Alaska, or
18 independent programs, providers of air ambu-
19 lance services operated by public agencies (such
20 as a State or county health department), and
21 other independent providers of air ambulance
22 services.

23 (J) An assessment of the frequency of
24 claims appeals made by providers of air ambu-
25 lance services to group health plans or health

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1 insurance issuers offering group or individual
2 health insurance coverage with respect to air
3 ambulance services furnished to enrollees of
4 such plans or coverage, respectively.

5 (K) Any other cost, quality, or other data
6 relating to air ambulance services or the air
7 ambulance industry, as determined necessary
8 and appropriate by the Secretaries.

9 (2) OTHER SOURCES OF INFORMATION.—The
10 Secretaries may incorporate information from inde-
11 pendent experts or third-party sources in developing
12 the comprehensive report required under paragraph
13 (1).

14 (3) PROTECTION OF PROPRIETARY INFORMA-
15 TION.—The Secretaries may not make publicly avail-
16 able under this subsection any proprietary informa-
17 tion.

18 (d) RULEMAKING.—Not later than the date that is
19 one year after the date of the enactment of this Act, the
20 Secretary of Health and Human Services, in consultation
21 with the Secretary of Transportation, shall, through notice
22 and comment rulemaking, specify the form and manner
23 in which reports described in subsection (a) and in the
24 amendments made by subsection (b) shall be submitted
25 to such Secretaries, taking into consideration (as applica-

1 ble and to the extent feasible) any recommendations in-
2 cluded in the report submitted by the Advisory Committee
3 on Air Ambulance and Patient Billing under section
4 418(e) of the FAA Reauthorization Act of 2018 (Public
5 Law 115–254; 49 U.S.C. 42301 note prec.).

6 (e) CIVIL MONEY PENALTIES.—

7 (1) IN GENERAL.—Subject to paragraph (2), a
8 provider of air ambulance services who fails to sub-
9 mit all information required under subsection (a)(2)
10 by the date described in subparagraph (A) or (B) of
11 subsection (a)(1), as applicable, shall be subject to
12 a civil money penalty of not more than \$10,000.

13 (2) EXCEPTION.—In the case of a provider of
14 air ambulance services that submits only some of the
15 information required under subsection (a)(2) by the
16 date described in subparagraph (A) or (B) of sub-
17 section (a)(1), as applicable, the Secretary of Health
18 and Human Services may waive the civil money pen-
19 alty imposed under paragraph (1) if such provider
20 demonstrates a good faith effort (as defined by the
21 Secretary pursuant to regulation) in working with
22 the Secretary to submit the remaining information
23 required under subsection (a)(2).

24 (3) PROCEDURE.—The provisions of section
25 1128A of the Social Security Act (42 U.S.C. 1320a–

1 7a), other than subsections (a) and (b) and the first
2 sentence of subsection (c)(1), shall apply to civil
3 money penalties under this subsection in the same
4 manner as such provisions apply to a penalty or pro-
5 ceeding under such section.

6 (f) UNFAIR AND DECEPTIVE PRACTICES AND UN-
7 FAIR METHODS OF COMPETITION.—The Secretary of
8 Transportation may use any information submitted under
9 subsection (a) in determining whether a provider of air
10 ambulance services has violated section 41712(a) of title
11 49, United States Code.

12 (g) ADVISORY COMMITTEE ON AIR AMBULANCE
13 QUALITY AND PATIENT SAFETY.—

14 (1) ESTABLISHMENT.—Not later than the date
15 that is 60 days after the date of the enactment of
16 this Act, the Secretary of Health and Human Serv-
17 ices and the Secretary of Transportation, shall es-
18 tablish an Advisory Committee on Air Ambulance
19 Quality and Patient Safety (referred to in this sub-
20 section as the “Committee”) for the purpose of re-
21 viewing options to establish quality, patient safety,
22 and clinical capability standards for each clinical ca-
23 pability level of air ambulances.

24 (2) MEMBERSHIP.—The Committee shall be
25 composed of the following members:

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1 (A) The Secretary of Health and Human
2 Services, or a designee of the Secretary, who
3 shall serve as the Chair of the Committee.

4 (B) The Secretary of Transportation, or a
5 designee of the Secretary.

6 (C) One representative, to be appointed by
7 the Secretary of Health and Human Services,
8 of each of the following:

9 (i) State health insurance regulators.

10 (ii) Health care providers.

11 (iii) Group health plans and health in-
12 surance issuers offering group or indi-
13 vidual health insurance coverage.

14 (iv) Patient advocacy groups.

15 (v) Accrediting bodies with experience
16 in quality measures.

17 (D) Three representatives of the air ambu-
18 lance industry, to be appointed by the Secretary
19 of Transportation.

20 (E) Additional three representatives not
21 covered under subparagraphs (A) through (D),
22 as determined necessary and appropriate by the
23 Secretary of Health and Human Services and
24 Secretary of Transportation.

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1 (3) FIRST MEETING.—Not later than the date
2 that is 90 days after the date of the enactment of
3 this Act, the Committee shall hold its first meeting.

4 (4) DUTIES.—The Committee shall study and
5 make recommendations, as appropriate, to Congress
6 regarding each of the following with respect to air
7 ambulance services:

8 (A) Qualifications of different clinical ca-
9 pability levels and tiering of such levels.

10 (B) Patient safety and quality standards.

11 (C) Options for improving service reli-
12 ability during poor weather, night conditions, or
13 other adverse conditions.

14 (D) Differences between air ambulance ve-
15 hicle types, services, and technologies, and other
16 flight capability standards, and the impact of
17 such differences on patient safety.

18 (E) Clinical triage criteria for air ambu-
19 lances.

20 (5) REPORT.—Not later than the date that is
21 180 days after the date of the first meeting of the
22 Committee, the Committee, in consultation with rel-
23 evant experts and stakeholders, as appropriate, shall
24 develop and make publicly available a report on any
25 recommendations submitted to Congress under para-

1 graph (4). The Committee may update such report,
2 as determined appropriate by the Committee.

3 (h) DEFINITIONS.—In this section, the terms “group
4 health plan”, “health insurance coverage”, “individual
5 health insurance coverage”, “group health insurance cov-
6 erage”, and “health insurance issuer” have the meanings
7 given such terms in section 2791 of the Public Health
8 Service Act (42 U.S.C. 300gg–91).

9 **SEC. 107. TRANSPARENCY REGARDING IN-NETWORK AND**
10 **OUT-OF-NETWORK DEDUCTIBLES AND OUT-**
11 **OF-POCKET LIMITATIONS.**

12 (a) PHSA.—Section 2799A–1 of the Public Health
13 Service Act, as added by section 102(a) and amended by
14 section 103, is further amended by adding at the end the
15 following new subsection:

16 “(e) TRANSPARENCY REGARDING IN-NETWORK AND
17 OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET
18 LIMITATIONS.—A group health plan or a health insurance
19 issuer offering group or individual health insurance cov-
20 erage and providing or covering any benefit with respect
21 to items or services shall include, in clear writing, on any
22 physical or electronic plan or insurance identification card
23 issued to the participants, beneficiaries, or enrollees in the
24 plan or coverage the following:

1 “(1) Any deductible applicable to such plan or
2 coverage.

3 “(2) Any out-of-pocket maximum limitation ap-
4 plicable to such plan or coverage.

5 “(3) A telephone number and Internet website
6 address through which such individual may seek con-
7 sumer assistance information, such as information
8 related to hospitals and urgent care facilities that
9 have in effect a contractual relationship with such
10 plan or coverage for furnishing items and services
11 under such plan or coverage”.

12 (b) ERISA.—Section 716 of the Employee Retirement
13 Income Security Act of 1974, as added by section 102(b)
14 and amended by section 103, is further amended by add-
15 ing at the end the following new subsection:

16 “(e) TRANSPARENCY REGARDING IN-NETWORK AND
17 OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET
18 LIMITATIONS.—A group health plan or a health insurance
19 issuer offering group health insurance coverage and pro-
20 viding or covering any benefit with respect to items or
21 services shall include, in clear writing, on any physical or
22 electronic plan or insurance identification card issued to
23 the participants or beneficiaries in the plan or coverage
24 the following:

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1 “(1) Any deductible applicable to such plan or
2 coverage.

3 “(2) Any out-of-pocket maximum limitation ap-
4 plicable to such plan or coverage.

5 “(3) A telephone number and Internet website
6 address through which such individual may seek con-
7 sumer assistance information, such as information
8 related to hospitals and urgent care facilities that
9 have in effect a contractual relationship with such
10 plan or coverage for furnishing items and services
11 under such plan or coverage”.

12 (c) IRC.—Section 9816 of the Internal Revenue Code
13 of 1986, as added by section 102(c) and amended by sec-
14 tion 103, is further amended by adding at the end the
15 following new subsection:

16 “(e) TRANSPARENCY REGARDING IN-NETWORK AND
17 OUT-OF-NETWORK DEDUCTIBLES AND OUT-OF-POCKET
18 LIMITATIONS.—A group health plan providing or covering
19 any benefit with respect to items or services shall include,
20 in clear writing, on any physical or electronic plan or in-
21 surance identification card issued to the participants or
22 beneficiaries in the plan the following:

23 “(1) Any deductible applicable to such plan.

24 “(2) Any out-of-pocket maximum limitation ap-
25 plicable to such plan.

1 “(3) A telephone number and Internet website
2 address through which such individual may seek con-
3 sumer assistance information, such as information
4 related to hospitals and urgent care facilities that
5 have in effect a contractual relationship with such
6 plan for furnishing items and services under such
7 plan.”.

8 (d) **EFFECTIVE DATE.**—The amendments made by
9 this subsection shall apply with respect to plan years be-
10 ginning on or after January 1, 2022.

11 **SEC. 108. IMPLEMENTING PROTECTIONS AGAINST PRO-**
12 **VIDER DISCRIMINATION.**

13 Not later than January 1, 2022, the Secretary of
14 Health and Human Services, the Secretary of Labor, and
15 the Secretary of the Treasury shall issue a proposed rule
16 implementing the protections of section 2706(a) of the
17 Public Health Service Act (42 U.S.C. 300gg-5(a)). The
18 Secretaries shall accept and consider public comments on
19 any proposed rule issued pursuant to this subsection for
20 a period of 60 days after the date of such issuance. Not
21 later than 6 months after the date of the conclusion of
22 the comment period, the Secretaries shall issue a final rule
23 implementing the protections of section 2706(a) of the
24 Public Health Service Act (42 U.S.C. 300gg-5(a)).

1 **SEC. 109. REPORTS.**

2 (a) REPORTS IN CONSULTATION WITH FTC AND
3 AG.—Not later than January 1, 2023, and annually
4 thereafter for each of the following 4 years, the Secretary
5 of Health and Human Services, in consultation with the
6 Federal Trade Commission and the Attorney General,
7 shall—

8 (1) conduct a study on the effects of the provi-
9 sions of, including amendments made by, this Act
10 on—

11 (A) any patterns of vertical or horizontal
12 integration of health care facilities, providers,
13 group health plans, or health insurance issuers
14 offering group or individual health insurance
15 coverage;

16 (B) overall health care costs; and

17 (C) access to health care items and serv-
18 ices, including specialty services, in rural areas
19 and health professional shortage areas, as de-
20 fined in section 332 of the Public Health Serv-
21 ice Act (42 U.S.C. 254e);

22 (2) for purposes of the reports under paragraph
23 (3), in consultation with the Secretary of Labor and
24 the Secretary of the Treasury, make recommenda-
25 tions for the effective enforcement of subsections
26 (a)(1)(C)(iv) and (b)(1)(C) of section 2799A–1 of

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1 the Public Health Service Act, subsections
2 (a)(1)(C)(iv) and (b)(1)(C) of section 716 of the
3 Employee Retirement Income Security Act of 1974,
4 and subsections (a)(1)(C)(iv) and (b)(1)(C) of sec-
5 tion 9816 of the Internal Revenue Code of 1986, in-
6 cluding with respect to potential challenges to ad-
7 dressing anti-competitive consolidation of health care
8 facilities, providers, group health plans, or health in-
9 surance issuers offering group or individual health
10 insurance coverage; and

11 (3) submit a report on such study and including
12 such recommendations to the Committees on Energy
13 and Commerce; on Education and Labor; on Ways
14 and Means; and on the Judiciary of the House of
15 Representatives and the Committees on Health,
16 Education, Labor, and Pensions; on Commerce,
17 Science, and Transportation; on Finance; and on the
18 Judiciary of the Senate.

19 (b) GAO REPORT ON IMPACT OF SURPRISE BILLING
20 PROVISIONS.—Not later than January 1, 2025, the Comp-
21 troller General of the United States shall submit to Con-
22 gress a report summarizing the effects of the provisions
23 of this Act, including the amendments made by such provi-
24 sions, on changes during the period since the date on the
25 enactment of this Act in health care provider networks of

1 group health plans and group and individual health insur-
2 ance coverage offered by a health insurance issuer, in fee
3 schedules and amounts for health care services, and to
4 contracted rates under such plans or coverage. Such re-
5 port shall—

6 (1) to the extent practicable, sample a statis-
7 tically significant group of national health care pro-
8 viders;

9 (2) examine—

10 (A) provider network participation, includ-
11 ing nonparticipating providers furnishing items
12 and services at participating facilities;

13 (B) health care provider group network
14 participation, including specialty, size, and own-
15 ership;

16 (C) the impact of State surprise billing
17 laws and network adequacy standards on par-
18 ticipation of health care providers and facilities
19 in provider networks of group health plans and
20 of group and individual health insurance cov-
21 erage offered by health insurance issuers; and

22 (D) access to providers, including in rural
23 and medically underserved communities and
24 health professional shortage areas (as defined
25 in section 332 of the Public Health Service

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1 Act), and the extent of provider shortages in
2 such communities and areas;

3 (3) to the extent practicable, sample a statis-
4 tically significant group of national health insurance
5 plans and issuers and examine—

6 (A) the effects of the provisions of, includ-
7 ing amendments made by, this Act on pre-
8 miums and out-of-pocket costs with respect to
9 group health plans or group or individual health
10 insurance coverage;

11 (B) the adequacy of provider networks
12 with respect to such plans or coverage; and

13 (C) categories of providers of ancillary
14 services, as defined in section 2799B–2(b)(2) of
15 the Public Health Service Act, for which such
16 plans have no or a limited number of in-net-
17 work providers; and

18 (4) such other relevant effects of such provi-
19 sions and amendments.

20 (c) GAO REPORT ON ADEQUACY OF PROVIDER NET-
21 WORKS.—Not later than January 1, 2023, the Comp-
22 troller General of the United States shall submit to Con-
23 gress, and make publicly available, a report on the ade-
24 quacy of provider networks in group health plans and
25 group and individual health insurance coverage, including

1 legislative recommendations to improve the adequacy of
2 such networks.

3 (d) GAO REPORT ON IDR PROCESS AND POTENTIAL
4 FINANCIAL RELATIONSHIPS.—Not later than December
5 31, 2023, the Comptroller General of the United States
6 shall conduct a study and submit to Congress a report
7 on the IDR process established under this section. Such
8 study and report shall include an analysis of potential fi-
9 nancial relationships between providers and facilities that
10 utilize the IDR process established by the amendments
11 made by this Act and private equity investment firms.

12 **SEC. 110. CONSUMER PROTECTIONS THROUGH APPLICA-**
13 **TION OF HEALTH PLAN EXTERNAL REVIEW**
14 **IN CASES OF CERTAIN SURPRISE MEDICAL**
15 **BILLS.**

16 (a) IN GENERAL.—In applying the provisions of sec-
17 tion 2719(b) of the Public Health Service Act (42 U.S.C.
18 300gg–19(b)) to group health plans and health insurance
19 issuers offering group or individual health insurance cov-
20 erage, the Secretary of Health and Human Services, Sec-
21 retary of Labor, and Secretary of the Treasury, shall re-
22 quire, beginning not later than January 1, 2022, the ex-
23 ternal review process described in paragraph (1) of such
24 section to apply with respect to any adverse determination
25 by such a plan or issuer under section 2799A-1 or 2799A-

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1 2, section 716 or 717 of the Employee Retirement Income
2 Security Act of 1974, or section 9816 or 9817 of the In-
3 ternal Revenue Code of 1986, including with respect to
4 whether an item or service that is the subject to such a
5 determination is an item or service to which such respec-
6 tive section applies.

7 (b) DEFINITIONS.—The terms “group health plan”;
8 “health insurance issuer”; “group health insurance cov-
9 erage”, and “individual health insurance coverage” have
10 the meanings given such terms in section 2791 of the Pub-
11 lic Health Service Act (42 U.S.C. 300gg–91), section 733
12 of the Employee Retirement Income Security Act (29
13 U.S.C. 1191b), and section 9832 of the Internal Revenue
14 Code, as applicable.

15 **SEC. 111. CONSUMER PROTECTIONS THROUGH HEALTH**
16 **PLAN REQUIREMENT FOR FAIR AND HONEST**
17 **ADVANCE COST ESTIMATE.**

18 (a) PHSA AMENDMENT.—Section 2799A–1 of the
19 Public Health Service Act (42 U.S.C. 300gg–19a), as
20 added by section 102 and as further amended by the pre-
21 vious provisions of this title, is further amended by adding
22 at the end the following new subsection:

23 “(f) ADVANCED EXPLANATION OF BENEFITS.—

24 “(1) IN GENERAL.—For plan years beginning
25 on or after January 1, 2022, each group health

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1 plan, or a health insurance issuer offering group or
2 individual health insurance coverage shall, with re-
3 spect to a notification submitted under section
4 2799B–6 by a health care provider or health care fa-
5 cility to the plan or issuer for a participant, bene-
6 ficiary, or enrollee under plan or coverage scheduled
7 to receive an item or service from the provider or fa-
8 cility (or authorized representative of such partici-
9 pant, beneficiary, or enrollee), not later than 1 busi-
10 ness day (or, in the case such item or service was
11 so scheduled at least 10 business days before such
12 item or service is to be furnished (or in the case of
13 a request made to such plan or coverage by such
14 participant, beneficiary, or enrollee), 3 business
15 days) after the date on which the plan or coverage
16 receives such notification (or such request), provide
17 to the participant, beneficiary, or enrollee (through
18 mail or electronic means, as requested by the partici-
19 pant, beneficiary, or enrollee) a notification (in clear
20 and understandable language) including the fol-
21 lowing:

22 “(A) Whether or not the provider or facil-
23 ity is a participating provider or a participating
24 facility with respect to the plan or coverage

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1 with respect to the furnishing of such item or
2 service and—

3 “(i) in the case the provider or facility
4 is a participating provider or facility with
5 respect to the plan or coverage with re-
6 spect to the furnishing of such item or
7 service, the contracted rate under such
8 plan or coverage for such item or service
9 (based on the billing and diagnostic codes
10 provided by such provider or facility); and

11 “(ii) in the case the provider or facil-
12 ity is a nonparticipating provider or facility
13 with respect to such plan or coverage, a
14 description of how such individual may ob-
15 tain information on providers and facilities
16 that, with respect to such plan or coverage,
17 are participating providers and facilities, if
18 any.

19 “(B) The good faith estimate included in
20 the notification received from the provider or
21 facility (if applicable) based on such codes.

22 “(C) A good faith estimate of the amount
23 the plan or coverage is responsible for paying
24 for items and services included in the estimate
25 described in subparagraph (B).

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1 “(D) A good faith estimate of the amount
2 of any cost-sharing for which the participant,
3 beneficiary, or enrollee would be responsible for
4 such item or service (as of the date of such no-
5 tification).

6 “(E) A good faith estimate of the amount
7 that the participant, beneficiary, or enrollee has
8 incurred toward meeting the limit of the finan-
9 cial responsibility (including with respect to
10 deductibles and out-of-pocket maximums) under
11 the plan or coverage (as of the date of such no-
12 tification).

13 “(F) In the case such item or service is
14 subject to a medical management technique (in-
15 cluding concurrent review, prior authorization,
16 and step-therapy or fail-first protocols) for cov-
17 erage under the plan or coverage, a disclaimer
18 that coverage for such item or service is subject
19 to such medical management technique.

20 “(G) A disclaimer that the information
21 provided in the notification is only an estimate
22 based on the items and services reasonably ex-
23 pected, at the time of scheduling (or requesting)
24 the item or service, to be furnished and is sub-
25 ject to change.

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1 “(H) Any other information or disclaimer
2 the plan or coverage determines appropriate
3 that is consistent with information and dis-
4 claimers required under this section.

5 “(2) AUTHORITY TO MODIFY TIMING REQUIRE-
6 MENTS IN THE CASE OF SPECIFIED ITEMS AND
7 SERVICES.—

8 “(A) IN GENERAL.—In the case of a par-
9 ticipant, beneficiary, or enrollee scheduled to re-
10 ceive an item or service that is a specified item
11 or service (as defined in subparagraph (B)), the
12 Secretary may modify any timing requirements
13 relating to the provision of the notification de-
14 scribed in paragraph (1) to such participant,
15 beneficiary, or enrollee with respect to such
16 item or service. Any modification made by the
17 Secretary pursuant to the previous sentence
18 may not result in the provision of such notifica-
19 tion after such participant, beneficiary, or en-
20 rollee has been furnished such item or service.

21 “(B) SPECIFIED ITEM OR SERVICE DE-
22 FINED.—For purposes of subparagraph (A), the
23 term ‘specified item or service’ means an item
24 or service that has low utilization or significant
25 variation in costs (such as when furnished as

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1 part of a complex treatment), as specified by
2 the Secretary.”.

3 (b) IRC AMENDMENTS.—Section 9816 of the Inter-
4 nal Revenue Code of 1986, as added by section 102 and
5 further amended by the previous provisions of this title,
6 is further amended by inserting after subsection (e) the
7 following new subsection:

8 “(f) ADVANCED EXPLANATION OF BENEFITS.—

9 “(1) IN GENERAL.—For plan years beginning
10 on or after January 1, 2022, each group health plan
11 shall, with respect to a notification submitted under
12 section 2799B–6 of the Public Health Service Act by
13 a health care provider or health care facility to the
14 plan for a participant or beneficiary under plan
15 scheduled to receive an item or service from the pro-
16 vider or facility (or authorized representative of such
17 participant or beneficiary), not later than 1 business
18 day (or, in the case such item or service was so
19 scheduled at least 10 business days before such item
20 or service is to be furnished (or in the case of a re-
21 quest made to such plan or coverage by such partici-
22 pant or beneficiary), 3 business days) after the date
23 on which the plan receives such notification (or such
24 request), provide to the participant or beneficiary
25 (through mail or electronic means, as requested by

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1 the participant or beneficiary) a notification (in clear
2 and understandable language) including the fol-
3 lowing:

4 “(A) Whether or not the provider or facil-
5 ity is a participating provider or a participating
6 facility with respect to the plan with respect to
7 the furnishing of such item or service and—

8 “(i) in the case the provider or facility
9 is a participating provider or facility with
10 respect to the plan or coverage with re-
11 spect to the furnishing of such item or
12 service, the contracted rate under such
13 plan for such item or service (based on the
14 billing and diagnostic codes provided by
15 such provider or facility); and

16 “(ii) in the case the provider or facil-
17 ity is a nonparticipating provider or facility
18 with respect to such plan, a description of
19 how such individual may obtain informa-
20 tion on providers and facilities that, with
21 respect to such plan, are participating pro-
22 viders and facilities, if any.

23 “(B) The good faith estimate included in
24 the notification received from the provider or
25 facility (if applicable) based on such codes.

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1 “(C) A good faith estimate of the amount
2 the plan is responsible for paying for items and
3 services included in the estimate described in
4 subparagraph (B).

5 “(D) A good faith estimate of the amount
6 of any cost-sharing for which the participant or
7 beneficiary would be responsible for such item
8 or service (as of the date of such notification).

9 “(E) A good faith estimate of the amount
10 that the participant or beneficiary has incurred
11 toward meeting the limit of the financial re-
12 sponsibility (including with respect to
13 deductibles and out-of-pocket maximums) under
14 the plan (as of the date of such notification).

15 “(F) In the case such item or service is
16 subject to a medical management technique (in-
17 cluding concurrent review, prior authorization,
18 and step-therapy or fail-first protocols) for cov-
19 erage under the plan, a disclaimer that coverage
20 for such item or service is subject to such med-
21 ical management technique.

22 “(G) A disclaimer that the information
23 provided in the notification is only an estimate
24 based on the items and services reasonably ex-
25 pected, at the time of scheduling (or requesting)

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1 the item or service, to be furnished and is sub-
2 ject to change.

3 “(H) Any other information or disclaimer
4 the plan determines appropriate that is con-
5 sistent with information and disclaimers re-
6 quired under this section.

7 “(2) AUTHORITY TO MODIFY TIMING REQUIRE-
8 MENTS IN THE CASE OF SPECIFIED ITEMS AND
9 SERVICES.—

10 “(A) IN GENERAL.—In the case of a par-
11 ticipant or beneficiary scheduled to receive an
12 item or service that is a specified item or serv-
13 ice (as defined in subparagraph (B)), the Sec-
14 retary may modify any timing requirements re-
15 lating to the provision of the notification de-
16 scribed in paragraph (1) to such participant or
17 beneficiary with respect to such item or service.
18 Any modification made by the Secretary pursu-
19 ant to the previous sentence may not result in
20 the provision of such notification after such
21 participant or beneficiary has been furnished
22 such item or service.

23 “(B) SPECIFIED ITEM OR SERVICE DE-
24 FINED.—For purposes of subparagraph (A), the
25 term ‘specified item or service’ means an item

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1 or service that has low utilization or significant
2 variation in costs (such as when furnished as
3 part of a complex treatment), as specified by
4 the Secretary.”.

5 (c) ERISA AMENDMENTS.—Section 716 of the Em-
6 ployee Retirement Income Security Act of 1974, as added
7 by section 102 and further amended by the previous
8 amendments of this title, is further amended by adding
9 at the end the following new subsection:

10 “(f) ADVANCED EXPLANATION OF BENEFITS.—

11 “(1) IN GENERAL.—For plan years beginning
12 on or after January 1, 2022, each group health
13 plan, or a health insurance issuer offering group
14 health insurance coverage shall, with respect to a no-
15 tification submitted under section 2799B–6 of the
16 Public Health Service Act by a health care provider
17 or health care facility to the plan or issuer for a par-
18 ticipant or beneficiary under plan or coverage sched-
19 uled to receive an item or service from the provider
20 or facility (or authorized representative of such par-
21 ticipant or beneficiary), not later than 1 business
22 day (or, in the case such item or service was so
23 scheduled at least 10 business days before such item
24 or service is to be furnished (or in the case of a re-
25 quest made to such plan or coverage by such partici-

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1 pant or beneficiary), 3 business days) after the date
2 on which the plan or coverage receives such notifica-
3 tion (or such request), provide to the participant or
4 beneficiary (through mail or electronic means, as re-
5 quested by the participant or beneficiary) a notifica-
6 tion (in clear and understandable language) includ-
7 ing the following:

8 “(A) Whether or not the provider or facil-
9 ity is a participating provider or a participating
10 facility with respect to the plan or coverage
11 with respect to the furnishing of such item or
12 service and—

13 “(i) in the case the provider or facility
14 is a participating provider or facility with
15 respect to the plan or coverage with re-
16 spect to the furnishing of such item or
17 service, the contracted rate under such
18 plan for such item or service (based on the
19 billing and diagnostic codes provided by
20 such provider or facility); and

21 “(ii) in the case the provider or facil-
22 ity is a nonparticipating provider or facility
23 with respect to such plan or coverage, a
24 description of how such individual may ob-
25 tain information on providers and facilities

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1 that, with respect to such plan or coverage,
2 are participating providers and facilities, if
3 any.

4 “(B) The good faith estimate included in
5 the notification received from the provider or
6 facility (if applicable) based on such codes.

7 “(C) A good faith estimate of the amount
8 the health plan is responsible for paying for
9 items and services included in the estimate de-
10 scribed in subparagraph (B).

11 “(D) A good faith estimate of the amount
12 of any cost-sharing for which the participant or
13 beneficiary would be responsible for such item
14 or service (as of the date of such notification).

15 “(E) A good faith estimate of the amount
16 that the participant or beneficiary has incurred
17 toward meeting the limit of the financial re-
18 sponsibility (including with respect to
19 deductibles and out-of-pocket maximums) under
20 the plan or coverage (as of the date of such no-
21 tification).

22 “(F) In the case such item or service is
23 subject to a medical management technique (in-
24 cluding concurrent review, prior authorization,
25 and step-therapy or fail-first protocols) for cov-

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1 erage under the plan or coverage, a disclaimer
2 that coverage for such item or service is subject
3 to such medical management technique.

4 “(G) A disclaimer that the information
5 provided in the notification is only an estimate
6 based on the items and services reasonably ex-
7 pected, at the time of scheduling (or requesting)
8 the item or service, to be furnished and is sub-
9 ject to change.

10 “(H) Any other information or disclaimer
11 the plan or coverage determines appropriate
12 that is consistent with information and dis-
13 claimers required under this section.

14 “(2) AUTHORITY TO MODIFY TIMING REQUIRE-
15 MENTS IN THE CASE OF SPECIFIED ITEMS AND
16 SERVICES.—

17 “(A) IN GENERAL.—In the case of a par-
18 ticipant or beneficiary scheduled to receive an
19 item or service that is a specified item or serv-
20 ice (as defined in subparagraph (B)), the Sec-
21 retary may modify any timing requirements re-
22 lating to the provision of the notification de-
23 scribed in paragraph (1) to such participant or
24 beneficiary with respect to such item or service.
25 Any modification made by the Secretary pursu-

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1 ant to the previous sentence may not result in
2 the provision of such notification after such
3 participant or beneficiary has been furnished
4 such item or service.

5 “(B) SPECIFIED ITEM OR SERVICE DE-
6 FINED.—For purposes of subparagraph (A), the
7 term ‘specified item or service’ means an item
8 or service that has low utilization or significant
9 variation in costs (such as when furnished as
10 part of a complex treatment), as specified by
11 the Secretary.”.

12 **SEC. 112. PATIENT PROTECTIONS THROUGH TRANS-**
13 **PARENCY AND PATIENT-PROVIDER DISPUTE**
14 **RESOLUTION.**

15 Part E of title XXVII of the Public Health Service
16 Act (42 U.S.C. 300gg et seq.), as added by section 104
17 and further amended by the previous provisions of this
18 title, is further amended by adding at the end the fol-
19 lowing new sections:

20 **“SEC. 2799B-6. PROVISION OF INFORMATION UPON RE-**
21 **QUEST AND FOR SCHEDULED APPOINT-**
22 **MENTS.**

23 “Each health care provider and health care facility
24 shall, beginning January 1, 2022, in the case of an indi-
25 vidual who schedules an item or service to be furnished

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1 to such individual by such provider or facility at least 3
2 business days before the date such item or service is to
3 be so furnished, not later than 1 business day after the
4 date of such scheduling (or, in the case of such an item
5 or service scheduled at least 10 business days before the
6 date such item or service is to be so furnished (or if re-
7 quested by the individual), not later than 3 business days
8 after the date of such scheduling or such request)—

9 “(1) inquire if such individual is enrolled in a
10 group health plan, group or individual health insur-
11 ance coverage offered by a health insurance issuer,
12 or a Federal health care program (and if is so en-
13 rolled in such plan or coverage, seeking to have a
14 claim for such item or service submitted to such
15 plan or coverage); and

16 “(2) provide a notification (in clear and under-
17 standable language) of the good faith estimate of the
18 expected charges for furnishing such item or service
19 (including any item or service that is reasonably ex-
20 pected to be provided in conjunction with such
21 scheduled item or service and such an item or serv-
22 ice reasonably expected to be so provided by another
23 health care provider or health care facility), with the
24 expected billing and diagnostic codes for any such
25 item or service, to—

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1 “(A) in the case the individual is enrolled
2 in such a plan or such coverage (and is seeking
3 to have a claim for such item or service sub-
4 mitted to such plan or coverage), such plan or
5 issuer of such coverage; and

6 “(B) in the case the individual is not de-
7 scribed in subparagraph (A) and not enrolled in
8 a Federal health care program, the individual.

9 **“SEC. 2799B-7. PATIENT-PROVIDER DISPUTE RESOLUTION.**

10 “(a) IN GENERAL.—Not later than January 1, 2022,
11 the Secretary shall establish a process (in this subsection
12 referred to as the ‘patient-provider dispute resolution
13 process’) under which an uninsured individual, with re-
14 spect to an item or service, who received, pursuant to sec-
15 tion 2799B-6, from a health care provider or health care
16 facility a good-faith estimate of the expected charges for
17 furnishing such item or service to such individual and who
18 after being furnished such item or service by such provider
19 or facility is billed by such provider or facility for such
20 item or service for charges that are substantially in excess
21 of such estimate, may seek a determination from a se-
22 lected dispute resolution entity for the charges to be paid
23 by such individual (in lieu of such amount so billed) to
24 such provider or facility for such item or service. For pur-
25 poses of this subsection, the term ‘uninsured individual’

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1 means, with respect to an item or service, an individual
2 who does not have benefits for such item or service under
3 a group health plan, group or individual health insurance
4 coverage offered by a health insurance issuer, Federal
5 health care program (as defined in section 1128B(f) of
6 the Social Security Act), or a health benefits plan under
7 chapter 89 of title 5, United States Code (or an individual
8 who has benefits for such item or service under a group
9 health plan or individual or group health insurance cov-
10 erage offered by a health insurance issuer, but who does
11 not seek to have a claim for such item or service submitted
12 to such plan or coverage).

13 “(b) SELECTION OF ENTITIES.—Under the patient-
14 provider dispute resolution process, the Secretary shall,
15 with respect to a determination sought by an individual
16 under subsection (a), with respect to charges to be paid
17 by such individual to a health care provider or health care
18 facility described in such paragraph for an item or service
19 furnished to such individual by such provider or facility,
20 provide for—

21 “(1) a method to select to make such deter-
22 mination an entity certified under subsection (d)
23 that—

24 “(A) is not a party to such determination
25 or an employee or agent of such party;

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1 “(B) does not have a material familial, fi-
2 nancial, or professional relationship with such a
3 party; and

4 “(C) does not otherwise have a conflict of
5 interest with such a party (as determined by
6 the Secretary); and

7 “(2) the provision of a notification of such se-
8 lection to the individual and the provider or facility
9 (as applicable) party to such determination.

10 An entity selected pursuant to the previous sentence to
11 make a determination described in such sentence shall be
12 referred to in this subsection as the ‘selected dispute reso-
13 lution entity’ with respect to such determination.

14 “(c) ADMINISTRATIVE FEE.—The Secretary shall es-
15 tablish a fee to participate in the patient-provider dispute
16 resolution process in such a manner as to not create a
17 barrier to an uninsured individual’s access to such process.

18 “(d) CERTIFICATION.—The Secretary shall establish
19 or recognize a process to certify entities under this sub-
20 paragraph. Such process shall ensure that an entity so cer-
21 tified satisfies at least the criteria specified in section
22 2799A–1(c).”.

23 **SEC. 113. ENSURING CONTINUITY OF CARE.**

24 (a) PUBLIC HEALTH SERVICE ACT.—Title XXVII of
25 the Public Health Service Act (42 U.S.C. 300gg et seq.)

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1 is amended, in the part D, as added and amended by sec-
2 tion 102(a) and further amended by the previous provi-
3 sions of this title, by inserting after section 2799A-2 the
4 following new section:

5 **“SEC. 2799A-3. CONTINUITY OF CARE.**

6 “(a) ENSURING CONTINUITY OF CARE WITH RE-
7 SPECT TO TERMINATIONS OF CERTAIN CONTRACTUAL
8 RELATIONSHIPS RESULTING IN CHANGES IN PROVIDER
9 NETWORK STATUS.—

10 “(1) IN GENERAL.—In the case of an individual
11 with benefits under a group health plan or group or
12 individual health insurance coverage offered by a
13 health insurance issuer and with respect to a health
14 care provider or facility that has a contractual rela-
15 tionship with such plan or such issuer (as applica-
16 ble) for furnishing items and services under such
17 plan or such coverage, if, while such individual is a
18 continuing care patient (as defined in subsection (b))
19 with respect to such provider or facility—

20 “(A) such contractual relationship is termi-
21 nated (as defined in subsection (b));

22 “(B) benefits provided under such plan or
23 such health insurance coverage with respect to
24 such provider or facility are terminated because
25 of a change in the terms of the participation of

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1 such provider or facility in such plan or cov-
2 erage; or

3 “(C) a contract between such group health
4 plan and a health insurance issuer offering
5 health insurance coverage in connection with
6 such plan is terminated, resulting in a loss of
7 benefits provided under such plan with respect
8 to such provider or facility;

9 the plan or issuer, respectively, shall meet the re-
10 quirements of paragraph (2) with respect to such in-
11 dividual.

12 “(2) REQUIREMENTS.—The requirements of
13 this paragraph are that the plan or issuer—

14 “(A) notify each individual enrolled under
15 such plan or coverage who is a continuing care
16 patient with respect to a provider or facility at
17 the time of a termination described in para-
18 graph (1) affecting such provider or facility on
19 a timely basis of such termination and such in-
20 dividual’s right to elect continued transitional
21 care from such provider or facility under this
22 section;

23 “(B) provide such individual with an op-
24 portunity to notify the plan or issuer of the in-
25 dividual’s need for transitional care; and

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1 “(C) permit the patient to elect to continue
2 to have benefits provided under such plan or
3 such coverage, under the same terms and condi-
4 tions as would have applied and with respect to
5 such items and services as would have been cov-
6 ered under such plan or coverage had such ter-
7 mination not occurred, with respect to the
8 course of treatment furnished by such provider
9 or facility relating to such individual’s status as
10 a continuing care patient during the period be-
11 ginning on the date on which the notice under
12 subparagraph (A) is provided and ending on the
13 earlier of—

14 “(i) the 90-day period beginning on
15 such date; or

16 “(ii) the date on which such individual
17 is no longer a continuing care patient with
18 respect to such provider or facility.

19 “(b) DEFINITIONS.—In this section:

20 “(1) CONTINUING CARE PATIENT.—The term
21 ‘continuing care patient’ means an individual who,
22 with respect to a provider or facility—

23 “(A) is undergoing a course of treatment
24 for a serious and complex condition from the
25 provider or facility;

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1 “(B) is undergoing a course of institu-
2 tional or inpatient care from the provider or fa-
3 cility;

4 “(C) is scheduled to undergo nonelective
5 surgery from the provider, including receipt of
6 postoperative care from such provider or facility
7 with respect to such a surgery;

8 “(D) is pregnant and undergoing a course
9 of treatment for the pregnancy from the pro-
10 vider or facility; or

11 “(E) is or was determined to be terminally
12 ill (as determined under section 1861(dd)(3)(A)
13 of the Social Security Act) and is receiving
14 treatment for such illness from such provider or
15 facility.

16 “(2) SERIOUS AND COMPLEX CONDITION.—The
17 term ‘serious and complex condition’ means, with re-
18 spect to a participant, beneficiary, or enrollee under
19 a group health plan or group or individual health in-
20 surance coverage—

21 “(A) in the case of an acute illness, a con-
22 dition that is serious enough to require special-
23 ized medical treatment to avoid the reasonable
24 possibility of death or permanent harm; or

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1 “(B) in the case of a chronic illness or con-
2 dition, a condition that is—

3 “(i) is life-threatening, degenerative,
4 potentially disabling, or congenital; and

5 “(ii) requires specialized medical care
6 over a prolonged period of time.

7 “(3) TERMINATED.—The term ‘terminated’ in-
8 cludes, with respect to a contract, the expiration or
9 nonrenewal of the contract, but does not include a
10 termination of the contract for failure to meet appli-
11 cable quality standards or for fraud.”.

12 (b) INTERNAL REVENUE CODE.—

13 (1) IN GENERAL.—Subchapter B of chapter
14 100 of the Internal Revenue Code of 1986, as
15 amended by sections 102(c) and 105(a)(3), is fur-
16 ther amended by inserting after section 9817 the fol-
17 lowing new section:

18 **“SEC. 9818. CONTINUITY OF CARE.**

19 “(a) ENSURING CONTINUITY OF CARE WITH RE-
20 SPECT TO TERMINATIONS OF CERTAIN CONTRACTUAL
21 RELATIONSHIPS RESULTING IN CHANGES IN PROVIDER
22 NETWORK STATUS.—

23 “(1) IN GENERAL.—In the case of an individual
24 with benefits under a group health plan and with re-
25 spect to a health care provider or facility that has

1 a contractual relationship with such plan for fur-
2 nishing items and services under such plan, if, while
3 such individual is a continuing care patient (as de-
4 fined in subsection (b)) with respect to such provider
5 or facility—

6 “(A) such contractual relationship is termi-
7 nated (as defined in paragraph (b));

8 “(B) benefits provided under such plan
9 with respect to such provider or facility are ter-
10 minated because of a change in the terms of the
11 participation of such provider or facility in such
12 plan; or

13 “(C) a contract between such group health
14 plan and a health insurance issuer offering
15 health insurance coverage in connection with
16 such plan is terminated, resulting in a loss of
17 benefits provided under such plan with respect
18 to such provider or facility;

19 the plan shall meet the requirements of paragraph
20 (2) with respect to such individual.

21 “(2) REQUIREMENTS.—The requirements of
22 this paragraph are that the plan—

23 “(A) notify each individual enrolled under
24 such plan who is a continuing care patient with
25 respect to a provider or facility at the time of

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1 a termination described in paragraph (1) affect-
2 ing such provider on a timely basis of such ter-
3 mination and such individual's right to elect
4 continued transitional care from such provider
5 or facility under this section;

6 “(B) provide such individual with an op-
7 portunity to notify the plan of the individual's
8 need for transitional care; and

9 “(C) permit the patient to elect to continue
10 to have benefits provided under such plan,
11 under the same terms and conditions as would
12 have applied and with respect to such items and
13 services as would have been covered under such
14 plan had such termination not occurred, with
15 respect to the course of treatment furnished by
16 such provider or facility relating to such indi-
17 vidual's status as a continuing care patient dur-
18 ing the period beginning on the date on which
19 the notice under subparagraph (A) is provided
20 and ending on the earlier of—

21 “(i) the 90-day period beginning on
22 such date; or

23 “(ii) the date on which such individual
24 is no longer a continuing care patient with
25 respect to such provider or facility.

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1 “(b) DEFINITIONS.—In this section:

2 “(1) CONTINUING CARE PATIENT.—The term
3 ‘continuing care patient’ means an individual who,
4 with respect to a provider or facility—

5 “(A) is undergoing a course of treatment
6 for a serious and complex condition from the
7 provider or facility;

8 “(B) is undergoing a course of institu-
9 tional or inpatient care from the provider or fa-
10 cility;

11 “(C) is scheduled to undergo nonelective
12 surgery from the provider or facility, including
13 receipt of postoperative care from such provider
14 or facility with respect to such a surgery;

15 “(D) is pregnant and undergoing a course
16 of treatment for the pregnancy from the pro-
17 vider or facility; or

18 “(E) is or was determined to be terminally
19 ill (as determined under section 1861(dd)(3)(A)
20 of the Social Security Act) and is receiving
21 treatment for such illness from such provider or
22 facility.

23 “(2) SERIOUS AND COMPLEX CONDITION.—The
24 term ‘serious and complex condition’ means, with re-

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1 spect to a participant or beneficiary under a group
2 health plan—

3 “(A) in the case of an acute illness, a con-
4 dition that is serious enough to require special-
5 ized medical treatment to avoid the reasonable
6 possibility of death or permanent harm; or

7 “(B) in the case of a chronic illness or con-
8 dition, a condition that—

9 “(i) is life-threatening, degenerative,
10 potentially disabling, or congenital; and

11 “(ii) requires specialized medical care
12 over a prolonged period of time.

13 “(3) TERMINATED.—The term ‘terminated’ in-
14 cludes, with respect to a contract, the expiration or
15 nonrenewal of the contract, but does not include a
16 termination of the contract for failure to meet appli-
17 cable quality standards or for fraud.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions for such subchapter, as amended by the pre-
20 vious sections, is further amended by inserting after
21 the item relating to section 9817 the following new
22 item:

“Sec. 9818. Continuity of care.”.

23 (c) EMPLOYEE RETIREMENT INCOME SECURITY
24 ACT.—

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1 (1) IN GENERAL.—Subpart B of part 7 of sub-
2 title B of title I of the Employee Retirement Income
3 Security Act of 1974 (29 U.S.C. 1185 et seq.), as
4 amended by section 102(e) and further amended by
5 the previous provisions of this title, is further
6 amended by inserting after section 717 the following
7 new section:

8 **“SEC. 718. CONTINUITY OF CARE.**

9 “(a) ENSURING CONTINUITY OF CARE WITH RE-
10 SPECT TO TERMINATIONS OF CERTAIN CONTRACTUAL
11 RELATIONSHIPS RESULTING IN CHANGES IN PROVIDER
12 NETWORK STATUS.—

13 “(1) IN GENERAL.—In the case of an individual
14 with benefits under a group health plan or group
15 health insurance coverage offered by a health insur-
16 ance issuer and with respect to a health care pro-
17 vider or facility that has a contractual relationship
18 with such plan or such issuer (as applicable) for fur-
19 nishing items and services under such plan or such
20 coverage, if, while such individual is a continuing
21 care patient (as defined in subsection (b)) with re-
22 spect to such provider or facility—

23 “(A) such contractual relationship is termi-
24 nated (as defined in paragraph (b));

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1 “(B) benefits provided under such plan or
2 such health insurance coverage with respect to
3 such provider or facility are terminated because
4 of a change in the terms of the participation of
5 the provider or facility in such plan or coverage;
6 or

7 “(C) a contract between such group health
8 plan and a health insurance issuer offering
9 health insurance coverage in connection with
10 such plan is terminated, resulting in a loss of
11 benefits provided under such plan with respect
12 to such provider or facility;

13 the plan or issuer, respectively, shall meet the re-
14 quirements of paragraph (2) with respect to such in-
15 dividual.

16 “(2) REQUIREMENTS.—The requirements of
17 this paragraph are that the plan or issuer—

18 “(A) notify each individual enrolled under
19 such plan or coverage who is a continuing care
20 patient with respect to a provider or facility at
21 the time of a termination described in para-
22 graph (1) affecting such provider or facility on
23 a timely basis of such termination and such in-
24 dividual’s right to elect continued transitional

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1 care from such provider or facility under this
2 section;

3 “(B) provide such individual with an op-
4 portunity to notify the plan or issuer of the in-
5 dividual’s need for transitional care; and

6 “(C) permit the patient to elect to continue
7 to have benefits provided under such plan or
8 such coverage, under the same terms and condi-
9 tions as would have applied and with respect to
10 such items and services as would have been cov-
11 ered under such plan or coverage had such ter-
12 mination not occurred, with respect to the
13 course of treatment furnished by such provider
14 or facility relating to such individual’s status as
15 a continuing care patient during the period be-
16 ginning on the date on which the notice under
17 subparagraph (A) is provided and ending on the
18 earlier of—

19 “(i) the 90-day period beginning on
20 such date; or

21 “(ii) the date on which such individual
22 is no longer a continuing care patient with
23 respect to such provider or facility.

24 “(b) DEFINITIONS.—In this section:

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1 “(1) CONTINUING CARE PATIENT.—The term
2 ‘continuing care patient’ means an individual who,
3 with respect to a provider or facility—

4 “(A) is undergoing a course of treatment
5 for a serious and complex condition from the
6 provider or facility;

7 “(B) is undergoing a course of institu-
8 tional or inpatient care from the provider or fa-
9 cility;

10 “(C) is scheduled to undergo nonelective
11 surgery from the provide or facility, including
12 receipt of postoperative care from such provider
13 or facility with respect to such a surgery;

14 “(D) is pregnant and undergoing a course
15 of treatment for the pregnancy from the pro-
16 vider or facility; or

17 “(E) is or was determined to be terminally
18 ill (as determined under section 1861(dd)(3)(A)
19 of the Social Security Act) and is receiving
20 treatment for such illness from such provider or
21 facility.

22 “(2) SERIOUS AND COMPLEX CONDITION.—The
23 term ‘serious and complex condition’ means, with re-
24 spect to a participant or beneficiary under a group
25 health plan or group health insurance coverage—

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1 “(A) in the case of an acute illness, a con-
2 dition that is serious enough to require special-
3 ized medical treatment to avoid the reasonable
4 possibility of death or permanent harm; or

5 “(B) in the case of a chronic illness or con-
6 dition, a condition that—

7 “(i) is life-threatening, degenerative,
8 potentially disabling, or congenital; and

9 “(ii) requires specialized medical care
10 over a prolonged period of time.

11 “(3) TERMINATED.—The term ‘terminated’ in-
12 cludes, with respect to a contract, the expiration or
13 nonrenewal of the contract, but does not include a
14 termination of the contract for failure to meet appli-
15 cable quality standards or for fraud.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents in section 1 of the Employee Retirement In-
18 come Security Act of 1974 is amended by inserting
19 after the item relating to section 716 the following
20 new item:

 “Sec. 718. Continuity of care.”.

21 (d) PROVIDER REQUIREMENT.—Part E of title
22 XXVII of the Public Health Service Act (42 U.S.C. 300gg
23 et seq.), as added by section 104 and further amended
24 by the previous provisions of this title, is further amended
25 by adding at the end the following new section:

1952

1 “SEC. 2799B-8. CONTINUITY OF CARE.

2 “A health care provider or health care facility shall,
3 in the case of an individual furnished items and services
4 by such provider or facility for which coverage is provided
5 under a group health plan or group or individual health
6 insurance coverage pursuant to section 2799A-3, section
7 9818 of the Internal Revenue Code of 1986, or section
8 718 of the Employee Retirement Income Security Act of
9 1974—

10 “(1) accept payment from such plan or such
11 issuer (as applicable) (and cost-sharing from such
12 individual, if applicable, in accordance with sub-
13 section (a)(2)(C) of such section 2799A-3, 9818, or
14 718) for such items and services as payment in full
15 for such items and services; and

16 “(2) continue to adhere to all policies, proce-
17 dures, and quality standards imposed by such plan
18 or issuer with respect to such individual and such
19 items and services in the same manner as if such
20 termination had not occurred.”.

21 (e) EFFECTIVE DATE.—The amendments made by
22 subsections (a), (b), and (c) shall apply with respect to
23 plan years beginning on or after January 1, 2022.

24 SEC. 114. MAINTENANCE OF PRICE COMPARISON TOOL.

25 (a) PUBLIC HEALTH SERVICE ACT.—Title XXVII of
26 the Public Health Service Act (42 U.S.C. 300gg et seq.)

1 is amended, in part D, as added and amended by section
2 102 and further amended by the previous provisions of
3 this title, by inserting after section 2799A–3 the following
4 new section:

5 **“SEC. 2799A–4. MAINTENANCE OF PRICE COMPARISON**
6 **TOOL.**

7 “A group health plan or a health insurance issuer of-
8 fering group or individual health insurance coverage shall
9 offer price comparison guidance by telephone and make
10 available on the Internet website of the plan or issuer a
11 price comparison tool that (to the extent practicable) al-
12 lows an individual enrolled under such plan or coverage,
13 with respect to such plan year, such geographic region,
14 and participating providers with respect to such plan or
15 coverage, to compare the amount of cost-sharing that the
16 individual would be responsible for paying under such plan
17 or coverage with respect to the furnishing of a specific
18 item or service by any such provider.”.

19 (b) INTERNAL REVENUE CODE.—

20 (1) IN GENERAL.—Subchapter B of chapter
21 100 of the Internal Revenue Code of 1986, as
22 amended by sections 102, 105, and 113, is further
23 amended by inserting after section 9818 the fol-
24 lowing new section:

1 **“SEC. 9819. MAINTENANCE OF PRICE COMPARISON TOOL.**

2 “A group health plan shall offer price comparison
3 guidance by telephone and make available on the Internet
4 website of the plan or issuer a price comparison tool that
5 (to the extent practicable) allows an individual enrolled
6 under such plan, with respect to such plan year, such geo-
7 graphic region, and participating providers with respect
8 to such plan or coverage, to compare the amount of cost-
9 sharing that the individual would be responsible for paying
10 under such plan with respect to the furnishing of a specific
11 item or service by any such provider.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions for such subchapter, as amended by the pre-
14 vious sections, is further amended by inserting after
15 the item relating to section 9818 the following new
16 item:

“Sec. 9819. Maintenance of price comparison tool.”.

17 (c) EMPLOYEE RETIREMENT INCOME SECURITY
18 ACT.—

19 (1) IN GENERAL.—Subpart B of part 7 of sub-
20 title B of title I of the Employee Retirement Income
21 Security Act of 1974 (29 U.S.C. 1185 et seq.), as
22 amended by sections 102, 105, and 113, is further
23 amended by inserting after section 718 the following
24 new section:

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1 **“SEC. 719. MAINTENANCE OF PRICE COMPARISON TOOL.**

2 “A group health plan or a health insurance issuer of-
3 fering group health insurance coverage shall offer price
4 comparison guidance by telephone and make available on
5 the Internet website of the plan or issuer a price compari-
6 son tool that (to the extent practicable) allows an indi-
7 vidual enrolled under such plan or coverage, with respect
8 to such plan year, such geographic region, and partici-
9 pating providers with respect to such plan or coverage, to
10 compare the amount of cost-sharing that the individual
11 would be responsible for paying under such plan or cov-
12 erage with respect to the furnishing of a specific item or
13 service by any such provider.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents in section 1 of the Employee Retirement In-
16 come Security Act of 1974, as amended by the pre-
17 vious provisions of this title, is further amended by
18 inserting after the item relating to section 716 the
19 following new item:

“Sec. 719. Maintenance of price comparison tool.”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to plan years begin-
22 ning on or after January 1, 2022.

1 **SEC. 115. STATE ALL PAYER CLAIMS DATABASES.**

2 (a) GRANTS TO STATES.—Part B of title III of the
3 Public Health Service Act (42 U.S.C. 243 et seq.) is
4 amended by adding at the end the following:

5 **“SEC. 320B. STATE ALL PAYER CLAIMS DATABASES.**

6 “(a) IN GENERAL.—The Secretary shall make one-
7 time grants to eligible States for the purposes described
8 in subsection (b).

9 “(b) USES.—A State may use a grant received under
10 subsection (a) for one of the following purposes:

11 “(1) To establish a State All Payer Claims
12 Database.

13 “(2) To improve an existing State All Payer
14 Claims Databases.

15 “(c) ELIGIBILITY.—To be eligible to receive a grant
16 under subsection (a), a State shall submit to the Secretary
17 an application at such time, in such manner, and con-
18 taining such information as the Secretary specifies, includ-
19 ing, with respect to a State All Payer Claims Database,
20 at least specifics on how the State will ensure uniform
21 data collection and the privacy and security of such data.

22 “(d) GRANT PERIOD AND AMOUNT.—Grants award-
23 ed under this section shall be for a period of 3-years, and
24 in an amount of \$2,500,000, of which \$1,000,000 shall
25 be made available to the State for each of the first 2 years

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1 of the grant period, and \$500,000 shall be made available
2 to the State for the third year of the grant period.

3 “(e) AUTHORIZED USERS.—

4 “(1) APPLICATION.—An entity desiring author-
5 ization for access to a State All Payer Claims Data-
6 base that has received a grant under this section
7 shall submit to the State All Payer Claims Database
8 an application for such access, which shall include—

9 “(A) in the case of an entity requesting ac-
10 cess for research purposes—

11 “(i) a description of the uses and
12 methodologies for evaluating health system
13 performance using such data; and

14 “(ii) documentation of approval of the
15 research by an institutional review board,
16 if applicable for a particular plan of re-
17 search; or

18 “(B) in the case of an entity such as an
19 employer, health insurance issuer, third-party
20 administrator, or health care provider, request-
21 ing access for the purpose of quality improve-
22 ment or cost-containment, a description of the
23 intended uses for such data.

24 “(2) REQUIREMENTS.—

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1 “(A) ACCESS FOR RESEARCH PURPOSES.—

2 Upon approval of an application for research
3 purposes under paragraph (1)(A), the author-
4 ized user shall enter into a data use and con-
5 fidentiality agreement with the State All Payer
6 Claims Database that has received a grant
7 under this subsection, which shall include a pro-
8 hibition on attempts to reidentify and disclose
9 individually identifiable health information and
10 proprietary financial information.

11 “(B) CUSTOMIZED REPORTS.—Employers
12 and employer organizations may request cus-
13 tomized reports from a State All Payer Claims
14 Database that has received a grant under this
15 section, at cost, subject to the requirements of
16 this section with respect to privacy, security,
17 and proprietary financial information.

18 “(C) NON-CUSTOMIZED REPORTS.—A
19 State All Payer Claims Database that has re-
20 ceived a grant under this section shall make
21 available to all authorized users aggregate data
22 sets available through the State All Payer
23 Claims Database, free of charge.

24 “(3) WAIVERS.—The Secretary may waive the
25 requirements of this subsection of a State All Payer

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1 Claims Database to provide access of entities to such
2 database if such State All Payer Claims Database is
3 substantially in compliance with this subsection.

4 “(f) EXPANDED ACCESS.—

5 “(1) MULTI-STATE APPLICATIONS.—The Sec-
6 retary may prioritize applications submitted by a
7 State whose application demonstrates that the State
8 will work with other State All Payer Claims Data-
9 bases to establish a single application for access to
10 data by authorized users across multiple States.

11 “(2) EXPANSION OF DATA SETS.—The Sec-
12 retary may prioritize applications submitted by a
13 State whose application demonstrates that the State
14 will implement the reporting format for self-insured
15 group health plans described in section 735 of the
16 Employee Retirement Income Security Act of 1974.

17 “(g) DEFINITIONS.—In this section—

18 “(1) the term ‘individually identifiable health
19 information’ has the meaning given such term in
20 section 1171(6) of the Social Security Act;

21 “(2) the term ‘proprietary financial informa-
22 tion’ means data that would disclose the terms of a
23 specific contract between an individual health care
24 provider or facility and a specific group health plan,
25 managed care entity (as defined in section

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1 1932(a)(1)(B) of the Social Security Act) or other
2 managed care organization, or health insurance
3 issuer offering group or individual health insurance
4 coverage; and

5 “(3) the term ‘State All Payer Claims Data-
6 base’ means, with respect to a State, a database that
7 may include medical claims, pharmacy claims, dental
8 claims, and eligibility and provider files, which are
9 collected from private and public payers.

10 “(h) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out this section, there is authorized to be appro-
12 priated \$50,000,000 for each of fiscal years 2022 and
13 2023, and \$25,000,000 for fiscal year 2024, to remain
14 available until expended.”

15 (b) STANDARDIZED REPORTING FORMAT.—

16 Subpart C of part 7 of subtitle B of title I of
17 the Employee Retirement Income Security Act of
18 1974 (29 U.S.C. 1191 et seq.) is amended by adding
19 at the end the following:

20 **“SEC. 735. STANDARDIZED REPORTING FORMAT.**

21 “(a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this section, the Secretary shall es-
23 tablish (and periodically update) a standardized reporting
24 format for the voluntary reporting, by group health plans
25 to State All Payer Claims Databases, of medical claims,

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1 pharmacy claims, dental claims, and eligibility and pro-
2 vider files that are collected from private and public pay-
3 ers, and shall provide guidance to States on the process
4 by which States may collect such data from such plans
5 in the standardized reporting format.

6 “(b) CONSULTATION.—

7 “(1) ADVISORY COMMITTEE.—Not later than
8 90 days after the date of enactment of this section,
9 the Secretary shall convene an Advisory Committee
10 (referred to in this section as the ‘Committee’), con-
11 sisting of 15 members to advise the Secretary re-
12 garding the format and guidance described in para-
13 graph (1).

14 “(2) MEMBERSHIP.—

15 “(A) APPOINTMENT.—In accordance with
16 subparagraph (B), not later than 90 days after
17 the date of enactment this section, the Sec-
18 retary, in coordination with the Secretary of
19 Health and Human Services, shall appoint
20 under subparagraph (B)(iii), and the Comp-
21 troller General of the United States shall ap-
22 point under subparagraph (B)(iv), members
23 who have distinguished themselves in the fields
24 of health services research, health economics,
25 health informatics, data privacy and security, or

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1 the governance of State All Payer Claims Data-
2 bases, or who represent organizations likely to
3 submit data to or use the database, including
4 patients, employers, or employee organizations
5 that sponsor group health plans, health care
6 providers, health insurance issuers, or third-
7 party administrators of group health plans.
8 Such members shall serve 3-year terms on a
9 staggered basis. Vacancies on the Committee
10 shall be filled by appointment consistent with
11 this paragraph not later than 3 months after
12 the vacancy arises.

13 “(B) COMPOSITION.—The Committee shall
14 be comprised of—

15 “(i) the Assistant Secretary of Em-
16 ployee Benefits and Security Administra-
17 tion of the Department of Labor, or a des-
18 ignee of such Assistant Secretary;

19 “(ii) the Assistant Secretary for Plan-
20 ning and Evaluation of the Department of
21 Health and Human Services, or a designee
22 of such Assistant Secretary;

23 “(iii) members appointed by the Sec-
24 retary, in coordination with the Secretary

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1 of Health and Human Services, includ-
2 ing—

3 “(I) 1 member to serve as the
4 chair of the Committee;

5 “(II) 1 representative of the Cen-
6 ters for Medicare & Medicaid Services;

7 “(III) 1 representative of the
8 Agency for Healthcare Research and
9 Quality;

10 “(IV) 1 representative of the Of-
11 fice for Civil Rights of the Depart-
12 ment of Health and Human Services
13 with expertise in data privacy and se-
14 curity;

15 “(V) 1 representative of the Na-
16 tional Center for Health Statistics;

17 “(VI) 1 representative of the Of-
18 fice of the National Coordinator for
19 Health Information Technology; and

20 “(VII) 1 representative of a
21 State All-Payer Claims Database;

22 “(iv) members appointed by the
23 Comptroller General of the United States,
24 including—

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1 “(I) 1 representative of an em-
2 ployer that sponsors a group health
3 plan;

4 “(II) 1 representative of an em-
5 ployee organization that sponsors a
6 group health plan;

7 “(III) 1 academic researcher with
8 expertise in health economics or
9 health services research;

10 “(IV) 1 consumer advocate; and

11 “(V) 2 additional members.

12 “(3) REPORT.—Not later than 180 days after
13 the date of enactment of this section, the Committee
14 shall report to the Secretary, the Committee on
15 Health, Education, Labor, and Pensions of the Sen-
16 ate, and the Committee on Energy and Commerce
17 and the Committee on Education and Labor of the
18 House of Representatives. Such report shall include
19 recommendations on the establishment of the format
20 and guidance described in subsection (a).

21 “(c) STATE ALL PAYER CLAIMS DATABASE.—In this
22 section, the term ‘State All Payer Claims Database’
23 means, with respect to a State, a database that may in-
24 clude medical claims, pharmacy claims, dental claims, and

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1 eligibility and provider files, which are collected from pri-
2 vate and public payers.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
4 carry out this section, there are authorized to be appro-
5 priated \$5,000,000 for fiscal year 2021, to remain avail-
6 able until expended or, if sooner, until the date described
7 in subsection (e).

8 “(e) SUNSET.—Beginning on the date on which the
9 report is submitted under subsection (b)(3), subsection (b)
10 shall have no force or effect.”.

11 **SEC. 116. PROTECTING PATIENTS AND IMPROVING THE AC-**
12 **CURACY OF PROVIDER DIRECTORY INFOR-**
13 **MATION.**

14 (a) PHSA.—Part D of title XXVII of the Public
15 Health Service Act (42 U.S.C. 300gg et seq.), as added
16 and amended by section 102 and further amended by the
17 previous provisions of this title, is further amended by in-
18 serting after section 2799A–4 the following:

19 **“SEC. 2799A–5. PROTECTING PATIENTS AND IMPROVING**
20 **THE ACCURACY OF PROVIDER DIRECTORY**
21 **INFORMATION.**

22 “(a) PROVIDER DIRECTORY INFORMATION REQUIRE-
23 MENTS.—

24 “(1) IN GENERAL.—For plan years beginning
25 on or after January 1, 2022, each group health plan

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1 and health insurance issuer offering group or indi-
2 vidual health insurance coverage shall—

3 “(A) establish the verification process de-
4 scribed in paragraph (2);

5 “(B) establish the response protocol de-
6 scribed in paragraph (3);

7 “(C) establish the database described in
8 paragraph (4); and

9 “(D) include in any directory (other than
10 the database described in subparagraph (C))
11 containing provider directory information with
12 respect to such plan or such coverage the infor-
13 mation described in paragraph (5).

14 “(2) VERIFICATION PROCESS.—The verification
15 process described in this paragraph is, with respect
16 to a group health plan or a health insurance issuer
17 offering group or individual health insurance cov-
18 erage, a process—

19 “(A) under which, not less frequently than
20 once every 90 days, such plan or such issuer (as
21 applicable) verifies and updates the provider di-
22 rectory information included on the database
23 described in paragraph (4) of such plan or
24 issuer of each health care provider and health
25 care facility included in such database;

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1 “(B) that establishes a procedure for the
2 removal of such a provider or facility with re-
3 spect to which such plan or issuer has been un-
4 able to verify such information during a period
5 specified by the plan or issuer; and

6 “(C) that provides for the update of such
7 database within 2 business days of such plan or
8 issuer receiving from such a provider or facility
9 information pursuant to section 2799B-9.

10 “(3) RESPONSE PROTOCOL.—The response pro-
11 tocol described in this paragraph is, in the case of
12 an individual enrolled under a group health plan or
13 group or individual health insurance coverage of-
14 fered by a health insurance issuer who requests in-
15 formation through a telephone call or electronic,
16 web-based, or Internet-based means on whether a
17 health care provider or health care facility has a
18 contractual relationship to furnish items and services
19 under such plan or such coverage, a protocol under
20 which such plan or such issuer (as applicable), in the
21 case such request is made through a telephone call—

22 “(A) responds to such individual as soon
23 as practicable and in no case later than 1 busi-
24 ness day after such call is received, through a

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1 written electronic or print (as requested by such
2 individual) communication; and

3 “(B) retains such communication in such
4 individual’s file for at least 2 years following
5 such response.

6 “(4) DATABASE.—The database described in
7 this paragraph is, with respect to a group health
8 plan or health insurance issuer offering group or in-
9 dividual health insurance coverage, a database on
10 the public website of such plan or issuer that con-
11 tains—

12 “(A) a list of each health care provider and
13 health care facility with which such plan or
14 such issuer has a direct or indirect contractual
15 relationship for furnishing items and services
16 under such plan or such coverage; and

17 “(B) provider directory information with
18 respect to each such provider and facility.

19 “(5) INFORMATION.—The information de-
20 scribed in this paragraph is, with respect to a print
21 directory containing provider directory information
22 with respect to a group health plan or individual or
23 group health insurance coverage offered by a health
24 insurance issuer, a notification that such informa-
25 tion contained in such directory was accurate as of

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1 the date of publication of such directory and that an
2 individual enrolled under such plan or such coverage
3 should consult the database described in paragraph
4 (4) with respect to such plan or such coverage or
5 contact such plan or the issuer of such coverage to
6 obtain the most current provider directory informa-
7 tion with respect to such plan or such coverage.

8 “(6) DEFINITION.—For purposes of this sub-
9 section, the term ‘provider directory information’ in-
10 cludes, with respect to a group health plan and a
11 health insurance issuer offering group or individual
12 health insurance coverage, the name, address, spe-
13 cialty, telephone number, and digital contact infor-
14 mation of each health care provider or health care
15 facility with which such plan or such issuer has a
16 contractual relationship for furnishing items and
17 services under such plan or such coverage.

18 “(7) RULE OF CONSTRUCTION.—Nothing in
19 this section shall be construed to preempt any provi-
20 sion of State law relating to health care provider di-
21 rectories.

22 “(b) COST-SHARING FOR SERVICES PROVIDED
23 BASED ON RELIANCE ON INCORRECT PROVIDER NET-
24 WORK INFORMATION.—

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1 “(1) IN GENERAL.—For plan years beginning
2 on or after January 1, 2022, in the case of an item
3 or service furnished to a participant, beneficiary, or
4 enrollee of a group health plan or group or indi-
5 vidual health insurance coverage offered by a health
6 insurance issuer by a nonparticipating provider or a
7 nonparticipating facility, if such item or service
8 would otherwise be covered under such plan or cov-
9 erage if furnished by a participating provider or par-
10 ticipating facility and if either of the criteria de-
11 scribed in paragraph (2) applies with respect to such
12 participant, beneficiary, or enrollee and item or serv-
13 ice, the plan or coverage—

14 “(A) shall not impose on such participant,
15 beneficiary, or enrollee a cost-sharing amount
16 for such item or service so furnished that is
17 greater than the cost-sharing amount that
18 would apply under such plan or coverage had
19 such item or service been furnished by a partici-
20 pating provider; and

21 “(B) shall apply the deductible or out-of-
22 pocket maximum, if any, that would apply if
23 such services were furnished by a participating
24 provider or a participating facility.

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1 “(2) CRITERIA DESCRIBED.—For purposes of
2 paragraph (1), the criteria described in this para-
3 graph, with respect to an item or service furnished
4 to a participant, beneficiary, or enrollee of a group
5 health plan or group or individual health insurance
6 coverage offered by a health insurance issuer by a
7 nonparticipating provider or a nonparticipating facil-
8 ity, are the following:

9 “(A) The participant, beneficiary, or en-
10 rollee received through a database, provider di-
11 rectory, or response protocol described in sub-
12 section (a) information with respect to such
13 item and service to be furnished and such infor-
14 mation provided that the provider was a partici-
15 pating provider or facility was a participating
16 facility, with respect to the plan for furnishing
17 such item or service.

18 “(B) The information was not provided, in
19 accordance with subsection (a), to the partici-
20 pant, beneficiary, or enrollee and the partici-
21 pant, beneficiary, or enrollee requested through
22 the response protocol described in subsection
23 (a)(3) of the plan or coverage information on
24 whether the provider was a participating pro-
25 vider or facility was a participating facility with

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1 respect to the plan for furnishing such item or
2 service and was informed through such protocol
3 that the provider was such a participating pro-
4 vider or facility was such a participating facil-
5 ity.

6 “(c) DISCLOSURE ON PATIENT PROTECTIONS
7 AGAINST BALANCE BILLING.—For plan years beginning
8 on or after January 1, 2022, each group health plan and
9 health insurance issuer offering group or individual health
10 insurance coverage shall make publicly available, post on
11 a public website of such plan or issuer, and include on
12 each explanation of benefits for an item or service with
13 respect to which the requirements under section 2799A–
14 1 applies—

15 “(1) information in plain language on—

16 “(A) the requirements and prohibitions ap-
17 plied under sections 2799B–1 and 2799B–2
18 (relating to prohibitions on balance billing in
19 certain circumstances);

20 “(B) if provided for under applicable State
21 law, any other requirements on providers and
22 facilities regarding the amounts such providers
23 and facilities may, with respect to an item or
24 service, charge a participant, beneficiary, or en-
25 rollee of such plan or coverage with respect to

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1 which such a provider or facility does not have
2 a contractual relationship for furnishing such
3 item or service under the plan or coverage after
4 receiving payment from the plan or coverage for
5 such item or service and any applicable cost
6 sharing payment from such participant, bene-
7 ficiary, or enrollee; and

8 “(C) the requirements applied under sec-
9 tion 2799A-1; and

10 “(2) information on contacting appropriate
11 State and Federal agencies in the case that an indi-
12 vidual believes that such a provider or facility has
13 violated any requirement described in paragraph (1)
14 with respect to such individual.”.

15 (b) ERISA.—Subpart B of part 7 of subtitle B of
16 title I of the Employee Retirement Income Security Act
17 of 1974 (29 U.S.C. 1185 et seq.), as amended by sections
18 102, 105, 113, and 114, is further amended by inserting
19 after section 719 the following:

20 **“SEC. 720. PROTECTING PATIENTS AND IMPROVING THE**
21 **ACCURACY OF PROVIDER DIRECTORY INFOR-**
22 **MATION.**

23 “(a) PROVIDER DIRECTORY INFORMATION REQUIRE-
24 MENTS.—

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1 “(1) IN GENERAL.—For plan years beginning
2 on or after January 1, 2022, each group health plan
3 and health insurance issuer offering group health in-
4 surance coverage shall—

5 “(A) establish the verification process de-
6 scribed in paragraph (2);

7 “(B) establish the response protocol de-
8 scribed in paragraph (3);

9 “(C) establish the database described in
10 paragraph (4); and

11 “(D) include in any directory (other than
12 the database described in subparagraph (C))
13 containing provider directory information with
14 respect to such plan or such coverage the infor-
15 mation described in paragraph (5).

16 “(2) VERIFICATION PROCESS.—The verification
17 process described in this paragraph is, with respect
18 to a group health plan or a health insurance issuer
19 offering group health insurance coverage, a proc-
20 ess—

21 “(A) under which, not less frequently than
22 once every 90 days, such plan or such issuer (as
23 applicable) verifies and updates the provider di-
24 rectory information included on the database
25 described in paragraph (4) of such plan or

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1 issuer of each health care provider and health
2 care facility included in such database;

3 “(B) that establishes a procedure for the
4 removal of such a provider or facility with re-
5 spect to which such plan or issuer has been un-
6 able to verify such information during a period
7 specified by the plan or issuer; and

8 “(C) that provides for the update of such
9 database within 2 business days of such plan or
10 issuer receiving from such a provider or facility
11 information pursuant to section 2799B-9 of the
12 Public Health Service Act.

13 “(3) RESPONSE PROTOCOL.—The response pro-
14 tocol described in this paragraph is, in the case of
15 an individual enrolled under a group health plan or
16 group health insurance coverage offered by a health
17 insurance issuer who requests information through a
18 telephone call or electronic, web-based, or Internet-
19 based means on whether a health care provider or
20 health care facility has a contractual relationship to
21 furnish items and services under such plan or such
22 coverage, a protocol under which such plan or such
23 issuer (as applicable), in the case such request is
24 made through a telephone call—

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1 “(A) responds to such individual as soon
2 as practicable and in no case later than 1 busi-
3 ness day after such call is received, through a
4 written electronic or print (as requested by such
5 individual) communication; and

6 “(B) retains such communication in such
7 individual’s file for at least 2 years following
8 such response.

9 “(4) DATABASE.—The database described in
10 this paragraph is, with respect to a group health
11 plan or health insurance issuer offering group health
12 insurance coverage, a database on the public website
13 of such plan or issuer that contains—

14 “(A) a list of each health care provider and
15 health care facility with which such plan or
16 such issuer has a direct or indirect contractual
17 relationship for furnishing items and services
18 under such plan or such coverage; and

19 “(B) provider directory information with
20 respect to each such provider and facility.

21 “(5) INFORMATION.—The information de-
22 scribed in this paragraph is, with respect to a print
23 directory containing provider directory information
24 with respect to a group health plan or group health
25 insurance coverage offered by a health insurance

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1 issuer, a notification that such information con-
2 tained in such directory was accurate as of the date
3 of publication of such directory and that an indi-
4 vidual enrolled under such plan or such coverage
5 should consult the database described in paragraph
6 (4) with respect to such plan or such coverage or
7 contact such plan or the issuer of such coverage to
8 obtain the most current provider directory informa-
9 tion with respect to such plan or such coverage.

10 “(6) DEFINITION.—For purposes of this sub-
11 section, the term ‘provider directory information’ in-
12 cludes, with respect to a group health plan and a
13 health insurance issuer offering group health insur-
14 ance coverage, the name, address, specialty, tele-
15 phone number, and digital contact information of
16 each health care provider or health care facility with
17 which such plan or such issuer has a contractual re-
18 lationship for furnishing items and services under
19 such plan or such coverage.

20 “(7) RULE OF CONSTRUCTION.—Nothing in
21 this section shall be construed to preempt any provi-
22 sion of State law relating to health care provider di-
23 rectories, to the extent such State law applies to
24 such plan, coverage, or issuer, subject to section
25 514.

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1 “(b) COST-SHARING FOR SERVICES PROVIDED
2 BASED ON RELIANCE ON INCORRECT PROVIDER NET-
3 WORK INFORMATION.—

4 “(1) IN GENERAL.—For plan years beginning
5 on or after January 1, 2022, in the case of an item
6 or service furnished to a participant or beneficiary of
7 a group health plan or group health insurance cov-
8 erage offered by a health insurance issuer by a non-
9 participating provider or a nonparticipating facility,
10 if such item or service would otherwise be covered
11 under such plan or coverage if furnished by a par-
12 ticipating provider or participating facility and if ei-
13 ther of the criteria described in paragraph (2) ap-
14 plies with respect to such participant or beneficiary
15 and item or service, the plan or coverage—

16 “(A) shall not impose on such participant
17 or beneficiary a cost-sharing amount for such
18 item or service so furnished that is greater than
19 the cost-sharing amount that would apply under
20 such plan or coverage had such item or service
21 been furnished by a participating provider; and

22 “(B) shall apply the deductible or out-of-
23 pocket maximum, if any, that would apply if
24 such services were furnished by a participating
25 provider or a participating facility.

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1 “(2) CRITERIA DESCRIBED.—For purposes of
2 paragraph (1), the criteria described in this para-
3 graph, with respect to an item or service furnished
4 to a participant or beneficiary of a group health plan
5 or group health insurance coverage offered by a
6 health insurance issuer by a nonparticipating pro-
7 vider or a nonparticipating facility, are the following:

8 “(A) The participant or beneficiary re-
9 ceived through a database, provider directory,
10 or response protocol described in subsection (a)
11 information with respect to such item and serv-
12 ice to be furnished and such information pro-
13 vided that the provider was a participating pro-
14 vider or facility was a participating facility,
15 with respect to the plan for furnishing such
16 item or service.

17 “(B) The information was not provided, in
18 accordance with subsection (a), to the partici-
19 pant or beneficiary and the participant or bene-
20 ficiary requested through the response protocol
21 described in subsection (a)(3) of the plan or
22 coverage information on whether the provider
23 was a participating provider or facility was a
24 participating facility with respect to the plan
25 for furnishing such item or service and was in-

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1 formed through such protocol that the provider
2 was such a participating provider or facility was
3 such a participating facility.

4 “(c) DISCLOSURE ON PATIENT PROTECTIONS
5 AGAINST BALANCE BILLING.—For plan years beginning
6 on or after January 1, 2022, each group health plan and
7 health insurance issuer offering group health insurance
8 coverage shall make publicly available, post on a public
9 website of such plan or issuer, and include on each expla-
10 nation of benefits for an item or service with respect to
11 which the requirements under section 716 applies—

12 “(1) information in plain language on—

13 “(A) the requirements and prohibitions ap-
14 plied under sections 2799B–1 and 2799B–2 of
15 the Public Health Service Act (relating to pro-
16 hibitions on balance billing in certain cir-
17 cumstances);

18 “(B) if provided for under applicable State
19 law, any other requirements on providers and
20 facilities regarding the amounts such providers
21 and facilities may, with respect to an item or
22 service, charge a participant or beneficiary of
23 such plan or coverage with respect to which
24 such a provider or facility does not have a con-
25 tractual relationship for furnishing such item or

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1 service under the plan or coverage after receiv-
2 ing payment from the plan or coverage for such
3 item or service and any applicable cost sharing
4 payment from such participant or beneficiary;
5 and

6 “(C) the requirements applied under sec-
7 tion 716; and

8 “(2) information on contacting appropriate
9 State and Federal agencies in the case that an indi-
10 vidual believes that such a provider or facility has
11 violated any requirement described in paragraph (1)
12 with respect to such individual.”.

13 (c) IRC.—Subchapter B of chapter 100 of the Inter-
14 nal Revenue Code of 1986, as amended by sections 102,
15 105, 113, and 114, is further amended by inserting after
16 section 9819 the following:

17 **“SEC. 9820. PROTECTING PATIENTS AND IMPROVING THE**
18 **ACCURACY OF PROVIDER DIRECTORY INFOR-**
19 **MATION.**

20 “(a) PROVIDER DIRECTORY INFORMATION REQUIRE-
21 MENTS.—

22 “(1) IN GENERAL.—For plan years beginning
23 on or after January 1, 2022, each group health plan
24 shall—

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1 “(A) establish the verification process de-
2 scribed in paragraph (2);

3 “(B) establish the response protocol de-
4 scribed in paragraph (3);

5 “(C) establish the database described in
6 paragraph (4); and

7 “(D) include in any directory (other than
8 the database described in subparagraph (C))
9 containing provider directory information with
10 respect to such plan the information described
11 in paragraph (5).

12 “(2) VERIFICATION PROCESS.—The verification
13 process described in this paragraph is, with respect
14 to a group health plan, a process—

15 “(A) under which, not less frequently than
16 once every 90 days, such plan verifies and up-
17 dates the provider directory information in-
18 cluded on the database described in paragraph
19 (4) of such plan or issuer of each health care
20 provider and health care facility included in
21 such database;

22 “(B) that establishes a procedure for the
23 removal of such a provider or facility with re-
24 spect to which such plan or issuer has been un-

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1 able to verify such information during a period
2 specified by the plan or issuer; and

3 “(C) that provides for the update of such
4 database within 2 business days of such plan or
5 issuer receiving from such a provider or facility
6 information pursuant to section 2799B–9 of the
7 Public Health Service Act.

8 “(3) RESPONSE PROTOCOL.—The response pro-
9 tocol described in this paragraph is, in the case of
10 an individual enrolled under a group health plan who
11 requests information through a telephone call or
12 electronic, web-based, or Internet-based means on
13 whether a health care provider or health care facility
14 has a contractual relationship to furnish items and
15 services under such plan, a protocol under which
16 such plan or such issuer (as applicable), in the case
17 such request is made through a telephone call—

18 “(A) responds to such individual as soon
19 as practicable and in no case later than 1 busi-
20 ness day after such call is received, through a
21 written electronic or print (as requested by such
22 individual) communication; and

23 “(B) retains such communication in such
24 individual’s file for at least 2 years following
25 such response.

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1 “(4) DATABASE.—The database described in
2 this paragraph is, with respect to a group health
3 plan, a database on the public website of such plan
4 or issuer that contains—

5 “(A) a list of each health care provider and
6 health care facility with which such plan or
7 such issuer has a direct or indirect contractual
8 relationship for furnishing items and services
9 under such plan; and

10 “(B) provider directory information with
11 respect to each such provider and facility.

12 “(5) INFORMATION.—The information de-
13 scribed in this paragraph is, with respect to a print
14 directory containing provider directory information
15 with respect to a group health plan, a notification
16 that such information contained in such directory
17 was accurate as of the date of publication of such
18 directory and that an individual enrolled under such
19 plan should consult the database described in para-
20 graph (4) with respect to such plan or contact such
21 plan to obtain the most current provider directory
22 information with respect to such plan.

23 “(6) DEFINITION.—For purposes of this sub-
24 section, the term ‘provider directory information’ in-
25 cludes, with respect to a group health plan, the

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1 name, address, specialty, telephone number, and dig-
2 ital contact information of each health care provider
3 or health care facility with which such plan has a
4 contractual relationship for furnishing items and
5 services under such plan.

6 “(7) RULE OF CONSTRUCTION.—Nothing in
7 this section shall be construed to preempt any provi-
8 sion of State law relating to health care provider di-
9 rectories.

10 “(b) COST-SHARING FOR SERVICES PROVIDED
11 BASED ON RELIANCE ON INCORRECT PROVIDER NET-
12 WORK INFORMATION.—

13 “(1) IN GENERAL.—For plan years beginning
14 on or after January 1, 2022, in the case of an item
15 or service furnished to a participant or beneficiary of
16 a group health plan by a nonparticipating provider
17 or a nonparticipating facility, if such item or service
18 would otherwise be covered under such plan if fur-
19 nished by a participating provider or participating
20 facility and if either of the criteria described in para-
21 graph (2) applies with respect to such participant or
22 beneficiary and item or service, the plan—

23 “(A) shall not impose on such participant
24 or beneficiary a cost-sharing amount for such
25 item or service so furnished that is greater than

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1 the cost-sharing amount that would apply under
2 such plan had such item or service been fur-
3 nished by a participating provider; and

4 “(B) shall apply the deductible or out-of-
5 pocket maximum, if any, that would apply if
6 such services were furnished by a participating
7 provider or a participating facility.

8 “(2) CRITERIA DESCRIBED.—For purposes of
9 paragraph (1), the criteria described in this para-
10 graph, with respect to an item or service furnished
11 to a participant or beneficiary of a group health plan
12 by a nonparticipating provider or a nonparticipating
13 facility, are the following:

14 “(A) The participant or beneficiary re-
15 ceived through a database, provider directory,
16 or response protocol described in subsection (a)
17 information with respect to such item and serv-
18 ice to be furnished and such information pro-
19 vided that the provider was a participating pro-
20 vider or facility was a participating facility,
21 with respect to the plan for furnishing such
22 item or service.

23 “(B) The information was not provided, in
24 accordance with subsection (a), to the partici-
25 pant or beneficiary and the participant or bene-

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1 ficiary requested through the response protocol
2 described in subsection (a)(3) of the plan infor-
3 mation on whether the provider was a partici-
4 pating provider or facility was a participating
5 facility with respect to the plan for furnishing
6 such item or service and was informed through
7 such protocol that the provider was such a par-
8 ticipating provider or facility was such a par-
9 ticipating facility.

10 “(c) DISCLOSURE ON PATIENT PROTECTIONS
11 AGAINST BALANCE BILLING.—For plan years beginning
12 on or after January 1, 2022, each group health plan shall
13 make publicly available, post on a public website of such
14 plan or issuer, and include on each explanation of benefits
15 for an item or service with respect to which the require-
16 ments under section 9816 applies—

17 “(1) information in plain language on—

18 “(A) the requirements and prohibitions ap-
19 plied under sections 2799B–1 and 2799B–2 of
20 the Public Health Service Act(relating to prohi-
21 bitions on balance billing in certain cir-
22 cumstances);

23 “(B) if provided for under applicable State
24 law, any other requirements on providers and
25 facilities regarding the amounts such providers

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1 and facilities may, with respect to an item or
2 service, charge a participant or beneficiary of
3 such plan with respect to which such a provider
4 or facility does not have a contractual relation-
5 ship for furnishing such item or service under
6 the plan after receiving payment from the plan
7 for such item or service and any applicable cost
8 sharing payment from such participant or bene-
9 ficiary; and

10 “(C) the requirements applied under sec-
11 tion 9816; and

12 “(2) information on contacting appropriate
13 State and Federal agencies in the case that an indi-
14 vidual believes that such a provider or facility has
15 violated any requirement described in paragraph (1)
16 with respect to such individual.”.

17 (d) CLERICAL AMENDMENTS.—

18 (1) ERISA.—The table of contents in section 1
19 of the Employee Retirement Income Security Act of
20 1974 (29 U.S.C. 1001 et seq.), as amended by the
21 previous provisions of this title, is further amended
22 by inserting after the item relating to section 719
23 the following new item:

“720. Protecting patients and improving the accuracy of provider directory in-
formation.”.

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1 (2) IRC.—The table of sections for subchapter
2 B of chapter 100 of the Internal Revenue Code of
3 1986, as amended by the previous provisions of this
4 title, is further amended by inserting after the item
5 relating to section 9819 the following new item:

 “9820. Protecting patients and improving the accuracy of provider directory in-
 formation.”.

6 (e) PROVIDER REQUIREMENTS.—Part E of title
7 XXVII of the Public Health Service Act (42 U.S.C. 300gg
8 et seq.), as added by section 104 and as further amended
9 by the previous provisions of this title, is further amended
10 by adding at the end the following:

11 **“SEC. 2799B-9. PROVIDER REQUIREMENTS TO PROTECT PA-**
12 **TIENTS AND IMPROVE THE ACCURACY OF**
13 **PROVIDER DIRECTORY INFORMATION.**

14 “(a) PROVIDER BUSINESS PROCESSES.—Beginning
15 not later than January 1, 2022, each health care provider
16 and each health care facility shall have in place business
17 processes to ensure the timely provision of provider direc-
18 tory information to a group health plan or a health insur-
19 ance issuer offering group or individual health insurance
20 coverage to support compliance by such plans or issuers
21 with section 2799A-5(a)(1), section 720(a)(1) of the Em-
22 ployee Retirement Income Security Act of 1974, or section
23 9820(a)(1) of the Internal Revenue Code of 1986, as ap-

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1 plicable. Such providers shall submit provider directory in-
2 formation to a plan or issuers, at a minimum—

3 “(1) when the provider or facility begins a net-
4 work agreement with a plan or with an issuer with
5 respect to certain coverage;

6 “(2) when the provider or facility terminates a
7 network agreement with a plan or with an issuer
8 with respect to certain coverage;

9 “(3) when there are material changes to the
10 content of provider directory information of the pro-
11 vider or facility described in section 2799A–5(a)(1),
12 section 720(a)(1) of the Employee Retirement In-
13 come Security Act of 1974, or section 9820(a)(1) of
14 the Internal Revenue Code of 1986, as applicable;
15 and

16 “(4) at any other time (including upon the re-
17 quest of such issuer or plan) determined appropriate
18 by the provider, facility, or the Secretary.

19 “(b) REFUNDS TO ENROLLEES.—If a health care
20 provider submits a bill to an enrollee based on cost-sharing
21 for treatment or services provided by the health care pro-
22 vider that is in excess of the normal cost-sharing applied
23 for such treatment or services provided in-network, as pro-
24 hibited under section 2799A–5(b), section 720(b) of the
25 Employee Retirement Income Security Act of 1974, or

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1 section 9820(b) of the Internal Revenue Code of 1986,
2 as applicable, and the enrollee pays such bill, the provider
3 shall reimburse the enrollee for the full amount paid by
4 the enrollee in excess of the in-network cost-sharing
5 amount for the treatment or services involved, plus inter-
6 est, at an interest rate determined by the Secretary.

7 “(c) LIMITATION.—Nothing in this section shall pro-
8 hibit a provider from requiring in the terms of a contract,
9 or contract termination, with a group health plan or health
10 insurance issuer—

11 “(1) that the plan or issuer remove, at the time
12 of termination of such contract, the provider from a
13 directory of the plan or issuer described in section
14 2799A–5(a), section 720(a) of the Employee Retirement
15 Income Security Act of 1974, or section
16 9820(a) of the Internal Revenue Code of 1986, as
17 applicable; or

18 “(2) that the plan or issuer bear financial re-
19 sponsibility, including under section 2799A–5(b),
20 section 720(b) of the Employee Retirement Income
21 Security Act of 1974, or section 9820(b) of the In-
22 ternal Revenue Code of 1986, as applicable, for pro-
23 viding inaccurate network status information to an
24 enrollee.

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1 “(d) DEFINITION.—For purposes of this section, the
2 term ‘provider directory information’ includes the names,
3 addresses, specialty, telephone numbers, and digital con-
4 tact information of individual health care providers, and
5 the names, addresses, telephone numbers, and digital con-
6 tact information of each medical group, clinic, or facility
7 contracted to participate in any of the networks of the
8 group health plan or health insurance coverage involved.

9 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to preempt any provision of State
11 law relating to health care provider directories.”

12 **SEC. 117. ADVISORY COMMITTEE ON GROUND AMBULANCE**
13 **AND PATIENT BILLING.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 date of enactment of this Act, the Secretary of Labor, Sec-
16 retary of Health and Human Services, and the Secretary
17 of the Treasury (the Secretaries) shall jointly establish an
18 advisory committee for the purpose of reviewing options
19 to improve the disclosure of charges and fees for ground
20 ambulance services, better inform consumers of insurance
21 options for such services, and protect consumers from bal-
22 ance billing.

23 (b) COMPOSITION OF THE ADVISORY COMMITTEE.—
24 The advisory committee shall be composed of the following
25 members:

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1 (1) The Secretary of Labor, or the Secretary's
2 designee.

3 (2) The Secretary of Health and Human Serv-
4 ices, or the Secretary's designee.

5 (3) The Secretary of the Treasury, or the Sec-
6 retary's designee.

7 (4) One representative, to be appointed jointly
8 by the Secretaries, for each of the following:

9 (A) Each relevant Federal agency, as de-
10 termined by the Secretaries.

11 (B) State insurance regulators.

12 (C) Health insurance providers.

13 (D) Patient advocacy groups.

14 (E) Consumer advocacy groups.

15 (F) State and local governments.

16 (G) Physician specializing in emergency,
17 trauma, cardiac, or stroke.

18 (H) State Emergency Medical Services Of-
19 ficials.

20 (I) Emergency medical technicians, para-
21 medics, and other emergency medical services
22 personnel.

23 (5) Three representatives, to be appointed joint-
24 ly by the Secretaries, to represent the various seg-
25 ments of the ground ambulance industry.

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1 (6) Up to an additional 2 representatives other-
2 wise not described in paragraphs (1) through (5), as
3 determined necessary and appropriate by the Secre-
4 taries.

5 (c) CONSULTATION.—The advisory committee shall,
6 as appropriate, consult with relevant experts and stake-
7 holders, including those not otherwise included under sub-
8 section (b), while conducting the review described in sub-
9 section (a).

10 (d) RECOMMENDATIONS.—The advisory committee
11 shall make recommendations with respect to disclosure of
12 charges and fees for ground ambulance services and insur-
13 ance coverage, consumer protection and enforcement au-
14 thorities of the Departments of Labor, Health and Human
15 Services, and the Treasury and State authorities, and the
16 prevention of balance billing to consumers. The rec-
17 ommendations shall address, at a minimum—

18 (1) options, best practices, and identified stand-
19 ards to prevent instances of balance billing;

20 (2) steps that can be taken by State legisla-
21 tures, State insurance regulators, State attorneys
22 general, and other State officials as appropriate,
23 consistent with current legal authorities regarding
24 consumer protection; and

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1 (3) legislative options for Congress to prevent
2 balance billing.

3 (e) REPORT.—Not later than 180 days after the date
4 of the first meeting of the advisory committee, the advi-
5 sory committee shall submit to the Secretaries, and the
6 Committees on Education and Labor, Energy and Com-
7 merce, and Ways and Means of the House of Representa-
8 tives and the Committees on Finance and Health, Edu-
9 cation, Labor, and Pensions a report containing the rec-
10 ommendations made under subsection (d).

11 **SEC. 118. IMPLEMENTATION FUNDING.**

12 (a) IN GENERAL.—For the purposes described in
13 subsection (b), there are appropriated, out of amounts in
14 the Treasury not otherwise appropriated, to the Secretary
15 of Health and Human Services, the Secretary of Labor,
16 and the Secretary of the Treasury, \$500,000,000 for fiscal
17 year 2021, to remain available until expended through
18 2024.

19 (b) PERMITTED PURPOSES.—The purposes described
20 in this subsection are limited to the following purposes,
21 insofar as such purposes are to carry out the provisions
22 of, including the amendments made by, this title and title
23 II:

24 (1) Preparing, drafting, and issuing proposed
25 and final regulations or interim regulations.

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1 (2) Preparing, drafting, and issuing guidance
2 and public information.

3 (3) Preparing and holding public meetings.

4 (4) Preparing, drafting, and publishing reports.

5 (5) Enforcement of such provisions.

6 (6) Reporting, collection, and analysis of data.

7 (7) Establishment and initial implementation of
8 the processes for independent dispute resolution and
9 implementation of patient-provider dispute resolution
10 under such provisions.

11 (8) Conducting audits.

12 (9) Other administrative duties necessary for
13 implementation of such provisions.

14 (c) TRANSPARENCY OF IMPLEMENTATION FUNDS.—
15 Each Secretary described in subsection (a) shall annually
16 submit to the Committees on Energy and Commerce, on
17 Ways and Means, on Education and Labor, and on Appro-
18 priations of the House of Representatives and on the Com-
19 mittees on Health, Education, Labor, and Pensions and
20 on Appropriations of the Senate a report on funds ex-
21 pended pursuant to funds appropriated under this section.

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1 TITLE II—TRANSPARENCY**2 SEC. 201. INCREASING TRANSPARENCY BY REMOVING GAG**
3 CLAUSES ON PRICE AND QUALITY INFORMA-
4 TION.

5 (a) PHSA.—Part D of title XXVII of the Public
6 Health Service Act (42 U.S.C. 300gg et seq.), as added
7 and amended by title I, is further amended by adding at
8 the end the following:

9 “SEC. 2799A-9. INCREASING TRANSPARENCY BY REMOVING
10 GAG CLAUSES ON PRICE AND QUALITY IN-
11 FORMATION.

12 “(a) INCREASING PRICE AND QUALITY TRANS-
13 PARENCY FOR PLAN SPONSORS AND GROUP AND INDI-
14 VIDUAL MARKET CONSUMERS.—

15 “(1) GROUP HEALTH PLANS.—A group health
16 plan or health insurance issuer offering group health
17 insurance coverage may not enter into an agreement
18 with a health care provider, network or association
19 of providers, third-party administrator, or other
20 service provider offering access to a network of pro-
21 viders that would directly or indirectly restrict a
22 group health plan or health insurance issuer offering
23 such coverage from—

24 “(A) providing provider-specific cost or
25 quality of care information or data, through a

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1 consumer engagement tool or any other means,
2 to referring providers, the plan sponsor, enroll-
3 ees, or individuals eligible to become enrollees of
4 the plan or coverage;

5 “(B) electronically accessing de-identified
6 claims and encounter information or data for
7 each enrollee in the plan or coverage, upon re-
8 quest and consistent with the privacy regula-
9 tions promulgated pursuant to section 264(c) of
10 the Health Insurance Portability and Account-
11 ability Act of 1996, the amendments made by
12 the Genetic Information Nondiscrimination Act
13 of 2008, and the Americans with Disabilities
14 Act of 1990, including, on a per claim basis—

15 “(i) financial information, such as the
16 allowed amount, or any other claim-related
17 financial obligations included in the pro-
18 vider contract;

19 “(ii) provider information, including
20 name and clinical designation;

21 “(iii) service codes; or

22 “(iv) any other data element included
23 in claim or encounter transactions; or

24 “(C) sharing information or data described
25 in subparagraph (A) or (B), or directing that

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1 such data be shared, with a business associate
2 as defined in section 160.103 of title 45, Code
3 of Federal Regulations (or successor regula-
4 tions), consistent with the privacy regulations
5 promulgated pursuant to section 264(c) of the
6 Health Insurance Portability and Accountability
7 Act of 1996, the amendments made by the Ge-
8 netic Information Nondiscrimination Act of
9 2008, and the Americans with Disabilities Act
10 of 1990.

11 “(2) INDIVIDUAL HEALTH INSURANCE COV-
12 ERAGE.—A health insurance issuer offering indi-
13 vidual health insurance coverage may not enter into
14 an agreement with a health care provider, network
15 or association of providers, or other service provider
16 offering access to a network of providers that would
17 directly or indirectly restrict the health insurance
18 issuer from—

19 “(A) providing provider-specific price or
20 quality of care information, through a consumer
21 engagement tool or any other means, to refer-
22 ring providers, enrollees, or individuals eligible
23 to become enrollees of the plan or coverage; or

24 “(B) sharing, for plan design, plan admin-
25 istration, and plan, financial, legal, and quality

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1 improvement activities, data described in sub-
2 paragraph (A) with a business associate as de-
3 fined in section 160.103 of title 45, Code of
4 Federal Regulations (or successor regulations),
5 consistent with the privacy regulations promul-
6 gated pursuant to section 264(c) of the Health
7 Insurance Portability and Accountability Act of
8 1996, the amendments made by the Genetic In-
9 formation Nondiscrimination Act of 2008, and
10 the Americans with Disabilities Act of 1990.

11 “(3) CLARIFICATION REGARDING PUBLIC DIS-
12 CLOSURE OF INFORMATION.—Nothing in paragraph
13 (1)(A) or (2)(A) prevents a health care provider,
14 network or association of providers, or other service
15 provider from placing reasonable restrictions on the
16 public disclosure of the information described in
17 such paragraphs (1) and (2).

18 “(4) ATTESTATION.—A group health plan or a
19 health insurance issuer offering group or individual
20 health insurance coverage shall annually submit to
21 the Secretary an attestation that such plan or issuer
22 of such coverage is in compliance with the require-
23 ments of this subsection.

24 “(5) RULES OF CONSTRUCTION.—Nothing in
25 this section shall be construed to modify or eliminate

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1 existing privacy protections and standards under
2 State and Federal law. Nothing in this subsection
3 shall be construed to otherwise limit access by a
4 group health plan, plan sponsor, or health insurance
5 issuer to data as permitted under the privacy regula-
6 tions promulgated pursuant to section 264(c) of the
7 Health Insurance Portability and Accountability Act
8 of 1996, the amendments made by the Genetic In-
9 formation Nondiscrimination Act of 2008, and the
10 Americans with Disabilities Act of 1990.”.

11 (b) ERISA.—Subpart B of part 7 of subtitle B of
12 title I of the Employee Retirement Income Security Act
13 of 1974 (29 U.S.C. 1185 et seq.), as amended by title
14 I, is further amended by adding at the end the following:

15 **“SEC. 724. INCREASING TRANSPARENCY BY REMOVING GAG**
16 **CLAUSES ON PRICE AND QUALITY INFORMA-**
17 **TION.**

18 “(a) INCREASING PRICE AND QUALITY TRANS-
19 PARENCY FOR PLAN SPONSORS AND CONSUMERS.—

20 “(1) IN GENERAL.—A group health plan (or an
21 issuer of health insurance coverage offered in con-
22 nection with such a plan) may not enter into an
23 agreement with a health care provider, network or
24 association of providers, third-party administrator,
25 or other service provider offering access to a network

2002

1 of providers that would directly or indirectly restrict
2 a group health plan or health insurance issuer offer-
3 ing such coverage from—

4 “(A) providing provider-specific cost or
5 quality of care information or data, through a
6 consumer engagement tool or any other means,
7 to referring providers, the plan sponsor, partici-
8 pants or beneficiaries, or individuals eligible to
9 become participants or beneficiaries of the plan
10 or coverage;

11 “(B) electronically accessing de-identified
12 claims and encounter information or data for
13 each participant or beneficiary in the plan or
14 coverage, upon request and consistent with the
15 privacy regulations promulgated pursuant to
16 section 264(c) of the Health Insurance Port-
17 ability and Accountability Act of 1996, the
18 amendments made by the Genetic Information
19 Nondiscrimination Act of 2008, and the Ameri-
20 cans with Disabilities Act of 1990, including, on
21 a per claim basis—

22 “(i) financial information, such as the
23 allowed amount, or any other claim-related
24 financial obligations included in the pro-
25 vider contract;

2003

1 “(ii) provider information, including
2 name and clinical designation;

3 “(iii) service codes; or

4 “(iv) any other data element included
5 in claim or encounter transactions; or

6 “(C) sharing information or data described
7 in subparagraph (A) or (B), or directing that
8 such data be shared, with a business associate
9 as defined in section 160.103 of title 45, Code
10 of Federal Regulations (or successor regula-
11 tions), consistent with the privacy regulations
12 promulgated pursuant to section 264(c) of the
13 Health Insurance Portability and Accountability
14 Act of 1996, the amendments made by the Ge-
15 netic Information Nondiscrimination Act of
16 2008, and the Americans with Disabilities Act
17 of 1990.

18 “(2) CLARIFICATION REGARDING PUBLIC DIS-
19 CLOSURE OF INFORMATION.—Nothing in paragraph
20 (1)(A) prevents a health care provider, network or
21 association of providers, or other service provider
22 from placing reasonable restrictions on the public
23 disclosure of the information described in such para-
24 graph (1).

2004

1 “(3) ATTESTATION.—A group health plan (or
2 health insurance coverage offered in connection with
3 such a plan) shall annually submit to the Secretary
4 an attestation that such plan or issuer of such cov-
5 erage is in compliance with the requirements of this
6 subsection.

7 “(4) RULES OF CONSTRUCTION.—Nothing in
8 this section shall be construed to modify or eliminate
9 existing privacy protections and standards under
10 State and Federal law. Nothing in this subsection
11 shall be construed to otherwise limit access by a
12 group health plan, plan sponsor, or health insurance
13 issuer to data as permitted under the privacy regula-
14 tions promulgated pursuant to section 264(c) of the
15 Health Insurance Portability and Accountability Act
16 of 1996, the amendments made by the Genetic In-
17 formation Nondiscrimination Act of 2008, and the
18 Americans with Disabilities Act of 1990.”.

19 (c) IRC.—Subchapter B of chapter 100 of the Inter-
20 nal Revenue Code of 1986, as amended by title I, is fur-
21 ther amended by adding at the end the following:

2005

1 **“SEC. 9824. INCREASING TRANSPARENCY BY REMOVING**
2 **GAG CLAUSES ON PRICE AND QUALITY IN-**
3 **FORMATION.**

4 “(a) INCREASING PRICE AND QUALITY TRANS-
5 PARENCY FOR PLAN SPONSORS AND CONSUMERS.—

6 “(1) IN GENERAL.—A group health plan may
7 not enter into an agreement with a health care pro-
8 vider, network or association of providers, third-
9 party administrator, or other service provider offer-
10 ing access to a network of providers that would di-
11 rectly or indirectly restrict a group health plan
12 from—

13 “(A) providing provider-specific cost or
14 quality of care information or data, through a
15 consumer engagement tool or any other means,
16 to referring providers, the plan sponsor, partici-
17 pants or beneficiaries, or individuals eligible to
18 become participants or beneficiaries of the plan;

19 “(B) electronically accessing de-identified
20 claims and encounter information or data for
21 each participant or beneficiary in the plan,
22 upon request and consistent with the privacy
23 regulations promulgated pursuant to section
24 264(c) of the Health Insurance Portability and
25 Accountability Act of 1996, the amendments
26 made by the Genetic Information Non-

2006

1 discrimination Act of 2008, and the Americans
2 with Disabilities Act of 1990, including, on a
3 per claim basis—

4 “(i) financial information, such as the
5 allowed amount, or any other claim-related
6 financial obligations included in the pro-
7 vider contract;

8 “(ii) provider information, including
9 name and clinical designation;

10 “(iii) service codes; or

11 “(iv) any other data element included
12 in claim or encounter transactions; or

13 “(C) sharing information or data described
14 in subparagraph (A) or (B), or directing that
15 such data be shared, with a business associate
16 as defined in section 160.103 of title 45, Code
17 of Federal Regulations (or successor regula-
18 tions), consistent with the privacy regulations
19 promulgated pursuant to section 264(c) of the
20 Health Insurance Portability and Accountability
21 Act of 1996, the amendments made by the Ge-
22 netic Information Nondiscrimination Act of
23 2008, and the Americans with Disabilities Act
24 of 1990.

2007

1 “(2) CLARIFICATION REGARDING PUBLIC DIS-
2 CLOSURE OF INFORMATION.—Nothing in paragraph
3 (1)(A) prevents a health care provider, network or
4 association of providers, or other service provider
5 from placing reasonable restrictions on the public
6 disclosure of the information described in such para-
7 graph (1).

8 “(3) ATTESTATION.—A group health plan shall
9 annually submit to the Secretary an attestation that
10 such plan is in compliance with the requirements of
11 this subsection.

12 “(4) RULES OF CONSTRUCTION.—Nothing in
13 this section shall be construed to modify or eliminate
14 existing privacy protections and standards under
15 State and Federal law. Nothing in this subsection
16 shall be construed to otherwise limit access by a
17 group health plan or plan sponsor to data as per-
18 mitted under the privacy regulations promulgated
19 pursuant to section 264(c) of the Health Insurance
20 Portability and Accountability Act of 1996, the
21 amendments made by the Genetic Information Non-
22 discrimination Act of 2008, and the Americans with
23 Disabilities Act of 1990.”.

24 (d) CLERICAL AMENDMENTS.—

2008

1 (1) ERISA.—The table of contents in section 1
2 of the Employee Retirement Income Security Act of
3 1974 (29 U.S.C. 1001 et seq.), as amended by title
4 I, is further amended by inserting after the item re-
5 lating to section 723 the following new item:

“Sec. 724. Increasing transparency by removing gag clauses on price and qual-
ity information.”.

6 (2) IRC.—The table of sections for subchapter
7 B of chapter 100 of the Internal Revenue Code of
8 1986, as amended by title I, is further amended by
9 adding at the end the following new item:

“Sec. 9824. Increasing transparency by removing gag clauses on price and
quality information.”.

10 **SEC. 202. DISCLOSURE OF DIRECT AND INDIRECT COM-**
11 **PENSATION FOR BROKERS AND CONSULT-**
12 **ANTS TO EMPLOYER-SPONSORED HEALTH**
13 **PLANS AND ENROLLEES IN PLANS ON THE IN-**
14 **DIVIDUAL MARKET.**

15 (a) GROUP HEALTH PLANS.—Section 408(b)(2) of
16 the Employee Retirement Income Security Act of 1974
17 (29 U.S.C. 1108(b)(2)) is amended—

18 (1) by striking “(2) Contracting or making”
19 and inserting “(2)(A) Contracting or making”; and
20 (2) by adding at the end the following:

21 “(B)(i) No contract or arrangement for services
22 between a covered plan and a covered service pro-
23 vider, and no extension or renewal of such a contract

2009

1 or arrangement, is reasonable within the meaning of
2 this paragraph unless the requirements of this
3 clause are met.

4 “(ii)(I) For purposes of this subparagraph:

5 “(aa) The term ‘covered plan’ means a
6 group health plan as defined section 733(a).

7 “(bb) The term ‘covered service provider’
8 means a service provider that enters into a con-
9 tract or arrangement with the covered plan and
10 reasonably expects \$1,000 (or such amount as
11 the Secretary may establish in regulations to
12 account for inflation since the date of enact-
13 ment of the Consolidated Appropriations Act,
14 2021, as appropriate) or more in compensation,
15 direct or indirect, to be received in connection
16 with providing one or more of the following
17 services, pursuant to the contract or arrange-
18 ment, regardless of whether such services will
19 be performed, or such compensation received,
20 by the covered service provider, an affiliate, or
21 a subcontractor:

22 “(AA) Brokerage services, for which
23 the covered service provider, an affiliate, or
24 a subcontractor reasonably expects to re-
25 ceive indirect compensation or direct com-

2010

1 pensation described in item (dd), provided
2 to a covered plan with respect to selection
3 of insurance products (including vision and
4 dental), recordkeeping services, medical
5 management vendor, benefits administra-
6 tion (including vision and dental), stop-loss
7 insurance, pharmacy benefit management
8 services, wellness services, transparency
9 tools and vendors, group purchasing orga-
10 nization preferred vendor panels, disease
11 management vendors and products, compli-
12 ance services, employee assistance pro-
13 grams, or third party administration serv-
14 ices.

15 “(BB) Consulting, for which the cov-
16 ered service provider, an affiliate, or a sub-
17 contractor reasonably expects to receive in-
18 direct compensation or direct compensation
19 described in item (dd), related to the devel-
20 opment or implementation of plan design,
21 insurance or insurance product selection
22 (including vision and dental), record-
23 keeping, medical management, benefits ad-
24 ministration selection (including vision and
25 dental), stop-loss insurance, pharmacy ben-

2011

1 efit management services, wellness design
2 and management services, transparency
3 tools, group purchasing organization agree-
4 ments and services, participation in and
5 services from preferred vendor panels, dis-
6 ease management, compliance services, em-
7 ployee assistance programs, or third party
8 administration services.

9 “(cc) The term ‘affiliate’, with respect to a
10 covered service provider, means an entity that
11 directly or indirectly (through one or more
12 intermediaries) controls, is controlled by, or is
13 under common control with, such provider, or is
14 an officer, director, or employee of, or partner
15 in, such provider.

16 “(dd)(AA) The term ‘compensation’ means
17 anything of monetary value, but does not in-
18 clude non-monetary compensation valued at
19 \$250 (or such amount as the Secretary may es-
20 tablish in regulations to account for inflation
21 since the date of enactment of the Consolidated
22 Appropriations Act, 2021, as appropriate) or
23 less, in the aggregate, during the term of the
24 contract or arrangement.

2012

1 “(BB) The term ‘direct compensation’
2 means compensation received directly from a
3 covered plan.

4 “(CC) The term ‘indirect compensation’
5 means compensation received from any source
6 other than the covered plan, the plan sponsor,
7 the covered service provider, or an affiliate.
8 Compensation received from a subcontractor is
9 indirect compensation, unless it is received in
10 connection with services performed under a con-
11 tract or arrangement with a subcontractor.

12 “(ee) The term ‘responsible plan fiduciary’
13 means a fiduciary with authority to cause the
14 covered plan to enter into, or extend or renew,
15 the contract or arrangement.

16 “(ff) The term ‘subcontractor’ means any
17 person or entity (or an affiliate of such person
18 or entity) that is not an affiliate of the covered
19 service provider and that, pursuant to a con-
20 tract or arrangement with the covered service
21 provider or an affiliate, reasonably expects to
22 receive \$1,000 (or such amount as the Sec-
23 retary may establish in regulations to account
24 for inflation since the date of enactment of the
25 Consolidated Appropriations Act, 2021, as ap-

2013

1 appropriate) or more in compensation for per-
2 forming one or more services described in item
3 (bb) under a contract or arrangement with the
4 covered plan.

5 “(II) For purposes of this subparagraph, a de-
6 scription of compensation or cost may be expressed
7 as a monetary amount, formula, or a per capita
8 charge for each enrollee or, if the compensation or
9 cost cannot reasonably be expressed in such terms,
10 by any other reasonable method, including a disclo-
11 sure that additional compensation may be earned
12 but may not be calculated at the time of contract if
13 such a disclosure includes a description of the cir-
14 cumstances under which the additional compensation
15 may be earned and a reasonable and good faith esti-
16 mate if the covered service provider cannot otherwise
17 readily describe compensation or cost and explains
18 the methodology and assumptions used to prepare
19 such estimate. Any such description shall contain
20 sufficient information to permit evaluation of the
21 reasonableness of the compensation or cost.

22 “(III) No person or entity is a ‘covered service
23 provider’ within the meaning of subclause (I)(bb)
24 solely on the basis of providing services as an affil-
25 iate or a subcontractor that is performing one or

2014

1 more of the services described in subitem (AA) or
2 (BB) of such subclause under the contract or ar-
3 rangement with the covered plan.

4 “(iii) A covered service provider shall disclose to
5 a responsible plan fiduciary, in writing, the fol-
6 lowing:

7 “(I) A description of the services to be pro-
8 vided to the covered plan pursuant to the con-
9 tract or arrangement.

10 “(II) If applicable, a statement that the
11 covered service provider, an affiliate, or a sub-
12 contractor will provide, or reasonably expects to
13 provide, services pursuant to the contract or ar-
14 rangement directly to the covered plan as a fi-
15 duciary (within the meaning of section 3(21)).

16 “(III) A description of all direct compensa-
17 tion, either in the aggregate or by service, that
18 the covered service provider, an affiliate, or a
19 subcontractor reasonably expects to receive in
20 connection with the services described in sub-
21 clause (I).

22 “(IV)(aa) A description of all indirect com-
23 pensation that the covered service provider, an
24 affiliate, or a subcontractor reasonably expects

2015

1 to receive in connection with the services de-
2 scribed in subclause (I)—

3 “(AA) including compensation from a
4 vendor to a brokerage firm based on a
5 structure of incentives not solely related to
6 the contract with the covered plan; and

7 “(BB) not including compensation re-
8 ceived by an employee from an employer
9 on account of work performed by the em-
10 ployee.

11 “(bb) A description of the arrangement be-
12 tween the payer and the covered service pro-
13 vider, an affiliate, or a subcontractor, as appli-
14 cable, pursuant to which such indirect com-
15 pensation is paid.

16 “(cc) Identification of the services for
17 which the indirect compensation will be re-
18 ceived, if applicable.

19 “(dd) Identification of the payer of the in-
20 direct compensation.

21 “(V) A description of any compensation
22 that will be paid among the covered service pro-
23 vider, an affiliate, or a subcontractor, in con-
24 nection with the services described in subclause
25 (I) if such compensation is set on a transaction

2016

1 basis (such as commissions, finder's fees, or
2 other similar incentive compensation based on
3 business placed or retained), including identi-
4 fication of the services for which such com-
5 pensation will be paid and identification of the
6 payers and recipients of such compensation (in-
7 cluding the status of a payer or recipient as an
8 affiliate or a subcontractor), regardless of
9 whether such compensation also is disclosed
10 pursuant to subclause (III) or (IV).

11 “(VI) A description of any compensation
12 that the covered service provider, an affiliate, or
13 a subcontractor reasonably expects to receive in
14 connection with termination of the contract or
15 arrangement, and how any prepaid amounts
16 will be calculated and refunded upon such ter-
17 mination.

18 “(iv) A covered service provider shall disclose to
19 a responsible plan fiduciary, in writing a description
20 of the manner in which the compensation described
21 in clause (iii), as applicable, will be received.

22 “(v)(I) A covered service provider shall disclose
23 the information required under clauses (iii) and (iv)
24 to the responsible plan fiduciary not later than the
25 date that is reasonably in advance of the date on

2017

1 which the contract or arrangement is entered into,
2 and extended or renewed.

3 “(II) A covered service provider shall disclose
4 any change to the information required under clause
5 (iii) and (iv) as soon as practicable, but not later
6 than 60 days from the date on which the covered
7 service provider is informed of such change, unless
8 such disclosure is precluded due to extraordinary cir-
9 cumstances beyond the covered service provider’s
10 control, in which case the information shall be dis-
11 closed as soon as practicable.

12 “(vi)(I) Upon the written request of the respon-
13 sible plan fiduciary or covered plan administrator, a
14 covered service provider shall furnish any other in-
15 formation relating to the compensation received in
16 connection with the contract or arrangement that is
17 required for the covered plan to comply with the re-
18 porting and disclosure requirements under this Act.

19 “(II) The covered service provider shall disclose
20 the information required under clause (iii)(I) reason-
21 ably in advance of the date upon which such respon-
22 sible plan fiduciary or covered plan administrator
23 states that it is required to comply with the applica-
24 ble reporting or disclosure requirement, unless such
25 disclosure is precluded due to extraordinary cir-

2018

1 cumstances beyond the covered service provider's
2 control, in which case the information shall be dis-
3 closed as soon as practicable.

4 “(vii) No contract or arrangement will fail to be
5 reasonable under this subparagraph solely because
6 the covered service provider, acting in good faith and
7 with reasonable diligence, makes an error or omis-
8 sion in disclosing the information required pursuant
9 to clause (iii) (or a change to such information dis-
10 closed pursuant to clause (v)(II)) or clause (vi), pro-
11 vided that the covered service provider discloses the
12 correct information to the responsible plan fiduciary
13 as soon as practicable, but not later than 30 days
14 from the date on which the covered service provider
15 knows of such error or omission.

16 “(viii)(I) Pursuant to subsection (a), subpara-
17 graphs (C) and (D) of section 406(a)(1) shall not
18 apply to a responsible plan fiduciary, notwith-
19 standing any failure by a covered service provider to
20 disclose information required under clause (iii), if
21 the following conditions are met:

22 “(aa) The responsible plan fiduciary did
23 not know that the covered service provider
24 failed or would fail to make required disclosures
25 and reasonably believed that the covered service

2019

1 provider disclosed the information required to
2 be disclosed.

3 “(bb) The responsible plan fiduciary, upon
4 discovering that the covered service provider
5 failed to disclose the required information, re-
6 quests in writing that the covered service pro-
7 vider furnish such information.

8 “(cc) If the covered service provider fails
9 to comply with a written request described in
10 subclause (II) within 90 days of the request,
11 the responsible plan fiduciary notifies the Sec-
12 retary of the covered service provider’s failure,
13 in accordance with subclauses (II) and (III).

14 “(II) A notice described in subclause (I)(cc)
15 shall contain—

16 “(aa) the name of the covered plan;

17 “(bb) the plan number used for the annual
18 report on the covered plan;

19 “(cc) the plan sponsor’s name, address,
20 and employer identification number;

21 “(dd) the name, address, and telephone
22 number of the responsible plan fiduciary;

23 “(ee) the name, address, phone number,
24 and, if known, employer identification number
25 of the covered service provider;

2020

1 “(ff) a description of the services provided
2 to the covered plan;

3 “(gg) a description of the information that
4 the covered service provider failed to disclose;

5 “(hh) the date on which such information
6 was requested in writing from the covered serv-
7 ice provider; and

8 “(ii) a statement as to whether the covered
9 service provider continues to provide services to
10 the plan.

11 “(III) A notice described in subclause (I)(cc)
12 shall be filed with the Department not later than 30
13 days following the earlier of—

14 “(aa) The covered service provider’s re-
15 fusals to furnish the information requested by
16 the written request described in subclause
17 (I)(bb); or

18 “(bb) 90 days after the written request re-
19 ferred to in subclause (I)(cc) is made.

20 “(IV) If the covered service provider fails to
21 comply with the written request under subclause
22 (I)(bb) within 90 days of such request, the respon-
23 sible plan fiduciary shall determine whether to ter-
24 minate or continue the contract or arrangement
25 under section 404. If the requested information re-

2021

1 lates to future services and is not disclosed promptly
2 after the end of the 90-day period, the responsible
3 plan fiduciary shall terminate the contract or ar-
4 rangement as expeditiously as possible, consistent
5 with such duty of prudence.

6 “(ix) Nothing in this subparagraph shall be
7 construed to supersede any provision of State law
8 that governs disclosures by parties that provide the
9 services described in this section, except to the ex-
10 tent that such law prevents the application of a re-
11 quirement of this section.”.

12 (b) **APPLICABILITY OF EXISTING REGULATIONS.**—
13 Nothing in the amendments made by subsection (a) shall
14 be construed to affect the applicability of section
15 2550.408b–2 of title 29, Code of Federal Regulations (or
16 any successor regulations), with respect to any applicable
17 entity other than a covered plan or a covered service pro-
18 vider (as defined in section 408(b)(2)(B)(ii) of the Em-
19 ployee Retirement Income Security Act of 1974, as
20 amended by subsection (a)).

21 (c) **INDIVIDUAL MARKET COVERAGE.**—Subpart 1 of
22 part B of title XXVII of the Public Health Service Act
23 (42 U.S.C. 300gg–41 et seq.) is amended by adding at
24 the end the following:

2022

1 **“SEC. 2746. DISCLOSURE TO ENROLLEES OF INDIVIDUAL**
2 **MARKET COVERAGE.**

3 “(a) IN GENERAL.—A health insurance issuer offer-
4 ing individual health insurance coverage or a health insur-
5 ance issuer offering short-term limited duration insurance
6 coverage shall make disclosures to enrollees in such cov-
7 erage, as described in subsection (b), and reports to the
8 Secretary, as described in subsection (c), regarding direct
9 or indirect compensation provided by the issuer to an
10 agent or broker associated with enrolling individuals in
11 such coverage.

12 “(b) DISCLOSURE.—A health insurance issuer de-
13 scribed in subsection (a) shall disclose to an enrollee the
14 amount of direct or indirect compensation provided to an
15 agent or broker for services provided by such agent or
16 broker associated with plan selection and enrollment. Such
17 disclosure shall be—

18 “(1) made prior to the individual finalizing plan
19 selection; and

20 “(2) included on any documentation confirming
21 the individual’s enrollment.

22 “(c) REPORTING.—A health insurance issuer de-
23 scribed in subsection (a) shall annually report to the Sec-
24 retary, prior to the beginning of open enrollment, any di-
25 rect or indirect compensation provided to an agent or

2023

1 broker associated with enrolling individuals in such cov-
2 erage.

3 “(d) RULEMAKING.—Not later than 1 year after the
4 date of enactment of the Consolidated Appropriations Act,
5 2021, the Secretary shall finalize, through notice-and-com-
6 ment rulemaking, the timing, form, and manner in which
7 issuers described in subsection (a) are required to make
8 the disclosures described in subsection (b) and the reports
9 described in subsection (c). Such rulemaking may also in-
10 clude adjustments to notice requirements to reflect the dif-
11 ferent processes for plan renewals, in order to provide en-
12 rollees with full, timely information.”.

13 (d) TRANSITION RULE.—No contract executed prior
14 to the effective date described in subsection (e) by a group
15 health plan subject to the requirements of section
16 408(b)(2)(B) of the Employee Retirement Income Secu-
17 rity Act of 1974 (as amended by subsection (a)) or by
18 a health insurance issuer subject to the requirements of
19 section 2746 of the Public Health Service Act (as added
20 by subsection (c)) shall be subject to the requirements of
21 such section 408(b)(2)(B) or such section 2746, as appli-
22 cable.

23 (e) APPLICATION.—The amendments made by sub-
24 sections (a) and (c) shall apply beginning 1 year after the
25 date of enactment of this Act.

2024

1 **SEC. 203. STRENGTHENING PARITY IN MENTAL HEALTH**
2 **AND SUBSTANCE USE DISORDER BENEFITS.**

3 (a) IN GENERAL.—

4 (1) PHSA.—Section 2726(a) of the Public
5 Health Service Act (42 U.S.C. 300gg–26(a)) is
6 amended by adding at the end the following:

7 “(8) COMPLIANCE REQUIREMENTS.—

8 “(A) NONQUANTITATIVE TREATMENT LIM-
9 ITATION (NQTL) REQUIREMENTS.—In the case
10 of a group health plan or a health insurance
11 issuer offering group or individual health insur-
12 ance coverage that provides both medical and
13 surgical benefits and mental health or sub-
14 stance use disorder benefits and that imposes
15 nonquantitative treatment limitations (referred
16 to in this section as ‘NQTLs’) on mental health
17 or substance use disorder benefits, such plan or
18 issuer shall perform and document comparative
19 analyses of the design and application of
20 NQTLs and, beginning 45 days after the date
21 of enactment of the Consolidated Appropria-
22 tions Act, 2021, make available to the applica-
23 ble State authority (or, as applicable, to the
24 Secretary of Labor or the Secretary of Health
25 and Human Services), upon request, the com-
26 parative analyses and the following information:

2025

1 “(i) The specific plan or coverage
2 terms or other relevant terms regarding
3 the NQTLs and a description of all mental
4 health or substance use disorder and med-
5 ical or surgical benefits to which each such
6 term applies in each respective benefits
7 classification.

8 “(ii) The factors used to determine
9 that the NQTLs will apply to mental
10 health or substance use disorder benefits
11 and medical or surgical benefits.

12 “(iii) The evidentiary standards used
13 for the factors identified in clause (ii),
14 when applicable, provided that every factor
15 shall be defined, and any other source or
16 evidence relied upon to design and apply
17 the NQTLs to mental health or substance
18 use disorder benefits and medical or sur-
19 gical benefits.

20 “(iv) The comparative analyses dem-
21 onstrating that the processes, strategies,
22 evidentiary standards, and other factors
23 used to apply the NQTLs to mental health
24 or substance use disorder benefits, as writ-
25 ten and in operation, are comparable to,

2026

1 and are applied no more stringently than,
2 the processes, strategies, evidentiary stand-
3 ards, and other factors used to apply the
4 NQTLs to medical or surgical benefits in
5 the benefits classification.

6 “(v) The specific findings and conclu-
7 sions reached by the group health plan or
8 health insurance issuer with respect to the
9 health insurance coverage, including any
10 results of the analyses described in this
11 subparagraph that indicate that the plan
12 or coverage is or is not in compliance with
13 this section.

14 “(B) SECRETARY REQUEST PROCESS.—

15 “(i) SUBMISSION UPON REQUEST.—
16 The Secretary shall request that a group
17 health plan or a health insurance issuer of-
18 fering group or individual health insurance
19 coverage submit the comparative analyses
20 described in subparagraph (A) for plans
21 that involve potential violations of this sec-
22 tion or complaints regarding noncompli-
23 ance with this section that concern NQTLs
24 and any other instances in which the Sec-
25 retary determines appropriate. The Sec-

2027

1 retary shall request not fewer than 20 such
2 analyses per year.

3 “(ii) ADDITIONAL INFORMATION.—In
4 instances in which the Secretary has con-
5 cluded that the group health plan or health
6 insurance issuer with respect to health in-
7 surance coverage has not submitted suffi-
8 cient information for the Secretary to re-
9 view the comparative analyses described in
10 subparagraph (A), as requested under
11 clause (i), the Secretary shall specify to the
12 plan or issuer the information the plan or
13 issuer must submit to be responsive to the
14 request under clause (i) for the Secretary
15 to review the comparative analyses de-
16 scribed in subparagraph (A) for compliance
17 with this section. Nothing in this para-
18 graph shall require the Secretary to con-
19 clude that a group health plan or health
20 insurance issuer is in compliance with this
21 section solely based upon the inspection of
22 the comparative analyses described in sub-
23 paragraph (A), as requested under clause
24 (i).

25 “(iii) REQUIRED ACTION.—

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1 “(I) IN GENERAL.—In instances
2 in which the Secretary has reviewed
3 the comparative analyses described in
4 subparagraph (A), as requested under
5 clause (i), and determined that the
6 group health plan or health insurance
7 issuer is not in compliance with this
8 section, the plan or issuer—

9 “(aa) shall specify to the
10 Secretary the actions the plan or
11 issuer will take to be in compli-
12 ance with this section and pro-
13 vide to the Secretary additional
14 comparative analyses described in
15 subparagraph (A) that dem-
16 onstrate compliance with this sec-
17 tion not later than 45 days after
18 the initial determination by the
19 Secretary that the plan or issuer
20 is not in compliance; and

21 “(bb) following the 45-day
22 corrective action period under
23 item (aa), if the Secretary makes
24 a final determination that the
25 plan or issuer still is not in com-

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1 pliance with this section, not
2 later than 7 days after such de-
3 termination, shall notify all indi-
4 viduals enrolled in the plan or
5 applicable health insurance cov-
6 erage offered by the issuer that
7 the plan or issuer, with respect to
8 such coverage, has been deter-
9 mined to be not in compliance
10 with this section.

11 “(II) EXEMPTION FROM DISCLO-
12 SURE.—Documents or communica-
13 tions produced in connection with the
14 Secretary’s recommendations to a
15 group health plan or health insurance
16 issuer shall not be subject to disclo-
17 sure pursuant to section 552 of title
18 5, United States Code.

19 “(iv) REPORT.—Not later than 1 year
20 after the date of enactment of this para-
21 graph, and not later than October 1 of
22 each year thereafter, the Secretary shall
23 submit to Congress, and make publicly
24 available, a report that contains—

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1 “(I) a summary of the compara-
2 tive analyses requested under clause
3 (i), including the identity of each
4 group health plan or health insurance
5 issuer, with respect to particular
6 health insurance coverage that is de-
7 termined to be not in compliance after
8 the final determination by the Sec-
9 retary described in clause (iii)(I)(bb);

10 “(II) the Secretary’s conclusions
11 as to whether each group health plan
12 or health insurance issuer submitted
13 sufficient information for the Sec-
14 retary to review the comparative anal-
15 yses requested under clause (i) for
16 compliance with this section;

17 “(III) for each group health plan
18 or health insurance issuer that did
19 submit sufficient information for the
20 Secretary to review the comparative
21 analyses requested under clause (i),
22 the Secretary’s conclusions as to
23 whether and why the plan or issuer is
24 in compliance with the requirements
25 under this section;

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1 “(IV) the Secretary’s specifica-
2 tions described in clause (ii) for each
3 group health plan or health insurance
4 issuer that the Secretary determined
5 did not submit sufficient information
6 for the Secretary to review the com-
7 parative analyses requested under
8 clause (i) for compliance with this sec-
9 tion; and

10 “(V) the Secretary’s specifica-
11 tions described in clause (iii) of the
12 actions each group health plan or
13 health insurance issuer that the Sec-
14 retary determined is not in compliance
15 with this section must take to be in
16 compliance with this section, including
17 the reason why the Secretary deter-
18 mined the plan or issuer is not in
19 compliance.

20 “(C) COMPLIANCE PROGRAM GUIDANCE
21 DOCUMENT UPDATE PROCESS.—

22 “(i) IN GENERAL.—The Secretary
23 shall include instances of noncompliance
24 that the Secretary discovers upon review-
25 ing the comparative analyses requested

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1 under subparagraph (B)(i) in the compli-
2 ance program guidance document de-
3 scribed in paragraph (6), as it is updated
4 every 2 years, except that such instances
5 shall not disclose any protected health in-
6 formation or individually identifiable infor-
7 mation.

8 “(ii) GUIDANCE AND REGULATIONS.—
9 Not later than 18 months after the date of
10 enactment of this paragraph, the Secretary
11 shall finalize any draft or interim guidance
12 and regulations relating to mental health
13 parity under this section. Such draft guid-
14 ance shall include guidance to clarify the
15 process and timeline for current and poten-
16 tial participants and beneficiaries (and au-
17 thorized representatives and health care
18 providers of such participants and bene-
19 ficiaries) with respect to plans to file com-
20 plaints of such plans or issuers being in
21 violation of this section, including guid-
22 ance, by plan type, on the relevant State,
23 regional, or national office with which such
24 complaints should be filed.

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1 “(iii) STATE.—The Secretary shall
2 share information on findings of compli-
3 ance and noncompliance discovered upon
4 reviewing the comparative analyses re-
5 quested under subparagraph (B)(i) shall be
6 shared with the State where the group
7 health plan is located or the State where
8 the health insurance issuer is licensed to
9 do business for coverage offered by a
10 health insurance issuer in the group mar-
11 ket, in accordance with paragraph
12 (6)(B)(iii)(II).”.

13 (2) ERISA.—Section 712(a) of the Employee
14 Retirement Income Security Act of 1974 (29 U.S.C.
15 1185a(a)) is amended by adding at the end the fol-
16 lowing:

17 “(6) COMPLIANCE PROGRAM GUIDANCE DOCU-
18 MENT.—

19 “(A) IN GENERAL.—The Secretary, the
20 Secretary of Health and Human Services, and
21 the Secretary of the Treasury, in consultation
22 with the Inspector General of the Department
23 of Health and Human Services, the Inspector
24 General of the Department of Labor, and the
25 Inspector General of the Department of the

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1 Treasury, shall issue a compliance program
2 guidance document to help improve compliance
3 with this section, section 2726 of the Public
4 Health Service Act, and section 9812 of the In-
5 ternal Revenue Code of 1986, as applicable. In
6 carrying out this paragraph, the Secretaries
7 may take into consideration the 2016 publica-
8 tion of the Department of Health and Human
9 Services and the Department of Labor, entitled
10 ‘Warning Signs - Plan or Policy Non-Quan-
11 titative Treatment Limitations (NQTLs) that
12 Require Additional Analysis to Determine Men-
13 tal Health Parity Compliance’.

14 “(B) EXAMPLES ILLUSTRATING COMPLI-
15 ANCE AND NONCOMPLIANCE.—

16 “(i) IN GENERAL.—The compliance
17 program guidance document required
18 under this paragraph shall provide illus-
19 trative, de-identified examples (that do not
20 disclose any protected health information
21 or individually identifiable information) of
22 previous findings of compliance and non-
23 compliance with this section, section 2726
24 of the Public Health Service Act, or sec-
25 tion 9812 of the Internal Revenue Code of

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1 1986, as applicable, based on investiga-
2 tions of violations of such sections, includ-
3 ing—

4 “(I) examples illustrating re-
5 quirements for information disclosures
6 and nonquantitative treatment limita-
7 tions; and

8 “(II) descriptions of the viola-
9 tions uncovered during the course of
10 such investigations.

11 “(ii) NONQUANTITATIVE TREATMENT
12 LIMITATIONS.—To the extent that any ex-
13 ample described in clause (i) involves a
14 finding of compliance or noncompliance
15 with regard to any requirement for non-
16 quantitative treatment limitations, the ex-
17 ample shall provide sufficient detail to fully
18 explain such finding, including a full de-
19 scription of the criteria involved for ap-
20 proving medical and surgical benefits and
21 the criteria involved for approving mental
22 health and substance use disorder benefits.

23 “(iii) ACCESS TO ADDITIONAL INFOR-
24 MATION REGARDING COMPLIANCE.—In de-
25 veloping and issuing the compliance pro-

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1 gram guidance document required under
2 this paragraph, the Secretaries specified in
3 subparagraph (A)—

4 “(I) shall enter into interagency
5 agreements with the Inspector Gen-
6 eral of the Department of Health and
7 Human Services, the Inspector Gen-
8 eral of the Department of Labor, and
9 the Inspector General of the Depart-
10 ment of the Treasury to share find-
11 ings of compliance and noncompliance
12 with this section, section 2726 of the
13 Public Health Service Act, or section
14 9812 of the Internal Revenue Code of
15 1986, as applicable; and

16 “(II) shall seek to enter into an
17 agreement with a State to share infor-
18 mation on findings of compliance and
19 noncompliance with this section, sec-
20 tion 2726 of the Public Health Serv-
21 ice Act, or section 9812 of the Inter-
22 nal Revenue Code of 1986, as applica-
23 ble.

24 “(C) RECOMMENDATIONS.—The compli-
25 ance program guidance document shall include

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1 recommendations to advance compliance with
2 this section, section 2726 of the Public Health
3 Service Act, or section 9812 of the Internal
4 Revenue Code of 1986, as applicable, and en-
5 courage the development and use of internal
6 controls to monitor adherence to applicable
7 statutes, regulations, and program require-
8 ments. Such internal controls may include illus-
9 trative examples of nonquantitative treatment
10 limitations on mental health and substance use
11 disorder benefits, which may fail to comply with
12 this section, section 2726 of the Public Health
13 Service Act, or section 9812 of the Internal
14 Revenue Code of 1986, as applicable, in relation
15 to nonquantitative treatment limitations on
16 medical and surgical benefits.

17 “(D) UPDATING THE COMPLIANCE PRO-
18 GRAM GUIDANCE DOCUMENT.—The Secretary,
19 the Secretary of Health and Human Services,
20 and the Secretary of the Treasury, in consulta-
21 tion with the Inspector General of the Depart-
22 ment of Health and Human Services, the In-
23 spector General of the Department of Labor,
24 and the Inspector General of the Department of
25 the Treasury, shall update the compliance pro-

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1 gram guidance document every 2 years to in-
2 clude illustrative, de-identified examples (that
3 do not disclose any protected health information
4 or individually identifiable information) of pre-
5 vious findings of compliance and noncompliance
6 with this section, section 2726 of the Public
7 Health Service Act, or section 9812 of the In-
8 ternal Revenue Code of 1986, as applicable.

9 “(7) ADDITIONAL GUIDANCE.—

10 “(A) IN GENERAL.—The Secretary, the
11 Secretary of Health and Human Services, and
12 the Secretary of the Treasury shall issue guid-
13 ance to group health plans and health insurance
14 issuers offering group health insurance coverage
15 to assist such plans and issuers in satisfying
16 the requirements of this section, section 2726 of
17 the Public Health Service Act, or section 9812
18 of the Internal Revenue Code of 1986, as appli-
19 cable.

20 “(B) DISCLOSURE.—

21 “(i) GUIDANCE FOR PLANS AND
22 ISSUERS.—The guidance issued under this
23 paragraph shall include clarifying informa-
24 tion and illustrative examples of methods
25 that group health plans and health insur-

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1 ance issuers offering group or individual
2 health insurance coverage may use for dis-
3 closing information to ensure compliance
4 with the requirements under this section,
5 section 2726 of the Public Health Service
6 Act, or section 9812 of the Internal Rev-
7 enue Code of 1986, as applicable, (and any
8 regulations promulgated pursuant to such
9 sections, as applicable).

10 “(ii) DOCUMENTS FOR PARTICIPANTS,
11 BENEFICIARIES, CONTRACTING PROVIDERS,
12 OR AUTHORIZED REPRESENTATIVES.—The
13 guidance issued under this paragraph shall
14 include clarifying information and illus-
15 trative examples of methods that group
16 health plans and health insurance issuers
17 offering group health insurance coverage
18 may use to provide any participant, bene-
19 ficiary, contracting provider, or authorized
20 representative, as applicable, with docu-
21 ments containing information that the
22 health plans or issuers are required to dis-
23 close to participants, beneficiaries, con-
24 tracting providers, or authorized represent-
25 atives to ensure compliance with this sec-

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1 tion, section 2726 of the Public Health
2 Service Act, or section 9812 of the Inter-
3 nal Revenue Code of 1986, as applicable,
4 compliance with any regulation issued pur-
5 suant to such respective section, or compli-
6 ance with any other applicable law or regu-
7 lation. Such guidance shall include infor-
8 mation that is comparative in nature with
9 respect to—

10 “(I) nonquantitative treatment
11 limitations for both medical and sur-
12 gical benefits and mental health and
13 substance use disorder benefits;

14 “(II) the processes, strategies,
15 evidentiary standards, and other fac-
16 tors used to apply the limitations de-
17 scribed in subclause (I); and

18 “(III) the application of the limi-
19 tations described in subclause (I) to
20 ensure that such limitations are ap-
21 plied in parity with respect to both
22 medical and surgical benefits and
23 mental health and substance use dis-
24 order benefits.

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1 “(C) NONQUANTITATIVE TREATMENT LIM-
2 ITATIONS.—The guidance issued under this
3 paragraph shall include clarifying information
4 and illustrative examples of methods, processes,
5 strategies, evidentiary standards, and other fac-
6 tors that group health plans and health insur-
7 ance issuers offering group health insurance
8 coverage may use regarding the development
9 and application of nonquantitative treatment
10 limitations to ensure compliance with this sec-
11 tion, section 2726 of the Public Health Service
12 Act, or section 9812 of the Internal Revenue
13 Code of 1986, as applicable, (and any regula-
14 tions promulgated pursuant to such respective
15 section), including—

16 “(i) examples of methods of deter-
17 mining appropriate types of nonquantita-
18 tive treatment limitations with respect to
19 both medical and surgical benefits and
20 mental health and substance use disorder
21 benefits, including nonquantitative treat-
22 ment limitations pertaining to—

23 “(I) medical management stand-
24 ards based on medical necessity or ap-

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1 appropriateness, or whether a treatment
2 is experimental or investigative;

3 “(II) limitations with respect to
4 prescription drug formulary design;
5 and

6 “(III) use of fail-first or step
7 therapy protocols;

8 “(ii) examples of methods of deter-
9 mining—

10 “(I) network admission standards
11 (such as credentialing); and

12 “(II) factors used in provider re-
13 imbursement methodologies (such as
14 service type, geographic market, de-
15 mand for services, and provider sup-
16 ply, practice size, training, experience,
17 and licensure) as such factors apply to
18 network adequacy;

19 “(iii) examples of sources of informa-
20 tion that may serve as evidentiary stand-
21 ards for the purposes of making deter-
22 minations regarding the development and
23 application of nonquantitative treatment
24 limitations;

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1 “(iv) examples of specific factors, and
2 the evidentiary standards used to evaluate
3 such factors, used by such plans or issuers
4 in performing a nonquantitative treatment
5 limitation analysis;

6 “(v) examples of how specific evi-
7 dentiary standards may be used to deter-
8 mine whether treatments are considered
9 experimental or investigative;

10 “(vi) examples of how specific evi-
11 dentiary standards may be applied to each
12 service category or classification of bene-
13 fits;

14 “(vii) examples of methods of reach-
15 ing appropriate coverage determinations
16 for new mental health or substance use
17 disorder treatments, such as evidence-
18 based early intervention programs for indi-
19 viduals with a serious mental illness and
20 types of medical management techniques;

21 “(viii) examples of methods of reach-
22 ing appropriate coverage determinations
23 for which there is an indirect relationship
24 between the covered mental health or sub-
25 stance use disorder benefit and a tradi-

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1 tional covered medical and surgical benefit,
2 such as residential treatment or hos-
3 pitalizations involving voluntary or involun-
4 tary commitment; and

5 “(ix) additional illustrative examples
6 of methods, processes, strategies, evi-
7 dentiary standards, and other factors for
8 which the Secretary determines that addi-
9 tional guidance is necessary to improve
10 compliance with this section, section 2726
11 of the Public Health Service Act, or sec-
12 tion 9812 of the Internal Revenue Code of
13 1986, as applicable.

14 “(D) PUBLIC COMMENT.—Prior to issuing
15 any final guidance under this paragraph, the
16 Secretary shall provide a public comment period
17 of not less than 60 days during which any
18 member of the public may provide comments on
19 a draft of the guidance.

20 “(8) COMPLIANCE REQUIREMENTS.—

21 “(A) NONQUANTITATIVE TREATMENT LIM-
22 ITATION (NQTL) REQUIREMENTS.—In the case
23 of a group health plan or a health insurance
24 issuer offering group health insurance coverage
25 that provides both medical and surgical benefits

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1 and mental health or substance use disorder
2 benefits and that imposes nonquantitative treat-
3 ment limitations (referred to in this section as
4 ‘NQTLs’) on mental health or substance use
5 disorder benefits, such plan or issuer shall per-
6 form and document comparative analyses of the
7 design and application of NQTLs and, begin-
8 ning 45 days after the date of enactment of the
9 Consolidated Appropriations Act, 2021, make
10 available to the Secretary, upon request, the
11 comparative analyses and the following informa-
12 tion:

13 “(i) The specific plan or coverage
14 terms or other relevant terms regarding
15 the NQTLs, that applies to such plan or
16 coverage, and a description of all mental
17 health or substance use disorder and med-
18 ical or surgical benefits to which each such
19 term applies in each respective benefits
20 classification.

21 “(ii) The factors used to determine
22 that the NQTLs will apply to mental
23 health or substance use disorder benefits
24 and medical or surgical benefits.

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1 “(iii) The evidentiary standards used
2 for the factors identified in clause (ii),
3 when applicable, provided that every factor
4 shall be defined, and any other source or
5 evidence relied upon to design and apply
6 the NQTLs to mental health or substance
7 use disorder benefits and medical or sur-
8 gical benefits.

9 “(iv) The comparative analyses dem-
10 onstrating that the processes, strategies,
11 evidentiary standards, and other factors
12 used to apply the NQTLs to mental health
13 or substance use disorder benefits, as writ-
14 ten and in operation, are comparable to,
15 and are applied no more stringently than,
16 the processes, strategies, evidentiary stand-
17 ards, and other factors used to apply the
18 NQTLs to medical or surgical benefits in
19 the benefits classification.

20 “(v) The specific findings and conclu-
21 sions reached by the group health plan or
22 health insurance issuer with respect to the
23 health insurance coverage, including any
24 results of the analyses described in this
25 subparagraph that indicate that the plan

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1 or coverage is or is not in compliance with
2 this section.

3 “(B) SECRETARY REQUEST PROCESS.—

4 “(i) SUBMISSION UPON REQUEST.—

5 The Secretary shall request that a group
6 health plan or a health insurance issuer of-
7 fering group health insurance coverage
8 submit the comparative analyses described
9 in subparagraph (A) for plans that involve
10 potential violations of this section or com-
11 plaints regarding noncompliance with this
12 section that concern NQTLs and any other
13 instances in which the Secretary deter-
14 mines appropriate. The Secretary shall re-
15 quest not fewer than 20 such analyses per
16 year.

17 “(ii) ADDITIONAL INFORMATION.—In
18 instances in which the Secretary has con-
19 cluded that the group health plan or health
20 insurance issuer with respect to group
21 health insurance coverage has not sub-
22 mitted sufficient information for the Sec-
23 retary to review the comparative analyses
24 described in subparagraph (A), as re-
25 quested under clause (i), the Secretary

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1 shall specify to the plan or issuer the infor-
2 mation the plan or issuer must submit to
3 be responsive to the request under clause
4 (i) for the Secretary to review the com-
5 parative analyses described in subpara-
6 graph (A) for compliance with this section.
7 Nothing in this paragraph shall require the
8 Secretary to conclude that a group health
9 plan or health insurance issuer is in com-
10 pliance with this section solely based upon
11 the inspection of the comparative analyses
12 described in subparagraph (A), as re-
13 quested under clause (i).

14 “(iii) REQUIRED ACTION.—

15 “(I) IN GENERAL.—In instances
16 in which the Secretary has reviewed
17 the comparative analyses described in
18 subparagraph (A), as requested under
19 clause (i), and determined that the
20 group health plan or health insurance
21 issuer is not in compliance with this
22 section, the plan or issuer—

23 “(aa) shall specify to the
24 Secretary the actions the plan or
25 issuer will take to be in compli-

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1 ance with this section and pro-
2 vide to the Secretary additional
3 comparative analyses described in
4 subparagraph (A) that dem-
5 onstrate compliance with this sec-
6 tion not later than 45 days after
7 the initial determination by the
8 Secretary that the plan or issuer
9 is not in compliance; and

10 “(bb) following the 45-day
11 corrective action period under
12 item (aa), if the Secretary makes
13 a final determination that the
14 plan or issuer still is not in com-
15 pliance with this section, not
16 later than 7 days after such de-
17 termination, shall notify all indi-
18 viduals enrolled in the plan or
19 applicable health insurance cov-
20 erage offered by the issuer that
21 the plan or issuer, with respect to
22 such coverage, has been deter-
23 mined to be not in compliance
24 with this section.

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1 “(II) EXEMPTION FROM DISCLO-
2 SURE.—Documents or communica-
3 tions produced in connection with the
4 Secretary’s recommendations to a
5 group health plan or health insurance
6 issuer shall not be subject to disclo-
7 sure pursuant to section 552 of title
8 5, United States Code.

9 “(iv) REPORT.—Not later than 1 year
10 after the date of enactment of this para-
11 graph, and not later than October 1 of
12 each year thereafter, the Secretary shall
13 submit to Congress, and make publicly
14 available, a report that contains—

15 “(I) a summary of the compara-
16 tive analyses requested under clause
17 (i), including the identity of each
18 group health plan or health insurance
19 issuer, with respect to certain health
20 insurance coverage that is determined
21 to be not in compliance after the final
22 determination by the Secretary de-
23 scribed in clause (iii)(I)(bb);

24 “(II) the Secretary’s conclusions
25 as to whether each group health plan

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1 or health insurance issuer submitted
2 sufficient information for the Sec-
3 retary to review the comparative anal-
4 yses requested under clause (i) for
5 compliance with this section;

6 “(III) for each group health plan
7 or health insurance issuer that did
8 submit sufficient information for the
9 Secretary to review the comparative
10 analyses requested under clause (i),
11 the Secretary’s conclusions as to
12 whether and why the plan or issuer is
13 in compliance with the disclosure re-
14 quirements under this section;

15 “(IV) the Secretary’s specifica-
16 tions described in clause (ii) for each
17 group health plan or health insurance
18 issuer that the Secretary determined
19 did not submit sufficient information
20 for the Secretary to review the com-
21 parative analyses requested under
22 clause (i) for compliance with this sec-
23 tion; and

24 “(V) the Secretary’s specifica-
25 tions described in clause (iii) of the

1 actions each group health plan or
2 health insurance issuer that the Sec-
3 retary determined is not in compliance
4 with this section must take to be in
5 compliance with this section, including
6 the reason why the Secretary deter-
7 mined the plan or issuer is not in
8 compliance.

9 “(C) COMPLIANCE PROGRAM GUIDANCE
10 DOCUMENT UPDATE PROCESS.—

11 “(i) IN GENERAL.—The Secretary
12 shall include instances of noncompliance
13 that the Secretary discovers upon review-
14 ing the comparative analyses requested
15 under subparagraph (B)(i) in the compli-
16 ance program guidance document de-
17 scribed in paragraph (6), as it is updated
18 every 2 years, except that such instances
19 shall not disclose any protected health in-
20 formation or individually identifiable infor-
21 mation.

22 “(ii) GUIDANCE AND REGULATIONS.—
23 Not later than 18 months after the date of
24 enactment of this paragraph, the Secretary
25 shall finalize any draft or interim guidance

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1 and regulations relating to mental health
2 parity under this section. Such draft guid-
3 ance shall include guidance to clarify the
4 process and timeline for current and poten-
5 tial participants and beneficiaries (and au-
6 thorized representatives and health care
7 providers of such participants and bene-
8 ficiaries) with respect to plans to file com-
9 plaints of such plans or issuers being in
10 violation of this section, including guid-
11 ance, by plan type, on the relevant State,
12 regional, or national office with which such
13 complaints should be filed.

14 “(iii) STATE.—The Secretary shall
15 share information on findings of compli-
16 ance and noncompliance discovered upon
17 reviewing the comparative analyses re-
18 quested under subparagraph (B)(i) shall be
19 shared with the State where the group
20 health plan is located or the State where
21 the health insurance issuer is licensed to
22 do business for coverage offered by a
23 health insurance issuer in the group mar-
24 ket, in accordance with paragraph
25 (6)(B)(iii)(II).”.

1 (3) IRC.—Section 9812(a) of the Internal Rev-
2 enue Code of 1986 is amended by adding at the end
3 the following:

4 “(6) COMPLIANCE PROGRAM GUIDANCE DOCU-
5 MENT.—

6 “(A) IN GENERAL.—The Secretary, the
7 Secretary of Health and Human Services, and
8 the Secretary of Labor, in consultation with the
9 Inspector General of the Department of Health
10 and Human Services, the Inspector General of
11 the Department of Labor, and the Inspector
12 General of the Department of the Treasury,
13 shall issue a compliance program guidance doc-
14 ument to help improve compliance with this sec-
15 tion, section 2726 of the Public Health Service
16 Act, and section 712 of the Employee Retirement
17 Income Security Act of 1974, as applica-
18 ble. In carrying out this paragraph, the Secre-
19 taries may take into consideration the 2016
20 publication of the Department of Health and
21 Human Services and the Department of Labor,
22 entitled ‘Warning Signs - Plan or Policy Non-
23 Quantitative Treatment Limitations (NQTLs)
24 that Require Additional Analysis to Determine
25 Mental Health Parity Compliance’.

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1 “(B) EXAMPLES ILLUSTRATING COMPLI-
2 ANCE AND NONCOMPLIANCE.—

3 “(i) IN GENERAL.—The compliance
4 program guidance document required
5 under this paragraph shall provide illus-
6 trative, de-identified examples (that do not
7 disclose any protected health information
8 or individually identifiable information) of
9 previous findings of compliance and non-
10 compliance with this section, section 2726
11 of the Public Health Service Act, or sec-
12 tion 712 of the Employee Retirement In-
13 come Security Act of 1974, as applicable,
14 based on investigations of violations of
15 such sections, including—

16 “(I) examples illustrating re-
17 quirements for information disclosures
18 and nonquantitative treatment limita-
19 tions; and

20 “(II) descriptions of the viola-
21 tions uncovered during the course of
22 such investigations.

23 “(ii) NONQUANTITATIVE TREATMENT
24 LIMITATIONS.—To the extent that any ex-
25 ample described in clause (i) involves a

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1 finding of compliance or noncompliance
2 with regard to any requirement for non-
3 quantitative treatment limitations, the ex-
4 ample shall provide sufficient detail to fully
5 explain such finding, including a full de-
6 scription of the criteria involved for ap-
7 proving medical and surgical benefits and
8 the criteria involved for approving mental
9 health and substance use disorder benefits.

10 “(iii) ACCESS TO ADDITIONAL INFOR-
11 MATION REGARDING COMPLIANCE.—In de-
12 veloping and issuing the compliance pro-
13 gram guidance document required under
14 this paragraph, the Secretaries specified in
15 subparagraph (A)—

16 “(I) shall enter into interagency
17 agreements with the Inspector Gen-
18 eral of the Department of Health and
19 Human Services, the Inspector Gen-
20 eral of the Department of Labor, and
21 the Inspector General of the Depart-
22 ment of the Treasury to share find-
23 ings of compliance and noncompliance
24 with this section, section 2726 of the
25 Public Health Service Act, or section

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1 712 of the Employee Retirement In-
2 come Security Act of 1974, as appli-
3 cable; and

4 “(II) shall seek to enter into an
5 agreement with a State to share infor-
6 mation on findings of compliance and
7 noncompliance with this section, sec-
8 tion 2726 of the Public Health Serv-
9 ice Act, or section 712 of the Em-
10 ployee Retirement Income Security
11 Act of 1974, as applicable.

12 “(C) RECOMMENDATIONS.—The compli-
13 ance program guidance document shall include
14 recommendations to advance compliance with
15 this section, section 2726 of the Public Health
16 Service Act, or section 712 of the Employee Re-
17 tirement Income Security Act of 1974, as appli-
18 cable, and encourage the development and use
19 of internal controls to monitor adherence to ap-
20 plicable statutes, regulations, and program re-
21 quirements. Such internal controls may include
22 illustrative examples of nonquantitative treat-
23 ment limitations on mental health and sub-
24 stance use disorder benefits, which may fail to
25 comply with this section, section 2726 of the

1 Public Health Service Act, or section 712 of the
2 Employee Retirement Income Security Act of
3 1974, as applicable, in relation to nonquantita-
4 tive treatment limitations on medical and sur-
5 gical benefits.

6 “(D) UPDATING THE COMPLIANCE PRO-
7 GRAM GUIDANCE DOCUMENT.—The Secretary,
8 the Secretary of Health and Human Services,
9 and the Secretary of Labor, in consultation
10 with the Inspector General of the Department
11 of Health and Human Services, the Inspector
12 General of the Department of Labor, and the
13 Inspector General of the Department of the
14 Treasury, shall update the compliance program
15 guidance document every 2 years to include il-
16 lustrative, de-identified examples (that do not
17 disclose any protected health information or in-
18 dividually identifiable information) of previous
19 findings of compliance and noncompliance with
20 this section, section 2726 of the Public Health
21 Service Act, or section 712 of the Employee Re-
22 tirement Income Security Act of 1974, as appli-
23 cable.

24 “(7) ADDITIONAL GUIDANCE.—

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1 “(A) IN GENERAL.—The Secretary, the
2 Secretary of Health and Human Services, and
3 the Secretary of Labor shall issue guidance to
4 group health plans to assist such plans in satis-
5 fying the requirements of this section, section
6 2726 of the Public Health Service Act, or sec-
7 tion 712 of the Employee Retirement Income
8 Security Act of 1974, as applicable.

9 “(B) DISCLOSURE.—

10 “(i) GUIDANCE FOR PLANS.—The
11 guidance issued under this paragraph shall
12 include clarifying information and illus-
13 trative examples of methods that group
14 health plans may use for disclosing infor-
15 mation to ensure compliance with the re-
16 quirements under this section, section
17 2726 of the Public Health Service Act, or
18 section 712 of the Employee Retirement
19 Income Security Act of 1974, as applica-
20 ble, (and any regulations promulgated pur-
21 suant to such sections, as applicable).

22 “(ii) DOCUMENTS FOR PARTICIPANTS,
23 BENEFICIARIES, CONTRACTING PROVIDERS,
24 OR AUTHORIZED REPRESENTATIVES.—The
25 guidance issued under this paragraph shall

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1 include clarifying information and illus-
2 trative examples of methods that group
3 health plans may use to provide any partic-
4 ipant, beneficiary, contracting provider, or
5 authorized representative, as applicable,
6 with documents containing information
7 that the health plans are required to dis-
8 close to participants, beneficiaries, con-
9 tracting providers, or authorized represent-
10 atives to ensure compliance with this sec-
11 tion, section 2726 of the Public Health
12 Service Act, or section 712 of the Em-
13 ployee Retirement Income Security Act of
14 1974, as applicable, compliance with any
15 regulation issued pursuant to such respec-
16 tive section, or compliance with any other
17 applicable law or regulation. Such guidance
18 shall include information that is compara-
19 tive in nature with respect to—

20 “(I) nonquantitative treatment
21 limitations for both medical and sur-
22 gical benefits and mental health and
23 substance use disorder benefits;

24 “(II) the processes, strategies,
25 evidentiary standards, and other fac-

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1 tors used to apply the limitations de-
2 scribed in subclause (I); and

3 “**(III)** the application of the limi-
4 tations described in subclause (I) to
5 ensure that such limitations are ap-
6 plied in parity with respect to both
7 medical and surgical benefits and
8 mental health and substance use dis-
9 order benefits.

10 “**(C) NONQUANTITATIVE TREATMENT LIM-**
11 **ITATIONS.**—The guidance issued under this
12 paragraph shall include clarifying information
13 and illustrative examples of methods, processes,
14 strategies, evidentiary standards, and other fac-
15 tors that group health plans may use regarding
16 the development and application of non-
17 quantitative treatment limitations to ensure
18 compliance with this section, section 2726 of
19 the Public Health Service Act, or section 712 of
20 the Employee Retirement Income Security Act
21 of 1974, as applicable, (and any regulations
22 promulgated pursuant to such respective sec-
23 tion), including—

24 “(i) examples of methods of deter-
25 mining appropriate types of nonquantita-

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1 tive treatment limitations with respect to
2 both medical and surgical benefits and
3 mental health and substance use disorder
4 benefits, including nonquantitative treat-
5 ment limitations pertaining to—

6 “(I) medical management stand-
7 ards based on medical necessity or ap-
8 propriateness, or whether a treatment
9 is experimental or investigative;

10 “(II) limitations with respect to
11 prescription drug formulary design;
12 and

13 “(III) use of fail-first or step
14 therapy protocols;

15 “(ii) examples of methods of deter-
16 mining—

17 “(I) network admission standards
18 (such as credentialing); and

19 “(II) factors used in provider re-
20 imbursement methodologies (such as
21 service type, geographic market, de-
22 mand for services, and provider sup-
23 ply, practice size, training, experience,
24 and licensure) as such factors apply to
25 network adequacy;

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1 “(iii) examples of sources of informa-
2 tion that may serve as evidentiary stand-
3 ards for the purposes of making deter-
4 minations regarding the development and
5 application of nonquantitative treatment
6 limitations;

7 “(iv) examples of specific factors, and
8 the evidentiary standards used to evaluate
9 such factors, used by such plans in per-
10 forming a nonquantitative treatment limi-
11 tation analysis;

12 “(v) examples of how specific evi-
13 dentiary standards may be used to deter-
14 mine whether treatments are considered
15 experimental or investigative;

16 “(vi) examples of how specific evi-
17 dentiary standards may be applied to each
18 service category or classification of bene-
19 fits;

20 “(vii) examples of methods of reach-
21 ing appropriate coverage determinations
22 for new mental health or substance use
23 disorder treatments, such as evidence-
24 based early intervention programs for indi-

1 viduals with a serious mental illness and
2 types of medical management techniques;

3 “(viii) examples of methods of reach-
4 ing appropriate coverage determinations
5 for which there is an indirect relationship
6 between the covered mental health or sub-
7 stance use disorder benefit and a tradi-
8 tional covered medical and surgical benefit,
9 such as residential treatment or hos-
10 pitalizations involving voluntary or involun-
11 tary commitment; and

12 “(ix) additional illustrative examples
13 of methods, processes, strategies, evi-
14 dentiary standards, and other factors for
15 which the Secretary determines that addi-
16 tional guidance is necessary to improve
17 compliance with this section, section 2726
18 of the Public Health Service Act, or sec-
19 tion 712 of the Employee Retirement In-
20 come Security Act of 1974, as applicable.

21 “(D) PUBLIC COMMENT.—Prior to issuing
22 any final guidance under this paragraph, the
23 Secretary shall provide a public comment period
24 of not less than 60 days during which any

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1 member of the public may provide comments on
2 a draft of the guidance.

3 “(8) COMPLIANCE REQUIREMENTS.—

4 “(A) NONQUANTITATIVE TREATMENT LIM-
5 ITATION (NQTL) REQUIREMENTS.—In the case
6 of a group health plan that provides both med-
7 ical and surgical benefits and mental health or
8 substance use disorder benefits and that im-
9 poses nonquantitative treatment limitations (re-
10 ferred to in this section as ‘NQTLs’) on mental
11 health or substance use disorder benefits, such
12 plan shall perform and document comparative
13 analyses of the design and application of
14 NQTLs and, beginning 45 days after the date
15 of enactment of the Consolidated Appropria-
16 tions Act, 2021, make available to the Sec-
17 retary, upon request, the comparative analyses
18 and the following information:

19 “(i) The specific plan terms or other
20 relevant terms regarding the NQTLs and a
21 description of all mental health or sub-
22 stance use disorder and medical or surgical
23 benefits to which each such term applies in
24 each respective benefits classification.

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1 “(ii) The factors used to determine
2 that the NQTLs will apply to mental
3 health or substance use disorder benefits
4 and medical or surgical benefits.

5 “(iii) The evidentiary standards used
6 for the factors identified in clause (ii),
7 when applicable, provided that every factor
8 shall be defined, and any other source or
9 evidence relied upon to design and apply
10 the NQTLs to mental health or substance
11 use disorder benefits and medical or sur-
12 gical benefits.

13 “(iv) The comparative analyses dem-
14 onstrating that the processes, strategies,
15 evidentiary standards, and other factors
16 used to apply the NQTLs to mental health
17 or substance use disorder benefits, as writ-
18 ten and in operation, are comparable to,
19 and are applied no more stringently than,
20 the processes, strategies, evidentiary stand-
21 ards, and other factors used to apply the
22 NQTLs to medical or surgical benefits in
23 the benefits classification.

24 “(v) A disclosure of the specific find-
25 ings and conclusions reached by the group

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1 health plan, including any results of the
2 analyses described in this subparagraph
3 that indicate that the plan is or is not in
4 compliance with this section.

5 “(B) SECRETARY REQUEST PROCESS.—

6 “(i) SUBMISSION UPON REQUEST.—

7 The Secretary shall request that a group
8 health plan submit the comparative anal-
9 yses described in subparagraph (A) for
10 plans that involve potential violations of
11 this section or complaints regarding non-
12 compliance with this section that concern
13 NQTLs and any other instances in which
14 the Secretary determines appropriate. The
15 Secretary shall request not fewer than 20
16 such analyses per year.

17 “(ii) ADDITIONAL INFORMATION.—In
18 instances in which the Secretary has con-
19 cluded that the group health plan has not
20 submitted sufficient information for the
21 Secretary to review the comparative anal-
22 yses described in subparagraph (A), as re-
23 quested under clause (i), the Secretary
24 shall specify to the plan the information
25 the plan must submit to be responsive to

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1 the request under clause (i) for the Sec-
2 retary to review the comparative analyses
3 described in subparagraph (A) for compli-
4 ance with this section. Nothing in this
5 paragraph shall require the Secretary to
6 conclude that a group health plan is in
7 compliance with this section solely based
8 upon the inspection of the comparative
9 analyses described in subparagraph (A), as
10 requested under clause (i).

11 “(iii) REQUIRED ACTION.—

12 “(I) IN GENERAL.—In instances
13 in which the Secretary has reviewed
14 the comparative analyses described in
15 subparagraph (A), as requested under
16 clause (i), and determined that the
17 group health plan is not in compliance
18 with this section, the plan—

19 “(aa) shall specify to the
20 Secretary the actions the plan
21 will take to be in compliance with
22 this section and provide to the
23 Secretary additional comparative
24 analyses described in subpara-
25 graph (A) that demonstrate com-

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1 pliance with this section not later
2 than 45 days after the initial de-
3 termination by the Secretary that
4 the plan is not in compliance;
5 and

6 “*(bb)* following the 45-day
7 corrective action period under
8 item *(aa)*, if the Secretary makes
9 a final determination that the
10 plan still is not in compliance
11 with this section, not later than 7
12 days after such determination,
13 shall notify all individuals en-
14 rolled in the plan that the plan
15 has been determined to be not in
16 compliance with this section.

17 “(II) EXEMPTION FROM DISCLO-
18 SURE.—Documents or communica-
19 tions produced in connection with the
20 Secretary’s recommendations to a
21 group health plan shall not be subject
22 to disclosure pursuant to section 552
23 of title 5, United States Code.

24 “(iv) REPORT.—Not later than 1 year
25 after the date of enactment of this para-

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1 graph, and not later than October 1 of
2 each year thereafter, the Secretary shall
3 submit to Congress, and make publicly
4 available, a report that contains—

5 “(I) a summary of the compara-
6 tive analyses requested under clause
7 (i), including the identity of each
8 group plan that is determined to be
9 not in compliance after the final de-
10 termination by the Secretary de-
11 scribed in clause (iii)(I)(bb);

12 “(II) the Secretary’s conclusions
13 as to whether each group health plan
14 submitted sufficient information for
15 the Secretary to review the compara-
16 tive analyses requested under clause
17 (i) for compliance with this section;

18 “(III) for each group health plan
19 that did submit sufficient information
20 for the Secretary to review the com-
21 parative analyses requested under
22 clause (i), the Secretary’s conclusions
23 as to whether and why the plan is in
24 compliance with the disclosure re-
25 quirements under this section;

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1 “(IV) the Secretary’s specifica-
2 tions described in clause (ii) for each
3 group health plan that the Secretary
4 determined did not submit sufficient
5 information for the Secretary to re-
6 view the comparative analyses re-
7 quested under clause (i) for compli-
8 ance with this section; and

9 “(V) the Secretary’s specifica-
10 tions described in clause (iii) of the
11 actions each group health plan that
12 the Secretary determined is not in
13 compliance with this section must
14 take to be in compliance with this sec-
15 tion, including the reason why the
16 Secretary determined the plan is not
17 in compliance.

18 “(C) COMPLIANCE PROGRAM GUIDANCE
19 DOCUMENT UPDATE PROCESS.—

20 “(i) IN GENERAL.—The Secretary
21 shall include instances of noncompliance
22 that the Secretary discovers upon review-
23 ing the comparative analyses requested
24 under subparagraph (B)(i) in the compli-
25 ance program guidance document de-

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1 scribed in paragraph (6), as it is updated
2 every 2 years, except that such instances
3 shall not disclose any protected health in-
4 formation or individually identifiable infor-
5 mation.

6 “(ii) GUIDANCE AND REGULATIONS.—
7 Not later than 18 months after the date of
8 enactment of this paragraph, the Secretary
9 shall finalize any draft or interim guidance
10 and regulations relating to mental health
11 parity under this section. Such draft guid-
12 ance shall include guidance to clarify the
13 process and timeline for current and poten-
14 tial participants and beneficiaries (and au-
15 thorized representatives and health care
16 providers of such participants and bene-
17 ficiaries) with respect to plans to file com-
18 plaints of such plans being in violation of
19 this section, including guidance, by plan
20 type, on the relevant State, regional, or na-
21 tional office with which such complaints
22 should be filed.

23 “(iii) STATE.—The Secretary shall
24 share information on findings of compli-
25 ance and noncompliance discovered upon

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1 reviewing the comparative analyses re-
2 requested under subparagraph (B)(i) shall be
3 shared with the State where the group
4 health plan is located, in accordance with
5 paragraph (6)(B)(iii)(II).”.

6 (4) MEDICAID AND CHIP COMPLIANCE.—

7 (A) MEDICAID MANAGED CARE ORGANIZA-
8 TIONS.—Section 1932(b)(8) of the Social Secu-
9 rity Act (42 U.S.C. 1396u–2(b)(8)) is amended
10 by adding at the end the following new sen-
11 tence: “In applying the previous sentence with
12 respect to requirements under paragraph (8) of
13 section 2726(a) of the Public Health Service
14 Act, a Medicaid managed care organization (or
15 a prepaid inpatient health plan (as defined by
16 the Secretary) or prepaid ambulatory health
17 plan (as defined by the Secretary) that offers
18 services to enrollees of a Medicaid managed
19 care organization) shall be treated as in compli-
20 ance with such requirements if the Medicaid
21 managed care organization (or prepaid inpa-
22 tient health plan or prepaid ambulatory health
23 plan) is in compliance with subpart K of part
24 438 of title 42, Code of Federal Regulations,

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1 and section 438.3(n) of such title, or any suc-
2 cessor regulation.”.

3 (B) OTHER BENCHMARK BENEFIT PACK-
4 AGES OR BENCHMARK EQUIVALENT COV-
5 ERAGE.—Section 1937(b)(6)(A) of such Act (42
6 U.S.C. 1396u–7(b)(6)(A)) is amended—

7 (i) by striking “section 2705(a)” and
8 inserting “section 2726(a)”; and

9 (ii) by adding at the end the following
10 new sentence: “In applying the previous
11 sentence with respect to requirements
12 under paragraph (8) of section 2726(a) of
13 the Public Health Service Act, a bench-
14 mark benefit package or benchmark equiv-
15 alent coverage described in such sentence
16 shall be treated as in compliance with such
17 requirements if the State plan under this
18 title or the benchmark benefit package or
19 benefit equivalent coverage, as applicable,
20 is in compliance with subpart C of part
21 440 of title 42, Code of Federal Regula-
22 tions, or any successor regulation.”.

23 (C) STATE CHILD HEALTH PLANS.—Sec-
24 tion 2103(c)(7)(A) of the Social Security Act
25 (42 U.S.C. 1397cc(c)(7)(A)) is amended—

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1 (i) by striking “section 2705(a)” and
2 inserting “section 2726(a)”; and

3 (ii) by adding at the end the following
4 new sentence: “In applying the previous
5 sentence with respect to requirements
6 under paragraph (8) of section 2726(a) of
7 the Public Health Service Act, a State
8 child health plan described in such sen-
9 tence shall be treated as in compliance
10 with such requirements if the State child
11 health plan is in compliance with section
12 457.496 of title 42, Code of Federal Regu-
13 lations, or any successor regulation.”.

14 (b) GUIDANCE.—The Secretary of Health and
15 Human Services, jointly with the Secretary of Labor and
16 the Secretary of the Treasury, shall issue guidance to
17 carry out the amendments made by paragraphs (1), (2),
18 and (3) of subsection (a).

19 **SEC. 204. REPORTING ON PHARMACY BENEFITS AND DRUG**
20 **COSTS.**

21 (a) PHSA.—Part D of title XXVII of the Public
22 Health Service Act (42 U.S.C. 300gg et seq.), as amended
23 by section 201, is further amended by adding at the end
24 the following:

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1 **“SEC. 2799A-10. REPORTING ON PHARMACY BENEFITS AND**
2 **DRUG COSTS.**

3 “(a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of the Consolidated Appropriations Act,
5 2021, and not later than June 1 of each year thereafter,
6 a group health plan or health insurance issuer offering
7 group or individual health insurance coverage (except for
8 a church plan) shall submit to the Secretary, the Secretary
9 of Labor, and the Secretary of the Treasury the following
10 information with respect to the health plan or coverage
11 in the previous plan year:

12 “(1) The beginning and end dates of the plan
13 year.

14 “(2) The number of enrollees.

15 “(3) Each State in which the plan or coverage
16 is offered.

17 “(4) The 50 brand prescription drugs most fre-
18 quently dispensed by pharmacies for claims paid by
19 the plan or coverage, and the total number of paid
20 claims for each such drug.

21 “(5) The 50 most costly prescription drugs with
22 respect to the plan or coverage by total annual
23 spending, and the annual amount spent by the plan
24 or coverage for each such drug.

25 “(6) The 50 prescription drugs with the great-
26 est increase in plan expenditures over the plan year

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1 preceding the plan year that is the subject of the re-
2 port, and, for each such drug, the change in
3 amounts expended by the plan or coverage in each
4 such plan year.

5 “(7) Total spending on health care services by
6 such group health plan or health insurance coverage,
7 broken down by—

8 “(A) the type of costs, including—

9 “(i) hospital costs;

10 “(ii) health care provider and clinical
11 service costs, for primary care and spe-
12 cialty care separately;

13 “(iii) costs for prescription drugs; and

14 “(iv) other medical costs, including
15 wellness services; and

16 “(B) spending on prescription drugs by—

17 “(i) the health plan or coverage; and

18 “(ii) the enrollees.

19 “(8) The average monthly premium—

20 “(A) paid by employers on behalf of enroll-
21 ees, as applicable; and

22 “(B) paid by enrollees.

23 “(9) Any impact on premiums by rebates, fees,
24 and any other remuneration paid by drug manufac-
25 turers to the plan or coverage or its administrators

1 or service providers, with respect to prescription
2 drugs prescribed to enrollees in the plan or coverage,
3 including—

4 “(A) the amounts so paid for each thera-
5 peutic class of drugs; and

6 “(B) the amounts so paid for each of the
7 25 drugs that yielded the highest amount of re-
8 bates and other remuneration under the plan or
9 coverage from drug manufacturers during the
10 plan year.

11 “(10) Any reduction in premiums and out-of-
12 pocket costs associated with rebates, fees, or other
13 remuneration described in paragraph (9).

14 “(b) REPORT.—Not later than 18 months after the
15 date on which the first report is required under subsection
16 (a) and biannually thereafter, the Secretary, acting
17 through the Assistant Secretary of Planning and Evalua-
18 tion and in coordination with the Inspector General of the
19 Department of Health and Human Services, shall make
20 available on the internet website of the Department of
21 Health and Human Services a report on prescription drug
22 reimbursements under group health plans and group and
23 individual health insurance coverage, prescription drug
24 pricing trends, and the role of prescription drug costs in
25 contributing to premium increases or decreases under such

1 plans or coverage, aggregated in such a way as no drug
2 or plan specific information will be made public.

3 “(c) PRIVACY PROTECTIONS.—No confidential or
4 trade secret information submitted to the Secretary under
5 subsection (a) shall be included in the report under sub-
6 section (b).”.

7 (b) ERISA.—Subpart B of part 7 of subtitle B of
8 title I of the Employee Retirement Income Security Act
9 of 1974 (29 U.S.C. 1185 et seq.), as amended by section
10 201, is further amended by adding at the end the fol-
11 lowing:

12 **“SEC. 725. REPORTING ON PHARMACY BENEFITS AND**
13 **DRUG COSTS.**

14 “(a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of the Consolidated Appropriations Act,
16 2021, and not later than June 1 of each year thereafter,
17 a group health plan (or health insurance coverage offered
18 in connection with such a plan) shall submit to the Sec-
19 retary, the Secretary of Health and Human Services, and
20 the Secretary of the Treasury the following information
21 with respect to the health plan or coverage in the previous
22 plan year:

23 “(1) The beginning and end dates of the plan
24 year.

1 “(2) The number of participants and bene-
2 ficiaries.

3 “(3) Each State in which the plan or coverage
4 is offered.

5 “(4) The 50 brand prescription drugs most fre-
6 quently dispensed by pharmacies for claims paid by
7 the plan or coverage, and the total number of paid
8 claims for each such drug.

9 “(5) The 50 most costly prescription drugs with
10 respect to the plan or coverage by total annual
11 spending, and the annual amount spent by the plan
12 or coverage for each such drug.

13 “(6) The 50 prescription drugs with the great-
14 est increase in plan expenditures over the plan year
15 preceding the plan year that is the subject of the re-
16 port, and, for each such drug, the change in
17 amounts expended by the plan or coverage in each
18 such plan year.

19 “(7) Total spending on health care services by
20 such group health plan or health insurance coverage,
21 broken down by—

22 “(A) the type of costs, including—

23 “(i) hospital costs;

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1 “(ii) health care provider and clinical
2 service costs, for primary care and spe-
3 cialty care separately;

4 “(iii) costs for prescription drugs; and
5 “(iv) other medical costs, including
6 wellness services; and

7 “(B) spending on prescription drugs by—

8 “(i) the health plan or coverage; and

9 “(ii) the participants and bene-
10 ficiaries.

11 “(8) The average monthly premium—

12 “(A) paid by employers on behalf of par-
13 ticipants and beneficiaries, as applicable; and

14 “(B) paid by participants and bene-
15 ficiaries.

16 “(9) Any impact on premiums by rebates, fees,
17 and any other remuneration paid by drug manufac-
18 turers to the plan or coverage or its administrators
19 or service providers, with respect to prescription
20 drugs prescribed to participants or beneficiaries in
21 the plan or coverage, including—

22 “(A) the amounts so paid for each thera-
23 peutic class of drugs; and

24 “(B) the amounts so paid for each of the
25 25 drugs that yielded the highest amount of re-

1 bates and other remuneration under the plan or
2 coverage from drug manufacturers during the
3 plan year.

4 “(10) Any reduction in premiums and out-of-
5 pocket costs associated with rebates, fees, or other
6 remuneration described in paragraph (9).

7 “(b) REPORT.—Not later than 18 months after the
8 date on which the first report is required under subsection
9 (a) and biannually thereafter, the Secretary, acting in co-
10 ordination with the Inspector General of the Department
11 of Labor, shall make available on the internet website of
12 the Department of Labor a report on prescription drug
13 reimbursements under group health plans (or health in-
14 surance coverage offered in connection with such a plan),
15 prescription drug pricing trends, and the role of prescrip-
16 tion drug costs in contributing to premium increases or
17 decreases under such plans or coverage, aggregated in
18 such a way as no drug or plan specific information will
19 be made public.

20 “(c) PRIVACY PROTECTIONS.—No confidential or
21 trade secret information submitted to the Secretary under
22 subsection (a) shall be included in the report under sub-
23 section (b).”.

1 (c) IRC.—Subchapter B of chapter 100 of the Inter-
2 nal Revenue Code of 1986, as amended by section 201,
3 is further amended by adding at the end the following:

4 **“SEC. 9825. REPORTING ON PHARMACY BENEFITS AND**
5 **DRUG COSTS.**

6 “(a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of the Consolidated Appropriations Act,
8 2021, and not later than June 1 of each year thereafter,
9 a group health plan shall submit to the Secretary, the Sec-
10 retary of Health and Human Services, and the Secretary
11 of Labor the following information with respect to the
12 health plan in the previous plan year:

13 “(1) The beginning and end dates of the plan
14 year.

15 “(2) The number of participants and bene-
16 ficiaries.

17 “(3) Each State in which the plan is offered.

18 “(4) The 50 brand prescription drugs most fre-
19 quently dispensed by pharmacies for claims paid by
20 the plan, and the total number of paid claims for
21 each such drug.

22 “(5) The 50 most costly prescription drugs with
23 respect to the plan by total annual spending, and the
24 annual amount spent by the plan for each such
25 drug.

1 “(6) The 50 prescription drugs with the great-
2 est increase in plan expenditures over the plan year
3 preceding the plan year that is the subject of the re-
4 port, and, for each such drug, the change in
5 amounts expended by the plan in each such plan
6 year.

7 “(7) Total spending on health care services by
8 such group health plan, broken down by—

9 “(A) the type of costs, including—

10 “(i) hospital costs;

11 “(ii) health care provider and clinical
12 service costs, for primary care and spe-
13 cialty care separately;

14 “(iii) costs for prescription drugs; and

15 “(iv) other medical costs, including
16 wellness services; and

17 “(B) spending on prescription drugs by—

18 “(i) the health plan; and

19 “(ii) the participants and bene-
20 ficiaries.

21 “(8) The average monthly premium—

22 “(A) paid by employers on behalf of par-
23 ticipants and beneficiaries, as applicable; and

24 “(B) paid by participants and bene-
25 ficiaries.

1 “(9) Any impact on premiums by rebates, fees,
2 and any other remuneration paid by drug manufac-
3 turers to the plan or its administrators or service
4 providers, with respect to prescription drugs pre-
5 scribed to participants or beneficiaries in the plan,
6 including—

7 “(A) the amounts so paid for each thera-
8 peutic class of drugs; and

9 “(B) the amounts so paid for each of the
10 25 drugs that yielded the highest amount of re-
11 bates and other remuneration under the plan
12 from drug manufacturers during the plan year.

13 “(10) Any reduction in premiums and out-of-
14 pocket costs associated with rebates, fees, or other
15 remuneration described in paragraph (9).

16 “(b) REPORT.—Not later than 18 months after the
17 date on which the first report is required under subsection
18 (a) and biannually thereafter, the Secretary, acting in co-
19 ordination with the Inspector General of the Department
20 of the Treasury, shall make available on the internet
21 website of the Department of the Treasury a report on
22 prescription drug reimbursements under group health
23 plans, prescription drug pricing trends, and the role of
24 prescription drug costs in contributing to premium in-
25 creases or decreases under such plans, aggregated in such

1 a way as no drug or plan specific information will be made
2 public.

3 “(c) PRIVACY PROTECTIONS.—No confidential or
4 trade secret information submitted to the Secretary under
5 subsection (a) shall be included in the report under sub-
6 section (b).”.

7 (d) CLERICAL AMENDMENTS.—

8 (1) ERISA.—The table of contents in section 1
9 of the Employee Retirement Income Security Act of
10 1974 (29 U.S.C. 1001 et seq.), as amended by sec-
11 tion 201, is further amended by inserting after the
12 item relating to section 724 the following new item:

“Sec. 725. Reporting on pharmacy benefits and drug costs.”.

13 (2) IRC.—The table of sections for subchapter
14 B of chapter 100 of the Internal Revenue Code of
15 1986, as amended by section 201, is further amend-
16 ed by adding at the end the following new item:

“Sec. 9825. Reporting on pharmacy benefits and drug costs.”.

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1 **TITLE III—PUBLIC HEALTH**
2 **PROVISIONS**

3 **Subtitle A—Extenders Provisions**

4 **SEC. 301. EXTENSION FOR COMMUNITY HEALTH CENTERS,**
5 **THE NATIONAL HEALTH SERVICE CORPS,**
6 **AND TEACHING HEALTH CENTERS THAT OP-**
7 **ERATE GME PROGRAMS.**

8 (a) COMMUNITY HEALTH CENTERS.—Section
9 10503(b)(1)(F) of the Patient Protection and Affordable
10 Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by
11 striking “, \$4,000,000,000 for fiscal year 2019,
12 \$4,000,000,000 for fiscal year 2020, and \$865,753,425
13 for the period beginning on October 1, 2020, and ending
14 on December 18, 2020” and inserting “and
15 \$4,000,000,000 for each of fiscal years 2019 through
16 2023”.

17 (b) NATIONAL HEALTH SERVICE CORPS.—Section
18 10503(b)(2)(H) of the Patient Protection and Affordable
19 Care Act (42 U.S.C. 254b–2(b)(2)(H)) is amended by
20 striking “ \$67,095,890 for the period beginning on Octo-
21 ber 1, 2020, and ending on December 18, 2020” and in-
22 serting “ \$310,000,000 for each of fiscal years 2021
23 through 2023”.

24 (c) TEACHING HEALTH CENTERS THAT OPERATE
25 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section

1 340H(g)(1) of the Public Health Service Act (42 U.S.C.
2 256h(g)(1)) is amended—

3 (1) by inserting “and” after “2017,”; and

4 (2) by striking “fiscal year 2020, and
5 \$27,379,452 for the period beginning on October 1,
6 2020, and ending on December 18, 2020” and in-
7 serting “2023”.

8 (d) APPLICATION OF PROVISIONS.—Amounts appro-
9 priated pursuant to the amendments made by this section
10 for fiscal years 2021 through 2023 shall be subject to the
11 requirements contained in Public Law 116–94 for funds
12 for programs authorized under sections 330 through 340
13 of the Public Health Service Act.

14 (e) CONFORMING AMENDMENTS.—Paragraph (4) of
15 section 3014(h) of title 18, United States Code, as amend-
16 ed by section 1201(e) of the Further Continuing Appro-
17 priations Act, 2021, and Other Extensions Act, is amend-
18 ed by striking “and section 1201(d) of the Further Con-
19 tinuing Appropriations Act, 2021, and Other Extensions
20 Act” and inserting “, section 1201(d) of the Further Con-
21 tinuing Appropriations Act, 2021, and Other Extensions
22 Act, and section 301(d) of division BB of the Consolidated
23 Appropriations Act, 2021.”.

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1 **SEC. 302. DIABETES PROGRAMS.**

2 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
3 Health Service Act (42 U.S.C. 254e–2(b)(2)(D)) is
4 amended by striking “2020, and \$32,465,753 for the pe-
5 riod beginning on October 1, 2020, and ending on Decem-
6 ber 18, 2020” and inserting “2023”.

7 (b) INDIANS.—Section 330C(c)(2)(D) of the Public
8 Health Service Act (42 U.S.C. 254e–3(c)(2)(D)) is
9 amended by striking “2020, and \$32,465,753 for the pe-
10 riod beginning on October 1, 2020, and ending on Decem-
11 ber 18, 2020” and inserting “2023”.

12 **Subtitle B—Strengthening Public**
13 **Health**

14 **SEC. 311. IMPROVING AWARENESS OF DISEASE PREVEN-**
15 **TION.**

16 (a) IN GENERAL.—The Public Health Service Act is
17 amended by striking section 313 of such Act (42 U.S.C.
18 245) and inserting the following:

19 **“SEC. 313. PUBLIC AWARENESS CAMPAIGN ON THE IMPOR-**
20 **TANCE OF VACCINATIONS.**

21 “(a) IN GENERAL.—The Secretary, acting through
22 the Director of the Centers for Disease Control and Pre-
23 vention and in coordination with other offices and agen-
24 cies, as appropriate, shall award competitive grants or
25 contracts to one or more public or private entities to carry
26 out a national, evidence-based campaign to increase

1 awareness and knowledge of the safety and effectiveness
2 of vaccines for the prevention and control of diseases, com-
3 bat misinformation about vaccines, and disseminate sci-
4 entific and evidence-based vaccine-related information,
5 with the goal of increasing rates of vaccination across all
6 ages, as applicable, particularly in communities with low
7 rates of vaccination, to reduce and eliminate vaccine-pre-
8 ventable diseases.

9 “(b) CONSULTATION.—In carrying out the campaign
10 under this section, the Secretary shall consult with appro-
11 priate public health and medical experts, including the Na-
12 tional Academy of Medicine and medical and public health
13 associations and nonprofit organizations, in the develop-
14 ment, implementation, and evaluation of the evidence-
15 based public awareness campaign.

16 “(c) REQUIREMENTS.—The campaign under this sec-
17 tion shall—

18 “(1) be a nationwide, evidence-based media and
19 public engagement initiative;

20 “(2) include the development of resources for
21 communities with low rates of vaccination, including
22 culturally and linguistically appropriate resources, as
23 applicable;

24 “(3) include the dissemination of vaccine infor-
25 mation and communication resources to public

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1 health departments, health care providers, and
2 health care facilities, including such providers and
3 facilities that provide prenatal and pediatric care;

4 “(4) be complementary to, and coordinated
5 with, any other Federal, State, local, or Tribal ef-
6 forts, as appropriate; and

7 “(5) assess the effectiveness of communication
8 strategies to increase rates of vaccination.

9 “(d) **ADDITIONAL ACTIVITIES.**—The campaign under
10 this section may—

11 “(1) include the use of television, radio, the
12 internet, and other media and telecommunications
13 technologies;

14 “(2) include the use of in-person activities;

15 “(3) be focused to address specific needs of
16 communities and populations with low rates of vac-
17 cination; and

18 “(4) include the dissemination of scientific and
19 evidence-based vaccine-related information, such
20 as—

21 “(A) advancements in evidence-based re-
22 search related to diseases that may be pre-
23 vented by vaccines and vaccine development;

24 “(B) information on vaccinations for indi-
25 viduals and communities, including individuals

1 for whom vaccines are not recommended by the
2 Advisory Committee for Immunization Prac-
3 tices, and the effects of low vaccination rates
4 within a community on such individuals;

5 “(C) information on diseases that may be
6 prevented by vaccines; and

7 “(D) information on vaccine safety and the
8 systems in place to monitor vaccine safety.

9 “(e) EVALUATION.—The Secretary shall—

10 “(1) establish benchmarks and metrics to quan-
11 titatively measure and evaluate the awareness cam-
12 paign under this section;

13 “(2) conduct qualitative assessments regarding
14 the awareness campaign under this section; and

15 “(3) prepare and submit to the Committee on
16 Health, Education, Labor, and Pensions of the Sen-
17 ate and Committee on Energy and Commerce of the
18 House of Representatives an evaluation of the
19 awareness campaign under this section.

20 “(f) SUPPLEMENT NOT SUPPLANT.—Funds appro-
21 priated under this section shall be used to supplement and
22 not supplant other Federal, State, and local public funds
23 provided for activities described in this section.

24 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to carry out this section

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1 and subsections (k) and (n) of section 317, \$15,000,000
2 for each of fiscal years 2021 through 2025.”.

3 (b) GRANTS TO ADDRESS VACCINE-PREVENTABLE
4 DISEASES.—Section 317 of the Public Health Service Act
5 (42 U.S.C. 247b) is amended—

6 (1) in subsection (k)(1)—

7 (A) in subparagraph (C), by striking “;
8 and” and inserting a semicolon;

9 (B) in subparagraph (D), by striking the
10 period and inserting a semicolon; and

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

12 “(E) planning, implementation, and evaluation
13 of activities to address vaccine-preventable diseases,
14 including activities to—

15 “(i) identify communities at high risk of
16 outbreaks related to vaccine-preventable dis-
17 eases, including through improved data collec-
18 tion and analysis;

19 “(ii) pilot innovative approaches to improve
20 vaccination rates in communities and among
21 populations with low rates of vaccination;

22 “(iii) reduce barriers to accessing vaccines
23 and evidence-based information about the
24 health effects of vaccines;

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1 “(iv) partner with community organiza-
2 tions and health care providers to develop and
3 deliver evidence-based interventions, including
4 culturally and linguistically appropriate inter-
5 ventions, to increase vaccination rates;

6 “(v) improve delivery of evidence-based
7 vaccine-related information to parents and oth-
8 ers; and

9 “(vi) improve the ability of State, local,
10 Tribal, and territorial public health depart-
11 ments to engage communities at high risk for
12 outbreaks related to vaccine-preventable dis-
13 eases, including, as appropriate, with local edu-
14 cational agencies, as defined in section 8101 of
15 the Elementary and Secondary Education Act
16 of 1965; and

17 “(F) research related to strategies for improv-
18 ing awareness of scientific and evidence-based vac-
19 cine-related information, including for communities
20 with low rates of vaccination, in order to understand
21 barriers to vaccination, improve vaccination rates,
22 and assess the public health outcomes of such strate-
23 gies.”; and

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

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1 “(n) VACCINATION DATA.—The Secretary, acting
2 through the Director of the Centers for Disease Control
3 and Prevention, shall expand and enhance, and, as appro-
4 priate, establish and improve, programs and conduct ac-
5 tivities to collect, monitor, and analyze vaccination cov-
6 erage data to assess levels of protection from vaccine-pre-
7 ventable diseases, including by assessing factors contrib-
8 uting to underutilization of vaccines and variations of such
9 factors, and identifying communities at high risk of out-
10 breaks associated with vaccine-preventable diseases.”.

11 (c) SUPPLEMENTAL GRANT FUNDS.—Section
12 330(d)(1) of the Public Health Service Act (42 U.S.C.
13 254b) is amended—

14 (1) in subparagraph (F), by striking “and” at
15 the end;

16 (2) in subparagraph (G), by striking the period
17 and inserting “; and”; and

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

19 “(H) improving access to recommended
20 immunizations.”.

21 (d) UPDATE OF 2015 NVAC REPORT.—The National
22 Vaccine Advisory Committee established under section
23 2105 of the Public Health Service Act (42 U.S.C. 300aa-
24 5) shall, as appropriate, update the report entitled, “As-
25 sessing the State of Vaccine Confidence in the United

1 States: Recommendations from the National Vaccine Advi-
2 sory Committee”, approved by the National Vaccine Advi-
3 sory Committee on June 10, 2015, with respect to factors
4 affecting childhood vaccination.

5 **SEC. 312. GUIDE ON EVIDENCE-BASED STRATEGIES FOR**
6 **PUBLIC HEALTH DEPARTMENT OBESITY PRE-**
7 **VENTION PROGRAMS.**

8 (a) DEVELOPMENT AND DISSEMINATION OF AN EVI-
9 DENCE-BASED STRATEGIES GUIDE.—The Secretary of
10 Health and Human Services (referred to in this section
11 as the “Secretary”), acting through the Director of the
12 Centers for Disease Control and Prevention, not later than
13 2 years after the date of enactment of this Act, may—

14 (1) develop a guide on evidence-based strategies
15 for State, territorial, and local health departments to
16 use to build and maintain effective obesity preven-
17 tion and reduction programs, and, in consultation
18 with Indian Tribes, Tribal organizations, and urban
19 Indian organizations, a guide on such evidence-based
20 strategies with respect to Indian Tribes and Tribal
21 organizations for such Indian Tribes and Tribal or-
22 ganizations to use for such purpose, both of which
23 guides shall—

24 (A) describe an integrated program struc-
25 ture for implementing interventions proven to

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1 be effective in preventing and reducing the inci-
2 dence of obesity; and

3 (B) recommend—

4 (i) optimal resources, including staff-
5 ing and infrastructure, for promoting nu-
6 trition and obesity prevention and reduc-
7 tion; and

8 (ii) strategies for effective obesity pre-
9 vention programs for State, territorial, and
10 local health departments, Indian Tribes,
11 and Tribal organizations, including strate-
12 gies related to—

13 (I) the application of evidence-
14 based and evidence-informed practices
15 to prevent and reduce obesity rates;

16 (II) the development, implemen-
17 tation, and evaluation of obesity pre-
18 vention and reduction strategies for
19 specific communities and populations;

20 (III) demonstrated knowledge of
21 obesity prevention practices that re-
22 duce associated preventable diseases,
23 health conditions, death, and health
24 care costs;

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1 (IV) best practices for the coordi-
2 nation of efforts to prevent and re-
3 duce obesity and related chronic dis-
4 eases;

5 (V) addressing the underlying
6 risk factors and social determinants of
7 health that impact obesity rates; and

8 (VI) interdisciplinary coordina-
9 tion between relevant public health of-
10 ficials specializing in fields such as
11 nutrition, physical activity, epidemi-
12 ology, communications, and policy im-
13 plementation, and collaboration be-
14 tween public health officials, commu-
15 nity-based organizations, and others,
16 as appropriate; and

17 (2) disseminate the guides and current re-
18 search, evidence-based practices, tools, and edu-
19 cational materials related to obesity prevention, con-
20 sistent with the guides, to State, territorial, and
21 local health departments, Indian Tribes, and Tribal
22 organizations.

23 (b) TECHNICAL ASSISTANCE.—The Secretary, acting
24 through the Director of the Centers for Disease Control
25 and Prevention, shall provide technical assistance to State,

1 territorial, and local health departments, Indian Tribes,
2 and Tribal organizations to support such health depart-
3 ments in implementing the guide developed under sub-
4 section (a)(1).

5 (c) INDIAN TRIBES; TRIBAL ORGANIZATIONS; URBAN
6 INDIAN ORGANIZATIONS.—In this section—

7 (1) the terms “Indian Tribe” and “Tribal orga-
8 nization” have the meanings given the terms “In-
9 dian tribe” and “tribal organization”, respectively,
10 in section 4 of the Indian Self-Determination and
11 Education Assistance Act (25 U.S.C. 5304); and

12 (2) the term “urban Indian organization” has
13 the meaning given such term in section 4 of the In-
14 dian Health Care Improvement Act (25 U.S.C.
15 1603).

16 **SEC. 313. EXPANDING CAPACITY FOR HEALTH OUTCOMES.**

17 Title III of the Public Health Service Act is amended
18 by inserting after section 330M (42 U.S.C. 254c-19) the
19 following:

20 **“SEC. 330N. EXPANDING CAPACITY FOR HEALTH OUT-
21 COMES.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’ means an entity that provides, or supports the
25 provision of, health care services in rural areas, fron-

1 tier areas, health professional shortage areas, or
2 medically underserved areas, or to medically under-
3 served populations or Native Americans, including
4 Indian Tribes, Tribal organizations, and urban In-
5 dian organizations, and which may include entities
6 leading, or capable of leading, a technology-enabled
7 collaborative learning and capacity building model or
8 engaging in technology-enabled collaborative training
9 of participants in such model.

10 “(2) HEALTH PROFESSIONAL SHORTAGE
11 AREA.—The term ‘health professional shortage area’
12 means a health professional shortage area des-
13 ignated under section 332.

14 “(3) INDIAN TRIBE.—The terms ‘Indian Tribe’
15 and ‘Tribal organization’ have the meanings given
16 the terms ‘Indian tribe’ and ‘tribal organization’ in
17 section 4 of the Indian Self-Determination and Edu-
18 cation Assistance Act.

19 “(4) MEDICALLY UNDERSERVED POPU-
20 LATION.—The term ‘medically underserved popu-
21 lation’ has the meaning given the term in section
22 330(b)(3).

23 “(5) NATIVE AMERICANS.—The term ‘Native
24 Americans’ has the meaning given the term in sec-

1 tion 736 and includes Indian Tribes and Tribal or-
2 ganizations.

3 “(6) TECHNOLOGY-ENABLED COLLABORATIVE
4 LEARNING AND CAPACITY BUILDING MODEL.—The
5 term ‘technology-enabled collaborative learning and
6 capacity building model’ means a distance health
7 education model that connects health care profes-
8 sionals, and particularly specialists, with multiple
9 other health care professionals through simultaneous
10 interactive videoconferencing for the purpose of fa-
11 cilitating case-based learning, disseminating best
12 practices, and evaluating outcomes.

13 “(7) URBAN INDIAN ORGANIZATION.—The term
14 ‘urban Indian organization’ has the meaning given
15 the term in section 4 of the Indian Health Care Im-
16 provement Act.

17 “(b) PROGRAM ESTABLISHED.—The Secretary shall,
18 as appropriate, award grants to evaluate, develop, and, as
19 appropriate, expand the use of technology-enabled collabo-
20 rative learning and capacity building models, to improve
21 retention of health care providers and increase access to
22 health care services, such as those to address chronic dis-
23 eases and conditions, infectious diseases, mental health,
24 substance use disorders, prenatal and maternal health, pe-
25 diatric care, pain management, palliative care, and other

1 specialty care in rural areas, frontier areas, health profes-
2 sional shortage areas, or medically underserved areas and
3 for medically underserved populations or Native Ameri-
4 cans.

5 “(c) USE OF FUNDS.—

6 “(1) IN GENERAL.—Grants awarded under sub-
7 section (b) shall be used for—

8 “(A) the development and acquisition of
9 instructional programming, and the training of
10 health care providers and other professionals
11 that provide or assist in the provision of serv-
12 ices through models described in subsection (b),
13 such as training on best practices for data col-
14 lection and leading or participating in such
15 technology-enabled activities consistent with
16 technology-enabled collaborative learning and
17 capacity-building models;

18 “(B) information collection and evaluation
19 activities to study the impact of such models on
20 patient outcomes and health care providers, and
21 to identify best practices for the expansion and
22 use of such models; or

23 “(C) other activities consistent with achiev-
24 ing the objectives of the grants awarded under
25 this section, as determined by the Secretary.

1 “(2) OTHER USES.—In addition to any of the
2 uses under paragraph (1), grants awarded under
3 subsection (b) may be used for—

4 “(A) equipment to support the use and ex-
5 pansion of technology-enabled collaborative
6 learning and capacity building models, including
7 for hardware and software that enables distance
8 learning, health care provider support, and the
9 secure exchange of electronic health informa-
10 tion; or

11 “(B) support for health care providers and
12 other professionals that provide or assist in the
13 provision of services through such models.

14 “(d) LENGTH OF GRANTS.—Grants awarded under
15 subsection (b) shall be for a period of up to 5 years.

16 “(e) GRANT REQUIREMENTS.—The Secretary may
17 require entities awarded a grant under this section to col-
18 lect information on the effect of the use of technology-
19 enabled collaborative learning and capacity building mod-
20 els, such as on health outcomes, access to health care serv-
21 ices, quality of care, and provider retention in areas and
22 populations described in subsection (b). The Secretary
23 may award a grant or contract to assist in the coordina-
24 tion of such models, including to assess outcomes associ-
25 ated with the use of such models in grants awarded under

1 subsection (b), including for the purpose described in sub-
2 section (c)(1)(B).

3 “(f) APPLICATION.—An eligible entity that seeks to
4 receive a grant under subsection (b) shall submit to the
5 Secretary an application, at such time, in such manner,
6 and containing such information as the Secretary may re-
7 quire. Such application shall include plans to assess the
8 effect of technology-enabled collaborative learning and ca-
9 pacity building models on patient outcomes and health
10 care providers.

11 “(g) ACCESS TO BROADBAND.—In administering
12 grants under this section, the Secretary may coordinate
13 with other agencies to ensure that funding opportunities
14 are available to support access to reliable, high-speed
15 internet for grantees.

16 “(h) TECHNICAL ASSISTANCE.—The Secretary shall
17 provide (either directly through the Department of Health
18 and Human Services or by contract) technical assistance
19 to eligible entities, including recipients of grants under
20 subsection (b), on the development, use, and evaluation
21 of technology-enabled collaborative learning and capacity
22 building models in order to expand access to health care
23 services provided by such entities, including for medically
24 underserved areas and to medically underserved popu-
25 lations or Native Americans.

1 “(i) RESEARCH AND EVALUATION.—The Secretary,
2 in consultation with stakeholders with appropriate exper-
3 tise in such models, shall develop a strategic plan to re-
4 search and evaluate the evidence for such models. The
5 Secretary shall use such plan to inform the activities car-
6 ried out under this section.

7 “(j) REPORT BY SECRETARY.—Not later than 4
8 years after the date of enactment of this section, the Sec-
9 retary shall prepare and submit to the Committee on
10 Health, Education, Labor, and Pensions of the Senate and
11 the Committee on Energy and Commerce of the House
12 of Representatives, and post on the internet website of the
13 Department of Health and Human Services, a report in-
14 cluding, at minimum—

15 “(1) a description of any new and continuing
16 grants awarded to entities under subsection (b) and
17 the specific purpose and amounts of such grants;

18 “(2) an overview of—

19 “(A) the evaluations conducted under sub-
20 sections (b);

21 “(B) technical assistance provided under
22 subsection (h); and

23 “(C) activities conducted by entities award-
24 ed grants under subsection (b); and

1 respect to the interoperability and improvement
2 of such systems (including as it relates to pre-
3 paredness for, prevention and detection of, and
4 response to public health emergencies); and

5 “(B) award grants or cooperative agree-
6 ments to State, local, Tribal, or territorial pub-
7 lic health departments for the expansion and
8 modernization of public health data systems, to
9 assist public health departments and public
10 health laboratories in—

11 “(i) assessing current data infrastruc-
12 ture capabilities and gaps to—

13 “(I) improve and increase con-
14 sistency in data collection, storage,
15 and analysis; and

16 “(II) as appropriate, improve dis-
17 semination of public health-related in-
18 formation;

19 “(ii) improving secure public health
20 data collection, transmission, exchange,
21 maintenance, and analysis, including with
22 respect to demographic data, as appro-
23 priate;

24 “(iii) improving the secure exchange
25 of data between the Centers for Disease

1 Control and Prevention, State, local, Trib-
2 al, and territorial public health depart-
3 ments, public health laboratories, public
4 health organizations, and health care pro-
5 viders, including by public health officials
6 in multiple jurisdictions within such State,
7 as appropriate, and by simplifying and
8 supporting reporting by health care pro-
9 viders, as applicable, pursuant to State
10 law, including through the use of health in-
11 formation technology;

12 “(iv) enhancing the interoperability of
13 public health data systems (including sys-
14 tems created or accessed by public health
15 departments) with health information tech-
16 nology, including with health information
17 technology certified under section
18 3001(e)(5);

19 “(v) supporting and training data sys-
20 tems, data science, and informatics per-
21 sonnel;

22 “(vi) supporting earlier disease and
23 health condition detection, such as through
24 near real-time data monitoring, to support
25 rapid public health responses;

1 “(vii) supporting activities within the
2 applicable jurisdiction related to the expan-
3 sion and modernization of electronic case
4 reporting; and

5 “(viii) developing and disseminating
6 information related to the use and impor-
7 tance of public health data.

8 “(2) DATA STANDARDS.—In carrying out para-
9 graph (1), the Secretary, acting through the Direc-
10 tor of the Centers for Disease Control and Preven-
11 tion, shall, as appropriate and in consultation with
12 the Office of the National Coordinator for Health
13 Information Technology, designate data and tech-
14 nology standards (including standards for interoper-
15 ability) for public health data systems, with def-
16 erence given to standards published by consensus-
17 based standards development organizations with
18 public input and voluntary consensus-based stand-
19 ards bodies.

20 “(3) PUBLIC-PRIVATE PARTNERSHIPS.—The
21 Secretary may develop and utilize public-private
22 partnerships for technical assistance, training, and
23 related implementation support for State, local,
24 Tribal, and territorial public health departments,
25 and the Centers for Disease Control and Prevention,

1 on the expansion and modernization of electronic
2 case reporting and public health data systems, as
3 applicable.

4 “(b) REQUIREMENTS.—

5 “(1) HEALTH INFORMATION TECHNOLOGY
6 STANDARDS.—The Secretary may not award a grant
7 or cooperative agreement under subsection (a)(1)(B)
8 unless the applicant uses or agrees to use standards
9 endorsed by the National Coordinator for Health In-
10 formation Technology pursuant to section
11 3001(e)(1) or adopted by the Secretary under sec-
12 tion 3004.

13 “(2) WAIVER.—The Secretary may waive the
14 requirement under paragraph (1) with respect to an
15 applicant if the Secretary determines that the activi-
16 ties under subsection (a)(1)(B) cannot otherwise be
17 carried out within the applicable jurisdiction.

18 “(3) APPLICATION.—A State, local, Tribal, or
19 territorial health department applying for a grant or
20 cooperative agreement under this section shall sub-
21 mit an application to the Secretary at such time and
22 in such manner as the Secretary may require. Such
23 application shall include information describing—

24 “(A) the activities that will be supported
25 by the grant or cooperative agreement; and

1 “(B) how the modernization of the public
2 health data systems involved will support or im-
3 pact the public health infrastructure of the
4 health department, including a description of
5 remaining gaps, if any, and the actions needed
6 to address such gaps.

7 “(c) STRATEGY AND IMPLEMENTATION PLAN.—Not
8 later than 180 days after the date of enactment of this
9 section, the Secretary, acting through the Director of the
10 Centers for Disease Control and Prevention, shall submit
11 to the Committee on Health, Education, Labor, and Pen-
12 sions of the Senate and the Committee on Energy and
13 Commerce of the House of Representatives a coordinated
14 strategy and an accompanying implementation plan that
15 identifies and demonstrates the measures the Secretary
16 will utilize to—

17 “(1) update and improve applicable public
18 health data systems used by the Centers for Disease
19 Control and Prevention; and

20 “(2) carry out the activities described in this
21 section to support the improvement of State, local,
22 Tribal, and territorial public health data systems.

23 “(d) CONSULTATION.—The Secretary, acting
24 through the Director of the Centers for Disease Control
25 and Prevention, shall consult with State, local, Tribal, and

1 territorial health departments, professional medical and
2 public health associations, associations representing hos-
3 pitals or other health care entities, health information
4 technology experts, and other appropriate public or private
5 entities regarding the plan and grant program to mod-
6 ernize public health data systems pursuant to this section.
7 Activities under this subsection may include the provision
8 of technical assistance and training related to the ex-
9 change of information by such public health data systems
10 used by relevant health care and public health entities at
11 the local, State, Federal, Tribal, and territorial levels, and
12 the development and utilization of public-private partner-
13 ships for implementation support applicable to this sec-
14 tion.

15 “(e) REPORT TO CONGRESS.—Not later than 1 year
16 after the date of enactment of this section, the Secretary
17 shall submit a report to the Committee on Health, Edu-
18 cation, Labor, and Pensions of the Senate and the Com-
19 mittee on Energy and Commerce of the House of Rep-
20 resentatives that includes—

21 “(1) a description of any barriers to—

22 “(A) public health authorities imple-
23 menting interoperable public health data sys-
24 tems and electronic case reporting;

1 “(B) the exchange of information pursuant
2 to electronic case reporting;

3 “(C) reporting by health care providers
4 using such public health data systems, as ap-
5 propriate, and pursuant to State law; or

6 “(D) improving demographic data collec-
7 tion or analysis;

8 “(2) an assessment of the potential public
9 health impact of implementing electronic case re-
10 porting and interoperable public health data sys-
11 tems; and

12 “(3) a description of the activities carried out
13 pursuant to this section.

14 “(f) ELECTRONIC CASE REPORTING.—In this sec-
15 tion, the term ‘electronic case reporting’ means the auto-
16 mated identification, generation, and bilateral exchange of
17 reports of health events among electronic health record or
18 health information technology systems and public health
19 authorities.

20 “(g) AUTHORIZATION OF APPROPRIATIONS.—To
21 carry out this section, there are authorized to be appro-
22 priated \$100,000,000 for each of fiscal years 2021
23 through 2025.”.

1 **SEC. 315. NATIVE AMERICAN SUICIDE PREVENTION.**

2 Section 520E(b) of the Public Health Service Act (42
3 U.S.C. 290bb–36(b) is amended by inserting after para-
4 graph (3) the following:

5 “(4) CONSULTATION.—An entity described in
6 paragraph (1)(A) or (1)(B) that applies for a grant
7 or cooperative agreement under this section shall
8 agree to consult or confer with entities described in
9 paragraph (1)(C) and Native Hawaiian Health Care
10 Systems, as applicable, in the applicable State with
11 respect to the development and implementation of a
12 statewide early intervention strategy.”.

13 **SEC. 316. REAUTHORIZATION OF THE YOUNG WOMEN’S**
14 **BREAST HEALTH EDUCATION AND AWARE-**
15 **NESS REQUIRES LEARNING YOUNG ACT OF**
16 **2009.**

17 Section 399NN(h) of the Public Health Service Act
18 (42 U.S.C. 280m(h)) is amended by striking “ \$4,900,000
19 for each of fiscal years 2015 through 2019” and inserting
20 “ \$9,000,000 for each of fiscal years 2022 through 2026”.

21 **SEC. 317. REAUTHORIZATION OF SCHOOL-BASED HEALTH**
22 **CENTERS.**

23 Section 399Z–1(l) of the Public Health Service Act
24 (42 U.S.C. 280h–5(l)) is amended by striking “2010
25 through 2014” and inserting “2022 through 2026”.

1 **Subtitle C—FDA Amendments**

2 **SEC. 321. RARE PEDIATRIC DISEASE PRIORITY REVIEW** 3 **VOUCHER EXTENSION.**

4 Section 529(b)(5) of the Federal Food, Drug, and
5 Cosmetic Act (21 U.S.C. 360ff(b)(5)) is amended—

6 (1) by striking “December 18, 2020” each
7 place it appears and inserting “September 30,
8 2024”; and

9 (2) in subparagraph (B), by striking “Decem-
10 ber 18, 2022” and inserting “September 30, 2026”.

11 **SEC. 322. CONDITIONS OF USE FOR BIOSIMILAR BIOLOGI-** 12 **CAL PRODUCTS.**

13 Section 351(k)(2)(A)(iii) of the Public Health Service
14 Act (42 U.S.C. 262(k)(2)(A)(iii)) is amended—

15 (1) in subclause (I), by striking “; and” and in-
16 serting a semicolon;

17 (2) in subclause (II), by striking the period and
18 inserting “; and”; and

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

20 “(III) may include information to
21 show that the conditions of use pre-
22 scribed, recommended, or suggested in
23 the labeling proposed for the biological
24 product have been previously approved
25 for the reference product.”.

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1 **SEC. 323. ORPHAN DRUG CLARIFICATION.**

2 Section 527(c) of the Federal Food, Drug, and Cos-
3 metic Act (21 U.S.C. 360cc(c)) is amended by adding at
4 the end the following:

5 “(3) **APPLICABILITY.**—This subsection applies
6 to any drug designated under section 526 for which
7 an application was approved under section 505 of
8 this Act or licensed under section 351 of the Public
9 Health Service Act after the date of enactment of
10 the FDA Reauthorization Act of 2017, regardless of
11 the date on which such drug was designated under
12 section 526.”.

13 **SEC. 324. MODERNIZING THE LABELING OF CERTAIN GE-**
14 **NERIC DRUGS.**

15 Chapter V of the Federal Food, Drug, and Cosmetic
16 Act (21 U.S.C. 351 et seq.) is amended by inserting after
17 section 503C the following:

18 **“SEC. 503D. PROCESS TO UPDATE LABELING FOR CERTAIN**
19 **GENERIC DRUGS.**

20 “(a) **DEFINITIONS.**—For purposes of this section:

21 “(1) The term ‘covered drug’ means a drug ap-
22 proved under section 505(c)—

23 “(A) for which there are no unexpired pat-
24 ents included in the list under section 505(j)(7)
25 and no unexpired period of exclusivity;

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1 “(B) for which the approval of the applica-
2 tion has been withdrawn for reasons other than
3 safety or effectiveness; and

4 “(C) for which—

5 “(i)(I) there is new scientific evidence
6 available pertaining to new or existing con-
7 ditions of use that is not reflected in the
8 approved labeling;

9 “(II) the approved labeling does not
10 reflect current legal and regulatory re-
11 quirements for content or format; or

12 “(III) there is a relevant accepted use
13 in clinical practice that is not reflected in
14 the approved labeling; and

15 “(ii) updating the approved labeling
16 would benefit the public health.

17 “(2) The term ‘period of exclusivity’, with re-
18 spect to a drug approved under section 505(e),
19 means any period of exclusivity under clause (ii),
20 (iii), or (iv) of section 505(e)(3)(E), clause (ii), (iii),
21 or (iv) of section 505(j)(5)(F), or section 505A,
22 505E, or 527.

23 “(3) The term ‘generic version’ means a drug
24 approved under section 505(j) whose reference listed
25 drug is a covered drug.

1 “(4) The term ‘relevant accepted use’ means a
2 use for a drug in clinical practice that is supported
3 by scientific evidence that appears to the Secretary
4 to meet the standards for approval under section
5 505.

6 “(5) The term ‘selected drug’ means a covered
7 drug for which the Secretary has determined
8 through the process under subsection (c) that the la-
9 beling should be changed.

10 “(b) IDENTIFICATION OF COVERED DRUGS.—The
11 Secretary may identify covered drugs for which labeling
12 updates would provide a public health benefit. To assist
13 in identifying covered drugs, the Secretary may do one or
14 both of the following:

15 “(1) Enter into cooperative agreements or con-
16 tracts with public or private entities to review the
17 available scientific evidence concerning such drugs.

18 “(2) Seek public input concerning such drugs,
19 including input on whether there is a relevant ac-
20 cepted use in clinical practice that is not reflected in
21 the approved labeling of such drugs or whether new
22 scientific evidence is available regarding the condi-
23 tions of use for such drug, by—

24 “(A) holding one or more public meetings;

1 “(B) opening a public docket for the sub-
2 mission of public comments; or

3 “(C) other means, as the Secretary deter-
4 mines appropriate.

5 “(c) SELECTION OF DRUGS FOR UPDATING.—If the
6 Secretary determines, with respect to a covered drug, that
7 the available scientific evidence meets the standards under
8 section 505 for adding or modifying information to the
9 labeling or providing supplemental information to the la-
10 beling regarding the use of the covered drug, the Secretary
11 may initiate the process under subsection (d).

12 “(d) INITIATION OF THE PROCESS OF UPDATING.—
13 If the Secretary determines that labeling changes are ap-
14 propriate for a selected drug pursuant to subsection (c),
15 the Secretary shall provide notice to the holders of ap-
16 proved applications for a generic version of such drug
17 that—

18 “(1) summarizes the findings supporting the
19 determination of the Secretary that the available sci-
20 entific evidence meets the standards under section
21 505 for adding or modifying information or pro-
22 viding supplemental information to the labeling of
23 the covered drug pursuant to subsection (c);

24 “(2) provides a clear statement regarding the
25 additional, modified, or supplemental information for

1 such labeling, according to the determination by the
2 Secretary (including, as applicable, modifications to
3 add the relevant accepted use to the labeling of the
4 drug as an additional indication for the drug); and

5 “(3) states whether the statement under para-
6 graph (2) applies to the selected drug as a class of
7 covered drugs or only to a specific drug product.

8 “(e) RESPONSE TO NOTIFICATION.—Within 30 days
9 of receipt of notification provided by the Secretary pursu-
10 ant to subsection (d), the holder of an approved applica-
11 tion for a generic version of the selected drug shall—

12 “(1) agree to change the approved labeling to
13 reflect the additional, modified, or supplemental in-
14 formation the Secretary has determined to be appro-
15 priate; or

16 “(2) notify the Secretary that the holder of the
17 approved application does not believe that the re-
18 quested labeling changes are warranted and submit
19 a statement detailing the reasons why such changes
20 are not warranted.

21 “(f) REVIEW OF APPLICATION HOLDER’S RE-
22 SPONSE.—

23 “(1) IN GENERAL.—Upon receipt of the appli-
24 cation holder’s response, the Secretary shall prompt-
25 ly review each statement received under subsection

1 (e)(2) and determine which labeling changes pursu-
2 ant to the Secretary's notice under subsection (d)
3 are appropriate, if any. If the Secretary disagrees
4 with the reasons why such labeling changes are not
5 warranted, the Secretary shall provide opportunity
6 for discussions with the application holders to reach
7 agreement on whether the labeling for the covered
8 drug should be updated to reflect available scientific
9 evidence, and if so, the content of such labeling
10 changes.

11 “(2) CHANGES TO LABELING.—After consid-
12 ering all responses from the holder of an approved
13 application under paragraph (1) or (2) of subsection
14 (e), and any discussion under paragraph (1), the
15 Secretary may order such holder to make the label-
16 ing changes the Secretary determines are appro-
17 priate. Such holder of an approved application
18 shall—

19 “(A) update its paper labeling for the drug
20 at the next printing of that labeling;

21 “(B) update any electronic labeling for the
22 drug within 30 days of such order; and

23 “(C) submit the revised labeling through
24 the form, ‘Supplement—Changes Being Ef-
25 fected’.

1 “(g) VIOLATION.—If the holder of an approved appli-
2 cation for the generic version of the selected drug does
3 not comply with the requirements of subsection (f)(2),
4 such generic version of the selected drug shall be deemed
5 to be misbranded under section 502.

6 “(h) LIMITATIONS; GENERIC DRUGS.—

7 “(1) IN GENERAL.—With respect to any label-
8 ing change required under this section, the generic
9 version shall be deemed to have the same conditions
10 of use and the same labeling as its reference listed
11 drug for purposes of clauses (i) and (v) of section
12 505(j)(2)(A). Any labeling change so required shall
13 not have any legal effect for the applicant that is
14 different than the legal effect that would have re-
15 sulted if a supplemental application had been sub-
16 mitted and approved to conform the labeling of the
17 generic version to a change in the labeling of the ref-
18 erence drug.

19 “(2) SUPPLEMENTAL APPLICATIONS.—Changes
20 to labeling made in accordance with this section
21 shall not be eligible for an exclusivity period under
22 this Act.

23 “(3) SELECTION OF DRUGS.—The Secretary
24 shall not identify a drug as a covered drug or select
25 a drug label for updating under subsection (b) or (c)

1 solely based on the availability of new safety infor-
2 mation. Upon identification of a drug as a covered
3 drug under subsection (b), the Secretary may then
4 consider the availability of new safety information
5 (as defined in section 505–1(b)) in determining
6 whether the drug is a selected drug and in deter-
7 mining what labeling changes are appropriate.

8 “(i) RULES OF CONSTRUCTION.—

9 “(1) APPROVAL STANDARDS.—This section
10 shall not be construed as altering the applicability of
11 the standards for approval of an application under
12 section 505. No order shall be issued under this sub-
13 section unless the scientific evidence supporting the
14 changed labeling meets the standards for approval
15 applicable to any change to labeling under section
16 505.

17 “(2) REMOVAL OF INFORMATION.—Nothing in
18 this section shall be construed to give the Secretary
19 additional authority to remove approved indications
20 for drugs, other than the authority described in this
21 section.

22 “(3) SECRETARY AUTHORITY.—Nothing in this
23 section shall be construed to limit the authority of
24 the Secretary to require labeling changes under sec-
25 tion 505(o).

1 “(4) MAINTENANCE OF LABELING.—Nothing in
2 this section shall be construed to affect the responsi-
3 bility of the holder of an approved application under
4 section 505(j) to maintain its labeling in accordance
5 with existing requirements, including subpart B of
6 part 201 and sections 314.70 and 314.97 of title 21,
7 Code of Federal Regulations (or any successor regu-
8 lations).

9 “(j) REPORTS.—Not later than 4 years after the date
10 of the enactment of this section, and every 4 years there-
11 after, the Secretary shall prepare and submit to the Com-
12 mittee on Energy and Commerce of the House of Rep-
13 resentatives and the Committee on Health, Education,
14 Labor, and Pensions of the Senate, a report that—

15 “(1) describes the actions of the Secretary
16 under this section, including—

17 “(A) the number of covered drugs and de-
18 scription of the types of drugs the Secretary
19 has selected for labeling changes and the ra-
20 tionale for such recommended changes; and

21 “(B) the number of times the Secretary
22 entered into discussions concerning a disagree-
23 ment with an application holder or holders and
24 a summary of the decision regarding a labeling
25 change, if any; and

1 “(2) includes any recommendations of the Sec-
2 retary for modifying the program under this sec-
3 tion.”.

4 **SEC. 325. BIOLOGICAL PRODUCT PATENT TRANSPARENCY.**

5 (a) IN GENERAL.—Section 351(k) of the Public
6 Health Service Act (42 U.S.C. 262(k)) is amended by add-
7 ing at the end the following:

8 “(9) PUBLIC LISTING.—

9 “(A) IN GENERAL.—

10 “(i) INITIAL PUBLICATION.—Not later
11 than 180 days after the date of enactment
12 of this paragraph, the Secretary shall pub-
13 lish and make available to the public in a
14 searchable, electronic format—

15 “(I) a list of each biological prod-
16 uct, by nonproprietary name (proper
17 name), for which, as of such date of
18 enactment, a biologics license under
19 subsection (a) or this subsection is in
20 effect, or that, as of such date of en-
21 actment, is deemed to be licensed
22 under this section pursuant to section
23 7002(e)(4) of the Biologics Price
24 Competition and Innovation Act of
25 2009;

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1 “(II) the date of licensure of the
2 marketing application and the applica-
3 tion number; and

4 “(III) with respect to each bio-
5 logical product described in subclause
6 (I), the licensure status, and, as avail-
7 able, the marketing status.

8 “(ii) REVISIONS.—Every 30 days
9 after the publication of the first list under
10 clause (i), the Secretary shall revise the list
11 to include each biological product which
12 has been licensed under subsection (a) or
13 this subsection during the 30-day period or
14 deemed licensed under this section pursu-
15 ant to section 7002(e)(4) of the Biologics
16 Price Competition and Innovation Act of
17 2009.

18 “(iii) PATENT INFORMATION.—Not
19 later than 30 days after a list of patents
20 under subsection (l)(3)(A), or a supple-
21 ment to such list under subsection (l)(7),
22 has been provided by the reference product
23 sponsor to the subsection (k) applicant re-
24 specting a biological product included on
25 the list published under this subparagraph,

1 the reference product sponsor shall provide
2 such list of patents (or supplement there-
3 to) and their corresponding expiry dates to
4 the Secretary, and the Secretary shall, in
5 revisions made under clause (ii), include
6 such information for such biological prod-
7 uct. Within 30 days of providing any sub-
8 sequent or supplemental list of patents to
9 any subsequent subsection (k) applicant
10 under subsection (l)(3)(A) or (l)(7), the
11 reference product sponsor shall update the
12 information provided to the Secretary
13 under this clause with any additional pat-
14 ents from such subsequent or supplemental
15 list and their corresponding expiry dates.

16 “(iv) LISTING OF EXCLUSIVITIES.—
17 For each biological product included on the
18 list published under this subparagraph, the
19 Secretary shall specify each exclusivity pe-
20 riod under paragraph (6) or paragraph (7)
21 for which the Secretary has determined
22 such biological product to be eligible and
23 that has not concluded.

24 “(B) REVOCATION OR SUSPENSION OF LI-
25 CENSE.—If the license of a biological product is

1 determined by the Secretary to have been re-
2 voked or suspended for safety, purity, or po-
3 tency reasons, it may not be published in the
4 list under subparagraph (A). If such revocation
5 or suspension occurred after inclusion of such
6 biological product in the list published under
7 subparagraph (A), the reference product spon-
8 sor shall notify the Secretary that—

9 “(i) the biological product shall be im-
10 mediately removed from such list for the
11 same period as the revocation or suspen-
12 sion; and

13 “(ii) a notice of the removal shall be
14 published in the Federal Register.”.

15 (b) REVIEW AND REPORT ON TYPES OF INFORMA-
16 TION TO BE LISTED.—Not later than 3 years after the
17 date of enactment of this Act, the Secretary of Health and
18 Human Services shall—

19 (1) solicit public comment regarding the type of
20 information, if any, that should be added to or re-
21 moved from the list required by paragraph (9) of
22 section 351(k) of the Public Health Service Act (42
23 U.S.C. 262(k)), as added by subsection (a); and

24 (2) transmit to Congress an evaluation of such
25 comments, including any recommendations about the

1 types of information that should be added to or re-
2 moved from the list.

3 **Subtitle D—Technical Corrections**

4 **SEC. 331. TECHNICAL CORRECTIONS.**

5 (a) EDUCATION AND TRAINING RELATING TO GERI-
6 ATRICS.—Section 753(a)(7)(B) of the Public Health Serv-
7 ice Act (42 U.S.C. 294c(a)(7)(B)) is amended, in the mat-
8 ter preceding clause (i), by striking “Title VII Health
9 Care Workforce Reauthorization Act of 2019” and insert-
10 ing “Coronavirus Aid, Relief, and Economic Security
11 Act”.

12 (b) NURSING.—Section 851(d)(3) of the Public
13 Health Service Act (42 U.S.C. 297t(d)(3)) is amended by
14 striking “Title VIII Nursing Reauthorization Act” and in-
15 serting “Coronavirus Aid, Relief, and Economic Security
16 Act”.

17 (c) CITATION.—Section 3404(a)(9) of the
18 Coronavirus Aid, Relief, and Economic Security Act (Pub-
19 lic Law 116–136) is amended by striking “section 846A
20 (42 U.S.C. 247n–1)” and inserting “section 846A (42
21 U.S.C. 297n–1)”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 subsections (a), (b), and (c) shall take effect as if included
24 in the enactment of the Coronavirus Aid, Relief, and Eco-
25 nomic Security Act (Public Law 116–136).

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1 **DIVISION CC—HEALTH**
2 **EXTENDERS**

3 **SEC. 1. TABLE OF CONTENTS.**

Sec. 1. Table of contents.

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Sec. 501. Implementation funding.

1 TITLE I—MEDICARE PROVISIONS**2 Subtitle A—Medicare Extenders****3 SEC. 101. EXTENSION OF THE WORK GEOGRAPHIC INDEX****4 FLOOR UNDER THE MEDICARE PROGRAM.**

5 Section 1848(e)(1)(E) of the Social Security Act (42
6 U.S.C. 1395w-4(e)(1)(E)), as amended by section 3801
7 of the CARES Act (Public Law 116-136), section 2201
8 of the Continuing Appropriations Act, 2021 and Other
9 Extensions Act (Public Law 116-159), and section 1101
10 of the Further Continuing Appropriations Act, 2021, and
11 Other Extensions Act, is amended by striking “December
12 19, 2020” and inserting “January 1, 2024”.

13 SEC. 102. EXTENSION OF FUNDING FOR QUALITY MEASURE**14 ENDORSEMENT, INPUT, AND SELECTION.**

15 (a) EXTENSION.—Section 1890(d)(2) of the Social
16 Security Act (42 U.S.C. 1395aaa(d)(2)), as amended by
17 section 1103 of the Further Continuing Appropriations
18 Act, 2021, and Other Extensions Act, is amended—

19 (1) in the first sentence, by striking “and for
20 the period beginning on October 1, 2020, and ending
21 on December 18, 2020, the amount equal to the pro

1 rata portion of the amount appropriated for such pe-
2 riod for fiscal year 2020” and inserting “
3 \$26,000,000 for fiscal year 2021, \$20,000,000 for
4 fiscal year 2022, and \$20,000,000 for fiscal year
5 2023”; and

6 (2) in the third sentence, by striking “and
7 2020, and for the period beginning on October 1,
8 2020, and ending on December 18, 2020” and in-
9 serting “2020, 2021, 2022, and 2023”.

10 (b) ADDITIONAL REPORTING REQUIREMENTS.—Sec-
11 tion 1890 of the Social Security Act (42 U.S.C. 1395aaa)
12 is amended—

13 (1) in subsection (e)—

14 (A) by redesignating paragraphs (1)
15 through (6) as subparagraphs (A) through (F),
16 respectively;

17 (B) by striking “CONGRESS.—By not later
18 than” and inserting “CONGRESS.—

19 “(1) IN GENERAL.—By not later than”;

20 (C) in subparagraph (A), as redesignated
21 by this paragraph, by striking the last sentence;

22 (D) in subparagraph (D), as so redesi-
23 gnated, by striking “A description” and inserting
24 “Subject to paragraph (2)(B), a description”;

1 (E) in subparagraph (E), as so redesignated,
2 nated, by striking “The amount” and inserting
3 “Subject to paragraph (2)(B), the amount”;

4 (F) in subparagraph (F), as so redesignated,
5 nated, by striking “Estimates” and inserting
6 “Subject to paragraph (2)(B), estimates”; and

7 (G) by adding at the end the following new
8 paragraph:

9 “(2) ADDITIONAL REQUIREMENTS FOR RE-
10 PORTS.—

11 “(A) ADDRESSING GAO REPORT.—Each of
12 the annual reports submitted in 2021 and 2022
13 pursuant to paragraph (1) shall also include the
14 following:

15 “(i) A comprehensive analysis detail-
16 ing the ways in which the Centers for
17 Medicare & Medicaid Services has ad-
18 dressed each of the recommendations set
19 forth in the report by the Government Ac-
20 countability Office (GAO–19–628) issued
21 on September 19, 2019, and titled ‘Health
22 Care Quality: CMS Could More Effectively
23 Ensure Its Quality Measurement Activities
24 Promote Its Objectives’.

25 “(ii) A detailed description of—

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1 “(I) any additional steps that the
2 Centers for Medicare & Medicaid
3 Services expects to take to address the
4 findings and recommendations set
5 forth in such report; and

6 “(II) the anticipated timing for
7 such steps.

8 “(B) ENSURING DETAILED INFORMA-
9 TION.—

10 “(i) IN GENERAL.—In the case of an
11 annual report submitted in 2021 or a sub-
12 sequent year pursuant to paragraph (1),
13 the information required under—

14 “(I) paragraph (1)(D) shall also
15 include detailed information on each
16 of the activities described in clause
17 (ii);

18 “(II) paragraph (1)(E) shall also
19 include detailed information on the
20 specific amounts obligated or ex-
21 pended on each of the activities de-
22 scribed in clause (ii); and

23 “(III) paragraph (1)(F) shall
24 also include detailed information on
25 the specific quality measurement ac-

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1 activities required and future funding
2 needed for each of the activities de-
3 scribed in clause (ii).

4 “(ii) ACTIVITIES DESCRIBED.—The
5 activities described in this clause are the
6 following:

7 “(I) Measure selection activities.

8 “(II) Measure development ac-
9 tivities.

10 “(III) Public reporting activities.

11 “(IV) Education and outreach
12 activities.”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(f) ADDITIONAL REPORTING BY THE SECRETARY
16 TO CONGRESS.—

17 “(1) IN GENERAL.—By not later than Sep-
18 tember 30 of each year (beginning with 2021), the
19 Secretary shall submit to Congress a report on the
20 amount of unobligated balances for appropriations
21 relating to quality measurement. Such report shall
22 include detailed plans on how the Secretary expects
23 to expend such unobligated balances in the upcom-
24 ing fiscal years.

1 “(2) SEPARATE REPORT.—The annual report
2 required under paragraph (1) shall be separate from
3 the annual report required under subsection (e).”.

4 (c) INPUT FOR REMOVAL OF MEASURES.—Section
5 1890(b) of the Social Security Act (42 U.S.C. 1395aaa(b))
6 is amended by inserting after paragraph (3) the following
7 new paragraph:

8 “(4) REMOVAL OF MEASURES.—The entity may
9 provide input to the Secretary on quality and effi-
10 ciency measures described in paragraph (7)(B) that
11 could be considered for removal.”.

12 (d) PRIORITIZATION OF MEASURE ENDORSEMENT.—
13 Section 1890(b) of the Social Security Act (42 U.S.C.
14 1395aaa(b)) is amended by adding at the end the fol-
15 lowing new paragraph:

16 “(9) PRIORITIZATION OF MEASURE ENDORSE-
17 MENT.—The Secretary—

18 “(A) during the period beginning on the
19 date of the enactment of this paragraph and
20 ending on December 31, 2023, shall prioritize
21 the endorsement of measures relating to mater-
22 nal morbidity and mortality by the entity with
23 a contract under subsection (a) in connection
24 with endorsement of measures described in
25 paragraph (2); and

1 “(B) on and after January 1, 2024, may
2 prioritize the endorsement of such measures by
3 such entity.”.

4 **SEC. 103. EXTENSION OF FUNDING OUTREACH AND ASSIST-**
5 **ANCE FOR LOW-INCOME PROGRAMS.**

6 (a) STATE HEALTH INSURANCE PROGRAMS.—Sub-
7 section (a)(1)(B) of section 119 of the Medicare Improve-
8 ments for Patients and Providers Act of 2008 (42 U.S.C.
9 1395b–3 note), as amended by section 3306 of the Patient
10 Protection and Affordable Care Act (Public Law 111–
11 148), section 610 of the American Taxpayer Relief Act
12 of 2012 (Public Law 112–240), section 1110 of the Path-
13 way for SGR Reform Act of 2013 (Public Law 113–67),
14 section 110 of the Protecting Access to Medicare Act of
15 2014 (Public Law 113–93), section 208 of the Medicare
16 Access and CHIP Reauthorization Act of 2015 (Public
17 Law 114–10), section 50207 of division E of the Bipar-
18 tisan Budget Act of 2018 (Public Law 115–123), section
19 1402 of division B of the Continuing Appropriations Act,
20 2020, and Health Extenders Act of 2019 (Public Law
21 116–59), section 1402 of division B of the Further Con-
22 tinuing Appropriations Act, 2020, and Further Health
23 Extenders Act of 2019 (Public Law 116–69), section 103
24 of division N of the Further Consolidated Appropriations
25 Act, 2020 (Public Law 116–94), section 3803 of the

1 CARES Act (Public Law 116–136), section 2203 of the
2 Continuing Appropriations Act, 2021 and Other Exten-
3 sions Act (Public Law 116–159), and section 1102 of the
4 Further Continuing Appropriations Act, 2021, and Other
5 Extensions Act, is amended—

6 (1) in clause (x), by striking at the end “and”;

7 and

8 (2) by striking clause (xi) and inserting the fol-
9 lowing clauses:

10 “(xi) for fiscal year 2021,
11 \$15,000,000;

12 “(xii) for fiscal year 2022,
13 \$15,000,000; and

14 “(xiii) for fiscal year 2023,
15 \$15,000,000.”.

16 (b) AREA AGENCIES ON AGING.—Subsection
17 (b)(1)(B) of such section 119, as so amended, is amend-
18 ed—

19 (1) in clause (x), by striking at the end “and”;

20 and

21 (2) by striking clause (xi) and inserting the fol-
22 lowing clauses:

23 “(xi) for fiscal year 2021,
24 \$15,000,000;

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1 “(xii) for fiscal year 2022,
2 \$15,000,000; and
3 “(xiii) for fiscal year 2023,
4 \$15,000,000.”.

5 (c) AGING AND DISABILITY RESOURCE CENTERS.—
6 Subsection (c)(1)(B) of such section 119, as so amended,
7 is amended—

8 (1) in clause (x), by striking at the end “and”;
9 (2) by striking clause (xi) and inserting the fol-
10 lowing clauses:

11 “(xi) for fiscal year 2021, \$5,000,000;
12 “(xii) for fiscal year 2022,
13 \$5,000,000; and
14 “(xiii) for fiscal year 2023,
15 \$5,000,000.”.

16 (d) CONTRACT WITH THE NATIONAL CENTER FOR
17 BENEFITS AND OUTREACH ENROLLMENT.—Subsection
18 (d)(2) of such section 119, as so amended, is amended—

19 (1) in clause (x), by striking at the end “and”;
20 (2) by striking clause (xi) and inserting the fol-
21 lowing clauses:

22 “(xi) for fiscal year 2021,
23 \$15,000,000;
24 “(xii) for fiscal year 2022,
25 \$15,000,000; and

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1 “(xiii) for fiscal year 2023,
2 \$15,000,000.”.

3 **SEC. 104. EXTENSION OF MEDICARE PATIENT IVIG ACCESS**
4 **DEMONSTRATION PROJECT.**

5 (a) EXTENSION OF DEMONSTRATION PROJECT.—
6 Section 101(b) of the Medicare IVIG Access and Strength-
7 ening Medicare and Repaying Taxpayers Act of 2012 (42
8 U.S.C. 13951 note) is amended—

9 (1) by striking paragraph (1) and inserting the
10 following:

11 “(1) DURATION.—Beginning not later than one
12 year after the date of enactment of this Act, the
13 Secretary shall conduct the demonstration project
14 for a period of 3 years and, subject to the avail-
15 ability of funds under subsection (g), the period be-
16 ginning on October 1, 2017, and ending on Decem-
17 ber 31, 2023.”; and

18 (2) in paragraph (2)—

19 (A) by amending the first sentence to read
20 as follows: “The Secretary shall enroll for par-
21 ticipation in the demonstration project for the
22 period beginning on October 1, 2014, and end-
23 ing on September 30, 2020, not more than
24 4,000 Medicare beneficiaries who have been di-
25 agnosed with primary immunodeficiency disease

1 and for the period beginning on October 1,
2 2014, and ending on December 31, 2023, not
3 more than 6,500 Medicare beneficiaries who
4 have been so diagnosed.”; and

5 (B) by striking “December 31, 2020” and
6 inserting “December 31, 2023”.

7 (b) UPDATED EVALUATION AND REPORT.—Section
8 101(f) is amended—

9 (1) by redesignating paragraph (2) as para-
10 graph (3); and

11 (2) by inserting after paragraph (1) the fol-
12 lowing new paragraph:

13 “(2) UPDATED EVALUATION AND REPORT.—
14 Not later than 2 years after the date of the enact-
15 ment of Consolidated Appropriations Act, 2021, the
16 Secretary shall submit to Congress an updated re-
17 port that contains the following:

18 “(A) The total number of beneficiaries en-
19 rolled in the demonstration project during the
20 updated report period.

21 “(B) The total number of claims submitted
22 for services during the updated report period,
23 disaggregated by month.

24 “(C) An analysis of the impact of the dem-
25 onstration on beneficiary access to the in-home

1 administration of intravenous immune globin,
2 including the impact on beneficiary health.

3 “(D) An analysis of the impact of in-home
4 administration of intravenous immune globin on
5 overall costs to Medicare, including the cost dif-
6 ferential between in-home administration of in-
7 travenous immune globin and administration of
8 intravenous immune globin in a healthcare fa-
9 cility.

10 “(E) To the extent practicable, a survey of
11 providers and enrolled beneficiaries that partici-
12 pated in the demonstration project that identi-
13 fies barriers to accessing services, including re-
14 imbursement for items and services.

15 “(F) Recommendations to Congress on the
16 appropriateness of establishing a permanent
17 bundled services payment for the in-home ad-
18 ministration of intravenous immune globin for
19 Medicare beneficiaries.”.

20 (c) DEFINITION OF UPDATED REPORT PERIOD.—

21 Section 101(h) is amended by adding at the end the fol-
22 lowing new paragraph:

23 “(4) UPDATED REPORT PERIOD.—The term
24 ‘updated report period’ means the period beginning

1 on October 1, 2014, and ending on September 30,
2 2020.”.

3 **SEC. 105. EXTENDING THE INDEPENDENCE AT HOME MED-**
4 **ICAL PRACTICE DEMONSTRATION PROGRAM**
5 **UNDER THE MEDICARE PROGRAM.**

6 (a) IN GENERAL.—Section 1866E of the Social Secu-
7 rity Act (42 U.S.C. 1395cc–5) is amended—

8 (1) in subsection (e)—

9 (A) in paragraph (1), by striking “7-year”
10 and inserting “10-year”; and

11 (B) in paragraph (5)—

12 (i) in the first sentence, by striking
13 “15,000” and inserting “20,000”;

14 (ii) in the second sentence, by striking
15 “sixth and seventh” and inserting “sixth
16 through tenth”; and

17 (iii) by adding at the end the fol-
18 lowing new sentence: “An applicable bene-
19 ficiary that participates in the demonstra-
20 tion program by reason of the increase
21 from 15,000 to 20,000 in the first sen-
22 tence of this paragraph pursuant to the
23 amendment made by section 105 of divi-
24 sion CC of the Consolidated Appropria-
25 tions Act, 2021 shall be considered in the

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1 spending target estimates under paragraph
2 (1) of subsection (c) and the incentive pay-
3 ment calculations under paragraph (2) of
4 such subsection for the eighth through
5 tenth years of such program.”; and

6 (2) in subsection (h), by inserting “and
7 \$9,000,000 for fiscal year 2021” after “2015”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall take effect as if included in the enact-
10 ment of Public Law 111–148.

11 **Subtitle B—Other Medicare** 12 **Provisions**

13 **SEC. 111. IMPROVING MEASUREMENTS UNDER THE** 14 **SKILLED NURSING FACILITY VALUE-BASED** 15 **PURCHASING PROGRAM UNDER THE MEDI-** 16 **CARE PROGRAM.**

17 (a) IN GENERAL.—Section 1888(h) of the Social Se-
18 curity Act (42 U.S.C. 1395yy(h)) is amended—

19 (1) in paragraph (1), by adding at the end the
20 following new subparagraph:

21 “(C) EXCLUSIONS.—With respect to pay-
22 ments for services furnished on or after October
23 1, 2022, this subsection shall not apply to a fa-
24 cility for which there are not a minimum num-
25 ber (as determined by the Secretary) of—

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1 “(i) cases for the measures that apply
2 to the facility for the performance period
3 for the applicable fiscal year; or

4 “(ii) measures that apply to the facil-
5 ity for the performance period for the ap-
6 plicable fiscal year.”;

7 (2) in paragraph (2)(A)—

8 (A) by striking “The Secretary shall
9 apply” and inserting “The Secretary—

10 “(i) shall apply”;

11 (B) by striking the period at the end and
12 inserting “; and”; and

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

14 “(ii) may, with respect to payments
15 for services furnished on or after October
16 1, 2023, apply additional measures deter-
17 mined appropriate by the Secretary, which
18 may include measures of functional status,
19 patient safety, care coordination, or patient
20 experience.

21 Subject to the succeeding sentence, in the case
22 that the Secretary applies additional measures
23 under clause (ii), the Secretary shall consider
24 and apply, as appropriate, quality measures
25 specified under section 1899B(c)(1). In no case

1 may the Secretary apply more than 10 meas-
2 ures under this subparagraph.”;

3 (3) in subparagraph (A) of each of paragraphs
4 (3) and (4), by striking “measure” and inserting
5 “measures”; and

6 (4) by adding at the end the following new
7 paragraph:

8 “(12) VALIDATION.—

9 “(A) IN GENERAL.—The Secretary shall
10 apply to the measures applied under this sub-
11 section and the data submitted under sub-
12 section (e)(6) a process to validate such meas-
13 ures and data, as appropriate, which may be
14 similar to the process specified in section
15 1886(b)(3)(B)(viii)(XI) for validating inpatient
16 hospital measures.

17 “(B) FUNDING.—For purposes of carrying
18 out this paragraph, the Secretary shall provide
19 for the transfer, from the Federal Hospital In-
20 surance Trust Fund established under section
21 1817, of \$5,000,000 to the Centers for Medi-
22 care & Medicaid Services Program Management
23 Account for each of fiscal years 2023 through
24 2025, to remain available until expended.”.

1 (b) REPORT BY MEDPAC.—Not later than March
2 15, 2022, the Medicare Payment Advisory Commission
3 shall submit to Congress a report on establishing a proto-
4 type value-based payment program under a unified pro-
5 spective payment system for post-acute care services under
6 the Medicare program under title XVIII of the Social Se-
7 curity Act (42 U.S.C. 1395 et seq.). Such report—

8 (1) shall—

9 (A) consider design elements such as—

10 (i) measures that are important to the
11 Medicare program and to beneficiaries
12 under such program;

13 (ii) methodologies for scoring provider
14 performance and effects on payment; and

15 (iii) other elements determined appro-
16 priate by the Commission; and

17 (B) analyze the effects of implementing
18 such prototype program; and

19 (2) may—

20 (A) discuss the possible effects, with re-
21 spect to the Medicare program, on program
22 spending, post-acute care providers, patient out-
23 comes, and other effects determined appropriate
24 by the Commission; and

1 (B) include recommendations with respect
2 to such prototype program, as determined ap-
3 propriate by the Commission, to Congress and
4 the Secretary of Health and Human Services.

5 **SEC. 112. PROVIDING THE MEDICARE PAYMENT ADVISORY**
6 **COMMISSION AND MEDICAID AND CHIP PAY-**
7 **MENT AND ACCESS COMMISSION WITH AC-**
8 **CESS TO CERTAIN DRUG PAYMENT INFORMA-**
9 **TION, INCLUDING CERTAIN REBATE INFOR-**
10 **MATION.**

11 (a) ACCESS TO CERTAIN PART D PAYMENT DATA.—
12 Section 1860D–15(f) of the Social Security Act (42
13 U.S.C. 1395w–115(f)) is amended—

14 (1) in paragraph (2)—

15 (A) in subparagraph (A)(ii), by striking
16 “and” at the end;

17 (B) in subparagraph (B), by striking the
18 period at the end and inserting “; and”; and

19 (C) by inserting at the end the following
20 new subparagraph:

21 “(C) by the Executive Director of the
22 Medicare Payment Advisory Commission for
23 purposes of monitoring, making recommenda-
24 tions for, and analysis of the program under
25 this title and by the Executive Director of the

1 Medicaid and CHIP Payment and Access Com-
2 mission for purposes of monitoring, making rec-
3 ommendations for, and analysis of the Medicaid
4 program established under title XIX and the
5 Children’s Health Insurance Program under
6 title XXI.”; and

7 (2) by adding at the end the following new
8 paragraph:

9 “(3) ADDITIONAL RESTRICTIONS ON DISCLO-
10 SURE OF INFORMATION.—

11 “(A) IN GENERAL.—The Executive Direc-
12 tors described in paragraph (2)(C) shall not
13 disclose any of the following information dis-
14 closed to such Executive Directors or obtained
15 by such Executive Directors pursuant to such
16 paragraph, with respect to a prescription drug
17 plan offered by a PDP sponsor or an MA–PD
18 plan offered by an MA organization:

19 “(i) The specific amounts or the iden-
20 tity of the source of any rebates, discounts,
21 price concessions, or other forms of direct
22 or indirect remuneration under such pre-
23 scription drug plan or such MA–PD plan.

24 “(ii) Information submitted with the
25 bid submitted under section 1860D–11(b)

1 by such PDP sponsor or under section
2 1854(a) by such MA organization.

3 “(iii) In the case of such information
4 from prescription drug event records, in-
5 formation in a form that would not be per-
6 mitted under section 423.505(m) of title
7 42, Code of Federal Regulations, or any
8 successor regulation, if released by the
9 Centers for Medicare & Medicaid Services.

10 “(B) CLARIFICATION.—The restrictions on
11 disclosures described in subparagraph (A) shall
12 also apply to disclosures to individual Commis-
13 sioners of the Medicare Payment Advisory Com-
14 mission or of the Medicaid and CHIP Payment
15 and Access Commission.”.

16 (b) ACCESS TO CERTAIN REBATE AND PAYMENT
17 DATA UNDER MEDICARE AND MEDICAID.—Section
18 1927(b)(3)(D) of the Social Security Act (42 U.S.C.
19 1396r–8(b)(3)(D)) is amended—

20 (1) in the matter before clause (i), by striking
21 “subsection (a)(6)(A)(ii)” and inserting “subsection
22 (a)(6)(A)”;

23 (2) in clause (v), by striking “and” at the end;

24 (3) in clause (vi), by striking the period at the
25 end and inserting “, and”;

1 (4) by inserting after clause (vi) the following
2 new clause:

3 “(vii) to permit the Executive Direc-
4 tor of the Medicare Payment Advisory
5 Commission and the Executive Director of
6 the Medicaid and CHIP Payment and Ac-
7 cess Commission to review the information
8 provided.”;

9 (5) in the matter at the end, by striking
10 “1860D-4(c)(2)(E)” and inserting “1860D-
11 4(c)(2)(G)”; and

12 (6) by adding at the end the following new sen-
13 tences: “Any information disclosed to the Executive
14 Director of the Medicare Payment Advisory Commis-
15 sion or the Executive Director of the Medicaid and
16 CHIP Payment and Access Commission pursuant to
17 this subparagraph shall not be disclosed by either
18 such Executive Director in a form which discloses
19 the identity of a specific manufacturer or wholesaler
20 or prices charged for drugs by such manufacturer or
21 wholesaler. Such information also shall not be dis-
22 closed by either such Executive Director to indi-
23 vidual Commissioners of the Medicare Payment Ad-
24 visory Commission or of the Medicaid and CHIP
25 Payment and Access Commission in a form which

1 discloses the identity of a specific manufacturer or
2 wholesaler or prices charged for drugs by such man-
3 ufacturer or wholesaler.”.

4 **SEC. 113. MORATORIUM ON PAYMENT UNDER THE MEDI-**
5 **CARE PHYSICIAN FEE SCHEDULE OF THE**
6 **ADD ON CODE FOR INHERENTLY COMPLEX**
7 **EVALUATION AND MANAGEMENT VISITS.**

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services may not, prior to January 1, 2024, make
10 payment under the fee schedule under section 1848 of the
11 Social Security Act (42 U.S.C. 1395w–4) for services de-
12 scribed by Healthcare Common Procedure Coding System
13 (HCPCS) code G2211 (or any successor or substantially
14 similar code), as described in section II.F. of the final rule
15 filed by the Secretary with the Office of the Federal Reg-
16 ister for public inspection on December 2, 2020, and enti-
17 tled “Medicare Program; CY 2021 Payment Policies
18 under the Physician Fee Schedule and Other Changes to
19 Part B Payment Policies; Medicare Shared Savings Pro-
20 gram Requirements; Medicaid Promoting Interoperability
21 Program Requirements for Eligible Professionals; Quality
22 Payment Program; Coverage of Opioid Use Disorder Serv-
23 ices Furnished by Opioid Treatment Programs; Medicare
24 Enrollment of Opioid Treatment Programs; Electronic
25 Prescribing for Controlled Substances for a Covered Part

1 D Drug; Payment for Office/Outpatient Evaluation and
2 Management Services; Hospital IQR Program; Establish
3 New Code Categories; Medicare Diabetes Prevention Pro-
4 gram (MDPP) Expanded Model Emergency Policy; Cod-
5 ing and Payment for Virtual Check-in Services Interim
6 Final Rule Policy; Coding and Payment for Personal Pro-
7 tective Equipment (PPE) Interim Final Rule Policy; Reg-
8 ulatory Revisions in Response to the Public Health Emer-
9 gency (PHE) for COVID-19; and Finalization of Certain
10 Provisions from the March 31st , May 8th and September
11 2nd Interim Final Rules in Response to the PHE for
12 COVID-19”.

13 (b) IMPLEMENTATION.—Notwithstanding any other
14 provision of law, the Secretary may implement this section
15 by interim final rule, program instruction, or otherwise.

16 **SEC. 114. TEMPORARY FREEZE OF APM PAYMENT INCEN-**
17 **TIVE THRESHOLDS.**

18 (a) IN GENERAL.—Section 1833(z)(2) of the Social
19 Security Act (42 U.S.C. 1395l(z)(2)) is amended—

20 (1) in subparagraph (B)—

21 (A) in the heading, by striking “AND 2022”
22 and inserting “THROUGH 2024”; and

23 (B) in the matter preceding clause (i), by
24 striking “2021 and 2022” and inserting “each
25 of 2021 through 2024”;

1 (2) in subparagraph (C)—

2 (A) in the heading, by striking “2023” and
3 inserting “2025”; and

4 (B) in the matter preceding clause (i), by
5 striking “2023” and inserting “2025”; and

6 (3) in subparagraph (D), by adding at the end
7 the following: “With respect to 2023 and 2024, the
8 Secretary shall use the same percentage criteria for
9 counts of patients that are used in 2022.”.

10 (b) PARTIAL QUALIFYING APM PARTICIPANT MODI-
11 FICATIONS.—Section 1848(q)(1)(C)(iii) of the Social Se-
12 curity Act (42 U.S.C. 1395w-4(q)(1)(C)(iii)) is amend-
13 ed—

14 (1) in subclause (II), in the matter preceding
15 item (aa), by striking “2021 and 2022” and insert-
16 ing “each of 2021 through 2024”; and

17 (2) in subclause (III), in the matter preceding
18 item (aa), by striking “2023” and inserting “2025”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on the date of the enactment
21 of this Act.

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1 **SEC. 115. PERMITTING OCCUPATIONAL THERAPISTS TO**
2 **CONDUCT THE INITIAL ASSESSMENT VISIT**
3 **AND COMPLETE THE COMPREHENSIVE AS-**
4 **SESSMENT WITH RESPECT TO CERTAIN RE-**
5 **HABILITATION SERVICES FOR HOME HEALTH**
6 **AGENCIES UNDER THE MEDICARE PROGRAM.**

7 Not later than January 1, 2022, the Secretary of
8 Health and Human Services shall revise subsections (a)(2)
9 and (b)(3) of section 484.55 of title 42, Code of Federal
10 Regulations, or a successor regulation, to permit an occu-
11 pational therapist to conduct the initial assessment visit
12 and to complete the comprehensive assessment (as such
13 terms are described in such subsections, respectively) for
14 home health services for an individual under title XVIII
15 of the Social Security Act (42 U.S.C. 1395 et seq.) if the
16 home health plan of care for such individual—

17 (1) does not initially include skilled nursing
18 care;

19 (2) includes occupational therapy; and

20 (3) includes physical therapy or speech lan-
21 guage pathology.

1 **SEC. 116. CENTERS FOR MEDICARE & MEDICAID SERVICES**
2 **PROVIDER OUTREACH AND REPORTING ON**
3 **COGNITIVE ASSESSMENT AND CARE PLAN**
4 **SERVICES.**

5 (a) **OUTREACH.**—The Secretary of Health and
6 Human Services (in this section referred to as the “Sec-
7 retary”) shall conduct outreach to physicians and appro-
8 priate non-physician practitioners participating under the
9 Medicare program under title XVIII of the Social Security
10 Act (42 U.S.C. 1395 et seq.) with respect to Medicare pay-
11 ment for cognitive assessment and care plan services fur-
12 nished to individuals with cognitive impairment such as
13 Alzheimer’s disease and related dementias, identified as
14 of January 1, 2018, by HCPCS code 99483, or any suc-
15 cessor to such code (in this section referred to as “cog-
16 nitive assessment and care plan services”). Such outreach
17 shall include a comprehensive, one-time education initia-
18 tive to inform such physicians and practitioners of the ad-
19 dition of such services as a covered benefit under the
20 Medicare program, including the requirements for eligi-
21 bility for such services.

22 (b) **REPORTS.**—

23 (1) **HHS REPORT ON PROVIDER OUTREACH.**—
24 Not later than one year after the date of enactment
25 of this Act, the Secretary of Health and Human
26 Services shall submit to the Committee on Ways and

1 Means and the Committee on Energy and Commerce
2 of the House of Representatives and the Committee
3 on Finance of the Senate a report on the outreach
4 conducted under subsection (a). Such report shall
5 include a description of the methods used for such
6 outreach.

7 (2) GAO REPORT ON UTILIZATION RATES.—
8 Not later than 3 years after such date of enactment,
9 the Comptroller General of the United States shall
10 submit to the Committee on Ways and Means and
11 the Committee on Energy and Commerce of the
12 House of Representatives and the Committee on Fi-
13 nance of the Senate a report on the number of Medi-
14 care beneficiaries who were furnished cognitive as-
15 sessment and care plan services for which payment
16 was made under title XVIII of the Social Security
17 Act (42 U.S.C. 1395 et seq.). Such report shall in-
18 clude information on barriers Medicare beneficiaries
19 face to access such services, and recommendations
20 for such legislative and administrative action as the
21 Comptroller General deems appropriate.

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1 **SEC. 117. CONTINUED COVERAGE OF CERTAIN TEMPORARY**
2 **TRANSITIONAL HOME INFUSION THERAPY**
3 **SERVICES.**

4 (a) **IN GENERAL.**—Section 1861(iii)(3)(C) of the So-
5 cial Security Act (42 U.S.C. 1395x(iii)(3)(C)) is amended
6 by inserting after clause (ii) the following flush sentence:

7 “Clause (ii) shall not apply to a self-administered
8 drug or biological on a self-administered drug exclu-
9 sion list if such drug or biological was included as
10 a transitional home infusion drug under subpara-
11 graph (A)(iii) of section 1834(u)(7) and was identi-
12 fied by a HCPCS code described in subparagraph
13 (C)(ii) of such section.”.

14 (b) **EFFECTIVE DATE.**—The amendment made by
15 subsection (a) shall apply to items and services furnished
16 on or after January 1, 2021.

17 (c) **IMPLEMENTATION.**—Notwithstanding any other
18 provision of law, the Secretary of Health and Human
19 Services may implement the amendment made by sub-
20 section (a) by interim final rule, program instruction, or
21 otherwise.

22 **SEC. 118. TRANSITIONAL COVERAGE AND RETROACTIVE**
23 **MEDICARE PART D COVERAGE FOR CERTAIN**
24 **LOW-INCOME BENEFICIARIES.**

25 Section 1860D–14 of the Social Security Act (42
26 U.S.C. 1395w–114) is amended—

1 (1) by redesignating subsection (e) as sub-
2 section (f); and

3 (2) by adding after subsection (d) the following
4 new subsection:

5 “(e) LIMITED INCOME NEWLY ELIGIBLE TRANSI-
6 TION PROGRAM.—

7 “(1) IN GENERAL.—Beginning not later than
8 January 1, 2024, the Secretary shall carry out a
9 program to provide transitional coverage for covered
10 part D drugs for LI NET eligible individuals in ac-
11 cordance with this subsection.

12 “(2) LI NET ELIGIBLE INDIVIDUAL DEFINED.—
13 For purposes of this subsection, the term ‘LI NET
14 eligible individual’ means a part D eligible individual
15 who—

16 “(A) meets the requirements of clauses (ii)
17 and (iii) of subsection (a)(3)(A); and

18 “(B) has not yet enrolled in a prescription
19 drug plan or an MA–PD plan, or, who has so
20 enrolled, but with respect to whom coverage
21 under such plan has not yet taken effect.

22 “(3) TRANSITIONAL COVERAGE.—For purposes
23 of this subsection, the term ‘transitional coverage’
24 means with respect to an LI NET eligible indi-
25 vidual—

1 “(A) immediate access to covered part D
2 drugs at the point of sale during the period
3 that begins on the first day of the month such
4 individual is determined to meet the require-
5 ments of clauses (ii) and (iii) of subsection
6 (a)(3)(A) and ends on the date that coverage
7 under a prescription drug plan or MA–PD plan
8 takes effect with respect to such individual; and

9 “(B) in the case of an LI NET eligible in-
10 dividual who is a full-benefit dual eligible indi-
11 vidual (as defined in section 1935(c)(6)) or a
12 recipient of supplemental security income bene-
13 fits under title XVI, retroactive coverage (in the
14 form of reimbursement of the amounts that
15 would have been paid under this part had such
16 individual been enrolled in a prescription drug
17 plan or MA–PD plan) of covered part D drugs
18 purchased by such individual during the period
19 that begins on the date that is the later of—

20 “(i) the date that such individual was
21 first eligible for a low-income subsidy
22 under this part; or

23 “(ii) the date that is 36 months prior
24 to the date such individual enrolls in a pre-
25 scription drug plan or MA–PD plan,

1 and ends on the date that coverage under such
2 plan takes effect.

3 “(4) PROGRAM ADMINISTRATION.—

4 “(A) POINT OF CONTACT.—The Secretary
5 shall, as determined appropriate by the Sec-
6 retary, administer the program under this sub-
7 section through a contract with a single pro-
8 gram administrator.

9 “(B) BENEFIT DESIGN.—The Secretary
10 shall ensure that the transitional coverage pro-
11 vided to LI NET eligible individuals under this
12 subsection—

13 “(i) provides access to all covered part
14 D drugs under an open formulary;

15 “(ii) permits all pharmacies deter-
16 mined by the Secretary to be in good
17 standing to process claims under the pro-
18 gram;

19 “(iii) is consistent with such require-
20 ments as the Secretary considers necessary
21 to improve patient safety and ensure ap-
22 propriate dispensing of medication; and

23 “(iv) meets such other requirements
24 as the Secretary may establish.

1 “(5) RELATIONSHIP TO OTHER PROVISIONS OF
2 THIS TITLE; WAIVER AUTHORITY.—

3 “(A) IN GENERAL.—The following provi-
4 sions shall not apply with respect to the pro-
5 gram under this subsection:

6 “(i) Paragraphs (1) and (3)(B) of sec-
7 tion 1860D–4(a) (relating to dissemination
8 of general information; availability of infor-
9 mation on changes in formulary through
10 the internet).

11 “(ii) Subparagraphs (A) and (B) of
12 section 1860D–4(b)(3) (relating to require-
13 ments on development and application of
14 formularies; formulary development).

15 “(iii) Paragraphs (1)(C) and (2) of
16 section 1860D–4(c) (relating to medication
17 therapy management program).

18 “(B) WAIVER AUTHORITY.—The Secretary
19 may waive such other requirements of title XI
20 and this title as may be necessary to carry out
21 the purposes of the program established under
22 this subsection.

23 “(6) CONTRACTING AUTHORITY.—The author-
24 ity vested in the Secretary by this subsection may be
25 performed without regard to such provisions of law

1 or regulations relating to the making, performance,
2 amendment, or modification of contracts of the
3 United States as the Secretary may determine to be
4 inconsistent with the furtherance of the purpose of
5 this title.”.

6 **SEC. 119. INCREASING THE USE OF REAL-TIME BENEFIT**
7 **TOOLS TO LOWER BENEFICIARY COSTS.**

8 (a) **REQUIRING PRESCRIPTION DRUG PLAN SPON-**
9 **SORS AND MEDICARE ADVANTAGE ORGANIZATIONS TO**
10 **INCLUDE REAL-TIME BENEFIT INFORMATION UNDER**
11 **MEDICARE PART D.**—Section 1860D–4 of the Social Se-
12 curity Act (42 U.S.C. 1395w–104) is amended—

13 (1) by redesignating subsection (m) (relating to
14 program integrity transparency measures), as added
15 by section 6063(c) of the Substance Use-Disorder
16 Prevention that Promotes Opioid Recovery and
17 Treatment for Patients and Communities Act (Pub-
18 lic Law 115–271), as subsection (n); and

19 (2) by adding at the end the following new sub-
20 section:

21 “(o) **REAL-TIME BENEFIT INFORMATION.**—

22 “(1) **IN GENERAL.**—After the Secretary has
23 adopted a standard under paragraph (3) for elec-
24 tronic real-time benefit tools, and at a time deter-
25 mined appropriate by the Secretary, a PDP sponsor

1 of a prescription drug plan shall implement one or
2 more of such tools that meet the requirements de-
3 scribed in paragraph (2).

4 “(2) REQUIREMENTS.—For purposes of para-
5 graph (1), the requirements described in this para-
6 graph, with respect to an electronic real-time benefit
7 tool, are that the tool is capable of—

8 “(A) integrating with electronic prescribing
9 and electronic health record systems of pre-
10 scribing health care professionals for the trans-
11 mission of formulary and benefit information in
12 real time to such professionals; and

13 “(B) with respect to a covered part D
14 drug, transmitting such information specific to
15 an individual enrolled in a prescription drug
16 plan, including the following:

17 “(i) A list of any clinically-appropriate
18 alternatives to such drug included in the
19 formulary of such plan.

20 “(ii) Cost-sharing information and the
21 negotiated price for such drug and such al-
22 ternatives at multiple pharmacy options,
23 including the individual’s preferred phar-
24 macy and, as applicable, other retail phar-
25 macies and a mail order pharmacy.

1 “(iii) The formulary status of such
2 drug and such alternatives and any prior
3 authorization or other utilization manage-
4 ment requirements applicable to such drug
5 and such alternatives included in the for-
6 mulary of such plan.

7 “(3) STANDARDS.—In order to be treated (for
8 purposes of this subsection) as an electronic real-
9 time benefit tool described in paragraph (1), such
10 tool shall comply with technical standards adopted
11 by the Secretary in consultation with the National
12 Coordinator for Health Information Technology
13 through notice and comment rulemaking. Such tech-
14 nical standards adopted by the Secretary shall be de-
15 veloped by a standards development organization,
16 such as the National Council for Prescription Drug
17 Programs, that consults with stakeholders such as
18 PDP sponsors, Medicare Advantage organizations,
19 beneficiary advocates, health care professionals, and
20 health information technology software vendors.

21 “(4) RULES OF CONSTRUCTION.—Nothing in
22 this subsection shall be construed—

23 “(A) to prohibit the application of para-
24 graph (b)(7) of section 423.160 of title 42,
25 Code of Federal Regulations, as is to be added

1 to such section pursuant to the final rule pub-
2 lished in the Federal Register on May 23, 2019,
3 and titled ‘Modernizing Part D and Medicare
4 Advantage To Lower Drug Prices and Reduce
5 Out-of-Pocket Expenses’ (84 Fed. Reg. 23832
6 through 23884); or

7 “(B) to allow a PDP sponsor to use a real-
8 time benefit tool to steer an individual, without
9 the consent of the individual, to a particular
10 pharmacy or pharmacy type over their preferred
11 pharmacy or pharmacy type nor prohibit the
12 designation of an individual’s preferred phar-
13 macy under such tool.”.

14 (b) REQUIRING QUALIFIED ELECTRONIC HEALTH
15 RECORDS TO INCLUDE REAL-TIME BENEFIT TOOLS.—
16 Section 3000(13) of the Public Health Service Act (42
17 U.S.C. 300jj(13)) is amended—

18 (1) in subparagraph (A), by striking “and” at
19 the end;

20 (2) in subparagraph (B), by striking the period
21 and inserting “; and”; and

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

23 “(C) includes, or is capable of including, a
24 real-time benefit tool that conveys patient-spe-
25 cific real-time cost and coverage information

1 with respect to prescription drugs that, with re-
2 spect to any health information technology cer-
3 tified for electronic prescribing, the technology
4 shall be capable of incorporating the informa-
5 tion described in clauses (i) through (iii) of
6 paragraph (2)(B) of section 1860D–4(o) of the
7 Social Security Act at a time specified by the
8 Secretary but not before the Secretary adopts a
9 standard for such tools as described in para-
10 graph (1) of such section.”.

11 (c) INCLUSION OF USE OF REAL-TIME ELECTRONIC
12 INFORMATION IN SHARED DECISION-MAKING UNDER
13 MIPS.—Section 1848(q)(2)(B)(iii)(IV) of the Social Se-
14 curity Act (42 U.S.C. 1395w–4(q)(2)(B)(iii)(IV)) is
15 amended by adding at the end the following new sen-
16 tences: “This subcategory shall include as an activity, for
17 performance periods beginning on or after January 1,
18 2022, use of a real-time benefit tool as described in section
19 1860D–4(o). The Secretary may establish this activity as
20 a standalone or as a component of another activity.”.

21 **SEC. 120. BENEFICIARY ENROLLMENT SIMPLIFICATION.**

22 (a) BENEFICIARY ENROLLMENT SIMPLIFICATION.—
23 (1) EFFECTIVE DATE OF COVERAGE.—Section
24 1838(a) of the Social Security Act (42 U.S.C.
25 1395q(a)) is amended—

1 (A) by amending paragraph (2) to read as
2 follows:

3 “(2)(A) in the case of an individual who enrolls
4 pursuant to subsection (d) of section 1837 before
5 the month in which he first satisfies paragraph (1)
6 or (2) of section 1836(a), the first day of such
7 month,

8 “(B) in the case of an individual who first sat-
9 isfies such paragraph in a month beginning before
10 January 2023 and who enrolls pursuant to such
11 subsection (d)—

12 “(i) in such month in which he first satis-
13 fies such paragraph, the first day of the month
14 following the month in which he so enrolls,

15 “(ii) in the month following such month in
16 which he first satisfies such paragraph, the first
17 day of the second month following the month in
18 which he so enrolls, or

19 “(iii) more than one month following such
20 month in which he satisfies such paragraph, the
21 first day of the third month following the
22 month in which he so enrolls,

23 “(C) in the case of an individual who first satis-
24 fies such paragraph in a month beginning on or
25 after January 1, 2023, and who enrolls pursuant to

1 such subsection (d) in such month in which he first
2 satisfies such paragraph or in any subsequent month
3 of his initial enrollment period, the first day of the
4 month following the month in which he so enrolls, or

5 “(D) in the case of an individual who enrolls
6 pursuant to subsection (e) of section 1837 in a
7 month beginning—

8 “(i) before January 1, 2023, the July 1
9 following the month in which he so enrolls; or

10 “(ii) on or after January 1, 2023, the first
11 day of the month following the month in which
12 he so enrolls; or”; and

13 (B) by amending paragraph (3) to read as
14 follows:

15 “(3) in the case of an individual who is deemed
16 to have enrolled—

17 “(A) on or before the last day of the third
18 month of his initial enrollment period, the first
19 day of the month in which he first meets the
20 applicable requirements of section 1836(a) or
21 July 1, 1973, whichever is later, or

22 “(B) on or after the first day of the fourth
23 month of his initial enrollment period, and
24 where such month begins—

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1 “(i) before January 1, 2023, as pre-
2 scribed under subparagraphs (B)(i),
3 (B)(ii), (B)(iii), and (D)(i) of paragraph
4 (2), or

5 “(ii) on or after January 1, 2023, as
6 prescribed under subparagraphs (C) and
7 (D)(ii) of paragraph (2).”.

8 (2) SPECIAL ENROLLMENT PERIODS FOR EX-
9 CEPTIONAL CIRCUMSTANCES.—

10 (A) ENROLLMENT.—Section 1837 of the
11 Social Security Act (42 U.S.C. 1395p) is
12 amended by adding at the end the following
13 new subsection:

14 “(m) Beginning January 1, 2023, the Secretary may
15 establish special enrollment periods in the case of individ-
16 uals who satisfy paragraph (1) or (2) of section 1836(a)
17 and meet such exceptional conditions as the Secretary may
18 provide.”.

19 (B) COVERAGE PERIOD.—Section 1838 of
20 the Social Security Act (42 U.S.C. 1395q) is
21 amended by adding at the end the following
22 new subsection:

23 “(g) Notwithstanding subsection (a), in the case of
24 an individual who enrolls during a special enrollment pe-
25 riod pursuant to section 1837(m), the coverage period

1 shall begin on a date the Secretary provides in a manner
2 consistent (to the extent practicable) with protecting con-
3 tinuity of health benefit coverage.”.

4 (C) CONFORMING AMENDMENT.—Title
5 XVIII of the Social Security Act (42 U.S.C.
6 1395 et seq.) is amended—

7 (i) in section 1818A(c)(3), by striking
8 “subsections (h) and (i) of section 1837”
9 and inserting “subsections (h), (i), and (m)
10 of section 1837”; and

11 (ii) in section 1839(b), in the first
12 sentence, by striking “or (l)” and inserting
13 “, (l), or (m)”.

14 (3) TECHNICAL CORRECTION.—Section 1839(b)
15 of the Social Security Act (42 U.S.C. 1395r(b)) is
16 amended by adding at the end the following new
17 sentence: “For purposes of determining any increase
18 under this subsection for individuals whose enroll-
19 ment occurs on or after January 1, 2023, the second
20 sentence of this subsection shall be applied by sub-
21 stituting ‘close of the month’ for ‘close of the enroll-
22 ment period’ each place it appears.”.

23 (4) REPORT.—Not later than January 1, 2023,
24 the Secretary of Health and Human Services shall
25 submit to the Committee on Ways and Means and

1 Committee on Energy and Commerce of the House
2 of Representatives and the Committee on Finance
3 and Special Committee on Aging of the Senate a re-
4 port on how to align existing Medicare enrollment
5 periods under title XVIII of the Social Security Act,
6 including the general enrollment period under part
7 B of such title and the annual, coordinated election
8 period under the Medicare Advantage program
9 under part C of such title and under the prescription
10 drug program under part D of such title. Such re-
11 port shall include recommendations consistent with
12 the goals of maximizing coverage continuity and
13 choice and easing beneficiary transition.

14 (b) FUNDING.—Section 1808 of the Social Security
15 Act (42 U.S.C. 1395b–9) is amended by adding the end
16 the following new subsection:

17 “(e) FUNDING FOR IMPLEMENTATION OF BENE-
18 FICIARY ENROLLMENT SIMPLIFICATION.—For purposes
19 of carrying out the provisions of and the amendments
20 made by section 120 of division CC of the Consolidated
21 Appropriations Act, 2021, the Secretary shall provide for
22 the transfer, from the Federal Hospital Insurance Trust
23 Fund under section 1817 and the Federal Supplementary
24 Medical Insurance Trust Fund under section 1841 (in
25 such proportion as the Secretary determines appropriate),

1 to the Centers for Medicare & Medicaid Services Program
2 Management Account, of \$2,000,000 for each of fiscal
3 years 2021 through 2030, to remain available until ex-
4 pended.”.

5 **SEC. 121. WAIVING BUDGET NEUTRALITY FOR OXYGEN**
6 **UNDER THE MEDICARE PROGRAM.**

7 (a) IN GENERAL.—Section 1834(a)(9)(D)(ii) of the
8 Social Security Act (42 U.S.C. 1395m(a)(9)(D)(ii)), with
9 application of subsection (b), is amended by adding at the
10 end the following new sentence: “The requirement of the
11 preceding sentence shall not apply beginning with the sec-
12 ond calendar quarter beginning on or after the date of
13 the enactment of this sentence.”.

14 (b) TECHNICAL CORRECTION.—

15 (1) IN GENERAL.—Section 4552(b) of the Bal-
16 anced Budget Act of 1997 (Public Law 105–33) is
17 amended by striking “section 1848(a)(9)” and in-
18 serting “section 1834(a)(9)”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall take effect as if included in
21 the enactment of the Balanced Budget Act of 1997
22 (Public Law 105–33).

23 (c) IMPLEMENTATION.—Notwithstanding any other
24 provision of law, the Secretary of Health and Human

1 Services may implement the amendments made by this
2 section by program instruction or otherwise.

3 **SEC. 122. WAIVING MEDICARE COINSURANCE FOR CERTAIN**
4 **COLORECTAL CANCER SCREENING TESTS.**

5 (a) IN GENERAL.—Section 1833(a) of the Social Se-
6 curity Act (42 U.S.C. 1395l(a)) is amended—

7 (1) in the second sentence, by striking “section
8 1834(0)” and inserting “section 1834(o)”;

9 (2) by moving such second sentence 2 ems to
10 the left; and

11 (3) by inserting the following third sentence fol-
12 lowing such second sentence: “For services furnished
13 on or after January 1, 2022, paragraph (1)(Y) shall
14 apply with respect to a colorectal cancer screening
15 test regardless of the code that is billed for the es-
16 tablishment of a diagnosis as a result of the test, or
17 for the removal of tissue or other matter or other
18 procedure that is furnished in connection with, as a
19 result of, and in the same clinical encounter as the
20 screening test.”.

21 (b) SPECIAL COINSURANCE RULE FOR CERTAIN
22 TESTS.—Section 1833 of the Social Security Act (42
23 U.S.C. 1395l) is amended—

1 (1) in subsection (a)(1)(Y), by inserting “sub-
2 ject to subsection (dd),” before “with respect to”;
3 and

4 (2) by adding at the end the following new sub-
5 section:

6 “(dd) SPECIAL COINSURANCE RULE FOR CERTAIN
7 COLORECTAL CANCER SCREENING TESTS.—

8 “(1) IN GENERAL.—In the case of a colorectal
9 cancer screening test to which paragraph (1)(Y) of
10 subsection (a) would not apply but for the third sen-
11 tence of such subsection that is furnished during a
12 year beginning on or after January 1, 2022, and be-
13 fore January 1, 2030, the amount paid shall be
14 equal to the specified percent (as defined in para-
15 graph (2)) for such year of the lesser of the actual
16 charge for the service or the amount determined
17 under the fee schedule that applies to such test
18 under this part (or, in the case such test is a cov-
19 ered OPD service (as defined in subsection
20 (t)(1)(B)), the amount determined under subsection
21 (t)).

22 “(2) SPECIFIED PERCENT DEFINED.—For pur-
23 poses of paragraph (1), the term ‘specified percent’
24 means—

25 “(A) for 2022, 80 percent;

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1 “(B) for 2023 through 2026, 85 percent;

2 and

3 “(C) for 2027 through 2029, 90 percent.”.

4 (c) CONFORMING AMENDMENTS.—Paragraphs (2)
5 and (3) of section 1834(d) of the Social Security Act (42
6 U.S.C. 1395m(d)) are each amended—

7 (1) in subparagraph (C)(ii), in the matter pre-
8 ceding subclause (I), by striking “Notwithstanding”
9 and inserting “Subject to section 1833(a)(1)(Y), but
10 notwithstanding”; and

11 (2) in subparagraph (D), by striking “If dur-
12 ing” and inserting “Subject to section
13 1833(a)(1)(Y), if during”.

14 **SEC. 123. EXPANDING ACCESS TO MENTAL HEALTH SERV-**
15 **ICES FURNISHED THROUGH TELEHEALTH.**

16 (a) TREATMENT OF MENTAL HEALTH SERVICES
17 FURNISHED THROUGH TELEHEALTH.—Paragraph (7) of
18 section 1834(m) of the Social Security Act (42 U.S.C.
19 1395m(m)) is amended—

20 (1) by striking “DISORDER SERVICES FUR-

21 NISHED THROUGH TELEHEALTH.—The geographic”
22 and inserting “DISORDER SERVICES AND MENTAL
23 HEALTH SERVICES FURNISHED THROUGH TELE-
24 HEALTH.—

25 “(A) IN GENERAL.—The geographic”;

1 (2) in subparagraph (A), as added by para-
2 graph (1), by inserting “or, on or after the first day
3 after the end of the emergency period described in
4 section 1135(g)(1)(B), subject to subparagraph (B),
5 to an eligible telehealth individual for purposes of di-
6 agnosis, evaluation, or treatment of a mental health
7 disorder, as determined by the Secretary,” after “as
8 determined by the Secretary,”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(B) REQUIREMENTS FOR MENTAL
12 HEALTH SERVICES FURNISHED THROUGH
13 TELEHEALTH.—

14 “(i) IN GENERAL.—Payment may not
15 be made under this paragraph for tele-
16 health services furnished by a physician or
17 practitioner to an eligible telehealth indi-
18 vidual for purposes of diagnosis, evalua-
19 tion, or treatment of a mental health dis-
20 order unless such physician or practitioner
21 furnishes an item or service in person,
22 without the use of telehealth, for which
23 payment is made under this title (or would
24 have been made under this title if such in-
25 dividual were entitled to, or enrolled for,

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1 benefits under this title at the time such
2 item or service is furnished)—

3 “(I) within the 6-month period
4 prior to the first time such physician
5 or practitioner furnishes such a tele-
6 health service to the eligible telehealth
7 individual; and

8 “(II) during subsequent periods
9 in which such physician or practi-
10 tioner furnishes such telehealth serv-
11 ices to the eligible telehealth indi-
12 vidual, at such times as the Secretary
13 determines appropriate.

14 “(ii) CLARIFICATION.—This subpara-
15 graph shall not apply if payment would
16 otherwise be allowed—

17 “(I) under this paragraph (with
18 respect to telehealth services furnished
19 to an eligible telehealth individual
20 with a substance use disorder diag-
21 nosis for purposes of treatment of
22 such disorder or co-occurring mental
23 health disorder); or

24 “(II) under this subsection with-
25 out application of this paragraph.”.

1 (b) IMPLEMENTATION.—Notwithstanding any other
2 provision of law, the Secretary may implement the provi-
3 sions of, or amendments made by, this section by interim
4 final rule, program instruction, or otherwise.

5 **SEC. 124. PUBLIC-PRIVATE PARTNERSHIP FOR HEALTH**
6 **CARE WASTE, FRAUD, AND ABUSE DETEC-**
7 **TION.**

8 (a) IN GENERAL.—Section 1128C(a) of the Social
9 Security Act (42 U.S.C. 1320a–7c(a)) is amended by add-
10 ing at the end the following new paragraph:

11 “(6) PUBLIC-PRIVATE PARTNERSHIP FOR
12 WASTE, FRAUD, AND ABUSE DETECTION.—

13 “(A) IN GENERAL.—Under the program
14 described in paragraph (1), there is established
15 a public-private partnership (in this paragraph
16 referred to as the ‘partnership’) of health plans,
17 Federal and State agencies, law enforcement
18 agencies, health care anti-fraud organizations,
19 and any other entity determined appropriate by
20 the Secretary (in this paragraph referred to as
21 ‘partners’) for purposes of detecting and pre-
22 venting health care waste, fraud, and abuse.

23 “(B) CONTRACT WITH TRUSTED THIRD
24 PARTY.—In carrying out the partnership, the
25 Secretary shall enter into a contract with a

1 trusted third party for purposes of carrying out
2 the duties of the partnership described in sub-
3 paragraph (C).

4 “(C) DUTIES OF PARTNERSHIP.—The
5 partnership shall—

6 “(i) provide technical and operational
7 support to facilitate data sharing between
8 partners in the partnership;

9 “(ii) analyze data so shared to iden-
10 tify fraudulent and aberrant billing pat-
11 terns;

12 “(iii) conduct aggregate analyses of
13 health care data so shared across Federal,
14 State, and private health plans for pur-
15 poses of detecting fraud, waste, and abuse
16 schemes;

17 “(iv) identify outlier trends and poten-
18 tial vulnerabilities of partners in the part-
19 nership with respect to such schemes;

20 “(v) refer specific cases of potential
21 unlawful conduct to appropriate govern-
22 mental entities;

23 “(vi) convene, not less than annually,
24 meetings with partners in the partnership
25 for purposes of providing updates on the

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1 partnership’s work and facilitating infor-
2 mation sharing between the partners;

3 “(vii) enter into data sharing and
4 data use agreements with partners in the
5 partnership in such a manner so as to en-
6 sure the partnership has access to data
7 necessary to identify waste, fraud, and
8 abuse while maintaining the confidentiality
9 and integrity of such data;

10 “(viii) provide partners in the partner-
11 ship with plan-specific, confidential feed-
12 back on any aberrant billing patterns or
13 potential fraud identified by the partner-
14 ship with respect to such partner;

15 “(ix) establish a process by which en-
16 tities described in subparagraph (A) may
17 enter the partnership and requirements
18 such entities must meet to enter the part-
19 nership;

20 “(x) provide appropriate training, out-
21 reach, and education to partners based on
22 the results of data analyses described in
23 clauses (ii) and (iii); and

24 “(xi) perform such other duties as the
25 Secretary determines appropriate.

1 “(D) SUBSTANCE USE DISORDER TREAT-
2 MENT ANALYSIS.—Not later than 2 years after
3 the date of the enactment of the Consolidated
4 Appropriations Act, 2021, the trusted third
5 party with a contract in effect under subpara-
6 graph (B) shall perform an analysis of aberrant
7 or fraudulent billing patterns and trends with
8 respect to providers and suppliers of substance
9 use disorder treatments from data shared with
10 the partnership.

11 “(E) EXECUTIVE BOARD.—

12 “(i) EXECUTIVE BOARD COMPOSI-
13 TION.—

14 “(I) IN GENERAL.—There shall
15 be an executive board of the partner-
16 ship comprised of representatives of
17 the Federal Government and rep-
18 resentatives of the private sector se-
19 lected by the Secretary.

20 “(II) CHAIRS.—The executive
21 board shall be co-chaired by one Fed-
22 eral Government official and one rep-
23 resentative from the private sector.

1 “(ii) MEETINGS.—The executive
2 board of the partnership shall meet at
3 least once per year.

4 “(iii) EXECUTIVE BOARD DUTIES.—
5 The duties of the executive board shall in-
6 clude the following:

7 “(I) Providing strategic direction
8 for the partnership, including mem-
9 bership criteria and a mission state-
10 ment.

11 “(II) Communicating with the
12 leadership of the Department of
13 Health and Human Services and the
14 Department of Justice and the var-
15 ious private health sector associations.

16 “(F) REPORTS.—Not later than January
17 1, 2023, and every 2 years thereafter, the Sec-
18 retary shall submit to Congress and make avail-
19 able on the public website of the Centers for
20 Medicare & Medicaid Services a report con-
21 taining—

22 “(i) a review of activities conducted by
23 the partnership over the 2-year period end-
24 ing on the date of the submission of such

1 report, including any progress to any ob-
2 jectives established by the partnership;

3 “(ii) any savings voluntarily reported
4 by health plans participating in the part-
5 nership attributable to the partnership
6 during such period;

7 “(iii) any savings to the Federal Gov-
8 ernment attributable to the partnership
9 during such period;

10 “(iv) any other outcomes attributable
11 to the partnership, as determined by the
12 Secretary, during such period; and

13 “(v) a strategic plan for the 2-year
14 period beginning on the day after the date
15 of the submission of such report, including
16 a description of any emerging fraud and
17 abuse schemes, trends, or practices that
18 the partnership intends to study during
19 such period.

20 “(G) FUNDING.—The partnership shall be
21 funded by amounts otherwise made available to
22 the Secretary for carrying out the program de-
23 scribed in paragraph (1).

24 “(H) TRANSITIONAL PROVISIONS.—To the
25 extent consistent with this subsection, all func-

1 tions, personnel, assets, liabilities, and adminis-
2 trative actions applicable on the date before the
3 date of the enactment of this paragraph to the
4 National Fraud Prevention Partnership estab-
5 lished on September 17, 2012, by charter of the
6 Secretary shall be transferred to the partner-
7 ship established under subparagraph (A) as of
8 the date of the enactment of this paragraph.

9 “(I) NONAPPLICABILITY OF FACA.—The
10 provisions of the Federal Advisory Committee
11 Act shall not apply to the partnership estab-
12 lished by subparagraph (A).

13 “(J) IMPLEMENTATION.—Notwithstanding
14 any other provision of law, the Secretary may
15 implement the partnership established by sub-
16 paragraph (A) by program instruction or other-
17 wise.

18 “(K) DEFINITION.—For purposes of this
19 paragraph, the term ‘trusted third party’ means
20 an entity that—

21 “(i) demonstrates the capability to
22 carry out the duties of the partnership de-
23 scribed in subparagraph (C);

1 “(ii) complies with such conflict of in-
2 terest standards determined appropriate by
3 the Secretary; and

4 “(iii) meets such other requirements
5 as the Secretary may prescribe.”.

6 (b) **POTENTIAL EXPANSION OF PUBLIC-PRIVATE**
7 **PARTNERSHIP ANALYSES.**—Not later than 2 years after
8 the date of the enactment of this Act, the Secretary of
9 Health and Human Services shall conduct a study and
10 submit to Congress a report on the feasibility of the part-
11 nership (as described in section 1128C(a)(6) of the Social
12 Security Act, as added by subsection (a)) establishing a
13 system to conduct real-time data analysis to proactively
14 identify ongoing as well as emergent fraud trends for the
15 entities participating in the partnership and provide such
16 entities with real-time feedback on potentially fraudulent
17 claims. Such report shall include the estimated cost of and
18 any potential barriers to the partnership establishing such
19 a system.

20 **SEC. 125. MEDICARE PAYMENT FOR RURAL EMERGENCY**
21 **HOSPITAL SERVICES.**

22 (a) **IN GENERAL.**—

23 (1) **DEFINITIONS.**—Section 1861 of the Social
24 Security Act (42 U.S.C. 1395x) is amended—

1 (A) in subsection (e), in the last sentence
2 of the matter following paragraph (9), by in-
3 serting “or a rural emergency hospital (as de-
4 fined in subsection (kkk)(2))” before the period
5 at the end; and

6 (B) by adding at the end the following sub-
7 section:

8 “Rural Emergency Hospital Services; Rural Emergency
9 Hospital
10 “(kkk)(1) RURAL EMERGENCY HOSPITAL SERV-
11 ICES.—

12 “(A) IN GENERAL.—The term ‘rural emergency
13 hospital services’ means the following services fur-
14 nished by a rural emergency hospital (as defined in
15 paragraph (2)) that do not exceed an annual per pa-
16 tient average of 24 hours in such rural emergency
17 hospital:

18 “(i) Emergency department services and
19 observation care.

20 “(ii) At the election of the rural emergency
21 hospital, with respect to services furnished on
22 an outpatient basis, other medical and health
23 services as specified by the Secretary through
24 rulemaking.

1 “(B) STAFFED EMERGENCY DEPARTMENT.—

2 For purposes of subparagraph (A)(i), an emergency
3 department of a rural emergency hospital shall be
4 considered a staffed emergency department if it
5 meets the following requirements:

6 “(i) The emergency department is staffed
7 24 hours a day, 7 days a week.

8 “(ii) A physician (as defined in section
9 1861(r)(1)), nurse practitioner, clinical nurse
10 specialist, or physician assistant (as those terms
11 are defined in section 1861(aa)(5)) is available
12 to furnish rural emergency hospital services in
13 the facility 24 hours a day.

14 “(iii) Applicable staffing and staffing re-
15 sponsibilities under section 485.631 of title 42,
16 Code of Federal Regulations (or any successor
17 regulation).

18 “(2) RURAL EMERGENCY HOSPITAL.—The term
19 ‘rural emergency hospital’ means a facility described in
20 paragraph (3) that—

21 “(A) is enrolled under section 1866(j), submits
22 the additional information described in paragraph
23 (4)(A) for purposes of such enrollment, and makes
24 the detailed transition plan described in clause (i) of
25 such paragraph available to the public, in a form

1 and manner determined appropriate by the Sec-
2 retary;

3 “(B) does not provide any acute care inpatient
4 services, other than those described in paragraph
5 (6)(A);

6 “(C) has in effect a transfer agreement with a
7 level I or level II trauma center;

8 “(D) meets—

9 “(i) licensure requirements as described in
10 paragraph (5);

11 “(ii) the requirements of a staffed emer-
12 gency department as described in paragraph
13 (1)(B);

14 “(iii) such staff training and certification
15 requirements as the Secretary may require;

16 “(iv) conditions of participation applicable
17 to—

18 “(I) critical access hospitals, with re-
19 spect to emergency services under section
20 485.618 of title 42, Code of Federal Regu-
21 lations (or any successor regulation); and

22 “(II) hospital emergency departments
23 under this title, as determined applicable
24 by the Secretary;

1 “(v) such other requirements as the Sec-
2 retary finds necessary in the interest of the
3 health and safety of individuals who are fur-
4 nished rural emergency hospital services; and

5 “(vi) in the case where the rural emer-
6 gency hospital includes a distinct part unit of
7 the facility that is licensed as a skilled nursing
8 facility, such distinct part meets the require-
9 ments applicable to skilled nursing facilities
10 under this title.

11 “(3) FACILITY DESCRIBED.—A facility described in
12 this paragraph is a facility that as of the date of the enact-
13 ment of this subsection—

14 “(A) was a critical access hospital; or

15 “(B) was a subsection (d) hospital (as defined
16 in section 1886(d)(1)(B)) with not more than 50
17 beds located in a county (or equivalent unit of local
18 government) in a rural area (as defined in section
19 1886(d)(2)(D)), or was a subsection (d) hospital (as
20 so defined) with not more than 50 beds that was
21 treated as being located in a rural area pursuant to
22 section 1886(d)(8)(E).

23 “(4) ADDITIONAL INFORMATION.—

24 “(A) INFORMATION.—For purposes of para-
25 graph (2)(A), a facility that submits an application

1 for enrollment under section 1866(j) as a rural
2 emergency hospital shall submit the following infor-
3 mation at such time and in such form as the Sec-
4 retary may require:

5 “(i) An action plan for initiating rural
6 emergency hospital services (as defined in para-
7 graph (1)), including a detailed transition plan
8 that lists the specific services that the facility
9 will—

10 “(I) retain;

11 “(II) modify

12 “(III) add; and

13 “(IV) discontinue.

14 “(ii) A description of services that the fa-
15 cility intends to furnish on an outpatient basis
16 pursuant to paragraph (1)(A)(ii).

17 “(iii) Information regarding how the facil-
18 ity intends to use the additional facility pay-
19 ment provided under section 1834(x)(2), includ-
20 ing a description of the services covered under
21 this title that the additional facility payment
22 would be supporting, such as furnishing tele-
23 health services and ambulance services, includ-
24 ing operating the facility and maintaining the

1 emergency department to provide such services
2 covered under this title.

3 “(iv) Such other information as the Sec-
4 retary determines appropriate.

5 “(B) EFFECT OF ENROLLMENT.—Such enroll-
6 ment shall remain effective with respect to a facility
7 until such time as—

8 “(i) the facility elects to convert back to its
9 prior designation as a critical access hospital or
10 a subsection (d) hospital (as defined in section
11 1886(d)(1)(B)), subject to requirements appli-
12 cable under this title for such designation and
13 in accordance with procedures established by
14 the Secretary; or

15 “(ii) the Secretary determines the facility
16 does not meet the requirements applicable to a
17 rural emergency hospital under this subsection.

18 “(5) LICENSURE.—A facility may not operate as a
19 rural emergency hospital in a State unless the facility—

20 “(A) is located in a State that provides for the
21 licensing of such hospitals under State or applicable
22 local law; and

23 “(B)(i) is licensed pursuant to such law; or

1 “(ii) is approved by the agency of such State or
2 locality responsible for licensing hospitals, as meet-
3 ing the standards established for such licensing.

4 “(6) DISCRETIONARY AUTHORITY.—A rural emer-
5 gency hospital may—

6 “(A) include a unit of the facility that is a dis-
7 tinct part licensed as a skilled nursing facility to fur-
8 nish post-hospital extended care services; and

9 “(B) be considered a hospital with less than 50
10 beds for purposes of the exception to the payment
11 limit for rural health clinics under section 1833(f).

12 “(7) QUALITY MEASUREMENT.—

13 “(A) IN GENERAL.—The Secretary shall estab-
14 lish quality measurement reporting requirements for
15 rural emergency hospitals, which may include the
16 use of a small number of claims-based outcomes
17 measures or surveys of patients with respect to their
18 experience in the rural emergency hospital, in ac-
19 cordance with the succeeding provisions of this para-
20 graph.

21 “(B) QUALITY REPORTING BY RURAL EMER-
22 GENCY HOSPITALS.—

23 “(i) IN GENERAL.—With respect to each
24 year beginning with 2023, (or each year begin-
25 ning on or after the date that is one year after

1 one or more measures are first specified under
2 subparagraph (C)), a rural emergency hospital
3 shall submit data to the Secretary in accord-
4 ance with clause (ii).

5 “(ii) SUBMISSION OF QUALITY DATA.—
6 With respect to each such year, a rural emer-
7 gency hospital shall submit to the Secretary
8 data on quality measures specified under sub-
9 paragraph (C). Such data shall be submitted in
10 a form and manner, and at a time, specified by
11 the Secretary for purposes of this subpara-
12 graph.

13 “(C) QUALITY MEASURES.—

14 “(i) IN GENERAL.—Subject to clause (ii),
15 any measure specified by the Secretary under
16 this subparagraph must have been endorsed by
17 the entity with a contract under section
18 1890(a).

19 “(ii) EXCEPTION.—In the case of a speci-
20 fied area or medical topic determined appro-
21 priate by the Secretary for which a feasible and
22 practical measure has not been endorsed by the
23 entity with a contract under section 1890(a),
24 the Secretary may specify a measure that is not
25 so endorsed as long as due consideration is

1 given to measures that have been endorsed or
2 adopted by a consensus organization identified
3 by the Secretary.

4 “(iii) CONSIDERATION OF LOW CASE VOL-
5 UME WHEN SPECIFYING PERFORMANCE MEAS-
6 URES.—The Secretary shall, in the selection of
7 measures specified under this subparagraph,
8 take into consideration ways to account for
9 rural emergency hospitals that lack sufficient
10 case volume to ensure that the performance
11 rates for such measures are reliable.

12 “(D) PUBLIC AVAILABILITY OF DATA SUB-
13 MITTED.—The Secretary shall establish procedures
14 for making data submitted under subparagraph (B)
15 available to the public regarding the performance of
16 individual rural emergency hospitals. Such proce-
17 dures shall ensure that a rural emergency hospital
18 has the opportunity to review, and submit correc-
19 tions for, the data that is to be made public with re-
20 spect to the rural emergency hospital prior to such
21 data being made public. Such information shall be
22 posted on the Internet website of the Centers for
23 Medicare & Medicaid Services in an easily under-
24 standable format as determined appropriate by the
25 Secretary.

1 “(8) CLARIFICATION REGARDING APPLICATION OF
2 PROVISIONS RELATING TO OFF-CAMPUS OUTPATIENT
3 DEPARTMENT OF A PROVIDER.—Nothing in this sub-
4 section, section 1833(a)(10), or section 1834(x) shall af-
5 fect the application of paragraph (1)(B)(v) of section
6 1833(t), relating to applicable items and services (as de-
7 fined in subparagraph (A) of paragraph (21) of such sec-
8 tion) that are furnished by an off-campus outpatient de-
9 partment of a provider (as defined in subparagraph (B)
10 of such paragraph).

11 “(9) IMPLEMENTATION.—There shall be no adminis-
12 trative or judicial review under section 1869, 1878, or oth-
13 erwise of the following:

14 “(A) The determination of whether a rural
15 emergency hospital meets the requirements of this
16 subsection.

17 “(B) The establishment of requirements under
18 this subsection by the Secretary, including require-
19 ments described in paragraphs (2)(D), (4), and (7).

20 “(C) The determination of payment amounts
21 under section 1834(x), including the additional facil-
22 ity payment described in paragraph (2) of such sec-
23 tion.”.

24 “(2) PAYMENT FOR RURAL EMERGENCY HOS-
25 PITAL SERVICES.—

1 (A) IN GENERAL.—Section 1833(a) of the
2 Social Security Act (42 U.S.C. 1395l(a)) is
3 amended—

4 (i) in paragraph (8), by striking
5 “and” at the end;

6 (ii) in paragraph (9), by striking the
7 period at the end and inserting “; and”;
8 and

9 (iii) by inserting after paragraph (9)
10 the following new paragraph:

11 “(10) with respect to rural emergency hospital
12 services furnished on or after January 1, 2023, the
13 amounts determined under section 1834(x).”.

14 (B) PAYMENT AMOUNT.—Section 1834 of
15 the Social Security Act (42 U.S.C. 1395m) is
16 amended by adding at the end the following
17 subsection:

18 “(x) PAYMENT RULES RELATING TO RURAL EMER-
19 GENCY HOSPITALS.—

20 “(1) PAYMENT FOR RURAL EMERGENCY HOS-
21 PITAL SERVICES.—In the case of rural emergency
22 hospital services (as defined in section
23 1861(kkk)(1)), furnished by a rural emergency hos-
24 pital (as defined in section 1861(kkk)(2)) on or after
25 January 1, 2023, the amount of payment for such

1 services shall be equal to the amount of payment
2 that would otherwise apply under section 1833(t) for
3 covered OPD services (as defined in section
4 1833(t)(1)(B) (other than clause (ii) of such sec-
5 tion)), increased by 5 percent to reflect the higher
6 costs incurred by such hospitals, and shall include
7 the application of any copayment amount deter-
8 mined under section 1833(t)(8) as if such increase
9 had not occurred.

10 “(2) ADDITIONAL FACILITY PAYMENT.—

11 “(A) IN GENERAL.—The Secretary shall
12 make monthly payments to a rural emergency
13 hospital in an amount that is equal to $\frac{1}{12}$ of
14 the annual additional facility payment specified
15 in subparagraph (B).

16 “(B) ANNUAL ADDITIONAL FACILITY PAY-
17 MENT AMOUNT.—The annual additional facility
18 payment amount specified in this subparagraph
19 is—

20 “(i) for 2023, a Medicare subsidy
21 amount determined under subparagraph
22 (C); and

23 “(ii) for 2024 and each subsequent
24 year, the amount determined under this
25 subparagraph for the preceding year, in-

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1 creased by the hospital market basket per-
2 centage increase.

3 “(C) DETERMINATION OF MEDICARE SUB-
4 SIDY AMOUNT.—For purposes of subparagraph
5 (B)(i), the Medicare subsidy amount deter-
6 mined under this subparagraph is an amount
7 equal to—

8 “(i) the excess (if any) of—

9 “(I) the total amount that the
10 Secretary determines was paid under
11 this title to all critical access hospitals
12 in 2019; over

13 “(II) the estimated total amount
14 that the Secretary determines would
15 have been paid under this title to such
16 hospitals in 2019 if payment were
17 made for inpatient hospital, out-
18 patient hospital, and skilled nursing
19 facility services under the applicable
20 prospective payment systems for such
21 services during such year; divided by

22 “(ii) the total number of such hos-
23 pitals in 2019.

24 “(D) REPORTING ON USE OF THE ADDI-
25 TIONAL FACILITY PAYMENT.—A rural emer-

1 agency hospital receiving the additional facility
2 payment under this paragraph shall maintain
3 detailed information as specified by the Sec-
4 retary as to how the facility has used the addi-
5 tional facility payments. Such information shall
6 be made available to the Secretary upon re-
7 quest.

8 “(3) PAYMENT FOR AMBULANCE SERVICES.—
9 For provisions relating to payment for ambulance
10 services furnished by an entity owned and operated
11 by a rural emergency hospital, see section 1834(l).

12 “(4) PAYMENT FOR POST-HOSPITAL EXTENDED
13 CARE SERVICES.—For provisions relating to pay-
14 ment for post-hospital extended care services fur-
15 nished by a rural emergency hospital that has a unit
16 that is a distinct part licensed as a skilled nursing
17 facility, see section 1888(e).

18 “(5) SOURCE OF PAYMENTS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), payments under this sub-
21 section shall be made from the Federal Supple-
22 mentary Medical Insurance Trust Fund under
23 section 1841.

24 “(B) ADDITIONAL FACILITY PAYMENT AND
25 POST-HOSPITAL EXTENDED CARE SERVICES.—

1 Payments under paragraph (2) shall be made
2 from the Federal Hospital Insurance Trust
3 Fund under section 1817.”.

4 (b) PROVIDER AGREEMENTS.—

5 (1) AGREEMENT WITH QIO.—Section 1866(a)
6 of the Social Security Act (42 U.S.C. 1395cc(a)) is
7 amended—

8 (A) in paragraph (1)(F)(ii), by inserting
9 “rural emergency hospitals,” after “critical ac-
10 cess hospitals,”; and

11 (B) in paragraph (3)—

12 (i) in subparagraph (A), by inserting
13 “rural emergency hospital,” after “critical
14 access hospital,”;

15 (ii) in subparagraph (B), by inserting
16 “rural emergency hospital,” after “critical
17 access hospital,” each place it appears; and

18 (iii) in subparagraph (C)(ii)(II), by in-
19 serting “rural emergency hospitals,” after
20 “critical access hospitals,” each place it
21 appears.

22 (2) EMERGENCY MEDICAL TREATMENT AND
23 LABOR ACT.—

24 (A) Section 1866(a)(1) of the Social Secu-
25 rity Act (42 U.S.C. 1395cc(a)(1)) is amended—

1 (i) in subparagraph (I)—

2 (I) in the matter preceding clause
3 (i), by striking “or critical access hos-
4 pital” and inserting “, critical access
5 hospital, or rural emergency hospital”;
6 and

7 (II) in clause (ii), by inserting “,
8 critical access hospital, or rural emer-
9 gency hospital” after “hospital”; and
10 (ii) in subparagraph (N)—

11 (I) in the matter preceding clause
12 (i), by striking “and critical access
13 hospitals” and inserting “, critical ac-
14 cess hospitals, and rural emergency
15 hospitals”;

16 (II) in clause (i), by striking “or
17 critical access hospital” and inserting
18 “, critical access hospital, or rural
19 emergency hospital”; and

20 (III) in clause (iv), by inserting
21 “, critical access hospital, or rural
22 emergency hospital” after “hospital”.

23 (B) Section 1867(e)(5) of such Act (42
24 U.S.C. 1395dd(e)(5)) is amended by inserting

1 “and a rural emergency hospital (as defined in
2 section 1861(kkk)(2))” before the period.

3 (c) TREATMENT AS TELEHEALTH ORIGINATING
4 SITE.—Section 1834(m)(4)(C)(ii) of the Social Security
5 Act (42 U.S.C. 1395m(m)(4)(C)(ii)) is amended by adding
6 at the end the following new subelause:

7 “(XI) A rural emergency hospital
8 (as defined in section
9 1861(kkk)(2)).”.

10 (d) CONFORMING AMENDMENTS.—

11 (1) Section 1861(u) of the Social Security Act
12 (42 U.S.C. 1395x(u)) is amended by inserting “rural
13 emergency hospital,” after “critical access hospital,”.

14 (2) Section 1864 of the Social Security Act (42
15 U.S.C. 1395aa) is amended by inserting before the
16 period at the end of the first sentence “, or whether
17 a facility is a rural emergency hospital as defined in
18 section 1861(kkk)(2).

19 (e) STUDIES AND REPORTS.—

20 (1) STUDIES.—The Secretary of Health and
21 Human Services shall conduct 3 studies to evaluate
22 the impact of rural emergency hospitals on the avail-
23 ability of health care and health outcomes in rural
24 areas (as defined in section 1886(d)(2)(D) of the

1 Social Security Act (42 U.S.C. 1395ww(d)(2)(D))).

2 The Secretary shall conduct a study—

3 (A) 4 years after the date of the enactment
4 of this Act;

5 (B) 7 years after the date of the enact-
6 ment of this Act; and

7 (C) 10 years after the date of the enact-
8 ment of this Act.

9 (2) REPORTS.—Not later than 6 months after
10 each date that the Secretary of Health and Human
11 Services is required to conduct a study under para-
12 graph (1), the Secretary shall submit to Congress a
13 report containing the results of each such study.

14 (3) FUNDING.—For purposes of carrying out
15 this subsection, the Secretary of Health and Human
16 Services shall provide for the transfer, from the Fed-
17 eral Hospital Insurance Trust Fund under section
18 1817 of the Social Security Act (42 U.S.C. 1395i)
19 and the Federal Supplementary Medical Insurance
20 Trust Fund under section 1841 of such Act (42
21 U.S.C. 1395t), in such proportion as the Secretary
22 determines appropriate, to the Centers for Medicare
23 & Medicaid Services Program Management Account,
24 of \$9,000,000. Amounts transferred under the pre-

1 ceding sentence shall remain available until ex-
2 pended.

3 (f) MEDPAC REVIEW OF PAYMENTS TO RURAL
4 EMERGENCY HOSPITALS.—Each report submitted by the
5 Medicare Payment Advisory Commission under section
6 1805(b)(1)(C) of the Social Security Act (42 U.S.C.
7 1395b–6(b)(1)(C)) (beginning with 2024), shall include a
8 review of payments to rural emergency hospitals under
9 section 1834(x), as added by subsection (a).

10 (g) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to items and services furnished on
12 or after January 1, 2023.

13 **SEC. 126. DISTRIBUTION OF ADDITIONAL RESIDENCY POSI-**
14 **TIONS.**

15 (a) IN GENERAL.—Section 1886(h) of the Social Se-
16 curity Act (42 U.S.C. 1395ww(h)) is amended—

17 (1) in paragraph (4)(F)(i), by striking “para-
18 graphs (7) and (8)” and inserting “paragraphs (7),
19 (8), and (9)”;

20 (2) in paragraph (4)(H)(i), by striking “para-
21 graphs (7) and (8)” and inserting “paragraphs (7),
22 (8), and (9)”;

23 (3) in paragraph (7)(E), by inserting “para-
24 graph (9),” after “paragraph (8),”; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(9) DISTRIBUTION OF ADDITIONAL RESIDENCY
4 POSITIONS.—

5 “(A) ADDITIONAL RESIDENCY POSI-
6 TIONS.—

7 “(i) IN GENERAL.—For fiscal year
8 2023, and for each succeeding fiscal year
9 until the aggregate number of full-time
10 equivalent residency positions distributed
11 under this paragraph is equal to the aggre-
12 gate number of such positions made avail-
13 able (as specified in clause (ii)(I)), the Sec-
14 retary shall, subject to the succeeding pro-
15 visions of this paragraph, increase the oth-
16 erwise applicable resident limit for each
17 qualifying hospital (as defined in subpara-
18 graph (F)) that submits a timely applica-
19 tion under this subparagraph by such
20 number as the Secretary may approve ef-
21 fective beginning July 1 of the fiscal year
22 of the increase.

23 “(ii) NUMBER AVAILABLE FOR DIS-
24 TRIBUTION.—

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1 “(I) TOTAL NUMBER AVAIL-
2 ABLE.—The aggregate number of
3 such positions made available under
4 this paragraph shall be equal to
5 1,000.

6 “(II) ANNUAL LIMIT.—The ag-
7 gregate number of such positions so
8 made available shall not exceed 200
9 for a fiscal year.

10 “(iii) PROCESS FOR DISTRIBUTING
11 POSITIONS.—

12 “(I) ROUNDS OF APPLICA-
13 TIONS.—The Secretary shall initiate a
14 separate round of applications for an
15 increase under clause (i) for each fis-
16 cal year for which such an increase is
17 to be provided.

18 “(II) TIMING.—The Secretary
19 shall notify hospitals of the number of
20 positions distributed to the hospital
21 under this paragraph as a result of an
22 increase in the otherwise applicable
23 resident limit by January 31 of the
24 fiscal year of the increase. Such in-

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1 crease shall be effective beginning
2 July 1 of such fiscal year.

3 “(B) DISTRIBUTION.—For purposes of
4 providing an increase in the otherwise applica-
5 ble resident limit under subparagraph (A), the
6 following shall apply:

7 “(i) CONSIDERATIONS IN DISTRIBUTION.—In determining for which qualifying
8 hospitals such an increase is provided
9 under subparagraph (A), the Secretary
10 shall take into account the demonstrated
11 likelihood of the hospital filling the posi-
12 tions made available under this paragraph
13 within the first 5 training years beginning
14 after the date the increase would be effec-
15 tive, as determined by the Secretary.

16 “(ii) MINIMUM DISTRIBUTION FOR
17 CERTAIN CATEGORIES OF HOSPITALS.—
18 With respect to the aggregate number of
19 such positions available for distribution
20 under this paragraph, the Secretary shall
21 distribute not less than 10 percent of such
22 aggregate number to each of the following
23 categories of hospitals:
24

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1 “(I) Hospitals that are located in
2 a rural area (as defined in section
3 1886(d)(2)(D)) or are treated as
4 being located in a rural area pursuant
5 to section 1886(d)(8)(E).

6 “(II) Hospitals in which the ref-
7 erence resident level of the hospital
8 (as specified in subparagraph (F)(iii))
9 is greater than the otherwise applica-
10 ble resident limit.

11 “(III) Hospitals in States with—

12 “(aa) new medical schools
13 that received ‘Candidate School’
14 status from the Liaison Com-
15 mittee on Medical Education or
16 that received ‘Pre-Accreditation’
17 status from the American Osteo-
18 pathic Association Commission
19 on Osteopathic College Accredita-
20 tion on or after January 1, 2000,
21 and that have achieved or con-
22 tinue to progress toward ‘Full
23 Accreditation’ status (as such
24 term is defined by the Liaison
25 Committee on Medical Edu-

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1 cation) or toward ‘Accreditation’
2 status (as such term is defined
3 by the American Osteopathic As-
4 sociation Commission on Osteo-
5 pathic College Accreditation); or

6 “(bb) additional locations
7 and branch campuses established
8 on or after January 1, 2000, by
9 medical schools with ‘Full Ac-
10 creditation’ status (as such term
11 is defined by the Liaison Com-
12 mittee on Medical Education) or
13 ‘Accreditation’ status (as such
14 term is defined by the American
15 Osteopathic Association Commis-
16 sion on Osteopathic College Ac-
17 creditation).

18 “(IV) Hospitals that serve areas
19 designated as health professional
20 shortage areas under section
21 332(a)(1)(A) of the Public Health
22 Service Act, as determined by the Sec-
23 retary.

24 “(C) LIMITATIONS.—

2212

1 “(i) IN GENERAL.—A hospital may
2 not receive more than 25 additional full-
3 time equivalent residency positions under
4 this paragraph.

5 “(ii) PROHIBITION ON DISTRIBUTION
6 TO HOSPITALS WITHOUT AN INCREASE
7 AGREEMENT.—No increase in the other-
8 wise applicable resident limit of a hospital
9 may be made under this paragraph unless
10 such hospital agrees to increase the total
11 number of full-time equivalent residency
12 positions under the approved medical resi-
13 dency training program of such hospital by
14 the number of such positions made avail-
15 able by such increase under this para-
16 graph.

17 “(D) APPLICATION OF PER RESIDENT
18 AMOUNTS FOR PRIMARY CARE AND NONPRI-
19 MARY CARE.—With respect to additional resi-
20 dency positions in a hospital attributable to the
21 increase provided under this paragraph, the ap-
22 proved FTE per resident amounts are deemed
23 to be equal to the hospital per resident amounts
24 for primary care and nonprimary care com-
25 puted under paragraph (2)(D) for that hospital.

1 “(E) PERMITTING FACILITIES TO APPLY
2 AGGREGATION RULES.—The Secretary shall
3 permit hospitals receiving additional residency
4 positions attributable to the increase provided
5 under this paragraph to, beginning in the fifth
6 year after the effective date of such increase,
7 apply such positions to the limitation amount
8 under paragraph (4)(F) that may be aggre-
9 gated pursuant to paragraph (4)(H) among
10 members of the same affiliated group.

11 “(F) DEFINITIONS.—In this paragraph:

12 “(i) OTHERWISE APPLICABLE RESI-
13 DENT LIMIT.—The term ‘otherwise appli-
14 cable resident limit’ means, with respect to
15 a hospital, the limit otherwise applicable
16 under subparagraphs (F)(i) and (H) of
17 paragraph (4) on the resident level for the
18 hospital determined without regard to this
19 paragraph but taking into account para-
20 graphs (7)(A), (7)(B), (8)(A), and (8)(B).

21 “(ii) QUALIFYING HOSPITAL.—The
22 term ‘qualifying hospital’ means a hospital
23 described in any of subclauses (I) through
24 (IV) of subparagraph (B)(ii).

1 “(iii) REFERENCE RESIDENT
2 LEVEL.—The term ‘reference resident
3 level’ means, with respect to a hospital, the
4 resident level for the most recent cost re-
5 porting period of the hospital ending on or
6 before the date of enactment of this para-
7 graph, for which a cost report has been
8 settled (or, if not, submitted (subject to
9 audit)), as determined by the Secretary.

10 “(iv) RESIDENT LEVEL.—The term
11 ‘resident level’ has the meaning given such
12 term in paragraph (7)(C)(i).”.

13 (b) IME.—Section 1886(d)(5)(B) of the Social Secu-
14 rity Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

15 (1) in clause (v), in the third sentence, by strik-
16 ing “and (h)(8)” and inserting “(h)(8), and (h)(9)”;

17 (2) by redesignating clause (x), as added by
18 section 5505(b) of the Patient Protection and Af-
19 fordable Care Act (Public Law 111–148), as clause
20 (xi) and moving such clause 4 ems to the left; and

21 (3) by adding after clause (xi), as redesignated
22 by subparagraph (A), the following new clause:

23 “(xii) For discharges occurring on or
24 after July 1, 2023, insofar as an additional
25 payment amount under this subparagraph

1 is attributable to resident positions distrib-
2 uted to a hospital under subsection (h)(9),
3 the indirect teaching adjustment factor
4 shall be computed in the same manner as
5 provided under clause (ii) with respect to
6 such resident positions.”.

7 (c) PROHIBITION ON JUDICIAL REVIEW.—Section
8 1886(h)(7)(E) of the Social Security Act (42 U.S.C.
9 1395ww-4(h)(7)(E)) is amended by inserting “paragraph
10 (9),” after “paragraph (8),”.

11 (d) REPORTS.—

12 (1) IN GENERAL.—Not later than September
13 30, 2025, and again not later than September 30,
14 2027, the Comptroller General of the United States
15 (in this subsection referred to as the “Comptroller
16 General”) shall conduct a study and submit to Con-
17 gress a report on—

18 (A) the distribution of additional full-time
19 equivalent resident positions under paragraph
20 (9) of section 1886(h) of the Social Security
21 Act, as added by subsection (a); and

22 (B) rural track and rotator programs
23 under such section.

24 (2) CONTENTS.—Each report described in para-
25 graph (1) shall include—

1 (A) a description of the distribution de-
2 scribed in paragraph (1)(A) and an analysis of
3 the use of such positions so distributed, includ-
4 ing a description of the effects of such distribu-
5 tion on rural track and rotator programs;

6 (B) a specification, with respect to each
7 hospital that has received such a distribution, of
8 whether such hospital has abided by the agree-
9 ment described in paragraph (9)(C)(ii) of sec-
10 tion 1886(h) of the Social Security Act, as
11 added by subsection (a); and

12 (C) to the extent practicable, a description
13 of—

14 (i) the type of program in which each
15 such position so distributed is being used;

16 (ii) the total number of full-time
17 equivalent residency positions available in
18 each such program;

19 (iii) the number of instances in which
20 residents filling such positions so distrib-
21 uted treated individuals entitled to benefits
22 under part A, or enrolled under part B, of
23 title XVIII of the Social Security Act (42
24 U.S.C. 1395 et seq.);

2217

1 (iv) the location where each resident
2 that filled a position so distributed went on
3 to practice.

4 **SEC. 127. PROMOTING RURAL HOSPITAL GME FUNDING OP-**
5 **PORTUNITY.**

6 Section 1886(h)(4)(H)(iv) of the Social Security Act
7 (42 U.S.C. 1395ww(h)(4)(iv)) is amended—

8 (1) by striking “(iv) NONRURAL HOSPITAL OP-
9 ERATING TRAINING PROGRAMS IN RURAL AREAS.—
10 In the case of” and inserting the following:

11 “(iv) TRAINING PROGRAMS IN RURAL
12 AREAS.—

13 “(I) COST REPORTING PERIODS
14 BEGINNING BEFORE OCTOBER 1,
15 2022.—For cost reporting periods be-
16 ginning before October 1, 2022, in the
17 case of”; and

18 (2) by adding at the end the following new sub-
19 clause:

20 “(II) COST REPORTING PERIODS
21 BEGINNING ON OR AFTER OCTOBER 1,
22 2022.—For cost reporting periods be-
23 ginning on or after October 1, 2022,
24 in the case of a hospital not located in
25 a rural area that established or estab-

1 lishes a medical residency training
2 program (or rural tracks) in a rural
3 area or establishes an accredited pro-
4 gram where greater than 50 percent
5 of the program occurs in a rural area,
6 the Secretary shall consistent with the
7 principles of subparagraphs (F) and
8 (G) and subject to paragraphs (7) and
9 (8), prescribe rules for the application
10 of such subparagraphs with respect to
11 such a program and, in accordance
12 with such rules, adjust in an appro-
13 priate manner the limitation under
14 subparagraph (F) for such hospital
15 and each such hospital located in a
16 rural area that participates in such a
17 training.”.

18 **SEC. 128. FIVE-YEAR EXTENSION OF THE RURAL COMMU-**
19 **NITY HOSPITAL DEMONSTRATION PROGRAM.**

20 (a) EXTENSION.—

21 (1) IN GENERAL.—Subsection (a)(5) of section
22 410A of the Medicare Prescription Drug, Improve-
23 ment, and Modernization Act of 2003 (Public Law
24 108–173; 42 U.S.C. 1395ww note), is amended by

1 striking “10-year extension period” and inserting
2 “15-year extension period”.

3 (2) CONFORMING AMENDMENTS FOR EXTEN-
4 SION.—

5 (A) EXTENSION OF DEMONSTRATION PE-
6 RIOD.—Subsection (g) of such section 410A is
7 amended—

8 (i) in the subsection heading, by strik-
9 ing “TEN-YEAR” and inserting “FIFTEEN-
10 YEAR”;

11 (ii) in paragraph (1)—

12 (I) by striking “additional 10-
13 year” and inserting “additional 15-
14 year”; and

15 (II) by striking “10-year exten-
16 sion period” and inserting “15-year
17 extension period”;

18 (iii) in paragraph (2), by striking “10-
19 year extension period” and inserting “15-
20 year extension period”;

21 (iv) in paragraph (3), by striking “10-
22 year extension period” and inserting “15-
23 year extension period”;

24 (v) in paragraph (4), by striking “10-
25 year extension period” each place it ap-

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1 pears and inserting “15-year extension pe-
2 riod”;

3 (vi) in paragraph (5), by striking “10-
4 year extension period” and inserting “15-
5 year extension period”; and

6 (vii) in subparagraph (A) of para-
7 graph (6), by striking “10-year extension
8 period” and inserting “15-year extension
9 period”.

10 (B) RULE FOR HOSPITALS THAT ARE NOT
11 ORIGINAL PARTICIPANTS IN THE DEMONSTRA-
12 TION.—Paragraph (5) of subsection (g) of such
13 section 410A is amended—

14 (i) by striking “PROGRAM.—During”
15 and inserting “PROGRAM.—
16 “(A) CURES ACT EXTENSION.—During”;
17 and

18 (ii) by adding at the end the following
19 new subparagraph:

20 “(B) ADDITIONAL EXTENSION.—During
21 the third 5 years of the 15-year extension pe-
22 riod, the Secretary shall apply the provisions of
23 paragraph (4) to rural community hospitals
24 that are not described in paragraph (4) but are
25 participating in the demonstration program

1 under this section as of December 30, 2019, in
2 a similar manner as such provisions apply to
3 rural community hospitals described in para-
4 graph (4).”.

5 (b) CLARIFYING TECHNICAL AMENDMENTS.—Such
6 section 410A, as amended by subsection (a), is further
7 amended—

8 (1) in subsection (a)(1), by inserting “of Health
9 and Human Services” after “Secretary”;

10 (2) in subsection (f)(1)(A)(iv) by inserting “of
11 the Social Security Act (42 U.S.C. 1395i–4)” after
12 “section 1820”; and

13 (3) in subsection (g)—

14 (A) in the heading of paragraph (4), by
15 striking “HOSPITALS IN DEMONSTRATION PRO-
16 GRAM ON DATE OF ENACTMENT” and inserting
17 “HOSPITALS PARTICIPATING IN THE DEM-
18 ONSTRATION PROGRAM DURING THE INITIAL 5-
19 YEAR PERIOD”; and

20 (B) in paragraph (6)(A), by striking “not
21 later than 120 days after the date of the enact-
22 ment of this paragraph” and inserting “not
23 later than April 12, 2017”.

2222

1 **SEC. 129. EXTENSION OF FRONTIER COMMUNITY HEALTH**
2 **INTEGRATION PROJECT DEMONSTRATION.**

3 (a) IN GENERAL.—Subsection (f) of section 123 of
4 the Medicare Improvements for Patients and Providers
5 Act of 2008 (42 U.S.C. 1395i–4 note) is amended—

6 (1) in paragraph (1), by striking “3-year period
7 beginning on October 1, 2009” and inserting “3-
8 year period beginning on August 1, 2016 (referred
9 to in this section as the ‘initial period’), and 5-year
10 period beginning on July 1, 2021 (referred to in this
11 section as the ‘extension period’)”;

12 (2) in paragraph (2)—

13 (A) by striking “PROJECT.—The dem-
14 onstration” and inserting “PROJECT.—

15 “(A) INITIAL PERIOD.—During the initial
16 period, the demonstration”; and

17 (B) by adding at the end the following new
18 subparagraph:

19 “(B) EXTENSION PERIOD.—During the ex-
20 tension period, the demonstration project under
21 this section shall be considered to have begun in
22 a State on the date during such period on
23 which the eligible counties selected to partici-
24 pate in the demonstration project under sub-
25 section (d)(3) begin operations in accordance

1 with the requirements under the demonstration
2 project.”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(3) RE-ENTRY ON A ROLLING BASIS FOR EX-
6 TENSION PERIOD.—A critical access hospital partici-
7 pating in the demonstration project under this sec-
8 tion during the extension period shall begin such
9 participation in the cost reporting year that begins
10 on or after July 1, 2021.”.

11 (b) ELIGIBLE ENTITIES.—Subsection (d)(1) of such
12 section 123 is amended—

13 (1) in subparagraph (B), in the matter pre-
14 ceding clause (i), by striking “In this section” and
15 inserting “Subject to subparagraph (C), in this sec-
16 tion”; and

17 (2) by adding at the end the following new sub-
18 paragraph:

19 “(C) EXTENSION PERIOD.—An entity shall
20 only be eligible to participate in the demonstra-
21 tion project under this section during the exten-
22 sion period if the entity participated in the
23 demonstration project under this section during
24 the initial period.”.

1 (c) FUNDING.—Subsection (g)(1) of such section 123
2 is amended—

3 (1) in subparagraph (A)—

4 (A) by striking “IN GENERAL” and insert-
5 ing “INITIAL PERIOD”; and

6 (B) by inserting “with respect to the initial
7 period” before the period at the end; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(C) EXTENSION PERIOD.—The Secretary
11 shall provide for the transfer of \$10,000,000, in
12 appropriate part from the Federal Hospital In-
13 surance Trust Fund established under section
14 1817 of the Social Security Act (42 U.S.C.
15 1395i) and the Federal Supplementary Medical
16 Insurance Trust Fund established under section
17 1841 of such Act (42 U.S.C. 1395t), to the
18 Centers for Medicare & Medicaid Services for
19 the purposes of carrying out its duties under
20 the demonstration project under this section
21 with respect to the extension period.”.

22 **SEC. 130. IMPROVING RURAL HEALTH CLINIC PAYMENTS.**

23 Section 1833(f) of the Social Security Act (42 U.S.C.
24 1395l(f)) is amended—

25 (1) in paragraph (2)—

2225

1 (A) by inserting “(before April 1, 2021)”
2 after “in a subsequent year”; and

3 (B) by striking “this subsection” and in-
4 serting “this paragraph”;

5 (2) by redesignating paragraphs (1) and (2) as
6 subparagraphs (A) and (B), respectively;

7 (3) in the matter preceding subparagraph (A),
8 as redesignated by paragraph (2)—

9 (A) by inserting “(1)” after “(f)”; and

10 (B) by inserting “prior to April 1, 2021”
11 after “services provided”; and

12 (4) by adding at the end the following new
13 paragraphs:

14 “(2) In establishing limits under subsection (a) on
15 payment for rural health clinic services furnished on or
16 after April 1, 2021, by a rural health clinic (other than
17 a rural health clinic described in paragraph (3)(B)), the
18 Secretary shall establish such limit, for services pro-
19 vided—

20 “(A) in 2021, after March 31, at \$100 per
21 visit;

22 “(B) in 2022, at \$113 per visit;

23 “(C) in 2023, at \$126 per visit;

24 “(D) in 2024, at \$139 per visit;

25 “(E) in 2025, at \$152 per visit;

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1 “(F) in 2026, at \$165 per visit;

2 “(G) in 2027, at \$178 per visit;

3 “(H) in 2028, at \$190 per visit; and

4 “(I) in a subsequent year, at the limit estab-
5 lished under this paragraph for the previous year in-
6 creased by the percentage increase in the MEI appli-
7 cable to primary care services furnished as of the
8 first day of such subsequent year.

9 “(3)(A) In establishing limits under subsection (a) on
10 payment for rural health clinic services furnished on or
11 after April 1, 2021, by a rural health clinic described in
12 subparagraph (B), the Secretary shall establish such limit,
13 with respect to each such rural health clinic, for services
14 provided—

15 “(i) in 2021, after March 31, at an amount
16 equal to the greater of—

17 “(I) the per visit payment amount applica-
18 ble to such rural health clinic for rural health
19 clinic services furnished in 2020, increased by
20 the percentage increase in the MEI applicable
21 to primary care services furnished as of the
22 first day of 2021; or

23 “(II) the limit described in paragraph
24 (2)(A); and

2227

1 “(ii) in a subsequent year, at an amount equal
2 to the greater of—

3 “(I) the amount established under clause
4 (i)(I) or this subclause for the previous year
5 with respect to such rural health clinic, in-
6 creased by the percentage increase in the MEI
7 applicable to primary care services furnished as
8 of the first day of such subsequent year; or

9 “(II) the limit established under paragraph
10 (2) for such subsequent year.

11 “(B) A rural health clinic described in this subpara-
12 graph is a rural health clinic that, as of December 31,
13 2019, was—

14 “(i) in a hospital with less than 50 beds; and

15 “(ii) enrolled under section 1866(j).”.

16 **SEC. 131. MEDICARE GME TREATMENT OF HOSPITALS ES-**
17 **TABLISHING NEW MEDICAL RESIDENCY**
18 **TRAINING PROGRAMS AFTER HOSTING MED-**
19 **ICAL RESIDENT ROTATORS FOR SHORT DU-**
20 **RATIONS.**

21 (a) REDETERMINATION OF APPROVED FTE RESI-
22 DENT AMOUNT.—Section 1886(h)(2)(F) of the Social Se-
23 curity Act (42 U.S.C. 1395ww(h)(2)(F)) is amended—

24 (1) by inserting “(i)” before “In the case of”;

25 and

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

2 “(ii) In applying this subparagraph in the
3 case of a hospital that trains residents and has
4 not entered into a GME affiliation agreement
5 (as defined by the Secretary for purposes of
6 paragraph (4)(H)(ii)), on or after the date of
7 the enactment of this clause, the Secretary shall
8 not establish an FTE resident amount until
9 such time as the Secretary determines that the
10 hospital has trained at least 1.0 full-time-equiv-
11 alent resident in an approved medical residency
12 training program in a cost reporting period.

13 “(iii) In applying this subparagraph for
14 cost reporting periods beginning on or after the
15 date of enactment of this clause, in the case of
16 a hospital that, as of such date of enactment,
17 has an approved FTE resident amount based
18 on the training in an approved medical resi-
19 dency program or programs of—

20 “(I) less than 1.0 full-time-equivalent
21 resident in any cost reporting period begin-
22 ning before October 1, 1997, as deter-
23 mined by the Secretary; or

24 “(II) no more than 3.0 full-time-
25 equivalent residents in any cost reporting

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1 period beginning on or after October 1,
2 1997, and before the date of the enactment
3 of this clause, as determined by the Sec-
4 retary,

5 in lieu of such FTE resident amount the Sec-
6 retary shall, in accordance with the method-
7 ology described in section 413.77(e) of title 42
8 of the Code of Federal Regulations (or any suc-
9 cessor regulation), establish a new FTE resi-
10 dent amount if the hospital trains at least 1.0
11 full-time-equivalent resident (in the case of a
12 hospital described in subclause (I)) or more
13 than 3.0 full-time-equivalent residents (in the
14 case of a hospital described in subclause (II)) in
15 a cost reporting period beginning on or after
16 such date of enactment and before the date that
17 is 5 years after such date of enactment.

18 “(iv) For purposes of carrying out this
19 subparagraph for cost reporting periods begin-
20 ning on or after the date of the enactment of
21 this clause, a hospital shall report full-time-
22 equivalent residents on its cost report for a cost
23 reporting period if the hospital trains at least
24 1.0 full-time-equivalent residents in an ap-

1 proved medical residency training program or
2 programs in such period.

3 “(v) As appropriate, the Secretary may
4 consider information from any cost reporting
5 period necessary to establish a new FTE resi-
6 dent amount as described in clause (iii).”.

7 (b) REDETERMINATION OF FTE RESIDENT LIMITA-
8 TION.—Section 1886(h)(4)(H)(i) of the Social Security
9 Act (42 U.S.C. 1395ww(h)(4)(H)(i)) is amended—

10 (1) by inserting “(I)” before “The Secretary”;

11 and

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

13 “(II) In applying this clause in the
14 case of a hospital that, on or after the date
15 of the enactment of this subclause, begins
16 training residents in a new approved med-
17 ical residency training program or pro-
18 grams (as defined by the Secretary), the
19 Secretary shall not determine a limitation
20 applicable to the hospital under subpara-
21 graph (F) until such time as the Secretary
22 determines that the hospital has trained at
23 least 1.0 full-time-equivalent resident in
24 such new approved medical residency train-

1 ing program or programs in a cost report-
2 ing period.

3 “(III) In applying this clause in the
4 case of a hospital that, as of the date of
5 the enactment of this subclause, has a lim-
6 itation under subparagraph (F), based on
7 a cost reporting period beginning before
8 October 1, 1997, of less than 1.0 full-time-
9 equivalent resident, the Secretary shall ad-
10 just the limitation in the manner applica-
11 ble to a new approved medical residency
12 training program if the Secretary deter-
13 mines the hospital begins training at least
14 1.0 full-time-equivalent residents in a pro-
15 gram year beginning on or after such date
16 of enactment and before the date that is 5
17 years after such date of enactment.

18 “(IV) In applying this clause in the
19 case of a hospital that, as of the date of
20 the enactment of this subclause, has a lim-
21 itation under subparagraph (F), based on
22 a cost reporting period beginning on or
23 after October 1, 1997, and before such
24 date of enactment, of no more than 3.0
25 full-time-equivalent residents, the Sec-

1 retary shall adjust the limitation in the
2 manner applicable to a new approved med-
3 ical residency training program if the Sec-
4 retary determines the hospital begins train-
5 ing more than 3.0 full-time-equivalent resi-
6 dents in a program year beginning on or
7 after such date of enactment and before
8 the date that is 5 years after such date of
9 enactment.

10 “(V) An adjustment to the limitation
11 applicable to a hospital made pursuant to
12 subclause (III) or (IV) shall be made in a
13 manner consistent with the methodology,
14 as appropriate, in section 413.79(e) of title
15 42, Code of Federal Regulations (or any
16 successor regulation). As appropriate, the
17 Secretary may consider information from
18 any cost reporting periods necessary to
19 make such an adjustment to the limita-
20 tion.”.

21 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
22 Section 1886 of the Social Security Act (42 U.S.C.
23 1395ww) is amended—

1 (1) in subsection (d)(5)(B)(viii), by striking
2 “subsection (h)(4)(H)” and inserting “paragraphs
3 (2)(F)(iv) and (4)(H) of subsection (h)”;

4 (2) in subsection (h)—

5 (A) in paragraph (4)(H)(iv), by striking
6 “an rural area” and inserting “a rural area”;
7 and

8 (B) in paragraph (7)(E), by striking
9 “under this” and all that follows through the
10 period at the end and inserting the following:
11 “under this paragraph, paragraph (8), clause
12 (i), (ii), (iii), or (v) of paragraph (2)(F), or
13 clause (i) or (vi) of paragraph (4)(H).”.

14 (d) **EFFECTIVE DATE.**—The amendments made by
15 this section shall apply to payment under section 1886 of
16 the Social Security Act (42 U.S.C. 1395ww) for cost re-
17 porting periods beginning on or after the date of the en-
18 actment of this Act.

19 **SEC. 132. MEDICARE PAYMENT FOR CERTAIN FEDERALLY**
20 **QUALIFIED HEALTH CENTER AND RURAL**
21 **HEALTH CLINIC SERVICES FURNISHED TO**
22 **HOSPICE PATIENTS.**

23 Section 1834 of the Social Security Act (42 U.S.C.
24 1395m), as amended by section 125(a)(2)(B), is amend-
25 ed—

1 (1) in subsection (o), by adding at the end the
2 following new paragraph:

3 “(4) PAYMENT FOR ATTENDING PHYSICIAN
4 SERVICES FURNISHED BY FEDERALLY QUALIFIED
5 HEALTH CENTERS TO HOSPICE PATIENTS.—In the
6 case of services described in section 1812(d)(2)(A)(ii)
7 furnished on or after January 1, 2022, by an at-
8 tending physician (as defined in section
9 1861(dd)(3)(B), other than a physician or practi-
10 tioner who is employed by a hospice program) who
11 is employed by or working under contract with a
12 Federally qualified health center, a Federally quali-
13 fied health center shall be paid for such services
14 under the prospective payment system under this
15 subsection.”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(y) PAYMENT FOR ATTENDING PHYSICIAN SERV-
19 ICES FURNISHED BY RURAL HEALTH CLINICS TO HOS-
20 PICE PATIENTS.—In the case of services described in sec-
21 tion 1812(d)(2)(A)(ii) furnished on or after January 1,
22 2022, by an attending physician (as defined in section
23 1861(dd)(3)(B), other than a physician or practitioner
24 who is employed by a hospice program) who is employed
25 by or working under contract with a rural health clinic,

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1 a rural health clinic shall be paid for such services under
2 the methodology for all-inclusive rates (established by the
3 Secretary) under section 1833(a)(3), subject to the limits
4 described in section 1833(f).”.

5 **SEC. 133. DELAY TO THE IMPLEMENTATION OF THE RADI-**
6 **ATION ONCOLOGY MODEL UNDER THE MEDI-**
7 **CARE PROGRAM.**

8 Notwithstanding any provision of section 1115A of
9 the Social Security Act (42 U.S.C. 1315a), the Secretary
10 of Health and Human Services may not implement the
11 radiation oncology model described in the rule entitled
12 “Medicare Program; Specialty Care Models To Improve
13 Quality of Care and Reduce Expenditures” (85 Fed. Reg.
14 61114 et seq.), or any substantially similar model, pursu-
15 ant to such section before January 1, 2022.

16 **SEC. 134. IMPROVING ACCESS TO SKILLED NURSING FACIL-**
17 **ITY SERVICES FOR HEMOPHILIA PATIENTS.**

18 (a) IN GENERAL.—Section 1888(e)(2)(A)(iii) of the
19 Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(iii)) is
20 amended by adding at the end the following:

21 “(VI) Blood clotting factors indi-
22 cated for the treatment of patients
23 with hemophilia and other bleeding
24 disorders (identified as of July 1,
25 2020, by HCPCS codes J7170,

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1 J7175, J7177–J7183, J7185–J7190,
2 J7192–J7195, J7198–J7203, J7205,
3 J7207–J7211, and as subsequently
4 modified by the Secretary) and items
5 and services related to the furnishing
6 of such factors under section
7 1842(o)(5)(C), and any additional
8 blood clotting factors identified by the
9 Secretary and items and services re-
10 lated to the furnishing of such factors
11 under such section.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply to items and services furnished
14 on or after October 1, 2021.

15 **TITLE II—MEDICAID EXTENDERS** 16 **AND OTHER POLICIES**

17 **SEC. 201. ELIMINATING DSH REDUCTIONS FOR FISCAL** 18 **YEARS 2021 THROUGH 2023.**

19 Section 1923(f) of the Social Security Act (42 U.S.C.
20 1396r–4(f)), as amended by section 1106 of the Further
21 Continuing Appropriations Act, 2021, and Other Exten-
22 sions Act, is amended—

23 (1) in paragraph (7)(A)—

24 (A) in clause (i), in the matter preceding
25 subclause (I), by striking “For the period” and

1 all that follows through “2025” and inserting
2 “For each of fiscal years 2024 through 2027,”;
3 and

4 (B) in clause (ii), by striking “equal to—
5 ” and all that follows through the period at the
6 end and inserting “equal to \$8,000,000,000 for
7 each of fiscal years 2024 through 2027”; and
8 (2) in paragraph (8), by striking “2025” and
9 inserting “2027”.

10 **SEC. 202. SUPPLEMENTAL PAYMENT REPORTING REQUIRE-**
11 **MENTS.**

12 Section 1903 of the Social Security Act (42 U.S.C.
13 1396b) is amended by adding at the end the following new
14 subsection:

15 “(bb) SUPPLEMENTAL PAYMENT REPORTING RE-
16 QUIREMENTS.—

17 “(1) COLLECTION AND AVAILABILITY OF SUP-
18 PLEMENTAL PAYMENT DATA.—

19 “(A) IN GENERAL.—Not later than Octo-
20 ber 1, 2021, the Secretary shall establish a sys-
21 tem for each State to submit reports, as deter-
22 mined appropriate by the Secretary, on supple-
23 mental payments data, as a requirement for a
24 State plan or State plan amendment that would
25 provide for a supplemental payment.

1 “(B) REQUIREMENTS.—Each report sub-
2 mitted by a State in accordance with the re-
3 quirement established under subparagraph (A)
4 shall include the following:

5 “(i) An explanation of how supple-
6 mental payments made under the State
7 plan or a State plan amendment will result
8 in payments that are consistent with sec-
9 tion 1902(a)(30)(A), including standards
10 with respect to efficiency, economy, quality
11 of care, and access, along with the stated
12 purpose and intended effects of the supple-
13 mental payment.

14 “(ii) The criteria used to determine
15 which providers are eligible to receive the
16 supplemental payment.

17 “(iii) A comprehensive description of
18 the methodology used to calculate the
19 amount of, and distribute, the supple-
20 mental payment to each eligible provider,
21 including—

22 “(I) data on the amount of the
23 supplemental payment made to each
24 eligible provider, if known, or, if the
25 total amount is distributed using a

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1 formula based on data from 1 or more
2 fiscal years, data on the total amount
3 of the supplemental payments for the
4 fiscal year or years available to all
5 providers eligible to receive a supple-
6 mental payment;

7 “(II) if applicable, the specific
8 criteria with respect to Medicaid serv-
9 ice, utilization, or cost data to be used
10 as the basis for calculations regarding
11 the amount or distribution of the sup-
12 plemental payment; and

13 “(III) the timing of the supple-
14 mental payment made to each eligible
15 provider.

16 “(iv) An assurance that the total
17 Medicaid payments made to an inpatient
18 hospital provider, including the supple-
19 mental payment, will not exceed upper
20 payment limits.

21 “(v) If not already submitted, an
22 upper payment limit demonstration under
23 section 447.272 of title 42, Code of Fed-
24 eral Regulations (as such section is in ef-

1 fect as of the date of enactment of this
2 subsection).

3 “(C) PUBLIC AVAILABILITY.—The Sec-
4 retary shall make all reports and related data
5 submitted under this paragraph publicly avail-
6 able on the website of the Centers for Medicare
7 & Medicaid Services on a timely basis.

8 “(2) SUPPLEMENTAL PAYMENT DEFINED.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), in this subsection, the term ‘supple-
11 mental payment’ means a payment to a pro-
12 vider that is in addition to any base payment
13 made to the provider under the State plan
14 under this title or under demonstration author-
15 ity.

16 “(B) DSH PAYMENTS EXCLUDED.—Such
17 term does not include a disproportionate share
18 hospital payment made under section 1923.”.

19 **SEC. 203. MEDICAID SHORTFALL AND THIRD PARTY PAY-**
20 **MENTS.**

21 (a) IN GENERAL.—Subsection (g) of section 1923 of
22 the Social Security Act (42 U.S.C. 1396r-4) is amended
23 to read as follows:

24 “(g) LIMIT ON AMOUNT OF PAYMENT TO HOS-
25 PITAL.—

1 “(1) IN GENERAL.—

2 “(A) AMOUNT OF ADJUSTMENT SUBJECT
3 TO UNCOMPENSATED COSTS.—A payment ad-
4 justment during a fiscal year shall not be con-
5 sidered to be consistent with subsection (c) with
6 respect to a hospital (other than a hospital de-
7 scribed in paragraph (2)(B)) if the payment ad-
8 justment exceeds an amount equal to—

9 “(i) the costs incurred during the year
10 of furnishing hospital services by the hos-
11 pital to individuals described in subpara-
12 graph (B) minus—

13 “(ii) the sum of—

14 “(I) payments under this title
15 (other than under this section) for
16 such services; and

17 “(II) payments by uninsured pa-
18 tients for such services.

19 “(B) INDIVIDUALS DESCRIBED.—For pur-
20 poses of subparagraph (A), the individuals de-
21 scribed in this clause are the following:

22 “(i) Individuals who are eligible for
23 medical assistance under the State plan or
24 under a waiver of such plan and for whom

1 the State plan or waiver is the primary
2 payor for such services.

3 “(ii) Subject to subparagraph (C), in-
4 dividuals who have no health insurance (or
5 other source of third party coverage) for
6 services provided during the year, as deter-
7 mined by the Secretary.

8 “(C) EXCLUSION OF CERTAIN PAY-
9 MENTS.—For purposes of subparagraph (B)(ii),
10 payments made to a hospital for services pro-
11 vided to indigent patients made by a State or
12 a unit of local government within a State shall
13 not be considered to be a source of third party
14 coverage.

15 “(2) APPLICATION OF LIMITS FOR CERTAIN
16 HOSPITALS.—

17 “(A) IN GENERAL.—A payment adjust-
18 ment during a fiscal year shall not be consid-
19 ered to be consistent with subsection (c) with
20 respect to a hospital described in subparagraph
21 (B) if the payment adjustment exceeds the
22 higher of—

23 “(i) the amount determined for the
24 hospital and fiscal year under paragraph
25 (1)(A); and

1 “(ii) the amount determined for the
2 hospital under paragraph (1)(A) as in ef-
3 fect on January 1, 2020.

4 “(B) HOSPITALS DESCRIBED.—A hospital
5 is described in this subparagraph for a fiscal
6 year if, for the most recent cost reporting pe-
7 riod, the hospital is in at least the 97th per-
8 centile of all hospitals with respect to—

9 “(i) the number of inpatient days for
10 such period that were made up of patients
11 who (for such days) were entitled to bene-
12 fits under part A of title XVIII and were
13 entitled to supplemental security income
14 benefits under title XVI (excluding any
15 State supplementary benefits paid with re-
16 spect to such patients); or

17 “(ii) the percentage of total inpatient
18 days that were made up of patients who
19 (for such days) were described in clause
20 (i).”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall take effect on October 1, 2021, and shall
23 apply to payment adjustments made under section 1923
24 of the Social Security Act (42 U.S.C. 1396r–4) during fis-
25 cal years beginning on or after such date.

1 **SEC. 204. EXTENSION OF MONEY FOLLOWS THE PERSON**
2 **REBALANCING DEMONSTRATION.**

3 (a) IN GENERAL.—

4 (1) FUNDING.—Section 6071(h) of the Deficit
5 Reduction Act of 2005 (42 U.S.C. 1396a note) is
6 amended—

7 (A) in paragraph (1)—

8 (i) in each of subparagraphs (F)
9 through (H), by striking “subject to para-
10 graph (3),”;

11 (ii) in subparagraph (G), by striking
12 “and” at the end;

13 (iii) in subparagraph (H), by striking
14 the period and inserting a semicolon; and

15 (iv) by adding at the end the following
16 new subparagraphs:

17 “(I) for the period beginning on December
18 19, 2020, and ending on September 30, 2021,
19 the amount equal to the pro rata portion of an
20 annual appropriation of \$450,000,000;

21 “(J) \$450,000,000 for fiscal year 2022;
22 and

23 “(K) \$450,000,000 for fiscal year 2023.”;

24 (B) in paragraph (2)—

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1 (i) by striking “Subject to paragraph
2 (3), amounts” and inserting “Amounts”;
3 and

4 (ii) by striking “2021” and inserting
5 “2023”; and

6 (C) by striking paragraph (3).

7 (2) RESEARCH AND EVALUATION.—Section
8 6071(g) of the Deficit Reduction Act of 2005 (42
9 U.S.C. 1396a note) is amended—

10 (A) in paragraph (2), by striking “2016”
11 and inserting “2026”; and

12 (B) in paragraph (3), by inserting “and
13 for each of fiscal years 2021 through 2023”
14 after “2016,”.

15 (b) CHANGES TO INSTITUTIONAL RESIDENCY PE-
16 RIOD REQUIREMENT.—

17 (1) IN GENERAL.—Section 6071(b)(2) of the
18 Deficit Reduction Act of 2005 (42 U.S.C. 1396a
19 note) is amended—

20 (A) in subparagraph (A)(i), by striking
21 “90” and inserting “60”; and

22 (B) by striking the flush sentence after
23 subparagraph (B).

24 (2) EFFECTIVE DATE.—The amendments made
25 by paragraph (1) shall take effect on the date that

1 is 30 days after the date of the enactment of this
2 Act.

3 (c) UPDATES TO STATE APPLICATION REQUIRE-
4 MENTS.—Section 6071 of the Deficit Reduction Act of
5 2005 (42 U.S.C. 1396a note) is amended—

6 (1) in subsection (c)—

7 (A) in paragraph (3), by striking “, which
8 shall include” and all that follows through
9 “2007”;

10 (B) in paragraph (7)—

11 (i) in the paragraph heading, by strik-
12 ing “REBALANCING” and inserting “EX-
13 PENDITURES”;

14 (ii) in subparagraph (A), by adding
15 “and” at the end; and

16 (iii) in subparagraph (B)—

17 (I) in clause (i), by striking
18 “and” at the end;

19 (II) in clause (ii), by striking the
20 period at the end and inserting a
21 semicolon; and

22 (III) by adding at the end the
23 following:

1 “(iii) include a work plan that describes
2 for each Federal fiscal year that occurs during
3 the proposed MFP demonstration project—

4 “(I) the use of grant funds for each
5 proposed initiative that is designed to ac-
6 complish the objective described in sub-
7 section (a)(1), including a funding source
8 for each activity that is part of each such
9 proposed initiative;

10 “(II) an evaluation plan that identi-
11 fies expected results for each such pro-
12 posed initiative; and

13 “(III) a sustainability plan for compo-
14 nents of such proposed initiatives that are
15 intended to improve transitions, which
16 shall be updated with actual expenditure
17 information for each Federal fiscal year
18 that occurs during the MFP demonstration
19 project; and

20 “(iv) contain assurances that grant funds
21 used to accomplish the objective described in
22 subsection (a)(1) shall be obligated not later
23 than 24 months after the date on which the
24 funds are awarded and shall be expended not
25 later than 60 months after the date on which

1 the funds are awarded (unless the Secretary
2 waives either such requirement).”; and

3 (C) in paragraph (13)—

4 (i) in subparagraph (A), by striking “;
5 and” and inserting “, and in such manner
6 as will meet the reporting requirements set
7 forth for the Transformed Medicaid Statis-
8 tical Information System (T–MSIS);”;

9 (ii) by redesignating subparagraph
10 (B) as subparagraph (D); and

11 (iii) by inserting after subparagraph
12 (A) the following:

13 “(B) the State shall report on a quarterly
14 basis on the use of grant funds by distinct ac-
15 tivity, as described in the approved work plan,
16 and by specific population as targeted by the
17 State;

18 “(C) if the State fails to report the infor-
19 mation required under subparagraph (B), fails
20 to report such information on a quarterly basis,
21 or fails to make progress under the approved
22 work plan, the State shall implement a correc-
23 tive action plan approved by the Secretary;
24 and”; and

1 (2) in subsection (d)(4), by adding at the end
2 the following new subparagraph:

3 “(C) CORRECTIVE ACTION PLAN
4 PROGRESS.—In the case of a State required to
5 implement a corrective action plan under sub-
6 paragraph (C) of subsection (c)(13), the State
7 must implement such plan and demonstrate
8 progress in reporting information under sub-
9 paragraph (B) of such subsection or progress
10 under the approved work plan (as applicable).”.

11 (d) FUNDING FOR QUALITY ASSURANCE AND IM-
12 PROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.—
13 Section 6071(f) of the Deficit Reduction Act of 2005 (42
14 U.S.C. 1396a note) is amended by striking paragraph (2)
15 and inserting the following:

16 “(2) FUNDING.—From the amounts appro-
17 priated under subsection (h)(1), \$3,000,000 shall be
18 available to the Secretary to carry out this sub-
19 section. Such amount shall remain available until ex-
20 pended.”.

21 (e) BEST PRACTICES EVALUATION.—Section 6071 of
22 the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note)
23 is amended by adding at the end the following:

24 “(i) BEST PRACTICES.—

1 “(1) REPORT.—The Secretary, directly or
2 through grant or contract, shall submit a report to
3 the President and Congress not later than Sep-
4 tember 30, 2022, that contains findings and conclu-
5 sions on best practices from MFP demonstration
6 projects carried out with grants made under this
7 section. The report shall include information and
8 analyses with respect to the following:

9 “(A) The most effective State strategies
10 for transitioning beneficiaries from institutional
11 to qualified community settings carried out
12 under MFP demonstration projects and how
13 such strategies may vary for different types of
14 beneficiaries, such as beneficiaries who are
15 aged, physically disabled, intellectually or devel-
16 opmentally disabled, or individuals with serious
17 mental illnesses, and other targeted waiver ben-
18 efiary populations under section 1915(c) of
19 the Social Security Act.

20 “(B) The most common and the most ef-
21 fective State uses of grant funds carried out
22 under demonstration projects for transitioning
23 beneficiaries from institutional to qualified com-
24 munity settings and improving health outcomes,
25 including differentiating funding for current ini-

1 tiatives that are designed for such purpose and
2 funding for proposed initiatives that are de-
3 signed for such purpose.

4 “(C) The most effective State approaches
5 carried out under MFP demonstration projects
6 for improving person-centered care and plan-
7 ning.

8 “(D) Identification of program, financing,
9 and other flexibilities available under MFP
10 demonstration projects, that are not available
11 under the traditional Medicaid program, and
12 which directly contributed to successful transi-
13 tions and improved health outcomes under
14 MFP demonstration projects.

15 “(E) State strategies and financing mecha-
16 nisms for effective coordination of housing fi-
17 nanced or supported under MFP demonstration
18 projects with local housing authorities and
19 other resources.

20 “(F) Effective State approaches for deliv-
21 ering Money Follows the Person transition serv-
22 ices through managed care entities.

23 “(G) Other best practices and effective
24 transition strategies demonstrated by States

1 with approved MFP demonstration projects, as
2 determined by the Secretary.

3 “(H) Identification and analyses of oppor-
4 tunities and challenges to integrating effective
5 Money Follows the Person practices and State
6 strategies into the traditional Medicaid pro-
7 gram.

8 “(2) COLLABORATION.—In preparing the report
9 required under this subsection, the Secretary shall
10 collect and incorporate information from States with
11 approved MFP demonstration projects and bene-
12 ficiaries participating in such projects, and providers
13 participating in such projects.

14 “(3) WAIVER OF PAPERWORK REDUCTION
15 ACT.—Chapter 35 of title 44, United States Code,
16 shall not apply to preparation of the report described
17 in paragraph (1) or collection of information de-
18 scribed in paragraph (2).

19 “(4) FUNDING.—From the amounts appro-
20 priated under subsection (h)(1) for each of fiscal
21 years 2021 and 2022, not more than \$300,000 shall
22 be available to the Secretary for each such fiscal
23 year to carry out this subsection.”.

24 (f) MACPAC REPORT ON QUALIFIED SETTINGS CRI-
25 TERIA.—Section 6071 of the Deficit Reduction Act of

1 2005 (42 U.S.C. 1396a note), as amended by subsection
2 (e), is further amended by adding at the end the following:

3 “(j) MACPAC REPORT.—Prior to the final imple-
4 mentation date established by the Secretary for the cri-
5 teria established for home and community-based settings
6 in section 441.301(c)(4) of title 42, Code of Federal Regu-
7 lations, as part of final implementation of the Home and
8 Community Based Services (HCBS) Final Rule published
9 on January 16, 2014 (79 Fed. Reg. 2947) (referred to
10 in this subsection as the ‘HCBS final rule’), the Medicaid
11 and CHIP Payment and Access Commission (MACPAC)
12 shall submit to Congress a report that—

13 “(1) identifies the types of home and commu-
14 nity-based settings and associated services that are
15 available to eligible individuals in both the MFP
16 demonstration program and sites in compliance with
17 the HCBS final rule; and

18 “(2) if determined appropriate by the Commis-
19 sion, recommends policies to align the criteria for a
20 qualified residence under subsection (b)(6) (as in ef-
21 fect on October 1, 2017) with the criteria in the
22 HCBS final rule.”.

23 (g) APPLICATION TO CURRENT PROJECTS.—Not
24 later than 1 year after the date of the enactment of this
25 Act, the Secretary shall update the terms and conditions

1 of any approved MFP demonstration project under section
2 6071 of the Deficit Reduction Act of 2005 (42 U.S.C.
3 1396a note) in effect on the date of the enactment of this
4 Act to ensure that such terms and conditions are the same
5 as are required for any new State applicant for such
6 project under the amendments made by this section.

7 **SEC. 205. EXTENSION OF SPOUSAL IMPOVERISHMENT PRO-**
8 **TECTIONS.**

9 (a) IN GENERAL.—Section 2404 of the Patient Pro-
10 tection and Affordable Care Act (42 U.S.C. 1396r-5 note)
11 is amended by striking “December 18, 2020” and insert-
12 ing “September 30, 2023”.

13 (b) RULE OF CONSTRUCTION.—Nothing in section
14 2404 of Public Law 111-148 (42 U.S.C. 1396r-5 note)
15 or section 1902(a)(17) or 1924 of the Social Security Act
16 (42 U.S.C. 1396a(a)(17), 1396r-5) shall be construed as
17 prohibiting a State from—

18 (1) applying an income or resource disregard
19 under a methodology authorized under section
20 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

21 (A) to the income or resources of an indi-
22 vidual described in section
23 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C.
24 1396a(a)(10)(A)(ii)(VI)) (including a disregard

1 of the income or resources of such individual's
2 spouse); or

3 (B) on the basis of an individual's need for
4 home and community-based services authorized
5 under subsection (c), (d), (i), or (k) of section
6 1915 of such Act (42 U.S.C. 1396n) or under
7 section 1115 of such Act (42 U.S.C. 1315); or
8 (2) disregarding an individual's spousal income
9 and assets under a plan amendment to provide med-
10 ical assistance for home and community-based serv-
11 ices for individuals by reason of being determined el-
12 igitable under section 1902(a)(10)(C) of such Act (42
13 U.S.C. 1396a(a)(10)(C)) or by reason of section
14 1902(f) of such Act (42 U.S.C. 1396a(f)) or other-
15 wise on the basis of a reduction of income based on
16 costs incurred for medical or other remedial care
17 under which the State disregarded the income and
18 assets of the individual's spouse in determining the
19 initial and ongoing financial eligibility of an indi-
20 vidual for such services in place of the spousal im-
21 poverishment provisions applied under section 1924
22 of such Act (42 U.S.C. 1396r-5).

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1 **SEC. 206. EXTENSION OF COMMUNITY MENTAL HEALTH**
2 **SERVICES DEMONSTRATION PROGRAM.**

3 Section 223(d) of the Protecting Access to Medicare
4 Act of 2014 (42 U.S.C. 1396a note), as amended by sec-
5 tion 1104 of the Further Continuing Appropriations Act,
6 2021, and Other Extensions Act, is amended—

7 (1) in paragraph (3), by striking “under this
8 subsection” and all that follows through the period
9 and inserting “that meet the requirements of this
10 subsection through September 30, 2023.”;

11 (2) in paragraph (5)(C)(iii)(I), by striking
12 “during the 8 fiscal quarter period (or any portion
13 of the period) that begins on January 1, 2020” and
14 inserting “through September 30, 2023”;

15 (3) in paragraph (5)(C)(iii)(II), by inserting be-
16 fore the period at the end “or through September
17 30, 2023, whichever is longer”;

18 (4) in paragraph (8)(A), by striking “to partici-
19 pate” and all that follows through the period and in-
20 serting “to conduct demonstration programs that
21 meet the requirements of this subsection for 2 years
22 or through September 30, 2023, whichever is
23 longer.”.

1 **SEC. 207. CLARIFYING AUTHORITY OF STATE MEDICAID**
2 **FRAUD AND ABUSE CONTROL UNITS TO IN-**
3 **VESTIGATE AND PROSECUTE CASES OF MED-**
4 **ICAID PATIENT ABUSE AND NEGLECT IN ANY**
5 **SETTING.**

6 (a) IN GENERAL.—Section 1903(q)(4)(A)(ii) of the
7 Social Security Act (42 U.S.C. 1396b(q)(4)(A)(ii)) is
8 amended by inserting after “patients residing in board
9 and care facilities” the following: “and of patients (who
10 are receiving medical assistance under the State plan
11 under this title (or waiver of such plan)) in a noninstitu-
12 tional or other setting”.

13 (b) AVAILABILITY OF FUNDING.—Section 1903(a)(6)
14 of the Social Security Act (42 U.S.C. 1396b(a)(6)) is
15 amended, in the matter following subparagraph (B), by
16 striking “(as found necessary by the Secretary for the
17 elimination of fraud in the provision and administration
18 of medical assistance provided under the State plan (or
19 waiver of such plan))”.

20 **SEC. 208. MEDICAID COVERAGE FOR CITIZENS OF FREELY**
21 **ASSOCIATED STATES.**

22 (a) IN GENERAL.—Section 402(b)(2) of the Personal
23 Responsibility and Work Opportunity Reconciliation Act
24 of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at
25 the end the following new subparagraph:

1 “(G) MEDICAID EXCEPTION FOR CITIZENS
2 OF FREELY ASSOCIATED STATES.—With respect
3 to eligibility for benefits for the designated Fed-
4 eral program defined in paragraph (3)(C) (re-
5 lating to the Medicaid program), paragraph (1)
6 shall not apply to any individual who lawfully
7 resides in 1 of the 50 States or the District of
8 Columbia in accordance with the Compacts of
9 Free Association between the Government of
10 the United States and the Governments of the
11 Federated States of Micronesia, the Republic of
12 the Marshall Islands, and the Republic of Palau
13 and shall not apply, at the option of the Gov-
14 ernor of Puerto Rico, the Virgin Islands, Guam,
15 the Northern Mariana Islands, or American
16 Samoa as communicated to the Secretary of
17 Health and Human Services in writing, to any
18 individual who lawfully resides in the respective
19 territory in accordance with such Compacts.”.

20 (b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—
21 Section 403(b) of such Act (8 U.S.C. 1613(b)) is amended
22 by adding at the end the following new paragraph:

23 “(3) EXCEPTION FOR CITIZENS OF FREELY AS-
24 SOCIATED STATES.—An individual described in sec-
25 tion 402(b)(2)(G), but only with respect to the des-

1 ignated Federal program defined in section
2 402(b)(3)(C).”.

3 (c) DEFINITION OF QUALIFIED ALIEN.—Section
4 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

5 (1) in paragraph (6), by striking “; or” at the
6 end and inserting a comma;

7 (2) in paragraph (7), by striking the period at
8 the end and inserting “, or”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(8) an individual who lawfully resides in the
12 United States in accordance with a Compact of Free
13 Association referred to in section 402(b)(2)(G), but
14 only with respect to the designated Federal program
15 defined in section 402(b)(3)(C) (relating to the Med-
16 icaid program).”.

17 (d) CONFORMING AMENDMENTS.—Section 1108 of
18 the Social Security Act (42 U.S.C. 1308) is amended—

19 (1) in subsection (f), in the matter preceding
20 paragraph (1), by striking “subsection (g) and sec-
21 tion 1935(e)(1)(B)” and inserting “subsections (g)
22 and (h) and section 1935(e)(1)(B)”; and

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

24 “(h) EXCLUSION OF MEDICAL ASSISTANCE EXPEND-
25 ITURES FOR CITIZENS OF FREELY ASSOCIATED

1 STATES.—Expenditures for medical assistance provided to
2 an individual described in section 431(b)(8) of the Per-
3 sonal Responsibility and Work Opportunity Reconciliation
4 Act of 1996 (8 U.S.C. 1641(b)(8)) shall not be taken into
5 account for purposes of applying payment limits under
6 subsections (f) and (g).”.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to benefits for items and services
9 furnished on or after the date of the enactment of this
10 Act.

11 **SEC. 209. MEDICAID COVERAGE OF CERTAIN MEDICAL**
12 **TRANSPORTATION.**

13 (a) CONTINUING REQUIREMENT OF MEDICAID COV-
14 ERAGE OF NECESSARY TRANSPORTATION.—

15 (1) REQUIREMENT.—Section 1902(a)(4) of the
16 Social Security Act (42 U.S.C. 1396a(a)(4)) is
17 amended—

18 (A) by striking “and including provision
19 for utilization” and inserting “including provi-
20 sion for utilization”; and

21 (B) by inserting after “supervision of ad-
22 ministration of the plan” the following: “, and,
23 subject to section 1903(i), including a specifica-
24 tion that the single State agency described in
25 paragraph (5) will ensure necessary transpor-

1 tation for beneficiaries under the State plan to
2 and from providers and a description of the
3 methods that such agency will use to ensure
4 such transportation”.

5 (2) APPLICATION WITH RESPECT TO BENCH-
6 MARK BENEFIT PACKAGES AND BENCHMARK EQUIV-
7 ALENT COVERAGE.—Section 1937(a)(1) of the Social
8 Security Act (42 U.S.C. 1396u–7(a)(1)) is amend-
9 ed—

10 (A) in subparagraph (A), by striking “sub-
11 section (E)” and inserting “subparagraphs (E)
12 and (F)”;

13 (B) by adding at the end the following new
14 subparagraph:

15 “(F) NECESSARY TRANSPORTATION.—Not-
16 withstanding the preceding provisions of this
17 paragraph, a State may not provide medical as-
18 sistance through the enrollment of an individual
19 with benchmark coverage or benchmark equiva-
20 lent coverage described in subparagraph (A)(i)
21 unless, subject to section 1903(i)(9) and in ac-
22 cordance with section 1902(a)(4), the bench-
23 mark benefit package or benchmark equivalent
24 coverage (or the State)—

1 “(i) ensures necessary transportation
2 for individuals enrolled under such package
3 or coverage to and from providers; and

4 “(ii) provides a description of the
5 methods that will be used to ensure such
6 transportation.”.

7 (3) LIMITATION ON FEDERAL FINANCIAL PAR-
8 TICIPATION.—Section 1903(i) of the Social Security
9 Act (42 U.S.C. 1396b(i)) is amended by inserting
10 after paragraph (8) the following new paragraph:

11 “(9) with respect to any amount expended for
12 non-emergency transportation authorized under sec-
13 tion 1902(a)(4), unless the State plan provides for
14 the methods and procedures required under section
15 1902(a)(30)(A); or”.

16 (4) EFFECTIVE DATE.—The amendments made
17 by this subsection shall take effect on the date of the
18 enactment of this Act and shall apply to transpor-
19 tation furnished on or after such date.

20 (b) MEDICAID PROGRAM INTEGRITY MEASURES RE-
21 LATED TO COVERAGE OF NONEMERGENCY MEDICAL
22 TRANSPORTATION.—

23 (1) GAO STUDY.—Not later than two years
24 after the date of the enactment of this Act, the
25 Comptroller General of the United States shall con-

1 duct a study, and submit to Congress, a report on
2 coverage under the Medicaid program under title
3 XIX of the Social Security Act of nonemergency
4 transportation to services. Such study shall take into
5 account the 2009 report of the Office of the Inspec-
6 tor General of the Department of Health and
7 Human Services, titled “Fraud and Abuse Safe-
8 guards for State Medicaid Nonemergency Medical
9 Transportation Services” (OEI-06-07-00320). Such
10 report shall include the following:

11 (A) An examination of the 50 States and
12 the District of Columbia to identify safeguards
13 to prevent and detect fraud and abuse with re-
14 spect to coverage under the Medicaid program
15 of nonemergency transportation to covered serv-
16 ices.

17 (B) An examination of transportation bro-
18 kers to identify the range of safeguards against
19 such fraud and abuse to prevent improper pay-
20 ments for such transportation.

21 (C) Identification of the numbers, types,
22 and outcomes of instances of fraud and abuse,
23 with respect to coverage under the Medicaid
24 program of such transportation, that State

1 Medicaid Fraud Control Units have investigated
2 in recent years.

3 (D) Identification of commonalities or
4 trends in program integrity, with respect to
5 such coverage, to inform risk management
6 strategies of States and the Centers for Medi-
7 care & Medicaid Services.

8 (2) STAKEHOLDER MEETINGS.—

9 (A) IN GENERAL.—Not later than 18
10 months after the date of the enactment of this
11 Act, the Secretary of Health and Human Serv-
12 ices, through the Centers for Medicare & Medi-
13 caid Services, shall convene a series of meet-
14 ings to obtain input from appropriate stake-
15 holders to facilitate discussion and shared
16 learning about the leading practices for improv-
17 ing Medicaid program integrity, with respect to
18 coverage of nonemergency transportation to
19 medically necessary services.

20 (B) TOPICS.—The meetings convened
21 under subparagraph (A) shall—

22 (i) focus on ongoing challenges to
23 Medicaid program integrity as well as lead-
24 ing practices to address such challenges;
25 and

1 (ii) address specific challenges raised
2 by stakeholders involved in coverage under
3 the Medicaid program of nonemergency
4 transportation to covered services, includ-
5 ing unique considerations for specific
6 groups of Medicaid beneficiaries meriting
7 particular attention, such as American In-
8 dians and tribal land issues or accommoda-
9 tions for individuals with disabilities.

10 (C) STAKEHOLDERS.—Stakeholders de-
11 scribed in subparagraph (A) shall include indi-
12 viduals from State Medicaid programs, brokers
13 for nonemergency transportation to medically
14 necessary services that meet the criteria de-
15 scribed in section 1902(a)(70)(B) of the Social
16 Security Act (42 U.S.C. 1396a(a)(70)(B)), pro-
17 viders (including transportation network compa-
18 nies), Medicaid patient advocates, and such
19 other individuals specified by the Secretary.

20 (3) GUIDANCE REVIEW.—Not later than 24
21 months after the date of the enactment of this Act,
22 the Secretary of Health and Human Services,
23 through the Centers for Medicare & Medicaid Serv-
24 ices, shall assess guidance issued to States by the
25 Centers for Medicare & Medicaid Services relating to

1 Federal requirements for nonemergency transpor-
2 tation to medically necessary services under the
3 Medicaid program under title XIX of the Social Se-
4 curity Act and update such guidance as necessary to
5 ensure States have appropriate and current guidance
6 in designing and administering coverage under the
7 Medicaid program of nonemergency transportation
8 to medically necessary services.

9 (4) NEMT TRANSPORTATION PROVIDER AND
10 DRIVER REQUIREMENTS.—

11 (A) STATE PLAN REQUIREMENT.—Section
12 1902(a) of the Social Security Act (42 U.S.C.
13 1396a(a)) is amended—

14 (i) by striking “and” at the end of
15 paragraph (85);

16 (ii) by striking the period at the end
17 of paragraph (86) and inserting “; and”;
18 and

19 (iii) by inserting after paragraph (86)
20 the following new paragraph:

21 “(87) provide for a mechanism, which may in-
22 clude attestation, that ensures that, with respect to
23 any provider (including a transportation network
24 company) or individual driver of nonemergency
25 transportation to medically necessary services receiv-

1 ing payments under such plan (but excluding any
2 public transit authority), at a minimum—

3 “(A) each such provider and individual
4 driver is not excluded from participation in any
5 Federal health care program (as defined in sec-
6 tion 1128B(f)) and is not listed on the exclu-
7 sion list of the Inspector General of the Depart-
8 ment of Health and Human Services;

9 “(B) each such individual driver has a
10 valid driver’s license;

11 “(C) each such provider has in place a
12 process to address any violation of a State drug
13 law; and

14 “(D) each such provider has in place a
15 process to disclose to the State Medicaid pro-
16 gram the driving history, including any traffic
17 violations, of each such individual driver em-
18 ployed by such provider, including any traffic
19 violations.”.

20 (B) EFFECTIVE DATE.—

21 (i) IN GENERAL.—Except as provided
22 in clause (ii), the amendments made by
23 subparagraph (A) shall take effect on the
24 date of the enactment of this Act and shall
25 apply to services furnished on or after the

1 date that is one year after the date of the
2 enactment of this Act.

3 (ii) EXCEPTION.—In the case of a
4 State plan under title XIX of the Social
5 Security Act (42 U.S.C. 1396 et seq.), or
6 waiver of such plan, that the Secretary of
7 Health and Human Services determines re-
8 quires State legislation in order for the re-
9 spective plan to meet any requirement im-
10 posed by amendments made by this sec-
11 tion, the respective plan shall not be re-
12 garded as failing to comply with the re-
13 quirements of such title solely on the basis
14 of its failure to meet such an additional re-
15 quirement before the first day of the first
16 calendar quarter beginning after the close
17 of the first regular session of the State leg-
18 islature that begins after the date of the
19 enactment of this Act. For purposes of the
20 previous sentence, in the case of a State
21 that has a 2-year legislative session, each
22 year of the session shall be considered to
23 be a separate regular session of the State
24 legislature.

1 (5) ANALYSIS OF T-MSIS DATA.—Not later
2 than one year after the date of the enactment of this
3 Act, the Secretary of Health and Human Services,
4 through the Centers for Medicare & Medicaid Serv-
5 ices, shall analyze, and submit to Congress a report
6 on, the nation-wide data set under the Transformed
7 Medicaid Statistical Information System to identify
8 recommendations relating to coverage under the
9 Medicaid program under title XIX of the Social Se-
10 curity Act of nonemergency transportation to medi-
11 cally necessary services.

12 (c) CONSULTATION RELATING TO NONEMERGENCY
13 MEDICAL TRANSPORTATION.—In the case of a State that
14 exercises the option described in section 1902(a)(70) of
15 the Social Security Act (42 U.S.C. 1396a(a)(7)), in estab-
16 lishing a non-emergency medical transportation brokerage
17 program under such section, a State Medicaid agency may
18 consult relevant stakeholders, including stakeholders rep-
19 resenting patients, medical providers, Medicaid managed
20 care organizations, brokers for non-emergency medical
21 transportation, and transportation providers (including
22 public transportation providers).

1 **SEC. 210. PROMOTING ACCESS TO LIFE-SAVING THERAPIES**
2 **FOR MEDICAID ENROLLEES BY ENSURING**
3 **COVERAGE OF ROUTINE PATIENT COSTS FOR**
4 **ITEMS AND SERVICES FURNISHED IN CON-**
5 **NECTION WITH PARTICIPATION IN QUALI-**
6 **FYING CLINICAL TRIALS.**

7 (a) IN GENERAL.—Section 1905 of the Social Secu-
8 rity Act (42 U.S.C. 1396d) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (29), by striking “and”
11 at the end;

12 (B) by redesignating paragraph (30) as
13 paragraph (31); and

14 (C) by inserting after paragraph (29) the
15 following new paragraph:

16 “(30) subject to subsection (gg), routine patient
17 costs for items and services furnished in connection
18 with participation in a qualifying clinical trial (as
19 defined in such subsection); and”; and

20 (2) by adding at the end the following new sub-
21 section:

22 “(gg)(1) ROUTINE PATIENT COSTS.—For purposes
23 of subsection (a)(30), with respect to a State and an indi-
24 vidual enrolled under the State plan (or a waiver of such
25 plan) who participates in a qualifying clinical trial, routine
26 patient costs—

1 “(A) include any item or service provided to the
2 individual under the qualifying clinical trial, includ-
3 ing—

4 “(i) any item or service provided to pre-
5 vent, diagnose, monitor, or treat complications
6 resulting from such participation, to the extent
7 that the provision of such an item or service to
8 the individual outside the course of such partici-
9 pation would otherwise be covered under the
10 State plan or waiver; and

11 “(ii) any item or service required solely for
12 the provision of the investigational item or serv-
13 ice that is the subject of such trial, including
14 the administration of such investigational item
15 or service; and

16 “(B) does not include—

17 “(i) an item or service that is the inves-
18 tigational item or service that is—

19 “(I) the subject of the qualifying clin-
20 ical trial; and

21 “(II) not otherwise covered outside of
22 the clinical trial under the State plan or
23 waiver; or

24 “(ii) an item or service that is—

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1 “(I) provided to the individual solely
2 to satisfy data collection and analysis
3 needs for the qualifying clinical trial and is
4 not used in the direct clinical management
5 of the individual; and

6 “(II) not otherwise covered under the
7 State plan or waiver.

8 “(2) QUALIFYING CLINICAL TRIAL DEFINED.—

9 “(A) IN GENERAL.—For purposes of this sub-
10 section and subsection (a)(30), the term ‘qualifying
11 clinical trial’ means a clinical trial (in any clinical
12 phase of development) that is conducted in relation
13 to the prevention, detection, or treatment of any se-
14 rious or life-threatening disease or condition and is
15 described in any of the following clauses:

16 “(i) The study or investigation is approved,
17 conducted, or supported (which may include
18 funding through in-kind contributions) by one
19 or more of the following:

20 “(I) The National Institutes of
21 Health.

22 “(II) The Centers for Disease Control
23 and Prevention.

24 “(III) The Agency for Healthcare Re-
25 search and Quality.

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1 “(IV) The Centers for Medicare &
2 Medicaid Services.

3 “(V) A cooperative group or center of
4 any of the entities described in subclauses
5 (I) through (IV) or the Department of De-
6 fense or the Department of Veterans Af-
7 fairs.

8 “(VI) A qualified non-governmental
9 research entity identified in the guidelines
10 issued by the National Institutes of Health
11 for center support grants.

12 “(VII) Any of the following if the con-
13 ditions described in subparagraph (B) are
14 met:

15 “(aa) The Department of Vet-
16 erans Affairs.

17 “(bb) The Department of De-
18 fense.

19 “(cc) The Department of Energy.

20 “(ii) The clinical trial is conducted pursu-
21 ant to an investigational new drug exemption
22 under section 505(i) of the Federal Food, Drug,
23 and Cosmetic Act or an exemption for a biologi-
24 cal product undergoing investigation under sec-
25 tion 351(a)(3) of the Public Health Service Act.

1 “(iii) The clinical trial is a drug trial that
2 is exempt from being required to have an ex-
3 emption described in clause (ii).

4 “(B) CONDITIONS.—For purposes of subpara-
5 graph (A)(i)(VII), the conditions described in this
6 subparagraph, with respect to a clinical trial ap-
7 proved or funded by an entity described in such sub-
8 paragraph (A)(i)(VII), are that the clinical trial has
9 been reviewed and approved through a system of
10 peer review that the Secretary determines—

11 “(i) to be comparable to the system of peer
12 review of studies and investigations used by the
13 National Institutes of Health; and

14 “(ii) assures unbiased review of the highest
15 scientific standards by qualified individuals with
16 no interest in the outcome of the review.

17 “(3) COVERAGE DETERMINATION REQUIREMENTS.—
18 A determination with respect to coverage under subsection
19 (a)(30) for an individual participating in a qualifying clin-
20 ical trial—

21 “(A) shall be expedited and completed within
22 72 hours;

23 “(B) shall be made without limitation on the
24 geographic location or network affiliation of the

1 health care provider treating such individual or the
2 principal investigator of the qualifying clinical trial;

3 “(C) shall be based on attestation regarding the
4 appropriateness of the qualifying clinical trial by the
5 health care provider and principal investigator de-
6 scribed in subparagraph (B), which shall be made
7 using a streamlined, uniform form developed for
8 State use by the Secretary and that includes the op-
9 tion to reference information regarding the quali-
10 fying clinical trial that is publicly available on a
11 website maintained by the Secretary, such as
12 clinicaltrials.gov (or a successor website); and

13 “(D) shall not require submission of the proto-
14 cols of the qualifying clinical trial, or any other doc-
15 umentation that may be proprietary or determined
16 by the Secretary to be burdensome to provide.”.

17 (b) REQUIRING MANDATORY COVERAGE UNDER
18 STATE PLAN.—Section 1902(a)(10)(A) of such Act is
19 amended, in the matter preceding clause (i), by striking
20 “and (29)” and inserting “(29), and (30)”.

21 (c) INCLUSION IN BENCHMARK COVERAGE.—Section
22 1937(b)(5) of such Act is amended by inserting before the
23 period at the end the following: “, and beginning January
24 1, 2022, coverage of routine patient costs for items and

1 services furnished in connection with participation in a
2 qualifying clinical trial (as defined in section 1905(gg))”.

3 (d) EXEMPTION OF ADDITIONAL EXPENDITURES
4 FROM PAYMENT LIMITS FOR TERRITORIES.—Section
5 1108(g)(4) of the Social Security Act (42 U.S.C.
6 1308(g)(4)) is amended—

7 (1) by striking “With respect to” and inserting
8 the following:

9 “(A) IN GENERAL.—With respect to”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(B) ADDITIONAL EXEMPTION.—Payments
13 under section 1903 for medical assistance con-
14 sisting of routine patient costs (as defined in
15 section 1905(gg)(1)) shall not be taken into ac-
16 count in applying subsection (f).”.

17 (e) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The amendments made by
19 this section shall apply with respect to items and
20 services furnished on or after January 1, 2022.

21 (2) EXCEPTION FOR STATE LEGISLATION.—In
22 the case of a State plan under title XIX of the So-
23 cial Security Act (42 U.S.C. 1396 et seq.), or waiver
24 of such plan, that the Secretary of Health and
25 Human Services determines requires State legisla-

1 tion in order for the respective plan to meet any re-
2 quirement imposed by amendments made by this
3 section, the respective plan shall not be regarded as
4 failing to comply with the requirements of such title
5 solely on the basis of its failure to meet such an ad-
6 ditional requirement before the first day of the first
7 calendar quarter beginning after the close of the
8 first regular session of the State legislature that be-
9 gins after the date of the enactment of this Act. For
10 purposes of the previous sentence, in the case of a
11 State that has a 2-year legislative session, each year
12 of the session shall be considered to be a separate
13 regular session of the State legislature.

14 **TITLE III—HUMAN SERVICES**

15 **SEC. 301. EXTENSION OF TANF, CHILD CARE ENTITLEMENT** 16 **TO STATES, AND RELATED PROGRAMS.**

17 Activities authorized by part A of title IV and section
18 1108(b) of the Social Security Act shall continue through
19 September 30, 2021, in the manner authorized for fiscal
20 year 2020, and out of any money in the Treasury of the
21 United States not otherwise appropriated, there are here-
22 by appropriated such sums as may be necessary for such
23 purpose. Grants and payments may be made pursuant to
24 this authority on a quarterly basis through the 4th quarter

1 of fiscal year 2021 at the level provided for such activities
2 for the corresponding quarter of fiscal year 2020.

3 **SEC. 302. PERSONAL RESPONSIBILITY EDUCATION EXTEN-**
4 **SION.**

5 Section 513 of the Social Security Act (42 U.S.C.
6 713) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A)—

10 (I) in the matter preceding clause
11 (i), by striking “2020 and for the pe-
12 riod beginning October 1, 2020, and
13 ending December 18, 2020” and in-
14 serting “2023”; and

15 (II) in clause (i), by striking “or
16 period”;

17 (ii) in subparagraph (B)(i), by strik-
18 ing the 2nd sentence;

19 (iii) in subparagraph (C)(i)—

20 (I) by striking “or the period de-
21 scribed in subparagraph (A)”;

22 (II) by striking “or period”;

23 (B) in paragraph (3)—

24 (i) by striking “or the period de-
25 scribed in paragraph (1)(A)”;

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1 (ii) by striking “or period”; and

2 (C) in paragraph (4)—

3 (i) by striking “2020 and for the pe-
4 riod described in paragraph (1)(A)” and
5 inserting “2023”;

6 (ii) by striking “2020 and for the pe-
7 riod so described” and inserting “2023”;

8 and

9 (iii) by striking “or the period so de-
10 scribed”;

11 (2) in subsection (c)—

12 (A) in each of paragraphs (1) and (2), by
13 striking “Subject to paragraph (3), from” and
14 inserting “From”; and

15 (B) by striking paragraph (3); and

16 (3) in subsection (f), by striking “2020, and for
17 the period beginning on October 1, 2020, and ending
18 on December 18, 2020, the amount equal to the pro
19 rata portion of the amount appropriated for such pe-
20 riod for fiscal year 2020” and inserting “2023”.

21 **SEC. 303. SEXUAL RISK AVOIDANCE EDUCATION EXTEN-**
22 **SION.**

23 Section 510 of the Social Security Act (42 U.S.C.
24 710) is amended—

25 (1) in subsection (a)—

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1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-
3 graph (A)—

4 (I) by striking “2020 and for the
5 period beginning October 1, 2020,
6 and ending December 18, 2020” and
7 inserting “2023”; and

8 (II) by striking “(or, with respect
9 to such period, for fiscal year 2021)”;
10 and

11 (ii) in subparagraph (A), by striking
12 “or period” each place it appears;

13 (B) in paragraph (2)—

14 (i) in subparagraph (A)—

15 (I) by striking “2020 and for the
16 period beginning October 1, 2020,
17 and ending December 18, 2020” and
18 inserting “2023”; and

19 (II) by striking “(or, with respect
20 to such period, for fiscal year 2021)”;
21 and

22 (ii) in subparagraph (B)(i), by strik-
23 ing “(or, with respect to the period de-
24 scribed in subparagraph (A), for fiscal year
25 2021)”; and

1 (2) in subsection (f)—

2 (A) in paragraph (1), by striking “2020,
3 and for the period beginning on October 1,
4 2020, and ending on December 18, 2020, the
5 amount equal to the pro rata portion of the
6 amount appropriated for such period for fiscal
7 year 2020” and inserting “2023”; and

8 (B) in paragraph (2), by striking “2020,
9 and for the period described in paragraph (1),”
10 and inserting “2023,”.

11 **SEC. 304. EXTENSION OF SUPPORT FOR CURRENT HEALTH**
12 **PROFESSIONS OPPORTUNITY GRANTS.**

13 Out of any money in the Treasury of the United
14 States not otherwise appropriated, there are hereby appro-
15 priated to the Secretary of Health and Human Services
16 \$3,600,000, which shall be available—

17 (1) through the end of fiscal year 2021 for nec-
18 essary administrative expenses to carry out grants
19 made under section 2008(a) of the Social Security
20 Act before the date of the enactment of this Act;
21 and

22 (2) through the end of fiscal year 2022 for re-
23 search, evaluation, and reporting under such section,
24 and for necessary administrative expenses to carry
25 out these activities.

1 **SEC. 305. EXTENSION OF MARYLEE ALLEN PROMOTING**
2 **SAFE AND STABLE FAMILIES PROGRAM AND**
3 **STATE COURT SUPPORT.**

4 (a) **EXTENSIONS.**—Section 436 of the Social Security
5 Act (42 U.S.C. 629f) is amended in each of subsections
6 (a), (b)(4)(A), (b)(5), and (f)(10) by striking “2021” and
7 inserting “2022”.

8 (b) **PROGRAM CHANGES.**—Section 438 of such Act
9 (42 U.S.C. 629h) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (A), by inserting
13 “in a timely and complete manner” before
14 “, as set forth”; and

15 (ii) in subparagraph (C), by striking
16 the semicolon and inserting “, including by
17 training judges, attorneys, and other legal
18 personnel.”; and

19 (B) by striking paragraphs (3) and (4);

20 (2) in subsection (b)—

21 (A) by striking paragraph (2);

22 (B) by striking all that precedes “be eligi-
23 ble to receive” and inserting the following:

24 “(b) **APPLICATIONS.**—In order to”; and

25 (C) in the matter preceding paragraph
26 (2)—

1 (i) by moving the matter 2 ems to the
2 left;

3 (ii) in subparagraph (A)—

4 (I) by striking “(A) in the case of
5 a grant for the purpose described in
6 subsection (a)(3),” and inserting
7 “(1)”; and

8 (II) by inserting “use not less
9 than 30 percent of grant funds to”
10 before “collaborate”;

11 (iii) in subparagraph (B), by striking
12 “(B) in the case of a grant for the purpose
13 described in subsection (a)(4),” and insert-
14 ing “(2)”; and

15 (iv) in subparagraph (C), by striking
16 “(C) in the case of a grant for the purpose
17 described in subsection (a),” and inserting
18 “(3)”;

19 (3) by striking subsection (c) and inserting the
20 following:

21 “(c) AMOUNT OF GRANT.—

22 “(1) IN GENERAL.—From the amounts reserved
23 under sections 436(b)(2) and 437(b)(2) for a fiscal
24 year, each highest State court that has an applica-
25 tion approved under this section for the fiscal year

1 shall be entitled to payment of an amount equal to
2 the sum of—

3 “(A) \$255,000; and

4 “(B) the amount described in paragraph
5 (2) with respect to the court and the fiscal year.

6 “(2) AMOUNT DESCRIBED.—The amount de-
7 scribed in this paragraph with respect to a court and
8 a fiscal year is the amount that bears the same ratio
9 to the total of the amounts reserved under sections
10 436(b)(2) and 437(b)(2) for grants under this sec-
11 tion for the fiscal year (after applying paragraphs
12 (1)(A) and (3) of this subsection) as the number of
13 individuals in the State in which the court is located
14 who have not attained 21 years of age bears to the
15 total number of such individuals in all States with
16 a highest State court that has an approved applica-
17 tion under this section for the fiscal year.

18 “(3) INDIAN TRIBES.—From the amounts re-
19 served under section 436(b)(2) for a fiscal year, the
20 Secretary shall, before applying paragraph (1) of
21 this subsection, allocate \$1,000,000 for grants to be
22 awarded on a competitive basis among the highest
23 courts of Indian tribes or tribal consortia that—

24 “(A) are operating a program under part
25 E, in accordance with section 479B;

1 “(B) are seeking to operate a program
2 under part E and have received an implementa-
3 tion grant under section 476; or

4 “(C) have a court responsible for pro-
5 ceedings related to foster care or adoption.”;
6 and

7 (4) in subsection (d), by striking “2017 through
8 2021” and inserting “2018 through 2022”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on October 1, 2021.

11 **TITLE IV—HEALTH OFFSETS**

12 **SEC. 401. REQUIRING CERTAIN MANUFACTURERS TO RE-** 13 **PORT DRUG PRICING INFORMATION WITH** 14 **RESPECT TO DRUGS UNDER THE MEDICARE** 15 **PROGRAM.**

16 (a) IN GENERAL.—Section 1847A of the Social Secu-
17 rity Act (42 U.S.C. 1395w–3a) is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (2)(A), by inserting “or
20 subsection (f)(2), as applicable” before the pe-
21 riod at the end;

22 (B) in paragraph (3), in the matter pre-
23 ceding subparagraph (A), by inserting “or sub-
24 section (f)(2), as applicable,” before “deter-
25 mined by”; and

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1 (C) in paragraph (6)(A), in the matter
2 preceding clause (i), by inserting “or subsection
3 (f)(2), as applicable,” before “determined by”;
4 and
5 (2) in subsection (f)—

6 (A) by striking “For requirements” and
7 inserting the following:

8 “(1) IN GENERAL.—For requirements”; and

9 (B) by adding at the end the following new
10 paragraph:

11 “(2) MANUFACTURERS WITHOUT A REBATE
12 AGREEMENT UNDER TITLE XIX.—

13 “(A) IN GENERAL.—If the manufacturer
14 of a drug or biological described in subpara-
15 graph (C), (E), or (G) of section 1842(o)(1) or
16 in section 1881(b)(14)(B) that is payable under
17 this part has not entered into and does not
18 have in effect a rebate agreement described in
19 subsection (b) of section 1927, for calendar
20 quarters beginning on January 1, 2022, such
21 manufacturer shall report to the Secretary the
22 information described in subsection
23 (b)(3)(A)(iii) of such section 1927 with respect
24 to such drug or biological in a time and manner
25 specified by the Secretary. For purposes of ap-

1 plying this paragraph, a drug or biological de-
2 scribed in the previous sentence includes items,
3 services, supplies, and products that are pay-
4 able under this part as a drug or biological.

5 “(B) AUDIT.—Information reported under
6 subparagraph (A) is subject to audit by the In-
7 spector General of the Department of Health
8 and Human Services.

9 “(C) VERIFICATION.—The Secretary may
10 survey wholesalers and manufacturers that di-
11 rectly distribute drugs or biologicals described
12 in subparagraph (A), when necessary, to verify
13 manufacturer prices and manufacturer’s aver-
14 age sales prices (including wholesale acquisition
15 cost) if required to make payment reported
16 under subparagraph (A). The Secretary may
17 impose a civil monetary penalty in an amount
18 not to exceed \$100,000 on a wholesaler, manu-
19 facturer, or direct seller, if the wholesaler, man-
20 ufacturer, or direct seller of such a drug or bio-
21 logical refuses a request for information about
22 charges or prices by the Secretary in connection
23 with a survey under this subparagraph or know-
24 ingly provides false information. The provisions
25 of section 1128A (other than subsections (a)

1 (with respect to amounts of penalties or addi-
2 tional assessments) and (b)) shall apply to a
3 civil money penalty under this subparagraph in
4 the same manner as such provisions apply to a
5 penalty or proceeding under section 1128A(a).

6 “(D) CONFIDENTIALITY.—Notwith-
7 standing any other provision of law, information
8 disclosed by manufacturers or wholesalers
9 under this paragraph (other than the wholesale
10 acquisition cost for purposes of carrying out
11 this section) is confidential and shall not be dis-
12 closed by the Secretary in a form which dis-
13 closes the identity of a specific manufacturer or
14 wholesaler or prices charged for drugs or
15 biologicals by such manufacturer or wholesaler,
16 except—

17 “(i) as the Secretary determines to be
18 necessary to carry out this section (includ-
19 ing the determination and implementation
20 of the payment amount), or to carry out
21 section 1847B;

22 “(ii) to permit the Comptroller Gen-
23 eral of the United States to review the in-
24 formation provided;

1 “(iii) to permit the Director of the
2 Congressional Budget Office to review the
3 information provided;

4 “(iv) to permit the Medicare Payment
5 Advisory Commission to review the infor-
6 mation provided; and

7 “(v) to permit the Medicaid and
8 CHIP Payment and Access Commission to
9 review the information provided.”.

10 (b) ENFORCEMENT.—Section 1847A of such Act (42
11 U.S.C. 1395w-3a) is further amended—

12 (1) in subsection (d)(4)—

13 (A) in subparagraph (A), by striking “IN
14 GENERAL” and inserting “MISREPRESENTA-
15 TION”;

16 (B) in subparagraph (B), by striking “sub-
17 paragraph (B)” and inserting “subparagraph
18 (A), (B), or (C)”;

19 (C) by redesignating subparagraph (B) as
20 subparagraph (E); and

21 (D) by inserting after subparagraph (A)
22 the following new subparagraphs:

23 “(B) FAILURE TO PROVIDE TIMELY INFOR-
24 MATION.—If the Secretary determines that a
25 manufacturer described in subsection (f)(2) has

1 failed to report on information described in sec-
2 tion 1927(b)(3)(A)(iii) with respect to a drug or
3 biological in accordance with such subsection,
4 the Secretary shall apply a civil money penalty
5 in an amount of \$10,000 for each day the man-
6 ufacturer has failed to report such information
7 and such amount shall be paid to the Treasury.

8 “(C) FALSE INFORMATION.—Any manu-
9 facturer required to submit information under
10 subsection (f)(2) that knowingly provides false
11 information is subject to a civil money penalty
12 in an amount not to exceed \$100,000 for each
13 item of false information. Such civil money pen-
14 alties are in addition to other penalties as may
15 be prescribed by law.

16 “(D) INCREASING OVERSIGHT AND EN-
17 FORCEMENT.—For calendar quarters beginning
18 on or after January 1, 2022, section
19 1927(b)(3)(C)(iv) shall be applied as if—

20 “(i) each reference to ‘under this sub-
21 paragraph and subsection
22 (c)(4)(B)(ii)(III)’ were a reference to
23 ‘under this subparagraph, subsection
24 (c)(4)(B)(ii)(III), and subparagraphs (A),
25 (B), and (C) of section 1847A(d)(4)’; and

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1 “(ii) the reference to ‘activities related
2 to the oversight and enforcement of this
3 section and agreements under this section’
4 were a reference to ‘activities related to the
5 oversight and enforcement of this section
6 and under subsection (f)(2) of section
7 1847A and subparagraphs (A), (B), and
8 (C) of section 1847A(d)(4) and, if applica-
9 ble, agreements under this section’.”; and
10 (2) in subsection (c)(6)(A), by striking the pe-
11 riod at the end and inserting “, except that, for pur-
12 poses of subsection (f)(2), the Secretary may, if the
13 Secretary determines appropriate, exclude repack-
14 agers of a drug or biological from such term.”.

15 (c) MANUFACTURERS WITH A REBATE AGREE-
16 MENT.—

17 (1) IN GENERAL.—Section 1927(b)(3)(A) of the
18 Social Security Act (42 U.S.C. 1396r-8(b)(3)(A)) is
19 amended by adding at the end the following new
20 sentence: “For purposes of applying clause (iii), for
21 calendar quarters beginning on or after January 1,
22 2022, a drug or biological described in the flush
23 matter following such clause includes items, services,
24 supplies, and products that are payable under part
25 B of title XVIII as a drug or biological.”.

1 (2) TECHNICAL AMENDMENT.—Section
2 1927(b)(3)(A)(iii) of the Social Security Act (42
3 U.S.C. 1396r-8(b)(3)(A)(iii)) is amended by striking
4 “section 1881(b)(13)(A)(ii)” and inserting “section
5 1881(b)(14)(B)”.

6 (d) REPORT.—Not later than January 1, 2023, the
7 Inspector General of the Department of Health and
8 Human Services shall assess and submit to Congress a
9 report on the accuracy of average sales price information
10 submitted by manufacturers under section 1847A of the
11 Social Security Act (42 U.S.C. 1395w-3a), including the
12 extent to which manufacturers provide false information,
13 misclassify drug products, or misreport information. Such
14 report shall include any recommendations on how to im-
15 prove the accuracy of such information.

16 **SEC. 402. EXTENDED MONTHS OF COVERAGE OF IMMUNO-**
17 **SUPPRESSIVE DRUGS FOR KIDNEY TRANS-**
18 **PLANT PATIENTS AND OTHER RENAL DIALY-**
19 **SIS PROVISIONS.**

20 (a) MEDICARE ENTITLEMENT TO IMMUNO-
21 SUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPI-
22 ENTS.—

23 (1) IN GENERAL.—Section 226A(b)(2) of the
24 Social Security Act (42 U.S.C. 426-1(b)(2)) is
25 amended by inserting “(except for eligibility for en-

1 rollment under part B solely for purposes of cov-
2 erage of immunosuppressive drugs described in sec-
3 tion 1861(s)(2)(J))” before “, with the thirty-sixth
4 month”.

5 (2) INDIVIDUALS ELIGIBLE ONLY FOR COV-
6 ERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

7 (A) IN GENERAL.—Section 1836 of the So-
8 cial Security Act (42 U.S.C. 1395o) is amend-
9 ed—

10 (i) by striking “Every” and inserting

11 “(a) IN GENERAL.—Every”; and

12 (ii) by adding at the end the following
13 new subsection:

14 “(b) INDIVIDUALS ELIGIBLE FOR IMMUNO-
15 SUPPRESSIVE DRUG COVERAGE.—

16 “(1) IN GENERAL.—Except as provided under
17 paragraph (2), every individual whose entitlement to
18 insurance benefits under part A ends (whether be-
19 fore, on, or after January 1, 2023) by reason of sec-
20 tion 226A(b)(2) is eligible to enroll or to be deemed
21 to have enrolled in the medical insurance program
22 established by this part solely for purposes of cov-
23 erage of immunosuppressive drugs in accordance
24 with section 1837(n).

1 “(2) EXCEPTION IF OTHER COVERAGE IS
2 AVAILABLE.—

3 “(A) IN GENERAL.—An individual de-
4 scribed in paragraph (1) shall not be eligible for
5 enrollment in the program for purposes of cov-
6 erage described in such paragraph with respect
7 to any period in which the individual, as deter-
8 mined in accordance with subparagraph (B)—

9 “(i) is enrolled in a group health plan
10 or group or individual health insurance
11 coverage, as such terms are defined in sec-
12 tion 2791 of the Public Health Service
13 Act;

14 “(ii) is enrolled for coverage under the
15 TRICARE for Life program under section
16 1086(d) of title 10, United States Code;

17 “(iii) is enrolled under a State plan
18 (or waiver of such plan) under title XIX
19 and is eligible to receive benefits for im-
20 munosuppressive drugs described in this
21 subsection under such plan (or such waiv-
22 er);

23 “(iv) is enrolled under a State child
24 health plan (or waiver of such plan) under
25 title XXI and is eligible to receive benefits

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1 for such drugs under such plan (or such
2 waiver); or

3 “(v)(I) is enrolled in the patient en-
4 rollment system of the Department of Vet-
5 erans Affairs established and operated
6 under section 1705 of title 38, United
7 States Code;

8 “(II) is not required to enroll under
9 section 1705 of such title to receive im-
10 munosuppressive drugs described in this
11 subsection; or

12 “(III) is otherwise eligible under a
13 provision of title 38, United States Code,
14 other than section 1710 of such title to re-
15 ceive immunosuppressive drugs described
16 in this subsection.

17 “(B) ELIGIBILITY DETERMINATIONS.—

18 “(i) IN GENERAL.—The Secretary, in
19 coordination with the Commissioner of So-
20 cial Security, shall establish a process for
21 determining whether an individual de-
22 scribed in paragraph (1) who is to be en-
23 rolled or deemed to be enrolled in the med-
24 ical insurance program described in such
25 paragraph meets the requirements for such

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1 enrollment under this subsection, including
2 the requirement that the individual not be
3 enrolled in other coverage as described in
4 subparagraph (A).

5 “(ii) ATTESTATION REGARDING
6 OTHER COVERAGE.—The process estab-
7 lished under clause (i) shall include, at a
8 minimum, a requirement that—

9 “(I) the individual provide to the
10 Commissioner an attestation that the
11 individual is not enrolled and does not
12 expect to enroll in such other cov-
13 erage; and

14 “(II) the individual notify the
15 Commissioner within 60 days of en-
16 rollment in such other coverage.”.

17 (B) CONFORMING AMENDMENT.—

18 (i) IN GENERAL.—Sections 1837,
19 1838, and 1839 of the Social Security Act
20 (42 U.S.C. 1395p, 42 U.S.C. 1395q, 42
21 U.S.C. 1395r) are each amended by strik-
22 ing “1836” and inserting “1836(a)” each
23 place it appears.

24 (ii) ADDITIONAL AMENDMENT.—Sec-
25 tion 1837(j)(1) of such Act (42 U.S.C.

1 1395p(j)(1)) is amended by striking
2 “1836(1)” and inserting “1836(a)(1)”.

3 (b) ENROLLMENT FOR INDIVIDUALS ONLY ELIGIBLE
4 FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—Sec-
5 tion 1837 of the Social Security Act (42 U.S.C. 1395p),
6 as amended by section 120, is amended by adding at the
7 end the following new subsection:

8 “(n)(1) Any individual who is eligible for coverage of
9 immunosuppressive drugs under section 1836(b) may en-
10 roll or be deemed to have enrolled only in such manner
11 and form as may be prescribed by regulations, and only
12 during an enrollment period described in this subsection.

13 “(2) An individual described in paragraph (1) whose
14 entitlement for hospital insurance benefits under part A
15 ends by reason of section 226A(b)(2) prior to January 1,
16 2023, may enroll beginning on October 1, 2022, or the
17 day on which the individual first satisfies section 1836(b),
18 whichever is later.

19 “(3) An individual described in paragraph (1) whose
20 entitlement for hospital insurance benefits under part A
21 ends by reason of section 226A(b)(2) on or after January
22 1, 2023, shall be deemed to have enrolled in the medical
23 insurance program established by this part for purposes
24 of coverage of immunosuppressive drugs.

1 “(4) The Secretary shall establish a process under
2 which an individual described in paragraph (1) whose
3 other coverage described in section 1836(b)(2)(A), or cov-
4 erage under this part (including the medical insurance
5 program established under this part for purposes of cov-
6 erage of immunosuppressive drugs), is terminated volun-
7 tarily or involuntary may enroll or reenroll, if applicable,
8 in the medical insurance program established under this
9 part for purposes of coverage of immunosuppressive
10 drugs.”.

11 (c) COVERAGE PERIOD FOR INDIVIDUALS ONLY ELI-
12 GIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE
13 DRUGS.—

14 (1) IN GENERAL.—Section 1838 of the Social
15 Security Act (42 U.S.C. 1395q), as amended by sec-
16 tion 120, is further amended by adding at the end
17 the following new subsection:

18 “(h) In the case of an individual described in section
19 1836(b)(1), the following rules shall apply:

20 “(1) In the case of such an individual who is
21 deemed to have enrolled in part B for coverage of
22 immunosuppressive drugs under section 1837(n)(3),
23 such individual’s coverage period shall begin on the
24 first day of the month in which the individual first
25 satisfies section 1836(b).

1 “(2) In the case of such an individual who en-
2 rolls (or reenrolls, if applicable) in part B for cov-
3 erage of immunosuppressive drugs under paragraph
4 (2) or (4) of section 1837(n), such individual’s cov-
5 erage period shall begin on January 1, 2023, or the
6 month following the month in which the individual
7 so enrolls (or reenrolls), whichever is later.

8 “(3) The provisions of subsections (b) and (d)
9 shall apply with respect to an individual described in
10 paragraph (1) or (2).

11 “(4) In addition to the reasons for termination
12 under subsection (b), the coverage period of an indi-
13 vidual described in paragraph (1) or (2) shall end
14 when the individual becomes entitled to benefits
15 under this title under subsection (a) or (b) of section
16 226, or under section 226A, or is no longer eligible
17 for such coverage as a result of the application of
18 section 1836(b)(2).

19 “(5) The Secretary may conduct public edu-
20 cation activities to raise awareness of the availability
21 of more comprehensive, individual health insurance
22 coverage (as defined in section 2791 of the Public
23 Health Service Act) for individuals eligible under
24 section 1836(b) to enroll or to be deemed enrolled in
25 the medical insurance program established under

1 this part for purposes of coverage of immuno-
2 suppressive drugs.”.

3 (2) CONFORMING AMENDMENTS.—Section
4 1838(b) of the Social Security Act (42 U.S.C.
5 1395q(b)) is amended, in the matter following para-
6 graph (2), by inserting “or section 1837(n)(3)” after
7 “section 1837(f)” each place it appears.

8 (d) PREMIUMS FOR INDIVIDUALS ONLY ELIGIBLE
9 FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

10 (1) IN GENERAL.—Section 1839 of the Social
11 Security Act (42 U.S.C. 1395r), as amended by sec-
12 tion 120, is further amended—

13 (A) in subsection (b), by adding at the end
14 the following new sentence: “No increase in the
15 premium shall be effected for individuals who
16 are enrolled pursuant to section 1836(b) for
17 coverage only of immunosuppressive drugs.”;
18 and

19 (B) by adding at the end the following new
20 subsection:

21 “(j) DETERMINATION OF PREMIUM FOR INDIVID-
22 UALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNO-
23 SUPPRESSIVE DRUGS.—The Secretary shall, during Sep-
24 tember of each year (beginning with 2022), determine and
25 promulgate a monthly premium rate for the succeeding

1 calendar year for individuals enrolled only for the purpose
2 of coverage of immunosuppressive drugs under section
3 1836(b). Such premium shall be equal to 15 percent of
4 the monthly actuarial rate for enrollees age 65 and over
5 (as would be determined in accordance with subsection
6 (a)(1) if the reference to ‘one-half’ in such subsection were
7 a reference to ‘100 percent’) for that succeeding calendar
8 year. The monthly premium of each individual enrolled for
9 coverage of immunosuppressive drugs under section
10 1836(b) for each month shall be the amount promulgated
11 in this subsection. In the case of such individual not other-
12 wise enrolled under this part, such premium shall be in
13 lieu of any other monthly premium applicable under this
14 section. Such amount shall be adjusted in accordance with
15 subsections (c), (f), and (i), but shall not be adjusted
16 under subsection (b).”.

17 (2) SPECIAL RULE FOR APPLICATION OF HOLD
18 HARMLESS PROVISIONS TO TRANSITIONING INDIVID-
19 UALS.—Section 1839(f) of the Social Security Act
20 (42 U.S.C. 1395r(f)) is amended by adding at the
21 end the following new sentence: “Any increase in the
22 premium for an individual who was enrolled under
23 section 1836(b) attributable to such individual oth-
24 erwise enrolling under this part shall not be taken
25 into account in applying this subsection.”.

1 (3) SPECIAL RULE FOR APPLICATION OF PRE-
2 MIUM SUBSIDY REDUCTION PROVISIONS.—Section
3 1839(i)(3)(A)(ii)(II) of the Social Security Act (42
4 U.S.C. 1395r(i)(3)(A)(ii)(II)) is amended by insert-
5 ing “(or, with respect to an individual enrolled under
6 section 1836(b) and not otherwise enrolled under
7 this part, 0 times the amount of such increase)”
8 after “in the year”.

9 (e) GOVERNMENT CONTRIBUTION.—Section 1844(a)
10 of the Social Security Act (42 U.S.C. 1395w(a)) is amend-
11 ed—

12 (1) in paragraph (3), by striking the period at
13 the end and inserting “; plus”;

14 (2) by inserting after paragraph (3) the fol-
15 lowing new paragraph:

16 “(4) a Government contribution equal to the es-
17 timated aggregate reduction in premiums payable
18 under part B that results from establishing the pre-
19 mium at 15 percent of the actuarial rate (as would
20 be determined in accordance with section 1839(a)(1)
21 if the reference to ‘one-half’ in such section were a
22 reference to ‘100 percent’) under section 1839(j) in-
23 stead of 25 percent of such rate (as so determined)
24 for individuals enrolled only for the purpose of cov-

1 erage of immunosuppressive drugs under section
2 1836(b).”; and

3 (3) by adding the following sentence at the end
4 of the flush matter following paragraph (4), as
5 added by paragraph (2) of this subsection:

6 “The Government contribution under paragraph (4)
7 shall be treated as premiums payable and deposited
8 for purposes of subparagraphs (A) and (B) of para-
9 graph (1).”.

10 (f) ENSURING COVERAGE UNDER THE MEDICARE
11 SAVINGS PROGRAM.—

12 (1) IN GENERAL.—Section 1905(p)(1)(A) of the
13 Social Security Act (42 U.S.C. 1396d(p)(1)(A)) is
14 amended by inserting “or who is enrolled under part
15 B for the purpose of coverage of immunosuppressive
16 drugs under section 1836(b)” after “under section
17 1818A”.

18 (2) CONFORMING AMENDMENTS.—Section
19 1902(a)(10)(E) of the Social Security Act (42
20 U.S.C. 1396a(a)(10)(E)) is amended in each of
21 clauses (iii) and (iv) by inserting “(including such
22 individuals enrolled under section 1836(b))” after
23 “section 1905(p)(1)”.

24 (g) PART D.—Section 1860D–1(a)(3)(A) of the So-
25 cial Security Act (42 U.S.C. 1395w–101(a)(3)(A)) is

1 amended by inserting “(but not including an individual en-
2 rolled solely for coverage of immunosuppressive drugs
3 under section 1836(b))” before the period at the end.

4 (h) GAO STUDY AND REPORT.—

5 (1) STUDY.—The Comptroller General of the
6 United States (in this subsection referred to as the
7 “Comptroller General”) shall conduct a study on the
8 implementation of coverage of immunosuppressive
9 drugs for kidney transplant patients under the Medi-
10 care program pursuant to the provisions of, and
11 amendments made by, this section.

12 (2) REPORT.—Not later than January 1, 2025,
13 the Comptroller General shall submit to Congress a
14 report on the study conducted under paragraph (1),
15 together with recommendations as the Comptroller
16 General determines appropriate.

17 **SEC. 403. PERMITTING DIRECT PAYMENT TO PHYSICIAN AS-**
18 **SISTANTS UNDER MEDICARE.**

19 Section 1842(b)(6)(C) of the Social Security Act (42
20 U.S.C. 1395u(b)(6)(C)) is amended, in the matter pre-
21 ceding clause (i), by inserting “for such services furnished
22 before January 1, 2022,” after “1861(s)(2)(K),”.

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1 **SEC. 404. ADJUSTING CALCULATION OF HOSPICE CAP**
2 **AMOUNT UNDER MEDICARE.**

3 Section 1814(i)(2)(B) of the Social Security Act (42
4 U.S.C. 1395f(i)(2)(B)) is amended—

5 (1) in clause (ii), by striking “2025” and in-
6 serting “2030”; and

7 (2) in clause (iii), by striking “2025” and in-
8 serting “2030”.

9 **SEC. 405. SPECIAL RULE FOR DETERMINATION OF ASP IN**
10 **CASES OF CERTAIN NONCOVERED SELF-AD-**
11 **MINISTERED DRUG PRODUCTS.**

12 Section 1847A of the Social Security Act (42 U.S.C.
13 1395w–3a) is amended by redesignating subsection (g) as
14 subsection (h) and by inserting after subsection (f) the
15 following:

16 “(g) PAYMENT ADJUSTMENT FOR CERTAIN DRUGS
17 FOR WHICH THERE IS A SELF-ADMINISTERED NDC.—

18 “(1) OIG STUDIES.—The Inspector General of
19 the Department of Health and Human Services shall
20 conduct periodic studies to identify National Drug
21 Codes for drug or biological products that are self-
22 administered for which payment may not be made
23 under this part because such products are not cov-
24 ered pursuant to section 1861(s)(2) and which the
25 Inspector General determines (based on the same or
26 similar methodologies to the methodologies used in

1 the final recommendation followup report of the In-
2 spector General described in paragraph (3) or in the
3 November 2017 final report of the Inspector General
4 entitled ‘Excluding Noncovered Versions When Set-
5 ting Payment for Two Part B Drugs Would Have
6 Resulted in Lower Drug Costs for Medicare and its
7 Beneficiaries’) should be excluded from the deter-
8 mination of the payment amount under this section.

9 “(2) PAYMENT ADJUSTMENT.—If the Inspector
10 General identifies a National Drug Code for a drug
11 or biological product under paragraph (1), the In-
12 spector General shall inform the Secretary (at such
13 times as the Secretary may specify to carry out this
14 paragraph) and the Secretary shall, to the extent the
15 Secretary deems appropriate, apply as the amount of
16 payment under this section for the applicable billing
17 and payment code the lesser of—

18 “(A) the amount of payment that would be
19 determined under this section for such billing
20 and payment code if such National Drug Code
21 for such product so identified under paragraph
22 (1) were excluded from such determination; or

23 “(B) the amount of payment otherwise de-
24 termined under this section for such billing and

1 payment code without application of this sub-
2 section.

3 “(3) APPLICATION TO CERTAIN IDENTIFIED
4 PRODUCTS.—In the case of a National Drug Code
5 for a drug or biological product that is self-adminis-
6 tered for which payment is not made under this part
7 because such product is not covered pursuant to sec-
8 tion 1861(s)(2) that was identified by the Inspector
9 General of the Department of Health and Human
10 Services in the final recommendation followup report
11 of the Inspector General published July 2020, enti-
12 tled Loophole in Drug Payment Rule Continues To
13 Cost Medicare and Beneficiaries Hundreds of Mil-
14 lions of Dollars, beginning July 1, 2021, the amount
15 of payment under this section for the applicable bill-
16 ing and payment code shall be the lesser of—

17 “(A) the amount of payment that would be
18 determined under this section for such billing
19 and payment code if such National Drug Code
20 for such drug or biological products so identi-
21 fied were excluded from such determination; or

22 “(B) the amount of payment otherwise de-
23 termined under this section for such billing and
24 payment code without application of this sub-
25 section.”.

1 **SEC. 406. MEDICAID IMPROVEMENT FUND.**

2 Section 1941(b)(3)(A) of the Social Security Act (42
3 U.S.C 1396w-1(b)(3)(A)), as amended by section 1303 of
4 the Further Continuing Appropriations Act, 2021, and
5 Other Extensions Act, is amended by striking “
6 \$3,464,000,000” and inserting “ \$0”.

7 **SEC. 407. ESTABLISHING HOSPICE PROGRAM SURVEY AND**
8 **ENFORCEMENT PROCEDURES UNDER THE**
9 **MEDICARE PROGRAM.**

10 (a) SURVEY AND ENFORCEMENT PROCEDURES.—

11 (1) IN GENERAL.—Part A of title XVIII of the
12 Social Security Act (42 U.S.C. 1395c et seq.) is
13 amended by adding at the end the following new sec-
14 tion:

15 **“SEC. 1822. HOSPICE PROGRAM SURVEY AND ENFORCE-**
16 **MENT PROCEDURES.**

17 “(a) SURVEYS.—

18 “(1) FREQUENCY.—Any entity that is certified
19 as a hospice program (as defined in section
20 1861(dd)(2)) shall be subject to a standard survey
21 by an appropriate State or local survey agency, or
22 an approved accreditation agency, as determined by
23 the Secretary, not less frequently than once every 36
24 months.

25 “(2) PUBLIC TRANSPARENCY OF SURVEY AND
26 CERTIFICATION INFORMATION.—

1 “(A) SUBMISSION OF INFORMATION TO
2 THE SECRETARY.—

3 “(i) IN GENERAL.—Each State or
4 local survey agency, and each national ac-
5 creditation body with respect to which the
6 Secretary has made a finding under section
7 1865(a) respecting the accreditation of a
8 hospice program by such body, shall sub-
9 mit, in a form and manner, and at a time,
10 specified by the Secretary for purposes of
11 this paragraph, information respecting any
12 survey or certification made with respect to
13 a hospice program by such survey agency
14 or body, as applicable. Such information
15 shall include any inspection report made by
16 such survey agency or body with respect to
17 such survey or certification, any enforce-
18 ment actions taken as a result of such sur-
19 vey or certification, and any other informa-
20 tion determined appropriate by the Sec-
21 retary.

22 “(ii) REQUIRED INCLUSION OF SPECI-
23 FIED FORM.—With respect to a survey
24 under this subsection carried out by a na-
25 tional accreditation body described in

1 clause (i) on or after October 1, 2021, in-
2 formation described in such clause shall in-
3 clude Form CMS-2567 (or a successor
4 form), along with such additional informa-
5 tion determined appropriate by such body.

6 “(B) PUBLIC DISCLOSURE OF INFORMA-
7 TION.—Beginning not later than October 1,
8 2022, the Secretary shall publish the informa-
9 tion submitted under subparagraph (A) on the
10 public website of the Centers for Medicare &
11 Medicaid Services in a manner that is promi-
12 nent, easily accessible, readily understandable,
13 and searchable. The Secretary shall provide for
14 the timely update of such information so pub-
15 lished.

16 “(3) CONSISTENCY OF SURVEYS.—Each State
17 and the Secretary shall implement programs to
18 measure and reduce inconsistency in the application
19 of survey results among surveyors.

20 “(4) SURVEY TEAMS.—

21 “(A) IN GENERAL.—In the case of a sur-
22 vey conducted under this subsection on or after
23 October 1, 2021, by more than 1 individual,
24 such survey shall be conducted by a multidisci-

1 plinary team of professionals (including a reg-
2 istered professional nurse).

3 “(B) PROHIBITION OF CONFLICTS OF IN-
4 TEREST.—Beginning October 1, 2021, a State
5 may not use as a member of a survey team
6 under this subsection an individual who is serv-
7 ing (or has served within the previous 2 years)
8 as a member of the staff of, or as a consultant
9 to, the program surveyed respecting compliance
10 with the requirements of section 1861(dd) or
11 who has a personal or familial financial interest
12 in the program being surveyed.

13 “(C) TRAINING.—The Secretary shall pro-
14 vide, not later than October 1, 2021, for the
15 comprehensive training of State and Federal
16 surveyors, and any surveyor employed by a na-
17 tional accreditation body described in paragraph
18 (2)(A)(i), in the conduct of surveys under this
19 subsection, including training with respect to
20 the review of written plans for providing hospice
21 care (as described in section 1814(a)(7)(B)).
22 No individual shall serve as a member of a sur-
23 vey team with respect to a survey conducted on
24 or after such date unless the individual has suc-
25 cessfully completed a training and testing pro-

1 gram in survey and certification techniques that
2 has been approved by the Secretary.

3 “(5) FUNDING.—The Secretary shall provide
4 for the transfer, from the Federal Hospital Insur-
5 ance Trust Fund under section 1817 to the Centers
6 for Medicare & Medicaid Services Program Manage-
7 ment Account, of \$10,000,000 for each fiscal year
8 (beginning with fiscal year 2022) for purposes of
9 carrying out this subsection and subsection (b).
10 Sums so transferred shall remain available until ex-
11 pended. Any transfer pursuant to this paragraph
12 shall be in addition to any transfer pursuant to sec-
13 tion 3(a)(2) of the Improving Medicare Post-Acute
14 Care Transformation Act of 2014.

15 “(b) SPECIAL FOCUS PROGRAM.—

16 “(1) IN GENERAL.—The Secretary shall con-
17 duct a special focus program for enforcement of re-
18 quirements for hospice programs that the Secretary
19 has identified as having substantially failed to meet
20 applicable requirements of this Act.

21 “(2) PERIODIC SURVEYS.—Under such special
22 focus program, the Secretary shall conduct surveys
23 of each hospice program in the special focus pro-
24 gram not less than once every 6 months.

25 “(c) ENFORCEMENT.—

1 “(1) SITUATIONS INVOLVING IMMEDIATE JEOP-
2 ARDY.—If the Secretary determines on the basis of
3 a standard survey or otherwise that a hospice pro-
4 gram that is certified for participation under this
5 title is no longer in compliance with the require-
6 ments specified in section 1861(dd) and determines
7 that the deficiencies involved immediately jeopardize
8 the health and safety of the individuals to whom the
9 program furnishes items and services, the Secretary
10 shall take immediate action to ensure the removal of
11 the jeopardy and correction of the deficiencies or
12 terminate the certification of the program, and may
13 provide, in addition, for 1 or more of the other rem-
14 edies described in paragraph (5)(B).

15 “(2) SITUATIONS NOT INVOLVING IMMEDIATE
16 JEOPARDY.—If the Secretary determines on the
17 basis of a standard survey or otherwise that a hos-
18 pice program that is certified for participation under
19 this title is no longer in compliance with the require-
20 ments specified in section 1861(dd) and determines
21 that the deficiencies involved do not immediately
22 jeopardize the health and safety of the individuals to
23 whom the program furnishes items and services, the
24 Secretary may (for a period not to exceed 6 months)
25 impose remedies developed pursuant to paragraph

1 (5)(A), in lieu of terminating the certification of the
2 program. If, after such a period of remedies, the
3 program is still no longer in compliance with such
4 requirements, the Secretary shall terminate the cer-
5 tification of the program.

6 “(3) PENALTY FOR PREVIOUS NONCOMPLI-
7 ANCE.—If the Secretary determines that a hospice
8 program that is certified for participation under this
9 title is in compliance with the requirements specified
10 in section 1861(dd) but, as of a previous period, did
11 not meet such requirements, the Secretary may pro-
12 vide for a civil money penalty under paragraph
13 (5)(B)(i) for the days in which the Secretary finds
14 that the program was not in compliance with such
15 requirements.

16 “(4) OPTION TO CONTINUE PAYMENTS FOR
17 NONCOMPLIANT HOSPICE PROGRAMS.—The Sec-
18 retary may continue payments under this title with
19 respect to a hospice program not in compliance with
20 the requirements specified in section 1861(dd) over
21 a period of not longer than 6 months, if—

22 “(A) the State or local survey agency finds
23 that it is more appropriate to take alternative
24 action to assure compliance of the program with

1 such requirements than to terminate the certifi-
2 cation of the program;

3 “(B) the program has submitted a plan
4 and timetable for corrective action to the Sec-
5 retary for approval and the Secretary approves
6 the plan of corrective action; and

7 “(C) the program agrees to repay to the
8 Federal Government payments received under
9 this title during such period if the corrective ac-
10 tion is not taken in accordance with the ap-
11 proved plan and timetable.

12 The Secretary shall establish guidelines for approval
13 of corrective actions requested by hospice programs
14 under this paragraph.

15 “(5) REMEDIES.—

16 “(A) DEVELOPMENT.—

17 “(i) IN GENERAL.—Not later than Oc-
18 tober 1, 2022, the Secretary shall develop
19 and implement—

20 “(I) a range of remedies to apply
21 to hospice programs under the condi-
22 tions described in paragraphs (1)
23 through (4); and

2316

1 “(II) appropriate procedures for
2 appealing determinations relating to
3 the imposition of such remedies.

4 Remedies developed pursuant to the pre-
5 ceding sentence shall include the remedies
6 specified in subparagraph (B).

7 “(ii) CONDITIONS OF IMPOSITION OF
8 REMEDIES.—Not later than October 1,
9 2022, the Secretary shall develop and im-
10 plement specific procedures with respect to
11 the conditions under which each of the
12 remedies developed under clause (i) is to
13 be applied, including the amount of any
14 fines and the severity of each of these rem-
15 edies. Such procedures shall be designed so
16 as to minimize the time between identifica-
17 tion of deficiencies and imposition of these
18 remedies and shall provide for the imposi-
19 tion of incrementally more severe fines for
20 repeated or uncorrected deficiencies.

21 “(B) SPECIFIED REMEDIES.—The rem-
22 edies specified in this subparagraph are the fol-
23 lowing:

24 “(i) Civil money penalties in an
25 amount not to exceed \$10,000 for each day

1 of noncompliance by a hospice program
2 with the requirements specified in section
3 1861(dd).

4 “(ii) Suspension of all or part of the
5 payments to which a hospice program
6 would otherwise be entitled under this title
7 with respect to items and services fur-
8 nished by a hospice program on or after
9 the date on which the Secretary determines
10 that remedies should be imposed pursuant
11 to paragraphs (1) and (2).

12 “(iii) The appointment of temporary
13 management to oversee the operation of
14 the hospice program and to protect and as-
15 sure the health and safety of the individ-
16 uals under the care of the program while
17 improvements are made in order to bring
18 the program into compliance with all such
19 requirements.

20 “(C) PROCEDURES.—

21 “(i) CIVIL MONEY PENALTIES.—

22 “(I) IN GENERAL.—Subject to
23 subclause (II), the provisions of sec-
24 tion 1128A (other than subsections
25 (a) and (b)) shall apply to a civil

2318

1 money penalty under this subsection
2 in the same manner as such provi-
3 sions apply to a penalty or proceeding
4 under section 1128A(a).

5 “(II) RETENTION OF AMOUNTS
6 FOR HOSPICE PROGRAM IMPROVE-
7 MENTS.—The Secretary may provide
8 that any portion of civil money pen-
9 alties collected under this subsection
10 may be used to support activities that
11 benefit individuals receiving hospice
12 care, including education and training
13 programs to ensure hospice program
14 compliance with the requirements of
15 section 1861(dd).

16 “(ii) SUSPENSION OF PAYMENT.—A
17 finding to suspend payment under sub-
18 paragraph (B)(ii) shall terminate when the
19 Secretary finds that the program is in sub-
20 stantial compliance with all requirements
21 of section 1861(dd).

22 “(iii) TEMPORARY MANAGEMENT.—
23 The temporary management under sub-
24 paragraph (B)(iii) shall not be terminated
25 until the Secretary has determined that the

1 program has the management capability to
2 ensure continued compliance with all the
3 requirements referred to in such subpara-
4 graph.

5 “(D) RELATIONSHIP TO OTHER REM-
6 EDIES.—The remedies developed under sub-
7 paragraph (A) are in addition to sanctions oth-
8 erwise available under State or Federal law and
9 shall not be construed as limiting other rem-
10 edies, including any remedy available to an indi-
11 vidual at common law.”.

12 (2) AVAILABILITY OF HOSPICE ACCREDITATION
13 SURVEYS.—Section 1865(b) of the Social Security
14 Act (42 U.S.C. 1395bb(b)) is amended by inserting
15 “or, beginning on the date of the enactment of the
16 Consolidated Appropriations Act, 2021, a hospice
17 program” after “home health agency”.

18 (3) STATE PROVISION OF HOSPICE PROGRAM
19 INFORMATION.—

20 (A) IN GENERAL.—Section 1864(a) of the
21 Social Security Act (42 U.S.C. 1395aa(a)) is
22 amended in the sixth sentence—

23 (i) by inserting “and hospice pro-
24 grams” after “information on home health
25 agencies”;

1 (ii) by inserting “or the hospice pro-
2 gram” after “the home health agency”;

3 (iii) by inserting “or the hospice pro-
4 gram” after “with respect to the agency”;

5 and

6 (iv) by inserting “and hospice pro-
7 grams” after “with respect to home health
8 agencies”.

9 (B) EFFECTIVE DATE.—The amendments
10 made by subparagraph (A) shall apply with re-
11 spect to agreements entered into on or after, or
12 in effect as of, the date that is 1 year after the
13 date of the enactment of this Act.

14 (4) CONFORMING AMENDMENTS.—

15 (A) DEFINITION OF A HOSPICE PRO-
16 GRAM.—Section 1861(dd)(4) of the Social Secu-
17 rity Act (42 U.S.C. 1395x(dd)(4)) is amended
18 by striking subparagraph (C).

19 (B) CONTINUATION OF FUNDING.—Section
20 3(a)(2) of the Improving Medicare Post-Acute
21 Care Transformation Act of 2014 is amended
22 by inserting “and section 1822(a)(1) of such
23 Act,” after “as added by paragraph (1),”.

24 (b) INCREASING PAYMENT REDUCTIONS FOR FAIL-
25 URE TO MEET QUALITY DATA REPORTING REQUIRE-

1 MENTS.—Section 1814(i)(5)(A)(i) of the Social Security
2 Act (42 U.S.C. 1395f(i)(5)(A)(i)) is amended by inserting
3 “(or, for fiscal year 2024 and each subsequent fiscal year,
4 4 percentage points)” before the period.

5 (c) REPORT.—Not later than 36 months after the
6 date of the enactment of this Act, the Comptroller General
7 of the United States shall submit to Congress a report
8 containing an analysis of the effects of the amendments
9 made by subsection (a), including the frequency of applica-
10 tion of remedies specified in section 1822(c)(5)(B) of the
11 Social Security Act (as added by such subsection), on ac-
12 cess to, and quality of, care furnished by hospice programs
13 under part A of title XVIII of the Social Security Act (42
14 U.S.C. 1395c et seq.).

15 **SEC. 408. MEDICARE IMPROVEMENT FUND.**

16 Section 1898(b)(1) of the Social Security Act (42
17 U.S.C. 1395iii(b)(1)) is amended by striking “ \$0” and
18 inserting “ \$165,000,000”.

19 **TITLE V—MISCELLANEOUS**

20 **SEC. 501. IMPLEMENTATION FUNDING.**

21 For purposes of carrying out the provisions of, and
22 the amendments made by, titles I, II, and IV, in addition
23 to any funds otherwise made available, there are appro-
24 priated from amounts in the Treasury not otherwise ap-
25 propriated, \$37,000,000 to the Centers for Medicare &

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1 Medicaid Services Program Management Account for fis-
2 cal year 2021, to remain available until expended.

1 **DIVISION DD—MONTANA WATER**
2 **RIGHTS PROTECTION ACT**

3 **SEC. 1. SHORT TITLE.**

4 This division may be cited as the “Montana Water
5 Rights Protection Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to achieve a fair, equitable, and final settle-
9 ment of claims to water rights in the State of Mon-
10 tana, and in recognition of article I, and section 3
11 of article IX, of the Montana State Constitution
12 for—

13 (A) the Confederated Salish and Kootenai
14 Tribes of the Flathead Indian Reservation; and

15 (B) the United States, for the benefit of
16 the Tribes and allottees;

17 (2) to authorize, ratify, and confirm the water
18 rights compact entered into by the Tribes and the
19 State, to the extent that the Compact is consistent
20 with this Act;

21 (3) to authorize and direct the Secretary of the
22 Interior—

23 (A) to execute the Compact; and

1 (B) to take any other action necessary to
2 carry out the Compact in accordance with this
3 Act; and

4 (4) to authorize funds necessary for the imple-
5 mentation of—

6 (A) the Compact; and

7 (B) this Act.

8 **SEC. 3. DEFINITIONS.**

9 (a) IN GENERAL.—In this Act:

10 (1) ALLOTTEE.—The term “allottee” means an
11 individual who holds a beneficial real property inter-
12 est in an allotment of Indian land that is—

13 (A) located within the Reservation; and

14 (B) held in trust by the United States.

15 (2) BISON.—The term “bison” means North
16 American plains bison.

17 (3) COMPACT.—The term “Compact” means—

18 (A) the water rights compact entered into
19 and ratified, as applicable, by the Confederated
20 Salish and Kootenai Tribes, the State, and the
21 United States, as contained in section 85–20–
22 1901 of the Montana Code Annotated (2019),
23 including—

24 (i) any appendix or exhibit to that
25 compact; and

1 (ii) any modifications authorized by
2 that compact; and

3 (B) any amendment to the compact re-
4 ferred to in subparagraph (A) (including an
5 amendment to an appendix or exhibit) that is—

6 (i) executed to ensure that the Com-
7 pact is consistent with this Act; or

8 (ii) otherwise authorized by the Com-
9 pact and this Act.

10 (4) ENFORCEABILITY DATE.—The term “en-
11 forceability date” means the date described in sec-
12 tion 10(b).

13 (5) FLATHEAD INDIAN IRRIGATION PROJECT.—

14 (A) IN GENERAL.—The term “Flathead
15 Indian irrigation project” means the Federal ir-
16 rigation project developed by the United States
17 to irrigate land within the Reservation pursuant
18 to—

19 (i) the Act of April 23, 1904 (33 Stat.
20 302, chapter 1495); and

21 (ii) the Act of May 29, 1908 (35 Stat.
22 444, chapter 216).

23 (B) INCLUSIONS.—The term “Flathead In-
24 dian irrigation project” includes—

1 (i) all land and any reservoir, ease-
2 ment, right-of-way, canal, ditch, lateral, or
3 any other facility of the project referred to
4 in subparagraph (A) (regardless of location
5 on or off the Reservation); and

6 (ii) any headgate, pipeline, pump,
7 building, heavy equipment, vehicle, sup-
8 plies, record, copy of a record, or any other
9 physical, tangible object of real or personal
10 property used in the management and op-
11 eration of the project referred to in sub-
12 paragraph (A).

13 (6) HUNGRY HORSE DAM.—The term “Hungry
14 Horse Dam” means the dam that is a part of the
15 Hungry Horse Project.

16 (7) HUNGRY HORSE PROJECT.—The term
17 “Hungry Horse Project” means the project author-
18 ized to be carried out by the Secretary under the Act
19 of June 5, 1944 (43 U.S.C. 593a et seq.).

20 (8) HUNGRY HORSE RESERVOIR.—The term
21 “Hungry Horse Reservoir” means the reservoir that
22 is a part of the Hungry Horse Project.

23 (9) INDIAN TRIBE.—The term “Indian tribe”
24 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (10) LAW OF ADMINISTRATION.—The term
4 “Law of Administration” means the Unitary Admin-
5 istration and Management Ordinance, as set forth in
6 Appendix 4 to the Compact.

7 (11) SECRETARY.—The term “Secretary”
8 means the Secretary of the Interior.

9 (12) STATE.—

10 (A) IN GENERAL.—The term “State”
11 means the State of Montana.

12 (B) INCLUSIONS.—The term “State” in-
13 cludes all officers, agencies, departments, and
14 political subdivisions of the State.

15 (13) TRIBAL WATER RIGHT.—The term “Tribal
16 Water Right” means the water right of the Tribes,
17 as established in—

18 (A) the Compact; and

19 (B) this Act.

20 (14) TRIBES.—

21 (A) IN GENERAL.—The term “Tribes”
22 means the Confederated Salish and Kootenai
23 Tribes of the Flathead Reservation of Montana.

1 (B) INCLUSIONS.—The term “Tribes” in-
2 cludes all officers, agencies, and departments of
3 the Tribes.

4 (15) TRUST FUND.—The term “Trust Fund”
5 means the Séliš-Qlispé Ksanka Settlement Trust
6 Fund established under section 8(a).

7 (b) DEFINITIONS OF CERTAIN TERMS.—Any term
8 used but not defined in this Act, including the terms “Ex-
9 isting Use”, “Historic Farm Deliveries”, “Instream
10 Flow”, “Minimum Reservoir Pool Elevations”, and “Res-
11 ervation”, shall have the meaning given the term in article
12 II of the Compact.

13 **SEC. 4. RATIFICATION OF COMPACT.**

14 (a) RATIFICATION.—

15 (1) IN GENERAL.—As modified by this Act, the
16 Compact is authorized, ratified, and confirmed.

17 (2) AMENDMENTS.—Any amendment to the
18 Compact is authorized, ratified, and confirmed, to
19 the extent that such an amendment—

20 (A) is executed to ensure that the Compact
21 is consistent with this Act; or

22 (B)(i) is approved by the Secretary;

23 (ii) concerns nonmonetary matters; and

24 (iii) does not affect the water rights of the
25 Tribes determined in the Compact, or any other

1 property held in trust by the United States on
2 behalf of the Tribes or allottees.

3 (3) MODIFICATIONS.—Nothing in this Act—

4 (A) precludes the Secretary from approv-
5 ing a modification to the Compact, including an
6 appendix or exhibit to the Compact, that is con-
7 sistent with this Act; or

8 (B) authorizes amendments or modifica-
9 tions that otherwise require congressional ap-
10 proval under—

11 (i) section 2116 of the Revised Stat-
12 utes (25 U.S.C. 177); or

13 (ii) any other applicable Federal law.

14 (b) EXECUTION.—To the extent that the Compact
15 does not conflict with this Act, the Secretary shall execute
16 the Compact, including all exhibits to, appendices to, and
17 parts of the Compact requiring the signature of the Sec-
18 retary.

19 (c) ENVIRONMENTAL COMPLIANCE.—

20 (1) IN GENERAL.—In implementing the Com-
21 pact and this Act, the Secretary and the Tribes shall
22 ensure compliance with—

23 (A) the Endangered Species Act of 1973
24 (16 U.S.C. 1531 et seq.);

1 (B) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.); and

3 (C) all other applicable environmental laws
4 (including regulations).

5 (2) PERFORMANCE OF COMPLIANCE ACTIVITIES.—The Secretary and the Tribes shall perform
6 appropriate Federal environmental compliance ac-
7 tivities relating to any activity undertaken by the
8 Secretary or Tribes pursuant to this Act prior to
9 commencement of that activity.
10

11 (3) EFFECT OF EXECUTION.—

12 (A) IN GENERAL.—The execution of the
13 Compact by the Secretary under this section
14 shall not constitute a major Federal action for
15 purposes of the National Environmental Policy
16 Act of 1969 (42 U.S.C. 4321 et seq.).

17 (B) COMPLIANCE.—The Secretary shall
18 ensure compliance with all Federal laws and
19 regulations necessary to implement the Com-
20 pact and this Act.

21 (d) PUBLIC AVAILABILITY.—As provided in articles
22 IV.I.b (relating to hearings), IV.I.c (relating to the em-
23 ployment of a water engineer), and IV.I.7.e (relating to
24 Board records) of the Compact, and in recognition of sec-
25 tion 9 of article II of the Montana State Constitution, all

1 records of the Flathead Reservation Water Management
2 Board and the Water Engineer employed by the Board
3 shall be open to public inspection.

4 **SEC. 5. TRIBAL WATER RIGHT.**

5 (a) INTENT OF CONGRESS.—It is the intent of Con-
6 gress to provide to each allottee benefits that are equiva-
7 lent to, or that exceed, the benefits possessed by allottees
8 on the day before the date of enactment of this Act, taking
9 into consideration—

10 (1) the potential risks, cost, and time delay as-
11 sociated with litigation that would be resolved by the
12 Compact and this Act;

13 (2) the availability of funding under this Act
14 and from other sources;

15 (3) the availability of water from the Tribal
16 Water Right; and

17 (4) the applicability of section 7 of the Act of
18 February 8, 1887 (25 U.S.C. 381), and this Act to
19 protect the interests of allottees.

20 (b) CONFIRMATION OF TRIBAL WATER RIGHT.—

21 (1) IN GENERAL.—The Tribal Water Right is
22 ratified, confirmed, and declared to be valid.

23 (2) USE.—Any use of the Tribal Water Right
24 shall be subject to the terms and conditions of—

25 (A) the Compact; and

1 (B) this Act.

2 (3) CONFLICT.—In the event of a conflict be-
3 tween the Compact and this Act, the provisions of
4 this Act shall control.

5 (c) TRUST STATUS OF TRIBAL WATER RIGHT.—The
6 Tribal Water Right—

7 (1) shall be held in trust by the United States
8 for the use and benefit of the Tribes and allottees
9 in accordance with this Act; and

10 (2) shall not be subject to forfeiture or aban-
11 donment.

12 (d) ALLOTTEES.—

13 (1) APPLICABILITY OF ACT OF FEBRUARY 8,
14 1887.—The provisions of section 7 of the Act of Feb-
15 ruary 8, 1887 (25 U.S.C. 381), relating to the use
16 of water for irrigation purposes shall apply to the
17 Tribal Water Right.

18 (2) ENTITLEMENTS TO WATER.—

19 (A) IN GENERAL.—Any entitlement to
20 water of an allottee under Federal law shall be
21 satisfied from the Tribal Water Right.

22 (B) WATER FOR IRRIGATION.—Each allot-
23 tee shall be entitled to a just and equitable allo-
24 cation of water for irrigation purposes, to be
25 enforceable under paragraph (3)(B).

1 (3) CLAIMS.—

2 (A) EXHAUSTION OF REMEDIES.—Before
3 asserting any claim against the United States
4 under section 7 of the Act of February 8, 1887
5 (25 U.S.C. 381), or any other applicable law,
6 an allottee shall exhaust remedies available
7 under—

8 (i) the Law of Administration; or

9 (ii) other applicable Tribal law.

10 (B) WATER FOR IRRIGATION.—After the
11 exhaustion of all remedies available under the
12 Law of Administration or other applicable Trib-
13 al law, an allottee may seek relief under section
14 7 of the Act of February 8, 1887 (25 U.S.C.
15 381), or other applicable law, to seek a just and
16 equitable allocation of water for irrigation pur-
17 poses under paragraph (2)(B).

18 (4) AUTHORITY OF SECRETARY.—The Sec-
19 retary shall have the authority to protect the rights
20 of allottees in accordance with this section.

21 (e) AUTHORITY OF TRIBES.—

22 (1) IN GENERAL.—The Tribes shall have the
23 authority to allocate, distribute, and lease the Tribal
24 Water Right for any use on the Reservation in ac-
25 cordance with—

- 1 (A) the Compact;
- 2 (B) the Law of Administration;
- 3 (C) this Act; and
- 4 (D) applicable Federal law.

5 (2) OFF-RESERVATION USE.—The Tribes may
6 allocate, distribute, and lease the Tribal Water Right
7 for off-Reservation use in the State in accordance
8 with the Compact, subject to the approval of the
9 Secretary.

10 (3) LAND LEASES BY ALLOTTEES.—Notwith-
11 standing paragraph (1), an allottee may lease any
12 interest in land held by the allottee, together with
13 any water right determined to be appurtenant to the
14 interest in land, in accordance with the Law of Ad-
15 ministration.

16 (f) LAW OF ADMINISTRATION.—

17 (1) IN GENERAL.—During the period beginning
18 on the date of enactment of this Act and ending on
19 the date on which the Law of Administration be-
20 comes effective on the Reservation, the Secretary
21 shall administer, with respect to the rights of
22 allottees, the Tribal Water Right in accordance with
23 this Act.

24 (2) APPROVAL.—

1 (A) IN GENERAL.—The Law of Adminis-
2 tration is approved.

3 (B) REGISTRATIONS.—As provided in sec-
4 tions 3 and 4 of article IX of the Montana
5 State Constitution and section 1–1–108 of the
6 Law of Administration, all water rights and
7 changes of use authorized under the Law of Ad-
8 ministration, including all registrations required
9 by sections 2–1–101 through 2–1–107, shall be
10 provided to the department of natural resources
11 and conservation of the State, to be entered
12 into the water rights database of the depart-
13 ment.

14 (3) AMENDMENTS.—

15 (A) IN GENERAL.—An otherwise valid
16 amendment to the Law of Administration that
17 affects a right of an allottee shall not be effec-
18 tive unless the amendment is approved by the
19 Secretary in accordance with this subsection.

20 (B) APPROVAL PERIOD.—

21 (i) IN GENERAL.—Subject to clause
22 (ii), the Secretary shall approve or dis-
23 approve an amendment to the Law of Ad-
24 ministration not later than 180 days after

1 the date of ratification of the amendment
2 by the Tribes and the State.

3 (ii) EXTENSION.—The deadline de-
4 scribed in clause (i) may be extended by
5 the Secretary after consultation with the
6 Tribes.

7 (4) CONFLICT.—In the event of a conflict be-
8 tween the Law of Administration and this Act, the
9 provisions of this Act shall control.

10 (g) ADMINISTRATION.—

11 (1) ALIENATION.—The Tribes shall not perma-
12 nently alienate any portion of the Tribal Water
13 Right.

14 (2) PURCHASES OR GRANTS OF LAND FROM IN-
15 DIANS.—An authorization provided by this Act for
16 an allocation, distribution, lease, or any other ar-
17 rangement shall be considered to satisfy any require-
18 ment for authorization of the action by treaty or
19 convention under section 2116 of the Revised Stat-
20 utes (25 U.S.C. 177).

21 (3) PROHIBITION ON FORFEITURE.—The non-
22 use of all, or any portion of, the Tribal Water Right
23 by a lessee or contractor shall not result in the for-
24 feiture, abandonment, relinquishment, or other loss
25 of all, or any portion of, the Tribal Water Right.

1 (h) EFFECT.—Except as otherwise expressly provided
2 in this section, nothing in this Act—

3 (1) authorizes any action by an allottee against
4 any individual or entity, or against the Tribes, under
5 Federal, State, Tribal, or local law; or

6 (2) alters or affects the status of any action
7 brought pursuant to section 1491(a) of title 28,
8 United States Code.

9 **SEC. 6. STORAGE ALLOCATION FROM HUNGRY HORSE RES-**
10 **ERVOIR.**

11 (a) STORAGE ALLOCATION TO TRIBES.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 the Secretary shall allocate to the Tribes 90,000
14 acre-feet per year, as measured at the Hungry
15 Horse Dam, of storage water in Hungry Horse Res-
16 ervoir for use by the Tribes for any beneficial pur-
17 pose on or off the Reservation under a water right
18 held by the United States and managed by the Bu-
19 reau of Reclamation.

20 (2) LIMITATIONS.—The allocation under para-
21 graph (1) shall be subject to—

22 (A) Appendix 7 to the Compact, entitled
23 “Flathead Basin Tribal Depletions Study”, pre-
24 pared by the Bureau of Reclamation, and dated
25 September 2012; and

1 (B) Appendix 8 to the Compact, entitled
2 “Hungry Horse Reservoir, Montana: Biological
3 Impact Evaluation and Operational Constraints
4 for a proposed 90,000-acre-foot withdrawal”,
5 prepared by the State, as revised on September
6 14, 2011.

7 (b) TREATMENT.—

8 (1) IN GENERAL.—The allocation under sub-
9 section (a) shall be considered to be part of the
10 Tribal Water Right.

11 (2) ADMINISTRATION.—The Tribes shall admin-
12 ister the water allocated under subsection (a) in ac-
13 cordance with, and subject to the limitations of, the
14 Compact and this Act.

15 (c) ALLOCATION AGREEMENT.—

16 (1) IN GENERAL.—As a condition of receiving
17 the allocation under subsection (a), the Tribes shall
18 enter into an agreement with the Secretary to estab-
19 lish the terms and conditions of the allocation, in ac-
20 cordance with the Compact and this Act.

21 (2) INCLUSIONS.—The agreement under para-
22 graph (1) shall include provisions establishing that—

23 (A) the agreement shall be without a limit
24 as to a term;

1 (B) the Tribes, and not the United States,
2 shall be entitled to all consideration due to the
3 Tribes under any lease, contract, or agreement
4 entered into by the Tribes pursuant to sub-
5 section (d);

6 (C) the United States shall have no obliga-
7 tion to monitor, administer, or account for—

8 (i) any funds received by the Tribes
9 as consideration under any lease, contract,
10 or agreement entered into by the Tribes
11 pursuant to subsection (d); or

12 (ii) the expenditure of those funds;

13 (D) if the capacity or function of any facil-
14 ity of Hungry Horse Reservoir or Hungry
15 Horse Dam is significantly reduced, or is antici-
16 pated to be significantly reduced, for an ex-
17 tended period of time, the Tribes shall have the
18 same storage rights as other storage contrac-
19 tors with respect to the allocation under sub-
20 section (a);

21 (E) the costs associated with the construc-
22 tion and operation of the storage facilities at
23 Hungry Horse Reservoir and Hungry Horse
24 Dam allocable to the Tribes shall be nonreim-
25 bursable;

1 (F) no water service capital charge shall be
2 due or payable for the agreement or any water
3 allocated under subsection (a), regardless of
4 whether that water is delivered for use by the
5 Tribes or under a lease, contract, or by an
6 agreement entered into by the Tribes pursuant
7 to subsection (d);

8 (G) the Tribes shall not be required to
9 make payments to the United States for the
10 agreement or any water allocated under sub-
11 section (a), except for each acre-foot of stored
12 water leased or transferred for industrial pur-
13 poses;

14 (H) for each acre-foot of stored water
15 leased by the Tribes for industrial purposes—

16 (i) the Tribes shall pay annually to
17 the United States an amount sufficient to
18 cover the proportionate share of the annual
19 operation, maintenance, and replacement
20 costs for the Hungry Horse Project allo-
21 cable to that quantity of water; and

22 (ii) the annual payments of the Tribes
23 shall be reviewed and adjusted, as appro-
24 priate, to reflect the actual operation,

1 maintenance, and replacement costs for the
2 Hungry Horse Project; and

3 (I) the costs described in subparagraphs
4 (G) and (H) shall not apply to any lease or
5 transfer for industrial purposes to—

6 (i) any entity of the Tribes; or

7 (ii) any entity wholly owned by the
8 Tribes.

9 (d) AGREEMENTS BY TRIBES.—The Tribes may use,
10 lease, contract, exchange, or enter into other agreements
11 for use of the water allocated under subsection (a) if—

12 (1) the water that is the subject of the agree-
13 ment is used within the Flathead Basin or the Clark
14 Fork Basin within the State; and

15 (2) the agreement does not permanently alien-
16 ate any portion of water allocated under subsection
17 (a).

18 (e) MITIGATION WATER.—Notwithstanding section
19 5(e)(2), the Tribes shall make available for lease not more
20 than 11,000 acre-feet per year of the water allocated
21 under subsection (a), in accordance with the Compact.

22 (f) NO CARRYOVER STORAGE.—The allocation under
23 subsection (a) shall not be increased by any year-to-year
24 carryover storage.

1 (g) DEVELOPMENT AND DELIVERY COSTS.—The
2 United States shall not be required to pay the cost of de-
3 veloping or delivering any water allocated under sub-
4 section (a).

5 (h) NEW USES.—Except as provided in article
6 III.C.1.c of the Compact, the Tribes shall not develop any
7 new use for the allocation under subsection (a) until the
8 date on which the agreement entered into under sub-
9 section (c) takes effect.

10 (i) EFFECTIVE DATE.—The allocation under sub-
11 section (a) takes effect on the enforceability date.

12 **SEC. 7. IRRIGATION PROJECT-RELATED COMPACT IMPLE-**
13 **MENTATION.**

14 (a) PURPOSES.—The purposes of this section are—

15 (1) to implement key provisions of the Compact
16 regarding the Tribal Water Right by authorizing
17 and carrying out the activities described in sub-
18 section (b) relative to components of the Flathead
19 Indian irrigation project, in order—

20 (A) to conserve water resources, enhance
21 fish and wildlife habitat, especially habitat of
22 threatened and endangered species, and im-
23 prove the movement of fish through and around
24 Flathead Indian irrigation project facilities;

1 (B) to ensure that the necessary water
2 supplies are provided to protect Instream Flow,
3 Existing Uses, and Historic Farm Deliveries;

4 (C) to provide for the safe and efficient
5 storage, delivery, and routing of water; and

6 (D) to dedicate the water thereby saved
7 through modernization and rehabilitation activi-
8 ties to the water rights of the Tribes for
9 Instream Flow and Minimum Reservoir Pool
10 Elevations;

11 (2) to require that, in carrying out the activities
12 under subsection (b), the Secretary and the Tribes—

13 (A) are guided by existing studies commis-
14 sioned by the Secretary and the Tribes that
15 identify current facility conditions and describe
16 future modernization recommendations;

17 (B) recognize the need to maintain flexi-
18 bility and modify the guidance provided by the
19 studies described in subparagraph (A), as ap-
20 propriate and consistent with the processes es-
21 tablished and entities designated in the Com-
22 pact; and

23 (C) carry out all such activities that can be
24 accomplished in a cost-effective manner and
25 that are consistent with the Compact; and

1 (3) to ensure the prudent and knowledgeable
2 conservation, management, and protection of the
3 water resources of the Reservation through the ac-
4 tivities described in subsection (b), which will ensure
5 the protection of the Reservation as the permanent
6 homeland of the Tribes in accordance with the trea-
7 ty between the United States and the Tribes con-
8 cluded at Hell Gate on July 16, 1855 (12 Stat.
9 975).

10 (b) ACTIVITIES.—Subject to the availability of appro-
11 priations, the Secretary, or on the request of the Tribes,
12 the Tribes on behalf of the Secretary under title IV of
13 the Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 5361 et seq.), shall in accordance with sub-
15 section (c) carry out the following activities relating to the
16 Flathead Indian irrigation project:

17 (1) REHABILITATION AND MODERNIZATION.—

18 (A) Rehabilitation and modernization of
19 structures, canals, and pumping facilities, in-
20 cluding dam safety improvements, irrigation fa-
21 cility upgrades that improve water management
22 and operational control at irrigation diversion
23 works, and irrigation facility upgrades to reduce
24 losses in conveyance of water from irrigation

1 sources of supply to irrigation points of use, in
2 accordance with the Compact.

3 (B) Planning, design, and construction of
4 additional pumping facilities.

5 (C) Operational improvements to infra-
6 structure within the distribution network of the
7 Flathead Indian irrigation project.

8 (D) Reconstruction, replacement, and au-
9 tomation at irrigation diversion works.

10 (E) Lining of open canals, and placement
11 of open canals in pipe.

12 (F) Fencing and physical project access
13 enhancements.

14 (2) MITIGATION, RECLAMATION, AND RESTORA-
15 TION.—

16 (A) Mitigation, reclamation, and restora-
17 tion of streams, wetlands, banks, slopes, and
18 wasteways within, appurtenant to, or affected
19 by the Flathead Indian irrigation project.

20 (B) The installation of screens, barriers,
21 passages, or ladders to prevent fish entrainment
22 in irrigation ditches and canals within, or ap-
23 purtenant to, the Flathead Indian irrigation
24 project.

1 (3) ACQUISITION OF INTERESTS.—Acquisition
2 of easements or other interests in real property nec-
3 essary to carry out any activity under this section.

4 (c) ENVIRONMENTAL COMPLIANCE.—

5 (1) IN GENERAL.—Prior to the commencement
6 of any activity under subsection (b), the Secretary,
7 or the Tribes if the Tribes elect to perform the ac-
8 tivities on behalf of the Secretary under title IV of
9 the Indian Self-Determination and Education Assist-
10 ance Act (25 U.S.C. 5361 et seq.), shall perform ap-
11 propriate environmental, cultural, and historical
12 compliance activities relating to the activity, includ-
13 ing to ensure compliance with—

14 (A) the National Environmental Policy Act
15 of 1969 (42 U.S.C. 4321 et seq.); and

16 (B) division A of subtitle III of title 54,
17 United States Code (formerly known as the
18 “National Historic Preservation Act” (16
19 U.S.C. 470 et seq.)).

20 (2) COSTS.—All costs associated with the per-
21 formance of compliance activities under paragraph
22 (1) shall be paid with funds deposited in the Trust
23 Fund, on the condition that any costs associated
24 with the performance of Federal approval or other
25 review of such compliance work or costs associated

1 with inherently Federal functions shall remain the
2 responsibility of the Secretary.

3 (d) FUNDING.—

4 (1) INDIAN SELF-DETERMINATION AND EDU-
5 CATION ASSISTANCE ACT COMPACTING.—

6 (A) FUNDING AUTHORITY AND AGREE-
7 MENTS.—Notwithstanding any other provision
8 of law, if the Tribes elect to perform all activi-
9 ties described in subsection (b) on behalf of the
10 Secretary, the Secretary shall enter into a self-
11 governance agreement with the Tribes under
12 title IV of the Indian Self-Determination and
13 Education Assistance Act (25 U.S.C. 5361 et
14 seq.) covering all such activities.

15 (B) FUNDING AGREEMENTS.—The Sec-
16 retary shall use funds only from the Salish and
17 Kootenai Compact Account established under
18 section 8(b)(1) for any funding agreement, in-
19 cluding any related contract support costs,
20 under which the Tribes carry out activities de-
21 scribed in subsection (b).

22 (C) TIMING FOR ELECTION.—Not later
23 than 120 days after the date on which funds
24 are first appropriated for deposit in the Trust
25 Fund, or not later than such alternative later

1 date as is agreed to by the Tribes and the Sec-
2 retary, the Tribes may elect to perform all ac-
3 tivities described in subsection (b) on behalf of
4 the Secretary.

5 (D) APPLICABILITY OF ISDEAA.—Any
6 funds transferred for use in a funding agree-
7 ment under this paragraph shall be subject to—

8 (i) title IV of the Indian Self-Deter-
9 mination and Education Assistance Act
10 (25 U.S.C. 5361 et seq.); and

11 (ii) the self-governance agreement and
12 funding agreement entered into between
13 the Tribes and the Secretary.

14 (E) RELATION TO COMPACT.—The Tribes
15 and the Federal Government—

16 (i) shall carry out the activities de-
17 scribed in subsection (b) in a manner that
18 is consistent with, and fulfills, the respec-
19 tive obligations of the Tribes and the Fed-
20 eral Government under the Compact; and

21 (ii) may not carry out any action pur-
22 suant to the Indian Self-Determination
23 and Education Assistance Act (25 U.S.C.
24 5301 et seq.) that is inconsistent with the

1 rights and responsibilities under the Com-
2 pact.

3 (F) APPLICABILITY OF CERTAIN ISDEAA
4 PROVISIONS.—For purposes of this Act—

5 (i) the “annual trust evaluation” re-
6 quired under section 403(d) of the Indian
7 Self-Determination and Education Assist-
8 ance Act (25 U.S.C. 5363(d)) shall mon-
9 itor the performance, and progress toward
10 completion, of activities under subsection
11 (b) that the Tribes are carrying out;

12 (ii) the activities described in sub-
13 section (b) shall be considered to be “con-
14 struction programs or projects” under sec-
15 tion 403(e) of the Indian Self-Determina-
16 tion and Education Assistance Act (25
17 U.S.C. 5363(e)); and

18 (iii) reporting requirements regarding
19 planning, design, and the use and expendi-
20 ture of funds shall be negotiated and in-
21 cluded within a funding agreement.

22 (2) SECRETARIAL PERFORMANCE OF ACTIVI-
23 TIES.—If the Tribes do not elect to carry out the ac-
24 tivities described in subsection (b) by the deadline
25 established under paragraph (1)(C), the Secretary

1 shall carry out the activities using amounts made
2 available under section 8(e)(3).

3 (3) NONREIMBURSABILITY OF COSTS.—All
4 costs incurred in carrying out this section shall be
5 nonreimbursable.

6 (4) ADMINISTRATION.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), the Secretary and the Tribes shall
9 negotiate the cost of any oversight activity car-
10 ried out by the Secretary under any agreement
11 entered into under paragraph (1)(A).

12 (B) REQUIREMENT.—All costs associated
13 with an oversight activity—

14 (i) shall be paid with funds deposited
15 in the Salish and Kootenai Compact Ac-
16 count established under section 8(b)(1);
17 and

18 (ii) notwithstanding subsection (c),
19 may include costs associated with review or
20 approval of environmental compliance work
21 and related Federal functions.

22 (C) LIMITATION ON COST.—The total cost
23 described in subparagraph (A) shall not exceed
24 3 percent of the total project costs for each
25 project.

1 (e) TREATMENT.—Any activities carried out pursu-
2 ant to subsection (b) that result in improvements, addi-
3 tions, or modifications to the Flathead Indian irrigation
4 project, including the acquisition of any real property in-
5 terest, shall—

6 (1) become a part of the Flathead Indian irri-
7 gation project; and

8 (2) be recorded in the inventory of the Sec-
9 retary relating to the Flathead Indian irrigation
10 project.

11 (f) EASEMENTS AND RIGHTS-OF-WAY.—

12 (1) TRIBAL EASEMENTS AND RIGHTS-OF-
13 WAY.—

14 (A) IN GENERAL.—On request of the Sec-
15 retary, the Tribes shall grant, at no cost to the
16 United States, such easements and rights-of-
17 way over Tribal land as are necessary for con-
18 struction relating to an activity under this sec-
19 tion.

20 (B) JURISDICTION.—An easement or
21 right-of-way granted by the Tribes pursuant to
22 subparagraph (A) shall not affect in any respect
23 the civil or criminal jurisdiction of the Tribes
24 over the easement or right-of-way.

1 (2) LANDOWNER EASEMENTS AND RIGHTS-OF-
2 WAY.—In partial consideration for the construction
3 activities associated with the rehabilitation and mod-
4 ernization of the Flathead Indian irrigation project
5 authorized by this section, and as a condition of re-
6 ceiving service from the Flathead Indian irrigation
7 project, a willing landowner shall confirm or grant,
8 at no cost to the United States or the Tribes, such
9 easements and rights-of-way over the land of the
10 landowner as may be necessary for—

11 (A) an activity authorized by this section;

12 or

13 (B) access to and operation and mainte-
14 nance of—

15 (i) the Flathead Indian irrigation
16 project; or

17 (ii) the Mission Valley Power Project.

18 (3) CONDEMNATION NOT AUTHORIZED.—Noth-
19 ing in this section authorizes the Secretary to con-
20 demn interests in land for the Flathead Indian irri-
21 gation project.

22 (g) LAND ACQUIRED BY UNITED STATES OR
23 TRIBES.—Any land acquired within the boundaries of the
24 Reservation by the United States on behalf of the Tribes,
25 or by the Tribes on behalf of the Tribes and conveyed to

1 the United States, in connection with the purposes of this
2 section shall be held in trust by the United States for the
3 benefit of the Tribes.

4 (h) EFFECT.—Nothing in this section—

5 (1) alters any applicable law under which the
6 Bureau of Indian Affairs collects assessments or car-
7 ries out the operation and maintenance of the Flat-
8 head Indian irrigation project; or

9 (2) impacts the availability of amounts under
10 section 9.

11 (i) WATER SOURCE FOR FLATHEAD INDIAN IRRIGA-
12 TION PROJECT.—

13 (1) IN GENERAL.—The water source for the
14 Flathead Indian irrigation project—

15 (A) shall be determined in accordance with
16 article II(32) of the Compact; and

17 (B) shall consist of—

18 (i) the water right set forth in article
19 III.C.1.a of the Compact; and

20 (ii) any use of water for irrigation and
21 incidental purposes pursuant to an applica-
22 ble water service contract.

23 (2) ENTITLEMENT TO DELIVERY OF WATER.—

24 Entitlement to delivery of available irrigation water

1 for assessed parcels shall be determined in accord-
2 ance with article IV.D.2 of the Compact.

3 **SEC. 8. SÉLIŠ-QLISPÉ KSANKA SETTLEMENT TRUST FUND.**

4 (a) ESTABLISHMENT.—The Secretary shall establish
5 in the Treasury of the United States a trust fund, to be
6 known as the “Séliš-Qlispé Ksanka Settlement Trust
7 Fund”, to be allocated, maintained, managed, invested,
8 and distributed by the Secretary, and to remain available
9 until expended, consisting of the amounts deposited in the
10 Trust Fund under section 9(a), together with any interest
11 earned on those amounts, for the purpose of carrying out
12 this Act.

13 (b) ACCOUNTS.—The Secretary shall establish in the
14 Trust Fund the following accounts:

15 (1) The Salish and Kootenai Compact Account,
16 for the uses described in paragraphs (1) and (2) of
17 subsection (h).

18 (2) The Salish and Kootenai Settlement Imple-
19 mentation Account, for any use described in sub-
20 section (h).

21 (c) DEPOSITS.—

22 (1) IN GENERAL.—The Secretary shall deposit
23 in the Trust Fund the amounts made available pur-
24 suant to section 9(a)(1).

25 (2) ALLOCATION INTO ACCOUNTS.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), each year, the Secretary shall allo-
3 cate from the Trust Fund amounts into each of
4 the accounts described in paragraphs (1) and
5 (2) of subsection (b) in such proportions as the
6 Secretary and the Tribes may agree.

7 (B) REQUIREMENT.—In any year, if the
8 Tribes and the Secretary are unable to agree on
9 the amounts to be allocated under subpara-
10 graph (A) for that year, the Secretary shall de-
11 posit equal sums in each account.

12 (3) TRANSFER.—If the Tribes do not elect to
13 carry out the activities described in subsection (b) of
14 section 7 by the deadline described in subsection
15 (d)(1)(C) of that section, the Secretary, on an an-
16 nual basis, shall transfer funds from the account es-
17 tablished under subsection (b)(1) to an appropriate
18 programmatic account solely for the purpose of car-
19 rying out those activities and the activities described
20 in section 7(c).

21 (d) MANAGEMENT AND INTEREST.—

22 (1) MANAGEMENT.—On receipt and deposit of
23 the funds into the Trust Fund, the Secretary shall
24 manage, invest, and distribute the amounts in ac-

1 cordance with the investment authority of the Sec-
2 retary under—

3 (A) the first section of the Act of June 24,
4 1938 (25 U.S.C. 162a);

5 (B) the American Indian Trust Fund Man-
6 agement Reform Act of 1994 (25 U.S.C. 4001
7 et seq.); and

8 (C) this section.

9 (2) INVESTMENT EARNINGS.—In addition to
10 the deposits under section 9(a), any investment
11 earnings, including interest, credited to the amounts
12 in the Trust Fund shall be available for use in ac-
13 cordance with subsection (h).

14 (e) AVAILABILITY OF AMOUNTS.—

15 (1) IN GENERAL.—Amounts deposited in the
16 Trust Fund (including any investment earnings)
17 shall be made available to the Tribes by the Sec-
18 retary beginning on the enforceability date, subject
19 to the requirements of this Act.

20 (2) USE.—Notwithstanding paragraph (1), any
21 amounts—

22 (A) deposited in the account described in
23 subsection (b)(1) or transferred to another ac-
24 count under subsection (c)(3), shall be available
25 to the Tribes or the Secretary, as applicable, on

1 the date on which the amounts are deposited or
2 transferred, for the uses described in subsection
3 (h)(1), in accordance with Appendix 3.6 to the
4 Compact; and

5 (B) deposited in the account described in
6 subsection (b)(1) shall be available to the
7 Tribes on the date on which the amounts are
8 deposited for the uses described in subsection
9 (h)(2).

10 (f) WITHDRAWALS UNDER AITFMRA.—

11 (1) IN GENERAL.—The Tribes may withdraw
12 any portion of the amounts in the account described
13 in subsection (b)(2) on approval by the Secretary of
14 a Tribal management plan submitted by the Tribes
15 in accordance with the American Indian Trust Fund
16 Management Reform Act of 1994 (25 U.S.C. 4001
17 et seq.).

18 (2) INAPPLICABILITY OF AITFMRA.—A with-
19 drawal from the account described in subsection
20 (b)(1)—

21 (A) shall be made only in accordance with
22 subsection (e) and section 7; and

23 (B) notwithstanding any other provision of
24 law, shall not be subject to the American Indian

1 Trust Fund Management Reform Act of 1994
2 (25 U.S.C. 4001 et seq.).

3 (3) REQUIREMENTS.—

4 (A) IN GENERAL.—In addition to the re-
5 quirements under the American Indian Trust
6 Fund Management Reform Act of 1994 (25
7 U.S.C. 4001 et seq.), the Tribal management
8 plan under paragraph (1) shall require that the
9 Tribes shall spend all amounts withdrawn from
10 the Trust Fund and any investment earnings
11 accrued through the investments under the
12 Tribal management plan in accordance with
13 this Act.

14 (B) ENFORCEMENT.—The Secretary may
15 carry out such judicial and administrative ac-
16 tions as the Secretary determines to be nec-
17 essary to enforce the Tribal management plan
18 to ensure that amounts withdrawn by the
19 Tribes from the Trust Fund pursuant to this
20 subsection are used in accordance with this Act.

21 (g) EFFECT.—Nothing in this Act provides to the
22 Tribes the right to judicial review of a determination by
23 the Secretary regarding whether to approve a Tribal man-
24 agement plan, except under subchapter II of chapter 5,

1 and chapter 7 of title 5, United States Code (commonly
2 known as the “Administrative Procedure Act”).

3 (h) USES.—The Tribes may use amounts in the
4 Trust Fund to implement the Compact, the Law of Ad-
5 ministration, and this Act for the following purposes:

6 (1) To carry out activities described in sub-
7 sections (b) and (c) of section 7.

8 (2) The administration, implementation, and
9 management of the Tribal Water Right and the reg-
10 ulation and administration of water rights within the
11 Reservation under this Act, the Compact, and the
12 Law of Administration, and such infrastructure as is
13 necessary to meet related programmatic needs.

14 (3) To implement the Tribal Water Right
15 through rehabilitation and improvement of agricul-
16 tural Indian land within the Reservation.

17 (4) To construct and rehabilitate livestock fenc-
18 ing on Indian land within the Reservation.

19 (5) To mitigate and control noxious weeds on
20 land within the Reservation.

21 (6) To plan, design, and construct improve-
22 ments to irrigation systems on land served by the
23 Flathead Indian irrigation project.

1 (7) To install screens, barriers, passages, or
2 ladders to prevent fish entrainment in irrigation
3 ditches and canals within the Reservation.

4 (8) To plan, design, and construct irrigation fa-
5 cilities on Indian land within the Reservation that is
6 not served by the Flathead Indian irrigation project.

7 (9) To plan, design, construct, operate, main-
8 tain, and replace community water distribution and
9 wastewater treatment facilities on the Reservation.

10 (10) To develop geothermal water resources on
11 Indian land within the Reservation.

12 (11) To develop a cultural resources program
13 relating to permitting necessary to conduct the ac-
14 tivities authorized under this subsection (including
15 cultural, historical, and archeological reviews, includ-
16 ing training and certifications) and related infra-
17 structure necessary to meet programmatic needs.

18 (12) To comply with Federal environmental
19 laws for any use authorized by this subsection.

20 (13) To repair, rehabilitate, or replace culverts,
21 bridges, and roads of the Flathead Indian irrigation
22 project and any public or Tribal culverts, bridges,
23 and roads that intersect with, or are otherwise lo-
24 cated within, the supply and distribution network of
25 the Flathead Indian irrigation project.

1 (i) LIABILITY.—Except with respect to amounts
2 transferred in accordance with section 7(d), the Secretary
3 shall not be liable for the expenditure or investment of
4 any amounts withdrawn from the Trust Fund by the
5 Tribes under this section.

6 (j) EXPENDITURE REPORTS.—

7 (1) IN GENERAL.—Not less frequently than an-
8 nually, the Tribes shall submit to the Secretary an
9 expenditure report describing—

10 (A) the amount withdrawn from the Trust
11 Fund under this section; and

12 (B) any authorized activities resulting
13 from the use of a withdrawal under a Tribal
14 management plan, in accordance with this Act.

15 (2) APPLICATION.—Any amounts transferred to
16 the Tribes pursuant to a self-governance agreement
17 and funding agreement entered into between the
18 Tribes and the Secretary under title IV of the In-
19 dian Self-Determination and Education Assistance
20 Act (25 U.S.C. 5361 et seq.) shall not be subject to
21 paragraph (1).

22 (k) OM&R COSTS.—Except as otherwise provided in
23 this Act, nothing in this Act affects any obligation of the
24 United States with respect to the operation, maintenance,
25 and repair of the Flathead Indian irrigation project.

1 **SEC. 9. FUNDING.**

2 (a) FUNDING.—

3 (1) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Sec-
5 retary for deposit in the Trust Fund
6 \$1,000,000,000, to remain available until expended,
7 withdrawn, or reverted to the general fund of the
8 Treasury.

9 (2) MANDATORY FUNDING.—

10 (A) IN GENERAL.—On October 1, 2020,
11 and on each October 1 thereafter through Octo-
12 ber 1, 2029, out of any funds in the Treasury
13 not otherwise appropriated, the Secretary of the
14 Treasury shall deposit in the Trust Fund
15 \$90,000,000, to remain available until ex-
16 pended, withdrawn, or reverted to the general
17 fund of the Treasury.

18 (B) AVAILABILITY.—Amounts deposited in
19 the Trust Fund under subparagraph (A) shall
20 be available without further appropriation.

21 (b) FLUCTUATION IN COSTS.—

22 (1) IN GENERAL.—Of the amounts authorized
23 to be appropriated and appropriated to the Trust
24 Fund under paragraphs (1) and (2), respectively, of
25 subsection (a)—

1 (A) \$347,200,000 shall be increased or de-
2 creased, as appropriate, by such amounts as
3 may be justified by reason of ordinary fluctua-
4 tions in costs occurring after the date of enact-
5 ment of this Act, as indicated by the Consumer
6 Price Index for All Urban Consumers West
7 Urban 50,000 to 1,500,000 index;

8 (B) \$111,400,000 shall be increased or de-
9 creased, as appropriate, by such amounts as
10 may be justified by reasons of ordinary fluctua-
11 tions in costs occurring after the date of enact-
12 ment of this Act, as indicated by the Producer
13 Price Index for the Bureau of Labor Statistics;
14 and

15 (C) \$1,441,400,000 shall be increased or
16 decreased, as appropriate, by such amounts as
17 may be justified by reason of ordinary fluctua-
18 tions in costs occurring after the date of enact-
19 ment of this Act, as indicated by the Bureau of
20 Reclamation Construction Costs Index-Com-
21 posite Trend.

22 (2) REQUIREMENTS FOR ADJUSTMENT PROC-
23 ESS.—The adjustment process under this subsection
24 shall—

1 (A) take into account any agreement
2 reached by the Secretary and the Tribes under
3 paragraph (4); and

4 (B) be repeated for each subsequent
5 amount appropriated for deposit in the Trust
6 Fund until the amount authorized to be appro-
7 priated, as so adjusted, has been appropriated.

8 (3) PERIOD OF INDEXING.—The period of in-
9 dexing adjustment under this subsection for any in-
10 crement of funding shall end on the date on which
11 funds are deposited in the Trust Fund.

12 (4) AGREEMENT.—Based on the activities likely
13 to be conducted using amounts deposited in the
14 Trust Fund, the Secretary and the Tribes may agree
15 on which provisions of paragraph (1) shall govern
16 the fluctuation in costs to be used in calculating the
17 amount authorized to be appropriated under sub-
18 section (a)(1).

19 (c) LIMITATION ON USE OF RECLAMATION WATER
20 SETTLEMENTS FUND.—Notwithstanding any other provi-
21 sion of law—

22 (1) no amounts in the Reclamation Water Set-
23 tlements Fund established by section 10501(a) of
24 the Omnibus Public Land Management Act of 2009
25 (43 U.S.C. 407(a)) may be used by the Tribes or the

1 Secretary to carry out any provision of this Act until
2 the date that is 10 years after the date of enactment
3 of this Act; and

4 (2) effective beginning on the date that is 10
5 years after that date of enactment, the total amount
6 used by the Tribes and the Secretary to carry out
7 this Act from the Reclamation Water Settlements
8 Fund shall not exceed an amount equal to 50 per-
9 cent of the total amount in the Fund on that date.

10 **SEC. 10. WAIVERS AND RELEASES OF CLAIMS.**

11 (a) WAIVERS AND RELEASES.—

12 (1) CLAIMS BY TRIBES AND UNITED STATES AS
13 TRUSTEE FOR TRIBES.—Subject to the reservation
14 of rights and retention of claims under subsection
15 (c), as consideration for recognition of the Tribal
16 Water Right and other benefits described in the
17 Compact and this Act, the Tribes, acting on behalf
18 of the Tribes and members of the Tribes (but not
19 any member of the Tribes as an allottee), and the
20 United States, acting as trustee for the Tribes and
21 the members of the Tribes (but not any member of
22 the Tribes as an allottee), shall execute a waiver and
23 release with prejudice of all claims for water rights
24 within the State that the Tribes, or the United
25 States acting as trustee for the Tribes, asserted or

1 could have asserted in any proceeding, including a
2 State stream adjudication, on or before the enforce-
3 ability date, except to the extent that such a right
4 is recognized in the Compact and this Act.

5 (2) CLAIMS BY UNITED STATES AS TRUSTEE
6 FOR ALLOTTEES.—Subject to the reservation of
7 rights and the retention of claims under subsection
8 (c), as consideration for recognition of the Tribal
9 Water Right and other benefits described in the
10 Compact and this Act, the United States, acting as
11 trustee for allottees, shall execute a waiver and re-
12 lease with prejudice of all claims for water rights
13 within the Reservation that the United States, act-
14 ing as trustee for allottees, asserted or could have
15 asserted in any proceeding, including a State stream
16 adjudication, on or before the enforceability date, ex-
17 cept to the extent that such a right is recognized in
18 the Compact and this Act.

19 (3) CLAIMS BY TRIBES AGAINST UNITED
20 STATES.—Subject to the reservation of rights and
21 retention of claims under subsection (c), the Tribes,
22 acting on behalf of the Tribes and members of the
23 Tribes (but not any member of the Tribes as an al-
24 lottee), shall execute a waiver and release with preju-
25 dice of all claims against the United States (includ-

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1 ing any agency or employee of the United States)
2 first arising before the enforceability date—

3 (A) relating to—

4 (i) water rights within the State that
5 the United States, acting as trustee for the
6 Tribes, asserted or could have asserted in
7 any proceeding, including the general
8 stream adjudication in the State, except to
9 the extent that such rights are recognized
10 as part of the Tribal Water Right under
11 this Act;

12 (ii) foregone benefits from nontribal
13 use of water, on and off the Reservation
14 (including water from all sources and for
15 all uses);

16 (iii) damage, loss, or injury to water,
17 water rights, land, or natural resources
18 due to loss of water or water rights (in-
19 cluding damages, losses, or injuries to
20 hunting, fishing, gathering, or cultural
21 rights due to loss of water or water rights,
22 claims relating to interference with, diver-
23 sion, or taking of water, or claims relating
24 to a failure to protect, acquire, replace, or

1 develop water, water rights, or water infra-
2 structure) within the State;

3 (iv) a failure to establish or provide a
4 municipal, rural, or industrial water deliv-
5 ery system on the Reservation;

6 (v) damage, loss, or injury to water,
7 water rights, land, or natural resources
8 due to construction, operation, and man-
9 agement of the Flathead Indian irrigation
10 project and other Federal land and facili-
11 ties (including damages, losses, or injuries
12 to Tribal fisheries, fish habitat, wildlife,
13 and wildlife habitat);

14 (vi) damage, loss, or injury from fail-
15 ure to protect natural resources and land
16 against noxious weeds impacts;

17 (vii) inadequate compensation for
18 minerals extracted;

19 (viii) inadequate compensation for
20 land and interests in land used for Bureau
21 of Indian Affairs roads and wildlife ref-
22 uges;

23 (ix) a failure to provide—

24 (I) for operation, maintenance, or
25 deferred maintenance for the Flathead

1 Indian irrigation project or any other
2 irrigation system or irrigation project;
3 or

4 (II) a dam safety improvement to
5 a dam within the Reservation;

6 (x) the litigation of claims relating to
7 any water right of the Tribes in the State;
8 and

9 (xi) the negotiation, execution, or
10 adoption of the Compact or this Act;

11 (B) reserved under subsections (b) through
12 (d) of section 6 of the settlement agreement for
13 the case entitled “Nez Perce Tribe v. Salazar”,
14 No. 06cv2239TFH (D.D.C. 2012); and

15 (C) arising from the taking or acquisition
16 of land or resources of the Tribes for the con-
17 struction or operation of the Flathead Indian
18 irrigation project.

19 (4) CERTAIN OFF-RESERVATION WATER
20 RIGHTS.—

21 (A) IN GENERAL.—Notwithstanding the
22 confirmation of the water rights of the Tribes
23 described in Appendices 28 and 29 to the Com-
24 pact, as consideration for recognition of the
25 Tribal Water Right and other benefits described

1 in the Compact and this Act, the Tribes shall
2 relinquish any right, title, or claim to the water
3 rights located within the Flathead basin and de-
4 scribed in those appendices.

5 (B) REQUIREMENT.—The water rights de-
6 scribed in subparagraph (A) shall be held solely
7 by the State.

8 (b) ENFORCEABILITY DATE.—The waivers and re-
9 leases of claims under subsection (a) shall take effect on
10 the date on which the Secretary publishes in the Federal
11 Register a statement of findings that—

12 (1)(A) the Montana Water Court has approved
13 the Compact in a manner from which no further ap-
14 peal may be taken; or

15 (B) if the Montana Water Court is found to
16 lack jurisdiction, the applicable United States dis-
17 trict court has approved the Compact as a consent
18 decree from which no further appeal may be taken;

19 (2) all amounts authorized to be appropriated
20 under section 9 have been appropriated;

21 (3) the State has appropriated and paid into an
22 interest-bearing escrow account any payments due to
23 the Tribes as of the date of enactment of this Act
24 under the Compact and this Act;

25 (4) the Tribes have ratified the Compact;

1 (5) the Secretary has fulfilled the requirements
2 of section 6; and

3 (6) the waivers and releases described in sub-
4 section (a) have been executed by the Tribes and the
5 Secretary.

6 (c) RESERVATION OF RIGHTS AND RETENTION OF
7 CLAIMS.—Notwithstanding the waivers and releases under
8 subsection (a), the Tribes, acting on behalf of the Tribes
9 and members of the Tribes, and the United States, acting
10 as trustee for the Tribes and allottees, shall retain—

11 (1) all claims relating to—

12 (A) the enforcement of, or claims accruing
13 after the enforceability date relating to water
14 rights recognized under—

15 (i) the Compact;

16 (ii) any final decree; or

17 (iii) this Act; and

18 (B) activities affecting the quality of
19 water, including any claims under—

20 (i) the Comprehensive Environmental
21 Response, Compensation, and Liability Act
22 of 1980 (42 U.S.C. 9601 et seq.), includ-
23 ing damages to natural resources;

24 (ii) the Safe Drinking Water Act (42
25 U.S.C. 300f et seq.);

1 (iii) the Federal Water Pollution Con-
2 trol Act (33 U.S.C. 1251 et seq.) (com-
3 monly referred to as the “Clean Water
4 Act”); and

5 (iv) any regulations implementing the
6 Acts described in clauses (i) through (iii);

7 (2) all rights to use and protect water rights ac-
8 quired after the date of enactment of this Act;

9 (3) all claims for damages, losses, or injuries to
10 land or natural resources that are—

11 (A) not due to loss of water or water rights
12 (including hunting, fishing, gathering, or cul-
13 tural rights); and

14 (B) not covered by subsection (a)(3); and

15 (4) all rights, remedies, privileges, immunities,
16 and powers not specifically waived and released pur-
17 suant to this Act or the Compact.

18 (d) EFFECT OF COMPACT AND ACT.—Nothing in the
19 Compact or this Act—

20 (1) except as otherwise expressly provided in
21 the Compact or this Act, reduces or extends the sov-
22 ereignty (including civil and criminal jurisdiction) of
23 any government entity;

1 (2) affects the ability of the United States act-
2 ing as sovereign to carry out any activity authorized
3 by applicable law, including—

4 (A) the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of
6 1980 (42 U.S.C. 9601 et seq.);

7 (B) the Safe Drinking Water Act (42
8 U.S.C. 300f et seq.);

9 (C) the Federal Water Pollution Control
10 Act (33 U.S.C. 1251 et seq.) (commonly re-
11 ferred to as the “Clean Water Act”); and

12 (D) any regulations implementing the Acts
13 described in subparagraphs (A) through (C);

14 (3) affects the ability of the United States to
15 act as trustee for any other Indian tribe or allottee
16 of any other Indian tribe;

17 (4) confers jurisdiction on any State court—

18 (A) to interpret Federal law regarding
19 health, safety, or the environment;

20 (B) to determine the duties of the United
21 States or any other party under Federal law re-
22 garding health, safety, or the environment; or

23 (C) to conduct judicial review of any Fed-
24 eral agency action;

1 (5) waives any claim of a member of the Tribes
2 in an individual capacity that does not derive from
3 a right of the Tribes;

4 (6) revives any claim waived by the Tribes in
5 the case entitled “Nez Perce Tribe v. Salazar”, No.
6 06cv2239TFH (D.D.C. 2012); or

7 (7) revives any claim released by an allottee or
8 member of the Tribes in the settlement for the case
9 entitled “Cobell v. Salazar”, No. 1:96CV01285–JR
10 (D.D.C. 2012).

11 (e) TOLLING OF CLAIMS.—

12 (1) IN GENERAL.—Each applicable period of
13 limitation and time-based equitable defense relating
14 to a claim described in this section shall be tolled
15 during the period beginning on the date of enact-
16 ment of this Act and ending on the date on which
17 the amounts made available to carry out this Act are
18 transferred to the Secretary.

19 (2) EFFECT OF SUBSECTION.—Nothing in this
20 subsection revives any claim or tolls any period of
21 limitation or time-based equitable defense that ex-
22 pired before the date of enactment of this Act.

23 (f) EXPIRATION.—

24 (1) IN GENERAL.—This Act shall expire in any
25 case in which—

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1 (A) the amounts authorized to be appro-
2 priated by this Act have not been made avail-
3 able to the Secretary by not later than—

4 (i) January 21, 2031; or

5 (ii) such alternative later date as is
6 agreed to by the Tribes and the Secretary;

7 or

8 (B) the Secretary fails to publish a state-
9 ment of findings under subsection (b) by not
10 later than—

11 (i) January 21, 2032; or

12 (ii) such alternative later date as is
13 agreed to by the Tribes and the Secretary,

14 after providing reasonable notice to the
15 State.

16 (2) CONSEQUENCES.—If this Act expires under
17 paragraph (1)—

18 (A) the waivers and releases under sub-
19 section (a) shall—

20 (i) expire; and

21 (ii) have no further force or effect;

22 (B) the authorization, ratification, con-
23 firmation, and execution of the Compact under
24 section 4 shall no longer be effective;

1 (C) any action carried out by the Sec-
2 retary, and any contract or agreement entered
3 into, pursuant to this Act shall be void;

4 (D) any unexpended Federal funds appro-
5 priated or made available to carry out the ac-
6 tivities authorized by this Act, together with
7 any interest earned on those funds, and any
8 water rights or contracts to use water and title
9 to other property acquired or constructed with
10 Federal funds appropriated or made available
11 to carry out the activities authorized by this Act
12 shall be returned to the Federal Government,
13 unless otherwise agreed to by the Tribes and
14 the United States and approved by Congress;
15 and

16 (E) except for Federal funds used to ac-
17 quire or construct property that is returned to
18 the Federal Government under subparagraph
19 (D), the United States shall be entitled to offset
20 any Federal funds made available to carry out
21 this Act that were expended or withdrawn, or
22 any funds made available to carry out this Act
23 from other Federal authorized sources, together
24 with any interest accrued on those funds,
25 against any claims against the United States—

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- 1 (i) relating to—
- 2 (I) water rights in the State as-
- 3 sserted by—
- 4 (aa) the Tribes; or
- 5 (bb) any user of the Tribal
- 6 Water Right; or
- 7 (II) any other matter covered by
- 8 subsection (a)(3); or
- 9 (ii) in any future settlement of water
- 10 rights of the Tribes or an allottee.

11 **SEC. 11. SATISFACTION OF CLAIMS.**

12 (a) TRIBAL CLAIMS.—The benefits realized by the

13 Tribes under this Act shall be in complete replacement of,

14 complete substitution for, and full satisfaction of all claims

15 of the Tribes against the United States waived and re-

16 leased pursuant to paragraphs (1) and (3) of section

17 10(a).

18 (b) ALLOTTEE CLAIMS.—The benefits realized by

19 allottees under this Act shall be in complete replacement

20 of, complete substitution for, and full satisfaction of—

21 (1) all claims waived and released pursuant to

22 section 10(a)(2); and

23 (2) any claims of an allottee against the United

24 States that an allottee asserted or could have as-

1 serted that are similar in nature to a claim described
2 in section 10(a)(2).

3 **SEC. 12. NATIONAL BISON RANGE RESTORATION.**

4 (a) FINDINGS; PURPOSES.—

5 (1) FINDINGS.—Congress finds that—

6 (A) the Reservation was set aside for the
7 Tribes in 1855 under the treaty between the
8 United States and the Tribes concluded at Hell
9 Gate on July 16, 1855 (12 Stat. 975);

10 (B) the National Bison Range was estab-
11 lished as a conservation measure in 1908, a
12 time when the bison were at grave risk of ex-
13 tinction;

14 (C) the National Bison Range is located in
15 the middle of the Reservation on land that was
16 acquired by the United States in what was later
17 held, in the civil action entitled “Confederated
18 Salish and Kootenai Tribes of the Flathead In-
19 dian Reservation, Montana v. United States”
20 (437 F.2d 458 (Ct.Cl. 1971)), to be a taking
21 under the Fifth Amendment to the Constitution
22 of the United States;

23 (D) the Tribes never consented to the re-
24 moval of the land described in subparagraph
25 (C) from Tribal ownership;

1 (E) since time immemorial until the estab-
2 lishment of the National Bison Range, the
3 Tribes had used the land described in subpara-
4 graph (C) for—

5 (i) hunting, fishing, and gathering;

6 and

7 (ii) cultural and many other purposes;

8 (F)(i) in the 1870s, when slaughter re-
9 sulted in the risk of bison extinction, a Pend
10 d'Oreille man named Little Falcon Robe re-
11 ceived approval from leaders of the Tribes to
12 bring orphaned bison calves across the Conti-
13 nental Divide to the Reservation for purposes of
14 starting a herd for subsistence and conservation
15 purposes;

16 (ii) starting with just a few bison calves,
17 the animals grew into a large herd under the
18 stewardship of members of the Tribes, who
19 later included Michel Pablo and Charles Allard;
20 and

21 (iii) the Reservation was the home of that
22 free-ranging herd of bison for decades before
23 the establishment of the National Bison Range;

24 (G) when the Reservation was opened for
25 homesteading, a free-ranging bison herd was no

1 longer feasible, resulting in Michel Pablo selling
2 the herd to off-Reservation interests;

3 (H) many of the bison, or their descend-
4 ants, from the Tribal member-managed herd
5 were repurchased and brought back to the Res-
6 ervation to form the original herd for the Na-
7 tional Bison Range;

8 (I) the bison herd at the National Bison
9 Range descends largely from a herd started and
10 managed as described in subparagraph (F);

11 (J) the Tribes—

12 (i) have played a substantive role as
13 conservation leaders, often in partnership
14 with the National Bison Range;

15 (ii) have demonstrated a long-term
16 commitment to responsible management of
17 the land and resources surrounding the
18 National Bison Range; and

19 (iii) desire to carry out the purposes
20 for which the National Bison Range was
21 established;

22 (K) the Tribes have extensive experience in
23 wildlife and natural resources management, in-
24 cluding—

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1 (i) the establishment and management
2 of the 91,000-acre Mission Mountains
3 Tribal Wilderness, the first tribally des-
4 ignated wilderness area in the United
5 States;

6 (ii) special management districts for
7 large animals, such as the Little Money
8 Bighorn Sheep Management Area and the
9 Ferry Basin Elk Management Area; and

10 (iii) the restoration and management
11 of bighorn sheep populations, peregrine fal-
12 cons, and trumpeter swans on the Reserva-
13 tion;

14 (L) the Tribes have an extensive history of
15 successful partnerships with Federal agencies
16 with respect to issues such as—

17 (i) threatened and endangered species
18 management;

19 (ii) migratory waterfowl management;
20 and

21 (iii) wetland habitat management;

22 (M)(i) the Tribes have entered into prior
23 management-related agreements relating to the
24 National Bison Range under title IV of the In-

1 dian Self-Determination and Education Assist-
2 ance Act (25 U.S.C. 5361 et seq.); and

3 (ii) the Tribes and the United States de-
4 sire to build on past and current partnerships,
5 as well as honor and advance the Federal and
6 Tribal objectives of increasing Tribal autonomy
7 and Tribal governmental capacity;

8 (N) since the establishment of the National
9 Bison Range, additional herds of bison have
10 been established on other national wildlife ref-
11 uges and national parks;

12 (O) the facts and history regarding the
13 Federal Government, the Tribes, the bison, and
14 land on the Reservation acquired for the Na-
15 tional Bison Range are exceptional cir-
16 cumstances that warrant action by Congress;
17 and

18 (P) the United States should hold title in
19 and to the land comprising the National Bison
20 Range, with beneficial title of the land being re-
21 stored to the Tribes for—

22 (i) continued bison conservation;

23 (ii) other wildlife and natural resource
24 management purposes; and

1 (iii) other nonconflicting purposes of
2 the Tribes.

3 (2) PURPOSES.—The purposes of this section
4 are—

5 (A) to acknowledge the history, culture,
6 and ecological stewardship of the Tribes with
7 respect to the land on the Reservation acquired
8 for the National Bison Range, bison, and other
9 natural resources;

10 (B) to ensure that the land, bison, and
11 other resources referred to in subparagraph (A)
12 continue to be protected and enhanced;

13 (C) to continue public access and edu-
14 cational opportunities; and

15 (D) to ensure a smooth transition for land,
16 bison, and other natural resources as the land
17 is restored to Federal trust ownership for the
18 benefit of the Tribes.

19 (b) DEFINITION OF NATIONAL BISON RANGE.—In
20 this section, the term “National Bison Range” means all
21 land within the Reservation that was reserved for the na-
22 tional bison range under the matter under the heading
23 “NATIONAL BISON RANGE” under the heading “MIS-
24 CELLANEOUS” under the heading “DEPARTMENT OF AG-
25 RICULTURE” in the Act of May 23, 1908 (16 U.S.C. 671)

1 (as in effect on the day before the date of enactment of
2 this Act).

3 (c) RESTORATION OF LAND.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, for the purposes of conserving
6 bison, wildlife, and natural resources, and of safe-
7 guarding the interests of the Tribes in those re-
8 sources and the traditional, cultural, and other inter-
9 ests of the Tribes, all land comprising the National
10 Bison Range (including all natural resources, inter-
11 ests, and appurtenances of that land) shall be held
12 in trust by the United States for the benefit of the
13 Tribes.

14 (2) ADMINISTRATION.—The land restored by
15 paragraph (1) shall be—

16 (A) a part of the Reservation;

17 (B) administered under the laws (including
18 regulations) applicable to Indian trust land; and

19 (C) managed by the Tribes, in accordance
20 with paragraph (3), solely for the care and
21 maintenance of bison, wildlife, and other nat-
22 ural resources, including designation or naming
23 of the restored land.

24 (3) TRIBAL MANAGEMENT.—In managing the
25 land restored by paragraph (1), the Tribes shall—

1 (A) provide public access and educational
2 opportunities; and

3 (B) at all times, have a publicly available
4 management plan for the land, bison, and nat-
5 ural resources, which shall include actions to
6 address management and control of invasive
7 weeds.

8 (d) CONVEYANCE OF BUILDINGS AND OTHER STRUC-
9 TURES.—

10 (1) IN GENERAL.—The United States shall con-
11 vey to the Tribes, to own in fee, all ownership inter-
12 ests of the United States in all buildings, structures,
13 improvements, and appurtenances located on the
14 land restored by subsection (c)(1).

15 (2) PERSONAL PROPERTY.—The United States
16 may convey to the Tribes any personal property
17 owned by the United States and found on, or other-
18 wise associated with, the land restored by subsection
19 (c)(1).

20 (e) RELINQUISHMENT OF RIGHTS TO BISON.—The
21 United States relinquishes to the Tribes all interests of
22 United States in the bison on the land restored by sub-
23 section (c)(1).

24 (f) TRANSITION.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, during the 2-year period beginning
3 on the date of enactment of this Act, the Secretary
4 shall cooperate with the Tribes in transition activi-
5 ties regarding the management of land, bison, and
6 other resources conveyed by this Act, including by
7 providing to the Tribes, as determined to be appro-
8 priate by the Secretary, funds, personal property,
9 equipment, or other resources for the performance
10 of, or assistance with, the types of activities carried
11 out by the Secretary at the National Bison Range
12 as of the date of enactment of this Act.

13 (2) EFFECT.—Consistent with subsections (c),
14 (d), and (e), nothing in this section authorizes the
15 Director of the United States Fish and Wildlife
16 Service to retain ownership or control of any real or
17 personal property conveyed by this section, except as
18 the Tribes may agree to in writing.

19 (g) REPEAL.—The matter under the heading “NA-
20 TIONAL BISON RANGE” under the heading “MISCELLA-
21 NEOUS” under the heading “DEPARTMENT OF AGRI-
22 CULTURE” in the Act of May 23, 1908 (16 U.S.C. 671),
23 is repealed.

24 (h) LIABILITY.—The Tribes shall not be liable for
25 any land, soil, surface water, groundwater, or other con-

1 tamination, injury, or damage resulting from the storage,
2 disposal, release, or presence of any hazardous substance
3 (as defined in section 101 of the Comprehensive Environ-
4 mental Response, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9601)) on any portion of the land re-
6 stored by this section on or before the date of the convey-
7 ance, unless the Tribes would otherwise have been respon-
8 sible for the storage, disposal, release, or presence.

9 (i) CLAIMS AGAINST UNITED STATES.—No claim
10 may be brought pursuant to chapter 7 of title 5, United
11 States Code, or section 1491 or 1505 of title 28, United
12 States Code, against the United States, or any agency,
13 officer, or employee of the United States, concerning the
14 preconveyance or postconveyance management of the land
15 and other property conveyed by this section.

16 (j) EFFECT.—Nothing in this section relieves the
17 United States of any obligation under section 120(h)(3)
18 of the Comprehensive Environmental Response, Com-
19 pensation, and Liability Act of 1980 (42 U.S.C.
20 9620(h)(3)).

21 (k) NO PRECEDENT.—The provisions of this sec-
22 tion—

23 (1) are uniquely suited to address the distinct
24 circumstances, facts, history, and relationships in-
25 volved with the bison, land, and Tribes; and

1 (2) are not intended, and shall not be inter-
2 preted, to establish a precedent for any other situa-
3 tion regarding Federal land, property, or facilities.

4 (1) INDIAN GAMING REGULATORY ACT.—The land
5 restored by this section shall not be eligible or used for
6 any gaming activity carried out under the Indian Gaming
7 Regulatory Act (25 U.S.C. 2701 et seq.).

8 **SEC. 13. MISCELLANEOUS PROVISIONS.**

9 (a) AMENDMENTS.—

10 (1) ACT OF APRIL 23, 1904.—Section 9 of the
11 Act of April 23, 1904 (33 Stat. 304, chapter 1495;
12 35 Stat. 450, chapter 216), is amended by striking
13 the seventh undesignated paragraph.

14 (2) ACT OF MAY 25, 1948.—Section 2 of the Act
15 of May 25, 1948 (62 Stat. 269, chapter 340), is
16 amended—

17 (A) in subsection (h), by striking para-
18 graph (6) and inserting the following:

19 “(6) To enhance fisheries habitat or to improve
20 water conservation management of the project.”;
21 and

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

23 “(k) MISSION VALLEY DIVISION.—

24 “(1) IN GENERAL.—The Secretary of the Inte-
25 rior (referred to in this section as the ‘Secretary’),

1 or the Confederated Salish and Kootenai Tribes of
2 the Flathead Reservation of Montana acting on be-
3 half of the Secretary, as the entity with the legal au-
4 thority and responsibility to operate the Mission Val-
5 ley division of the project (referred to in this sub-
6 section as the ‘project operator’), may allocate reve-
7 nues derived from the Mission Valley division in ac-
8 cordance with paragraph (2) for the purposes de-
9 scribed in subsection (h)(6).

10 “(2) ALLOCATION.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graphs (B) and (C), the revenues described in
13 paragraph (1) shall be allocated by providing—

14 “(i) \$100,000 to the Tribes; and

15 “(ii) \$100,000 to the project operator.

16 “(B) NEGOTIATION.—Effective beginning
17 on October 1 of the tenth calendar year begin-
18 ning after the date of enactment of the Mon-
19 tana Water Rights Protection Act, the Confed-
20 erated Salish and Kootenai Tribes of the Flat-
21 head Reservation of Montana, the State of
22 Montana, and the Secretary may negotiate for
23 an appropriate allocation that differs from the
24 allocation described in subparagraph (A).

1 “(C) CARRYOVER.—If the project operator
2 does not use the full allocation of the project
3 operator under this paragraph for a fiscal year,
4 an amount equal to the difference between the
5 full allocation and the amount used by the
6 project operator shall be set aside and accumu-
7 lated for expenditure during subsequent fiscal
8 years for the purposes described in subsection
9 (h)(6).”.

10 (3) INDIAN SELF-DETERMINATION AND EDU-
11 CATION ASSISTANCE ACT.—Section 403(b)(4) of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5363(b)(4)) is amended—

14 (A) in subparagraph (A), by adding “and”
15 at the end;

16 (B) in subparagraph (B), by striking
17 “and” at the end; and

18 (C) by striking subparagraph (C).

19 (b) LIENS.—Any lien established by the Act of April
20 23, 1904 (33 Stat. 302, chapter 1495; 35 Stat. 449, chap-
21 ter 216), is extinguished and released.

22 (c) WAIVER OF SOVEREIGN IMMUNITY.—Except as
23 provided in subsections (a) through (c) of section 208 of
24 the Department of Justice Appropriation Act, 1953 (43

1 U.S.C. 666), nothing in this Act waives the sovereign im-
2 munity of the United States.

3 (d) OTHER TRIBES NOT ADVERSELY AFFECTED.—

4 Nothing in this Act quantifies or diminishes any land or
5 water right, or any claim or entitlement to land or water,
6 of any Indian tribe other than the Tribes.

7 (e) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—

8 With respect to Indian land located within the Reserva-
9 tion—

10 (1) the United States shall not submit against
11 any Indian-owned land within the Reservation any
12 claim for reimbursement of the cost to the United
13 States of carrying out this Act or the Compact; and

14 (2) no assessment of any Indian-owned land lo-
15 cated within the Reservation shall be made regard-
16 ing that cost.

17 (f) LIMITATION ON LIABILITY OF UNITED STATES.—

18 (1) IN GENERAL.—The United States has no
19 obligation—

20 (A) to monitor, administer, or account for,
21 in any manner, any funds provided to the
22 Tribes by the State; or

23 (B) to review or approve any expenditure
24 of the funds described in subparagraph (A).

1 (2) INDEMNITY.—The Tribes shall indemnify
2 the United States, and hold the United States harm-
3 less, with respect to all claims (including claims for
4 takings or breach of trust) arising from the receipt
5 or expenditure of amounts to carry out this Act
6 (other than claims arising out of activities carried
7 out by the Tribes with funds transferred in accord-
8 ance with section 7(d)).

9 (g) ANTIDEFICIENCY.—The United States shall not
10 be liable for any failure to carry out any obligation or ac-
11 tivity authorized by this Act (including any obligation or
12 activity under the Compact) if—

13 (1) adequate appropriations are not provided
14 expressly by Congress to carry out this Act; or

15 (2) subject to section 9(c), insufficient funds
16 are available to carry out this Act in the Reclama-
17 tion Water Settlements Fund established by section
18 10501(a) of the Omnibus Public Land Management
19 Act of 2009 (43 U.S.C. 407(a)).

20 (h) FEDERAL ADVISORY COMMITTEE ACT.—The
21 Federal Advisory Committee Act (5 U.S.C. App.) shall not
22 apply to any activity or function carried out by the Sec-
23 retary under this Act.

24 (i) COOPERATIVE OPERATION AND MAINTENANCE OF
25 FLATHEAD INDIAN IRRIGATION PROJECT.—

1 (1) AGREEMENT WITH SECRETARY.—On receipt
2 of a joint request from the Tribes and 1 or more ir-
3 rigation districts within the Flathead Indian irriga-
4 tion project, the Secretary shall enter into an agree-
5 ment with the Tribes and the irrigation districts for
6 the cooperative operation and maintenance of the
7 Flathead Indian irrigation project, or any portion of
8 the Flathead Indian irrigation project, under such
9 form of organization and under such conditions as
10 may be acceptable to the Secretary.

11 (2) ESTABLISHMENT OF ORGANIZATION.—

12 (A) IN GENERAL.—In lieu of entering into
13 an agreement under paragraph (1), the Tribes
14 and 1 or more irrigation districts within the
15 Flathead Indian irrigation project may jointly
16 establish an organization for the purpose of en-
17 tering into an agreement for the operation and
18 maintenance of the Flathead Indian irrigation
19 project under the Indian Self-Determination
20 and Education Assistance Act (25 U.S.C. 5301
21 et seq.).

22 (B) CONTRACT SUPPORT COSTS.—Any
23 contract support costs pursuant to section
24 106(a) of the Indian Self-Determination and
25 Education Assistance Act (25 U.S.C. 5325(a))

1 for an organization established pursuant to sub-
2 paragraph (A) shall be limited to funds avail-
3 able from annual assessment under part 171 of
4 title 25, Code of Federal Regulations (or suc-
5 cessor regulations).

6 (C) TREATMENT.—An organization estab-
7 lished pursuant to subparagraph (A) shall be
8 considered to be a tribal organization (as de-
9 fined in section 4 of the Indian Self-Determina-
10 tion and Education Assistance Act (25 U.S.C.
11 5304)) for purposes of that Act.

12 (D) ANNUAL O&M ASSESSMENTS.—Noth-
13 ing in this subsection limits the ability of an or-
14 ganization established pursuant to subpara-
15 graph (A) to include the costs of administering
16 the Flathead Indian irrigation project when es-
17 tablishing annual assessment rates in accord-
18 ance with part 171 of title 25, Code of Federal
19 Regulations (or successor regulations).

20 (j) EXCHANGES OF LAND.—

21 (1) DEFINITIONS.—In this subsection:

22 (A) PUBLIC LAND.—The term “public
23 land” means—

24 (i) public lands (as defined in section
25 103 of the Federal Land Policy and Man-

2395

1 agement Act of 1976 (43 U.S.C. 1702));

2 and

3 (ii) land managed by the Secretary of
4 Agriculture under the jurisdiction of the
5 Forest Service.

6 (B) SECRETARY CONCERNED.—The term
7 “Secretary concerned” means, as applicable—

8 (i) the Secretary, with respect to the
9 public land described in subparagraph
10 (A)(i); or

11 (ii) the Secretary of Agriculture, with
12 respect to the public land described in sub-
13 paragraph (A)(ii).

14 (2) STATE TRUST LAND.—

15 (A) IN GENERAL.—The Secretary con-
16 cerned shall offer to negotiate with the State
17 for the purpose of exchanging public land with-
18 in the State for State trust land located within
19 the Reservation with a total value substantially
20 equal to the value of the surface estate of the
21 approximately 36,808 acres of State trust land
22 obtained by the State pursuant to—

23 (i) the Act of February 22, 1889
24 (commonly known as the “Montana Ena-
25 bling Act”) (25 Stat. 676, chapter 180),

1 and the Act of April 23, 1904 (33 Stat.
2 302, chapter 1495; 35 Stat. 449, chapter
3 216); or

4 (ii) the Act of February 25, 1920 (41
5 Stat. 452).

6 (B) PROCEDURES.—An exchange described
7 in subparagraph (A) shall be conducted in ac-
8 cordance with section 206 of the Federal Land
9 Policy and Management Act of 1976 (43 U.S.C.
10 1716).

11 (C) VALUATION.—In determining the fair
12 market value of land for purposes of subpara-
13 graph (A), the parties to the exchange shall
14 give due consideration to the value of any im-
15 provements on the land.

16 (D) FINANCIAL IMPACT.—The Secretary
17 concerned shall ensure that land exchanged
18 pursuant to this paragraph is selected in a
19 manner that minimizes the financial impact on
20 local governments, if any.

21 (E) ASSISTANCE.—The Secretary con-
22 cerned shall provide such financial or other as-
23 sistance to the State and the Tribes as may be
24 necessary to obtain the appraisals, and to sat-
25 isfy administrative requirements, necessary to

1 accomplish the exchanges under subparagraph
2 (A).

3 (F) TITLE.—On approving an exchange
4 under this paragraph, the Secretary concerned
5 shall—

6 (i) receive title in and to the State
7 trust land involved in the exchange, on be-
8 half of the United States; and

9 (ii) transfer title in and to the public
10 land disposed of in the exchanges with the
11 State by such means of conveyance as the
12 Secretary concerned considers to be appro-
13 priate.

14 (G) TRUST.—Title to the State trust land
15 acquired pursuant to an exchange under this
16 paragraph shall be—

17 (i) vested in the United States in
18 trust for the sole use and benefit of the
19 Tribes; and

20 (ii) recognized as part of the Reserva-
21 tion.

22 (3) REQUIREMENTS.—

23 (A) IN GENERAL.—In carrying out para-
24 graph (2), the Secretary concerned shall, during
25 the 5-year period beginning on the date of en-

1 actment of this Act, give priority to an ex-
2 change of public land within the State for State
3 trust land owned by the State.

4 (B) TOTAL VALUE.—The total value of the
5 land exchanged and acquired for the Tribes
6 pursuant to this subsection shall not exceed the
7 value of the surface estate of the 36,808 acres
8 described in paragraph (2)(A).

9 (C) PRIVATE EXCHANGES.—

10 (i) IN GENERAL.—Subject to subpara-
11 graph (B), if, for any reason, after the ex-
12 piration of the period described in subpara-
13 graph (A), the exchanges under paragraph
14 (2) have not provided to the Tribes a total
15 of 36,808 acres of surface land within the
16 boundaries of the Reservation, the Sec-
17 retary concerned shall, at the request of,
18 and in cooperation with, the Tribes, de-
19 velop and implement a program to provide
20 to the Tribes additional land within the
21 Reservation through land exchanges with
22 private landowners.

23 (ii) REQUIREMENT.—In carrying out
24 this subparagraph, the Secretary concerned
25 may exchange public land within the State

1 for private land of substantially equal
2 value within the boundaries of the Reserva-
3 tion, in accordance with section 206 of the
4 Federal Land Policy and Management Act
5 of 1976 (43 U.S.C. 1716).

6 (D) VALUATION.—In determining the fair
7 market value of land under subparagraph (C),
8 the parties to an exchange made pursuant to
9 that subparagraph shall give due consideration
10 to the value of improvements on the land.

11 (E) TITLE.—If the Secretary concerned
12 obtains private land pursuant to subparagraph
13 (C), the Secretary concerned shall transfer title
14 to the land to the Tribes.

15 (F) TRUST.—Title to any private land or
16 public land transferred to the Tribes pursuant
17 to this paragraph shall—

18 (i) be vested in the United States in
19 trust for the sole use and benefit of the
20 Tribes; and

21 (ii) be recognized as part of the Res-
22 ervation, if the land is located within the
23 boundaries of the Reservation.

24 (G) TRIBAL ASSISTANCE.—The Tribes
25 shall assist in obtaining prospective willing par-

1 ties to exchange private land within the Res-
2 ervation for public land within the State under
3 this paragraph.

4 (4) PROTECTION OF GRAZING RIGHTS.—State
5 trust land that is not adjacent to Tribal land shall
6 not be eligible to be exchanged under this sub-
7 section.

8 (k) REVIEW OF DECISIONS.—A court of competent
9 jurisdiction shall review the decisions of the Flathead Res-
10 ervation Water Management Board and the Montana De-
11 partment of Fish, Wildlife, and Parks in accordance
12 with—

- 13 (1) the Compact;
- 14 (2) the Law of Administration; and
- 15 (3) this Act.

16 (l) PAYMENTS TO CERTAIN COUNTIES.—

17 (1) PAYMENTS.—

18 (A) BY SECRETARY.—Subject to para-
19 graph (2), to reduce the financial impact on the
20 counties in which the land restored by section
21 12 is located, the Secretary shall make pay-
22 ments to Lake County and Sanders County in
23 the State, out of amounts in the fund estab-
24 lished under section 401(a) of the Act of June
25 15, 1935 (16 U.S.C. 715s(a)).

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1 (B) BY TRIBES.—To ensure that culverts,
2 bridges, and roads that intersect with, or are
3 otherwise located within, the supply and dis-
4 tribution network of the Flathead Indian irriga-
5 tion project comply with Federal environmental
6 requirements, to ensure public safety, and to
7 enhance Tribal fisheries on the Reservation, the
8 Tribes shall allocate from the Trust Fund
9 amounts withdrawn for the purposes described
10 in section 8(h)(13), under an agreement ap-
11 proved by the Secretary—

12 (i) \$5,000,000 to Lake County in the
13 State; and

14 (ii) \$5,000,000 to Sanders County in
15 the State.

16 (2) AMOUNT OF PAYMENTS.—The amount of
17 the payments under paragraph (1)(A) shall be equal
18 to the amount each county would have received if
19 this Act had not been enacted.

20 (3) TREATMENT OF LAND FOR PURPOSES OF
21 CALCULATING PAYMENTS.—For the limited purposes
22 of calculating payments to Lake County and Sand-
23 ers County under this subsection and section 401 of
24 the Act of June 15, 1935 (16 U.S.C. 715s), the land
25 restored by section 13 shall be treated as a fee area

1 (as defined in section 401(g) of the Act of June 15,
2 1935 (16 U.S.C. 715s(g))).

3 (m) EFFECT ON CURRENT LAW.—Nothing in this
4 Act authorizes preenforcement judicial review of any Fed-
5 eral environmental enforcement action.

6 (n) NO PRECEDENT.—The provisions of this Act—

7 (1) are uniquely suited to address the distinct
8 circumstances, facts, history, and relationships in-
9 volved; and

10 (2) are not intended, and shall not be inter-
11 preted, to establish precedent for any other situa-
12 tion.

1 **DIVISION EE—TAXPAYER CER-**
 2 **TAINTY AND DISASTER TAX**
 3 **RELIEF ACT OF 2020**

4 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This division may be cited as the
 6 “Taxpayer Certainty and Disaster Tax Relief Act of
 7 2020”.

8 (b) AMENDMENT OF 1986 CODE.—Except as other-
 9 wise expressly provided, whenever in this division an
 10 amendment or repeal is expressed in terms of an amend-
 11 ment to, or repeal of, a section or other provision, the ref-
 12 erence shall be considered to be made to a section or other
 13 provision of the Internal Revenue Code of 1986.

14 (c) TABLE OF CONTENTS.—The table of contents of
 15 this division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Certain Provisions Made Permanent

Sec. 101. Reduction in medical expense deduction floor.

Sec. 102. Energy efficient commercial buildings deduction.

Sec. 103. Benefits provided to volunteer firefighters and emergency medical re-
 sponders.

Sec. 104. Transition from deduction for qualified tuition and related expenses
 to increased income limitation on lifetime learning credit.

Sec. 105. Railroad track maintenance credit.

Sec. 106. Certain provisions related to beer, wine, and distilled spirits.

Sec. 107. Refunds in lieu of reduced rates for certain craft beverages produced
 outside the United States.

Sec. 108. Reduced rates not allowed for smuggled or illegally produced beer,
 wine, and spirits.

Sec. 109. Minimum processing requirements for reduced distilled spirits rates.

Sec. 110. Modification of single taxpayer rules.

Subtitle B—Certain Provisions Extended Through 2025

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- Sec. 111. Look-thru rule for related controlled foreign corporations.
- Sec. 112. New markets tax credit.
- Sec. 113. Work opportunity credit.
- Sec. 114. Exclusion from gross income of discharge of qualified principal residence indebtedness.
- Sec. 115. 7-year recovery period for motorsports entertainment complexes.
- Sec. 116. Expensing rules for certain productions.
- Sec. 117. Oil spill liability trust fund rate.
- Sec. 118. Empowerment zone tax incentives.
- Sec. 119. Employer credit for paid family and medical leave.
- Sec. 120. Exclusion for certain employer payments of student loans.
- Sec. 121. Extension of carbon oxide sequestration credit.

Subtitle C—Extension of Certain Other Provisions

- Sec. 131. Credit for electricity produced from certain renewable resources.
- Sec. 132. Extension and phaseout of energy credit.
- Sec. 133. Treatment of mortgage insurance premiums as qualified residence interest.
- Sec. 134. Credit for health insurance costs of eligible individuals.
- Sec. 135. Indian employment credit.
- Sec. 136. Mine rescue team training credit.
- Sec. 137. Classification of certain race horses as 3-year property.
- Sec. 138. Accelerated depreciation for business property on Indian reservations.
- Sec. 139. American Samoa economic development credit.
- Sec. 140. Second generation biofuel producer credit.
- Sec. 141. Nonbusiness energy property.
- Sec. 142. Qualified fuel cell motor vehicles.
- Sec. 143. Alternative fuel refueling property credit.
- Sec. 144. 2-wheeled plug-in electric vehicle credit.
- Sec. 145. Production credit for Indian coal facilities.
- Sec. 146. Energy efficient homes credit.
- Sec. 147. Extension of excise tax credits relating to alternative fuels.
- Sec. 148. Extension of residential energy-efficient property credit and inclusion of biomass fuel property expenditures.
- Sec. 149. Black lung disability trust fund excise tax.

TITLE II—OTHER PROVISIONS

- Sec. 201. Minimum low-income housing tax credit rate.
- Sec. 202. Depreciation of certain residential rental property over 30-year period.
- Sec. 203. Waste energy recovery property eligible for energy credit.
- Sec. 204. Extension of energy credit for offshore wind facilities.
- Sec. 205. Minimum rate of interest for certain determinations related to life insurance contracts.
- Sec. 206. Clarifications and technical improvements to CARES Act employee retention credit.
- Sec. 207. Extension and modification of employee retention and rehiring tax credit.
- Sec. 208. Minimum age for distributions during working retirement.
- Sec. 209. Temporary rule preventing partial plan termination.
- Sec. 210. Temporary allowance of full deduction for business meals.
- Sec. 211. Temporary special rule for determination of earned income.
- Sec. 212. Certain charitable contributions deductible by non-itemizers.
- Sec. 213. Modification of limitations on charitable contributions.

Sec. 214. Temporary special rules for health and dependent care flexible spending arrangements.

TITLE III—DISASTER TAX RELIEF

Sec. 301. Definitions.

Sec. 302. Special disaster-related rules for use of retirement funds.

Sec. 303. Employee retention credit for employers affected by qualified disasters.

Sec. 304. Other disaster-related tax relief provisions.

Sec. 305. Low-income housing tax credit.

Sec. 306. Treatment of certain possessions.

1 **TITLE I—EXTENSION OF**
2 **CERTAIN EXPIRING PROVISIONS**
3 **Subtitle A—Certain Provisions**
4 **Made Permanent**

5 **SEC. 101. REDUCTION IN MEDICAL EXPENSE DEDUCTION**
6 **FLOOR.**

7 (a) **IN GENERAL.**—Section 213 is amended—

8 (1) by striking “10 percent” in subsection (a)
9 and inserting “7.5 percent”, and

10 (2) by striking subsection (f).

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 this section shall apply to taxable years beginning after
13 December 31, 2020.

14 **SEC. 102. ENERGY EFFICIENT COMMERCIAL BUILDINGS DE-**
15 **DUCTION.**

16 (a) **DEDUCTION MADE PERMANENT.**—Section 179D
17 is amended by striking subsection (h).

18 (b) **INFLATION ADJUSTMENT.**—Section 179D, as
19 amended by subsection (a), is amended by redesignating

1 subsection (g) as subsection (h) and by inserting after
2 subsection (f) the following new subsection:

3 “(g) INFLATION ADJUSTMENT.—In the case of a tax-
4 able year beginning after 2020, each dollar amount in sub-
5 section (b) or subsection (d)(1)(A) shall be increased by
6 an amount equal to—

7 “(1) such dollar amount, multiplied by

8 “(2) the cost-of-living adjustment determined
9 under section 1(f)(3) for the calendar year in which
10 the taxable year begins, determined by substituting
11 ‘calendar year 2019’ for ‘calendar year 2016’ in sub-
12 paragraph (A)(ii) thereof.

13 Any increase determined under the preceding sentence
14 which is not a multiple of 1 cent shall be rounded to the
15 nearest cent.”.

16 (c) UPDATE OF STANDARDS.—

17 (1) ASHRAE STANDARDS.—Section 179D(c) is
18 amended—

19 (A) in paragraphs (1)(B)(ii) and (1)(D),
20 by striking “Standard 90.1–2007” and insert-
21 ing “Reference Standard 90.1”, and

22 (B) by amending paragraph (2) to read as
23 follows:

24 “(2) REFERENCE STANDARD 90.1.—The term
25 ‘Reference Standard 90.1’ means, with respect to

1 any property, the most recent Standard 90.1 pub-
2 lished by the American Society of Heating, Refrig-
3 erating, and Air Conditioning Engineers and the Il-
4 luminating Engineering Society of North America
5 which has been affirmed by the Secretary, after con-
6 sultation with the Secretary of Energy, for purposes
7 of this section not later than the date that is 2 years
8 before the date that construction of such property
9 begins.”.

10 (2) CALIFORNIA NONRESIDENTIAL ALTER-
11 NATIVE CALCULATION METHOD APPROVAL MAN-
12 UAL.—Section 179D(d)(2) is amended by striking “,
13 based on the provisions of the 2005 California Non-
14 residential Alternative Calculation Method Approval
15 Manual” and inserting “with respect to any prop-
16 erty, based on the provisions of the most recent Cali-
17 fornia Nonresidential Alternative Calculation Method
18 Approval Manual which has been affirmed by the
19 Secretary, after consultation with the Secretary of
20 Energy, for purposes of this section not later than
21 the date that is 2 years before the date that con-
22 struction of such property begins”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to property placed in service after
25 December 31, 2020.

1 **SEC. 103. BENEFITS PROVIDED TO VOLUNTEER FIRE-**
2 **FIGHTERS AND EMERGENCY MEDICAL RE-**
3 **SPONDERS.**

4 (a) IN GENERAL.—Section 139B is amended by
5 striking subsection (d).

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

9 **SEC. 104. TRANSITION FROM DEDUCTION FOR QUALIFIED**
10 **TUITION AND RELATED EXPENSES TO IN-**
11 **CREASED INCOME LIMITATION ON LIFETIME**
12 **LEARNING CREDIT.**

13 (a) INCREASED INCOME LIMITATIONS FOR PHASE-
14 OUT OF LIFETIME LEARNING CREDIT.—

15 (1) IN GENERAL.—Section 25A(d) is amended
16 by striking paragraphs (1) and (2), by redesignating
17 paragraph (3) as paragraph (2), and by inserting
18 before paragraph (2) (as so redesignated) the fol-
19 lowing new paragraph:

20 “(1) IN GENERAL.—The American Opportunity
21 Tax Credit and the Lifetime Learning Credit shall
22 each (determined without regard to this paragraph)
23 be reduced (but not below zero) by the amount
24 which bears the same ratio to each such credit (as
25 so determined) as—

26 “(A) the excess of—

1 “(i) the taxpayer’s modified adjusted
2 gross income for such taxable year, over

3 “(ii) \$80,000 (\$160,000 in the case
4 of a joint return), bears to

5 “(B) \$10,000 (\$20,000 in the case of a
6 joint return).”.

7 (2) CONFORMING AMENDMENT.—Section 25A
8 is amended by striking subsection (h).

9 (b) REPEAL OF DEDUCTION FOR QUALIFIED TUI-
10 TION AND RELATED EXPENSES.—

11 (1) IN GENERAL.—Part VII of subchapter B of
12 chapter 1 is amended by striking section 222 (and
13 by striking the item relating to such section in the
14 table of sections for such part).

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 62(a) is amended by striking
17 paragraph (18).

18 (B) Section 74(d)(2)(B) is amended by
19 striking “222,”.

20 (C) Section 86(b)(2)(A) is amended by
21 striking “222,”.

22 (D) Section 135(c)(4)(A) is amended by
23 striking “222,”.

24 (E) Section 137(b)(3)(A) is amended by
25 striking “222,”.

2410

1 (F) Section 219(g)(3)(A)(ii) is amended by
2 striking “222,”.

3 (G) Section 221(b)(2)(C)(i) is amended by
4 striking “222,”.

5 (H) Section 469(i)(3)(E)(iii) is amended
6 by striking “222,”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxable years beginning after
9 December 31, 2020.

10 **SEC. 105. RAILROAD TRACK MAINTENANCE CREDIT.**

11 (a) MADE PERMANENT.—Section 45G is amended by
12 striking subsection (f).

13 (b) MODIFICATION OF CREDIT RATE.—Section
14 45G(a) is amended by striking “50 percent” and inserting
15 “40 percent (50 percent in the case of any taxable year
16 beginning before January 1, 2023)”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years ending after the
19 date of the enactment of this Act.

20 **SEC. 106. CERTAIN PROVISIONS RELATED TO BEER, WINE,**
21 **AND DISTILLED SPIRITS.**

22 (a) PRODUCTION PERIOD FOR BEER, WINE, AND
23 DISTILLED SPIRITS.—

24 (1) IN GENERAL.—Section 263A(f)(4) is
25 amended to read as follows:

1 “(4) EXEMPTION FOR AGING PROCESS OF
2 BEER, WINE, AND DISTILLED SPIRITS.—For pur-
3 poses of this subsection, the production period shall
4 not include the aging period for—

5 “(A) beer (as defined in section 5052(a)),

6 “(B) wine (as described in section
7 5041(a)), or

8 “(C) distilled spirits (as defined in section
9 5002(a)(8)), except such spirits that are unfit
10 for use for beverage purposes.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by this subsection shall apply to interest costs paid
13 or accrued after December 31, 2020.

14 (b) REDUCED RATE OF EXCISE TAX ON BEER.—

15 (1) IN GENERAL.—Section 5051(a)(1) is
16 amended to read as follows:

17 “(1) IN GENERAL.—

18 “(A) IMPOSITION OF TAX.—A tax is here-
19 by imposed on all beer brewed or produced, and
20 removed for consumption or sale, within the
21 United States, or imported into the United
22 States. Except as provided in paragraph (2),
23 the rate of such tax shall be—

24 “(i) \$16 on the first 6,000,000 barrels
25 of beer—

2412

1 “(I) brewed by the brewer and
2 removed during the calendar year for
3 consumption or sale, or

4 “(II) imported by the importer
5 into the United States during the cal-
6 endar year, and

7 “(ii) \$18 on any barrels of beer to
8 which clause (i) does not apply.

9 “(B) BARREL.—For purposes of this sec-
10 tion, a barrel shall contain not more than 31
11 gallons of beer, and any tax imposed under this
12 section shall be applied at a like rate for any
13 other quantity or for fractional parts of a bar-
14 rel.”.

15 (2) REDUCED RATE FOR CERTAIN DOMESTIC
16 PRODUCTION.—Section 5051(a)(2)(A) is amended—

17 (A) in the heading, by inserting “ \$3.50 A
18 BARREL” before “RATE”, and

19 (B) by striking “ \$7” and all that follows
20 through “January 1, 2021)” and inserting “
21 \$3.50”.

22 (3) APPLICATION OF REDUCED TAX RATE FOR
23 FOREIGN MANUFACTURERS AND IMPORTERS.—Sec-
24 tion 5051(a) is amended—

1 (A) in paragraph (1)(A)(i)(II), as amended
2 by paragraph (1) of this subsection, by insert-
3 ing “but only if the importer is an electing im-
4 porter under paragraph (4) and the barrels
5 have been assigned to the importer pursuant to
6 such paragraph” after “during the calendar
7 year”, and

8 (B) in paragraph (4)—

9 (i) in subparagraph (A), by striking
10 “paragraph (1)(C)” and inserting “para-
11 graph (1)(A)”, and

12 (ii) in subparagraph (B), by striking
13 “The Secretary” and inserting “The Sec-
14 retary, after consultation with the Sec-
15 retary of the Department of Homeland Se-
16 curity,”.

17 (4) CONTROLLED GROUP AND SINGLE TAX-
18 PAYER RULES.—Section 5051(a)(5) is amended by
19 striking “paragraph (1)(C)(i)” each place it appears
20 and inserting “paragraph (1)(A)(i)”.

21 (5) EFFECTIVE DATE.—The amendments made
22 by this subsection shall apply to beer removed after
23 December 31, 2020.

24 (c) TRANSFER OF BEER BETWEEN BONDED FACILI-
25 TIES.—

1 (1) IN GENERAL.—Section 5414 is amended to
2 read as follows:

3 **“SEC. 5414. TRANSFER OF BEER BETWEEN BONDED FACILI-**
4 **TIES.**

5 “(a) IN GENERAL.—Beer may be removed from one
6 brewery to another brewery, without payment of tax, and
7 may be mingled with beer at the receiving brewery, subject
8 to such conditions, including payment of the tax, and in
9 such containers, as the Secretary by regulations shall pre-
10 scribe, which shall include—

11 “(1) any removal from one brewery to another
12 brewery belonging to the same brewer,

13 “(2) any removal from a brewery owned by one
14 corporation to a brewery owned by another corpora-
15 tion when—

16 “(A) one such corporation owns the con-
17 trolling interest in the other such corporation,
18 or

19 “(B) the controlling interest in each such
20 corporation is owned by the same person or per-
21 sons, and

22 “(3) any removal from one brewery to another
23 brewery when—

24 “(A) the proprietors of transferring and
25 receiving premises are independent of each

1 other and neither has a proprietary interest, di-
2 rectly or indirectly, in the business of the other,
3 and

4 “(B) the transferor has divested itself of
5 all interest in the beer so transferred and the
6 transferee has accepted responsibility for pay-
7 ment of the tax.

8 “(b) TRANSFER OF LIABILITY FOR TAX.—For pur-
9 poses of subsection (a)(3), such relief from liability shall
10 be effective from the time of removal from the transferor’s
11 premises, or from the time of divestment of interest,
12 whichever is later.”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by this subsection shall apply to any calendar quar-
15 ters beginning after December 31, 2020.

16 (d) REDUCED RATE OF EXCISE TAX ON CERTAIN
17 WINE.—

18 (1) IN GENERAL.—Section 5041(c) is amend-
19 ed—

20 (A) in the heading, by striking “FOR
21 SMALL DOMESTIC PRODUCERS”,

22 (B) by amending paragraph (1) to read as
23 follows:

24 “(1) ALLOWANCE OF CREDIT.—

2416

1 “(A) IN GENERAL.—There shall be allowed
2 as a credit against any tax imposed by this title
3 (other than chapters 2, 21, and 22) an amount
4 equal to the sum of—

5 “(i) \$1 per wine gallon on the first
6 30,000 wine gallons of wine, plus

7 “(ii) 90 cents per wine gallon on the
8 first 100,000 wine gallons of wine to which
9 clause (i) does not apply, plus

10 “(iii) 53.5 cents per wine gallon on
11 the first 620,000 wine gallons of wine to
12 which clauses (i) and (ii) do not apply,

13 which are produced by the producer and re-
14 moved during the calendar year for consump-
15 tion or sale, or which are imported by the im-
16 porter into the United States during the cal-
17 endar year.

18 “(B) ADJUSTMENT OF CREDIT FOR HARD
19 CIDER.—In the case of wine described in sub-
20 section (b)(6), subparagraph (A) of this para-
21 graph shall be applied—

22 “(i) in clause (i) of such subpara-
23 graph, by substituting ‘6.2 cents’ for ‘ \$1’,

2417

1 “(ii) in clause (ii) of such subpara-
2 graph, by substituting ‘5.6 cents’ for ‘90
3 cents’, and

4 “(iii) in clause (iii) of such subpara-
5 graph, by substituting ‘3.3 cents’ for ‘53.5
6 cents’.”,

7 (C) by striking paragraphs (2) and (8),

8 (D) by redesignating paragraphs (3)
9 through (6) as paragraphs (2) through (5), re-
10 spectively,

11 (E) by redesignating paragraph (9) as
12 paragraph (6), and

13 (F) by amending paragraph (7) to read as
14 follows:

15 “(7) REGULATIONS.—The Secretary may pre-
16 scribe such regulations as may be necessary to carry
17 out the purposes of this subsection, including regula-
18 tions to ensure proper calculation of the credit pro-
19 vided in this subsection.”.

20 (2) ALLOWANCE OF CREDIT FOR FOREIGN MAN-
21 UFACTURERS AND IMPORTERS.—Section 5041(c), as
22 amended by paragraph (1), is amended—

23 (A) in paragraph (1)(A), by inserting “but
24 only if the importer is an electing importer
25 under paragraph (6) and the wine gallons of

1 wine have been assigned to the importer pursu-
2 ant to such paragraph” after “into the United
3 States during the calendar year”, and

4 (B) in paragraph (6)—

5 (i) in subparagraph (A), by striking
6 “paragraph (8)” and inserting “paragraph
7 (1)”,

8 (ii) in subparagraph (B), by striking
9 “The Secretary” and inserting “The Sec-
10 retary of the Treasury, after consultation
11 with the Secretary of the Department of
12 Homeland Security,”, and

13 (iii) in subparagraph (C), by striking
14 “paragraph (4)” and inserting “paragraph
15 (3)”.

16 (3) EFFECTIVE DATE.—The amendments made
17 by this subsection shall apply to wine removed after
18 December 31, 2020.

19 (e) ADJUSTMENT OF ALCOHOL CONTENT LEVEL FOR
20 APPLICATION OF EXCISE TAX RATES.—

21 (1) IN GENERAL.—Paragraphs (1) and (2) of
22 section 5041(b) are each amended by striking “14
23 percent” and all that follows through “January 1,
24 2021” and inserting “16 percent”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to wine removed after
3 December 31, 2020.

4 (f) DEFINITION OF MEAD AND LOW ALCOHOL BY
5 VOLUME WINE.—

6 (1) IN GENERAL.—Section 5041(h) is amend-
7 ed—

8 (A) in paragraph (2), by striking “the Sec-
9 retary shall” each place it appears and insert-
10 ing “the Secretary may”, and

11 (B) by striking paragraph (3).

12 (2) EFFECTIVE DATE.—The amendments made
13 by this subsection shall apply to wine removed after
14 December 31, 2020.

15 (g) REDUCED RATE OF EXCISE TAX ON CERTAIN
16 DISTILLED SPIRITS.—

17 (1) IN GENERAL.—Section 5001(c) is amend-
18 ed—

19 (A) in the heading, by striking “TEM-
20 PORARY REDUCED RATE” and inserting “RE-
21 DUCED RATE”,

22 (B) in paragraph (3)(B), by striking “The
23 Secretary” and inserting “The Secretary of the
24 Treasury, after consultation with the Secretary
25 of the Department of Homeland Security,” and

1 (C) by striking paragraph (4).

2 (2) EFFECTIVE DATE.—The amendments made
3 by this subsection shall apply to distilled spirits re-
4 moved after December 31, 2020.

5 (h) BULK DISTILLED SPIRITS.—

6 (1) IN GENERAL.—Section 5212 is amended by
7 striking “and before January 1, 2021,” and insert-
8 ing “between bonded premises belonging to the same
9 person or members of the same controlled group
10 (within the meaning of section 5001(c)(2))”.

11 (2) NON-BULK TRANSFERS RELATED TO BOT-
12 TLING OR STORAGE.—Section 5212 is amended by
13 adding at the end the following new sentence: “In
14 the case of distilled spirits transferred in bond from
15 the person who distilled or processed such distilled
16 spirits (hereinafter referred to as ‘transferor’) to an-
17 other person for bottling or storage of such distilled
18 spirits, and returned to the transferor for removal,
19 this section shall be applied without regard to
20 whether distilled spirits are bulk distilled spirits, but
21 only if the transferor retains title during the entire
22 period between such distillation, or processing, and
23 removal.”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to distilled spirits
3 transferred in bond after December 31, 2020.

4 (i) SIMPLIFICATION OF RULES REGARDING
5 RECORDS, STATEMENTS, AND RETURNS.—

6 (1) IN GENERAL.—Section 5555(a) is amended
7 by striking “For calendar quarters beginning after
8 the date of the enactment of this sentence, and be-
9 fore January 1, 2021, the Secretary” and inserting
10 “The Secretary”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by this subsection shall apply to calendar quarters
13 beginning after December 31, 2020.

14 **SEC. 107. REFUNDS IN LIEU OF REDUCED RATES FOR CER-**
15 **TAIN CRAFT BEVERAGES PRODUCED OUT-**
16 **SIDE THE UNITED STATES.**

17 (a) DISTILLED SPIRITS.—

18 (1) IN GENERAL.—Section 5001(c), as amended
19 by the preceding provisions of this Act, is amended
20 by adding at the end the following new paragraph:

21 “(4) REFUNDS IN LIEU OF REDUCED RATES
22 FOR FOREIGN PRODUCTION REMOVED AFTER DE-
23 CEMBER 31, 2022.—

24 “(A) IN GENERAL.—In the case of any
25 proof gallons of distilled spirits which have been

2422

1 produced outside the United States and im-
2 ported into the United States, if such proof gal-
3 lons of distilled spirits are removed after De-
4 cember 31, 2022—

5 “(i) paragraph (1) shall not apply,
6 and

7 “(ii) the amount determined under
8 subparagraph (B) shall be allowed as a re-
9 fund, determined for periods not less fre-
10 quently than quarterly, to the importer in
11 the same manner as if such amount were
12 an overpayment of tax imposed by this sec-
13 tion.

14 “(B) AMOUNT OF REFUND.—The amount
15 determined under this subparagraph with re-
16 spect to any importer for any period is an
17 amount equal to the sum of—

18 “(i) the excess (if any) of—

19 “(I) the amount of tax imposed
20 under this subpart on proof gallons of
21 distilled spirits referred to in subpara-
22 graph (A) which were removed during
23 such period, over

24 “(II) the amount of tax which
25 would have been imposed under this

1 subpart on such proof gallons of dis-
2 tilled spirits if this section were ap-
3 plied without regard to this para-
4 graph, plus

5 “(ii) the amount of interest which
6 would be allowed and paid on an overpay-
7 ment of tax at the overpayment rate estab-
8 lished under section 6621(a)(1) (without
9 regard to the second sentence thereof)
10 were such rate applied to the excess (if
11 any) determined under clause (i) for the
12 number of days in the filing period for
13 which the refund under this paragraph is
14 being determined.

15 “(C) APPLICATION OF RULES RELATED TO
16 ELECTIONS AND ASSIGNMENTS.—Subparagraph
17 (A)(ii) shall apply only if the importer is an
18 electing importer under paragraph (3) and the
19 proof gallons of distilled spirits have been as-
20 signed to the importer pursuant to such para-
21 graph.

22 “(D) RULES FOR REFUNDS WITHIN 90
23 DAYS.—For purposes of refunds allowed under
24 this paragraph, section 6611(e) shall be applied

1 by substituting ‘90 days’ for ‘45 days’ each
2 place it appears.”.

3 (2) COORDINATION WITH DETERMINATION FOR
4 COVER OVER TO PUERTO RICO AND VIRGIN IS-
5 LANDS.—

6 (A) IN GENERAL.—Section 7652 is amend-
7 ed by adding at the end the following new sub-
8 section:

9 “(i) DETERMINATION OF TAXES COLLECTED.—For
10 purposes of subsections (a)(3), (b)(3), and (e)(1), refunds
11 under section 5001(c)(4) shall not be taken into account
12 as a refund, and the amount of taxes imposed by and col-
13 lected under section 5001(a)(1) shall be determined with-
14 out regard to section 5001(c).”.

15 (B) CONFORMING AMENDMENT.—Section
16 7652(e) is amended by striking paragraph (5).

17 (3) EFFECTIVE DATE.—The amendments made
18 by this subsection shall apply to distilled spirits
19 brought into the United States and removed after
20 December 31, 2022.

21 (b) BEER.—

22 (1) IN GENERAL.—Section 5051(a) is amended
23 by adding at the end the following new paragraph:

1 “(6) REFUNDS IN LIEU OF REDUCED RATES
2 FOR FOREIGN PRODUCTION REMOVED AFTER DE-
3 CEMBER 31, 2022.—

4 “(A) IN GENERAL.—In the case of any
5 barrels of beer which have been produced out-
6 side the United States and imported into the
7 United States, if such barrels of beer are re-
8 moved after December 31, 2022—

9 “(i) paragraph (1)(A)(i) shall not
10 apply, and

11 “(ii) the amount determined under
12 subparagraph (B) shall be allowed as a re-
13 fund, determined for periods not less fre-
14 quently than quarterly, to the importer in
15 the same manner as if such amount were
16 an overpayment of tax imposed by this sec-
17 tion.

18 “(B) AMOUNT OF REFUND.—The amount
19 determined under this subparagraph with re-
20 spect to any importer for any period is an
21 amount equal to the sum of—

22 “(i) excess (if any) of—

23 “(I) the amount of tax imposed
24 under this section on barrels of beer

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1 referred to in subparagraph (A) which
2 were removed during such period, over

3 “(II) the amount of tax which
4 would have been imposed under this
5 section on such barrels of beer if this
6 section were applied without regard to
7 this paragraph, plus

8 “(ii) the amount of interest which
9 would be allowed and paid on an overpay-
10 ment of tax at the overpayment rate estab-
11 lished under section 6621(a)(1) (without
12 regard to the second sentence thereof)
13 were such rate applied to the excess (if
14 any) determined under clause (i) for the
15 number of days in the filing period for
16 which the refund under this paragraph is
17 being determined.

18 “(C) APPLICATION OF RULES RELATED TO
19 ELECTIONS AND ASSIGNMENTS.—Subparagraph
20 (A)(ii) shall apply only if the importer is an
21 electing importer under paragraph (4) and the
22 barrels of beer have been assigned to the im-
23 porter pursuant to such paragraph.

24 “(D) RULES FOR REFUNDS WITHIN 90
25 DAYS.—For purposes of refunds allowed under

1 this paragraph, section 6611(e) shall be applied
2 by substituting ‘90 days’ for ‘45 days’ each
3 place it appears.”.

4 (2) EFFECTIVE DATE.—The amendment made
5 by this subsection shall apply to beer removed after
6 December 31, 2022.

7 (c) WINE.—

8 (1) IN GENERAL.—Section 5041(c), as amended
9 by the preceding provisions of this Act, is amended
10 by redesignating paragraph (7) as paragraph (8)
11 and by inserting after paragraph (6) the following
12 new paragraph:

13 “(7) REFUNDS IN LIEU OF TAX CREDITS FOR
14 FOREIGN PRODUCTION REMOVED AFTER DECEMBER
15 31, 2022.—

16 “(A) IN GENERAL.—In the case of any
17 wine gallons of wine which have been produced
18 outside the United States and imported into the
19 United States, if such wine gallons are removed
20 after December 31, 2022—

21 “(i) paragraph (1) shall not apply,
22 and

23 “(ii) the amount determined under
24 subparagraph (B) shall be allowed as a re-
25 fund, determined for periods not less fre-

1 quently than quarterly, to the importer in
2 the same manner as if such amount were
3 an overpayment of tax imposed by this sec-
4 tion.

5 “(B) AMOUNT OF REFUND.—The amount
6 determined under this subparagraph with re-
7 spect to any importer for any period is an
8 amount equal to the sum of—

9 “(i) excess (if any) of—

10 “(I) the amount of tax imposed
11 under this section on wine gallons of
12 wine referred to in subparagraph (A)
13 which were removed during such pe-
14 riod, over

15 “(II) the amount of tax which
16 would have been imposed under this
17 section (including any allowable cred-
18 its) on such gallons of wine if this sec-
19 tion were applied without regard to
20 this paragraph, plus

21 “(ii) the amount of interest which
22 would be allowed and paid on an overpay-
23 ment of tax at the overpayment rate estab-
24 lished under section 6621(a)(1) (without
25 regard to the second sentence thereof)

1 were such rate applied to the excess (if
2 any) determined under clause (i) for the
3 number of days in the filing period for
4 which the refund under this paragraph is
5 being determined.

6 “(C) APPLICATION OF RULES RELATED TO
7 ELECTIONS AND ASSIGNMENTS.—Subparagraph
8 (A)(ii) shall apply only if the importer is an
9 electing importer under paragraph (6) and the
10 wine gallons of wine have been assigned to the
11 importer pursuant to such paragraph.

12 “(D) RULES FOR REFUNDS WITHIN 90
13 DAYS.—For purposes of refunds allowed under
14 this paragraph, section 6611(e) shall be applied
15 by substituting ‘90 days’ for ‘45 days’ each
16 place it appears.”.

17 (2) EFFECTIVE DATE.—The amendments made
18 by this subsection shall apply to wine removed after
19 December 31, 2022.

20 (d) INFORMATION REPORTING IN CASE OF ASSIGN-
21 MENT OF LOWER RATES OR REFUNDS BY FOREIGN PRO-
22 DUCERS OF BEER, WINE, AND DISTILLED SPIRITS.—

23 (1) IN GENERAL.—Subpart A of part III of
24 subchapter A of chapter 61 is amended by inserting
25 after section 6038D the following new section:

1 **“SEC. 6038E. INFORMATION WITH RESPECT TO ASSIGN-**
2 **MENT OF LOWER RATES OR REFUNDS BY**
3 **FOREIGN PRODUCERS OF BEER, WINE, AND**
4 **DISTILLED SPIRITS.**

5 “Any foreign producer that elects to make an assign-
6 ment described in section 5001(c), 5041(c), or 5051(a)
7 shall provide such information, at such time and in such
8 manner, as the Secretary may prescribe in order to make
9 such assignment, including information about the con-
10 trolled group structure of such foreign producer.”.

11 (2) CLERICAL AMENDMENT.—Table of sections
12 for subpart A of part III of subchapter A of chapter
13 61 is amended by inserting after the item relating
14 to section 6038D the following new item:

“Sec. 6038E. Information with respect to assignment of lower rates or refunds
by foreign producers of beer, wine, and distilled spirits.”.

15 (3) EFFECTIVE DATE.—The amendments made
16 by this subsection shall apply to elections to make
17 an assignment under section 5001(c), 5041(c), or
18 5051(a) of the Internal Revenue Code of 1986 after
19 December 31, 2020.

20 (e) ADMINISTRATION OF REFUNDS.—The Secretary
21 of the Treasury (or the Secretary’s delegate within the De-
22 partment of the Treasury) shall implement and administer
23 sections 5001(c)(4), 5041(c)(7), and 5051(a)(6) of the In-
24 ternal Revenue Code of 1986, as added by this Act, in

1 coordination with the United States Customs and Border
2 Protection of the Department of Homeland Security.

3 (f) REGULATIONS.—The Secretary of the Treasury
4 (or the Secretary’s delegate within the Department of the
5 Treasury) shall prescribe such regulations as may be nec-
6 essary or appropriate to carry out the purposes of this
7 section, including regulations to require foreign producers
8 to provide information necessary to enforce the volume
9 limitations under sections 5001(c), 5041(c), and 5051(a)
10 of such Code.

11 (g) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Secretary of the Treasury
13 (or the Secretary’s delegate within the Department of the
14 Treasury) shall, in coordination with the United States
15 Customs and Border Protection of the Department of
16 Homeland Security, prepare, submit to Congress, and
17 make publicly available a report detailing the plans for im-
18 plementing and administering sections 5001(c)(4),
19 5041(c)(7), and 5051(a)(6) of such Code, as added by this
20 Act.

21 **SEC. 108. REDUCED RATES NOT ALLOWED FOR SMUGGLED**
22 **OR ILLEGALLY PRODUCED BEER, WINE, AND**
23 **SPIRITS.**

24 (a) IN GENERAL.—Subpart E of part I of subchapter
25 A of chapter 51 is amended by redesignating section 5067

1 as section 5068 and by inserting after section 5066 the
 2 following new section:

3 **“SEC. 5067. REDUCED RATES NOT ALLOWED FOR SMUG-**
 4 **GLED OR ILLEGALLY PRODUCED BEER, WINE,**
 5 **OR SPIRITS.**

6 “In the case of beer, wine, or distilled spirits that
 7 are smuggled into the United States or produced other
 8 than as authorized by this chapter—

9 “(1) the rates of tax under paragraphs
 10 (1)(A)(i) and (2) of section 5051(a) shall not apply
 11 in the case of any such beer,

12 “(2) the credit under section 5041(c) shall not
 13 apply in the case of any such wine, and

14 “(3) the rates of tax under section 5001(c)
 15 shall not apply in the case of any such distilled spir-
 16 its.”.

17 (b) **CLERICAL AMENDMENT.**—The table of sections
 18 for subpart E of part I of subchapter A of chapter 51
 19 is amended by striking the last item and inserting the fol-
 20 lowing new items:

 “Sec. 5067. Reduced rates not allowed for illegally produced beer, wine, or spir-
 its.

 “Sec. 5068. Cross reference.”.

21 (c) **EFFECTIVE DATE.**—The amendments made by
 22 this section shall apply to beer, wine, or distilled spirits,
 23 as the case may be, produced after the date of the enact-
 24 ment of this Act.

1 **SEC. 109. MINIMUM PROCESSING REQUIREMENTS FOR RE-**
2 **DUCED DISTILLED SPIRITS RATES.**

3 (a) IN GENERAL.—Section 5001(c), as amended by
4 the preceding provisions of this Act, is amended by adding
5 at the end the following:

6 “(5) PROCESSED DISTILLED SPIRITS.—A dis-
7 tilled spirit shall not be treated as processed for pur-
8 poses of this subsection unless a process described in
9 section 5002(a)(5)(A) (other than bottling) is per-
10 formed with respect to such distilled spirit.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 this section shall apply to distilled spirits removed after
13 December 31, 2021.

14 **SEC. 110. MODIFICATION OF SINGLE TAXPAYER RULES.**

15 (a) BEER.—Section 5051(a)(5)(C) is amended by
16 striking “marketed under a similar brand, license” and
17 inserting “under a license”.

18 (b) WINE.—For single taxpayer rules relating to
19 wine, see cross reference under section 5041(c)(3) of the
20 Internal Revenue Code of 1986, as redesignated by this
21 Act.

22 (c) DISTILLED SPIRITS.—

23 (1) IN GENERAL.—Section 5001(c)(2)(D) is
24 amended by striking “marketed under a similar
25 brand, license” and inserting “under a license”.

1 (2) APPLICATION TO PROCESSORS.—Section
2 5001(c)(2)(D) is further amended by inserting “or
3 process” after “that produce”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to beer, wine, and distilled spirits
6 removed after December 31, 2020.

7 **Subtitle B—Certain Provisions** 8 **Extended Through 2025**

9 **SEC. 111. LOOK-THRU RULE FOR RELATED CONTROLLED** 10 **FOREIGN CORPORATIONS.**

11 (a) IN GENERAL.—Section 954(c)(6)(C) is amended
12 by striking “January 1, 2021” and inserting “January 1,
13 2026”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall apply to taxable years of foreign corpora-
16 tions beginning after December 31, 2020, and to taxable
17 years of United States shareholders with or within which
18 such taxable years of foreign corporations end.

19 **SEC. 112. NEW MARKETS TAX CREDIT.**

20 (a) IN GENERAL.—Section 45D(f)(1)(H) is amended
21 by striking “2020” and inserting “for each of calendar
22 years 2020 through 2025”.

23 (b) CARRYOVER OF UNUSED LIMITATION.—Section
24 45D(f)(3) is amended by striking “2025” and inserting
25 “2030”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to calendar years beginning after
3 December 31, 2020.

4 **SEC. 113. WORK OPPORTUNITY CREDIT.**

5 (a) IN GENERAL.—Section 51(c)(4) is amended by
6 striking “December 31, 2020” and inserting “December
7 31, 2025”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to individuals who begin work for
10 the employer after December 31, 2020.

11 **SEC. 114. EXCLUSION FROM GROSS INCOME OF DISCHARGE**
12 **OF QUALIFIED PRINCIPAL RESIDENCE IN-**
13 **DEBTEDNESS.**

14 (a) IN GENERAL.—Section 108(a)(1)(E) is amended
15 by striking “January 1, 2021” both places it appears and
16 inserting “January 1, 2026”.

17 (b) MODIFICATION OF MAXIMUM ACQUISITION IN-
18 DEBTEDNESS TAKEN INTO ACCOUNT.—Section 108(h)(2)
19 is amended by striking “ \$2,000,000 (\$1,000,000” and
20 inserting “ \$750,000 (\$375,000”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to discharges of indebtedness after
23 December 31, 2020.

1 **SEC. 115. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS**
2 **ENTERTAINMENT COMPLEXES.**

3 (a) IN GENERAL.—Section 168(i)(15)(D) is amended
4 by striking “December 31, 2020” and inserting “Decem-
5 ber 31, 2025”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply to property placed in service after
8 December 31, 2020.

9 **SEC. 116. EXPENSING RULES FOR CERTAIN PRODUCTIONS.**

10 (a) EXTENSION.—Section 181(g) is amended by
11 striking “December 31, 2020” and inserting “December
12 31, 2025”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply to productions commencing after
15 December 31, 2020.

16 **SEC. 117. OIL SPILL LIABILITY TRUST FUND RATE.**

17 (a) IN GENERAL.—Section 4611(f)(2) is amended by
18 striking “December 31, 2020” and inserting “December
19 31, 2025”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply on and after January 1, 2021.

22 **SEC. 118. EMPOWERMENT ZONE TAX INCENTIVES.**

23 (a) IN GENERAL.—Section 1391(d)(1)(A)(i) is
24 amended by striking “December 31, 2020” and inserting
25 “December 31, 2025”.

1 (b) TERMINATION OF INCREASE IN EXPENSING
2 UNDER SECTION 179.—Section 1397A is amended by
3 adding at the end the following new subsection:

4 “(c) TERMINATION.—This section shall not apply to
5 any property placed in service in taxable years beginning
6 after December 31, 2020.”.

7 (c) TERMINATION OF NONRECOGNITION OF GAIN ON
8 ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.—
9 Section 1397B is amended by adding at the end the fol-
10 lowing new subsection:

11 “(c) TERMINATION.—This section shall not apply to
12 sales in taxable years beginning after December 31,
13 2020.”.

14 (d) TREATMENT OF CERTAIN TERMINATION DATES
15 SPECIFIED IN NOMINATIONS.—In the case of a designa-
16 tion of an empowerment zone the nomination for which
17 included a termination date which is contemporaneous
18 with the date specified in subparagraph (A)(i) of section
19 1391(d)(1) of the Internal Revenue Code of 1986 (as in
20 effect before the enactment of this Act), subparagraph (B)
21 of such section shall not apply with respect to such des-
22 ignation if, after the date of the enactment of this section,
23 the entity which made such nomination amends the nomi-
24 nation to provide for a new termination date in such man-

1 ner as the Secretary of the Treasury (or the Secretary's
2 designee) may provide.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to taxable years beginning after
5 December 31, 2020.

6 **SEC. 119. EMPLOYER CREDIT FOR PAID FAMILY AND MED-**
7 **ICAL LEAVE.**

8 (a) IN GENERAL.—Section 45S(i) is amended by
9 striking “December 31, 2020” and inserting “December
10 31, 2025”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 this section shall apply to wages paid in taxable years be-
13 ginning after December 31, 2020.

14 **SEC. 120. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS**
15 **OF STUDENT LOANS.**

16 (a) IN GENERAL.—Section 127(c)(1)(B) is amended
17 by striking “January 1, 2021” and inserting “January 1,
18 2026”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to payments made after December
21 31, 2020.

22 **SEC. 121. EXTENSION OF CARBON OXIDE SEQUESTRATION**
23 **CREDIT.**

24 Section 45Q(d)(1) is amended by striking “January
25 1, 2024” and inserting “January 1, 2026”.

1 **Subtitle C—Extension of Certain**
2 **Other Provisions**

3 **SEC. 131. CREDIT FOR ELECTRICITY PRODUCED FROM**
4 **CERTAIN RENEWABLE RESOURCES.**

5 (a) IN GENERAL.—The following provisions of sec-
6 tion 45(d) are each amended by striking “January 1,
7 2021” each place it appears and inserting “January 1,
8 2022”:

9 (1) Paragraph (1).

10 (2) Paragraph (2)(A).

11 (3) Paragraph (3)(A).

12 (4) Paragraph (4)(B).

13 (5) Paragraph (6).

14 (6) Paragraph (7).

15 (7) Paragraph (9).

16 (8) Paragraph (11)(B).

17 (b) EXTENSION OF ELECTION TO TREAT QUALIFIED
18 FACILITIES AS ENERGY PROPERTY.—Section
19 48(a)(5)(C)(ii) is amended by striking “January 1, 2021”
20 and inserting “January 1, 2022”.

21 (c) CONFORMING AMENDMENTS RELATED TO APPLI-
22 CATION OF PHASEOUT PERCENTAGE.—

23 (1) Section 45(b)(5)(D) is amended by striking
24 “January 1, 2021” and inserting “January 1,
25 2022”.

1 (2) Section 48(a)(5)(E)(iv) is amended by strik-
2 ing “January 1, 2021” and inserting “January 1,
3 2022”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on January 1, 2021.

6 **SEC. 132. EXTENSION AND PHASEOUT OF ENERGY CREDIT.**

7 (a) EXTENSIONS.—Section 48 is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (2)(A)(i)(II), by striking
10 “January 1, 2022” and inserting “January 1,
11 2024”, and

12 (B) in paragraph (3)(A)—

13 (i) in clause (ii), by striking “January
14 1, 2022” and inserting “January 1,
15 2024”, and

16 (ii) in clause (vii), by striking “Janu-
17 ary 1, 2022” and inserting “January 1,
18 2024”, and

19 (2) in subsection (c)—

20 (A) in paragraph (1)(D), by striking “Jan-
21 uary 1, 2022” and inserting “January 1,
22 2024”,

23 (B) in paragraph (2)(D), by striking “Jan-
24 uary 1, 2022” and inserting “January 1,
25 2024”,

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1 (C) in paragraph (3)(A)(iv), by striking
2 “January 1, 2022” and inserting “January 1,
3 2024”, and

4 (D) in paragraph (4)(C), by striking “Jan-
5 uary 1, 2022” and inserting “January 1,
6 2024”.

7 (b) PHASEOUTS.—

8 (1) SOLAR ENERGY PROPERTY.—Section
9 48(a)(6) is amended—

10 (A) in subparagraph (A)—

11 (i) by striking “January 1, 2022, the
12 energy percentage” and inserting “Janu-
13 ary 1, 2024, the energy percentage”,

14 (ii) in clause (i), by striking “January
15 1, 2021” and inserting “January 1,
16 2023”, and

17 (iii) in clause (ii), by striking “after
18 December 31, 2020, and before January 1,
19 2022” and inserting “after December 31,
20 2022, and before January 1, 2024”, and

21 (B) in subparagraph (B), by striking “be-
22 gins before January 1, 2022, and which is not
23 placed in service before January 1, 2024” and
24 inserting “begins before January 1, 2024, and

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1 which is not placed in service before January 1,
2 2026”.

3 (2) FIBER-OPTIC SOLAR, QUALIFIED FUEL
4 CELL, AND QUALIFIED SMALL WIND ENERGY PROP-
5 PERTY.—Section 48(a)(7) is amended—

6 (A) in subparagraph (A)—

7 (i) in clause (i), by striking “January
8 1, 2021” and inserting “January 1,
9 2023”, and

10 (ii) in clause (ii), by striking “after
11 December 31, 2020, and before January 1,
12 2022” and inserting “after December 31,
13 2022, and before January 1, 2024”, and

14 (B) in subparagraph (B), by striking
15 “January 1, 2024” and inserting “January 1,
16 2026”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on January 1, 2020.

19 **SEC. 133. TREATMENT OF MORTGAGE INSURANCE PRE-**
20 **MIUMS AS QUALIFIED RESIDENCE INTEREST.**

21 (a) IN GENERAL.—Section 163(h)(3)(E)(iv)(I) is
22 amended by striking “December 31, 2020” and inserting
23 “December 31, 2021”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to amounts paid or accrued after
3 December 31, 2020.

4 **SEC. 134. CREDIT FOR HEALTH INSURANCE COSTS OF ELI-**
5 **GIBLE INDIVIDUALS.**

6 (a) IN GENERAL.—Section 35(b)(1)(B) is amended
7 by striking “January 1, 2021” and inserting “January 1,
8 2022”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall apply to months beginning after Decem-
11 ber 31, 2020.

12 **SEC. 135. INDIAN EMPLOYMENT CREDIT.**

13 (a) IN GENERAL.—Section 45A(f) is amended by
14 striking “December 31, 2020” and inserting “December
15 31, 2021”.

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

19 **SEC. 136. MINE RESCUE TEAM TRAINING CREDIT.**

20 (a) IN GENERAL.—Section 45N(e) is amended by
21 striking “December 31, 2020” and inserting “December
22 31, 2021”.

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

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1 **SEC. 137. CLASSIFICATION OF CERTAIN RACE HORSES AS 3-**
2 **YEAR PROPERTY.**

3 (a) IN GENERAL.—Section 168(e)(3)(A)(i) is amend-
4 ed—

5 (1) by striking “January 1, 2021” in subclause
6 (I) and inserting “January 1, 2022”, and

7 (2) by striking “December 31, 2020” in sub-
8 clause (II) and inserting “December 31, 2021”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to property placed in service after
11 December 31, 2020.

12 **SEC. 138. ACCELERATED DEPRECIATION FOR BUSINESS**
13 **PROPERTY ON INDIAN RESERVATIONS.**

14 (a) IN GENERAL.—Section 168(j)(9) is amended by
15 striking “December 31, 2020” and inserting “December
16 31, 2021”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to property placed in service after
19 December 31, 2020.

20 **SEC. 139. AMERICAN SAMOA ECONOMIC DEVELOPMENT**
21 **CREDIT.**

22 (a) IN GENERAL.—Section 119(d) of division A of
23 the Tax Relief and Health Care Act of 2006 is amended—

24 (1) by striking “January 1, 2021” each place
25 it appears and inserting “January 1, 2022”,

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1 (2) by striking “first 15 taxable years” in para-
2 graph (1) and inserting “first 16 taxable years”,
3 and

4 (3) by striking “first 9 taxable years” in para-
5 graph (2) and inserting “first 10 taxable years”.

6 (b) **EFFECTIVE DATE.**—The amendments made by
7 this section shall apply to taxable years beginning after
8 December 31, 2020.

9 **SEC. 140. SECOND GENERATION BIOFUEL PRODUCER**
10 **CREDIT.**

11 (a) **IN GENERAL.**—Section 40(b)(6)(J)(i) is amended
12 by striking “January 1, 2021” and inserting “January 1,
13 2022”.

14 (b) **EFFECTIVE DATE.**—The amendment made by
15 this section shall apply to qualified second generation
16 biofuel production after December 31, 2020.

17 **SEC. 141. NONBUSINESS ENERGY PROPERTY.**

18 (a) **IN GENERAL.**—Section 25C(g)(2) is amended by
19 striking “December 31, 2020” and inserting “December
20 31, 2021”.

21 (b) **EFFECTIVE DATE.**—The amendment made by
22 this section shall apply to property placed in service after
23 December 31, 2020.

1 **SEC. 142. QUALIFIED FUEL CELL MOTOR VEHICLES.**

2 (a) IN GENERAL.—Section 30B(k)(1) is amended by
3 striking “December 31, 2020” and inserting “December
4 31, 2021”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 this section shall apply to property purchased after De-
7 cember 31, 2020.

8 **SEC. 143. ALTERNATIVE FUEL REFUELING PROPERTY**
9 **CREDIT.**

10 (a) IN GENERAL.—Section 30C(g) is amended by
11 striking “December 31, 2020” and inserting “December
12 31, 2021”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply to property placed in service after
15 December 31, 2020.

16 **SEC. 144. 2-WHEELED PLUG-IN ELECTRIC VEHICLE CREDIT.**

17 (a) IN GENERAL.—Section 30D(g)(3)(E)(ii) is
18 amended by striking “January 1, 2021” and inserting
19 “January 1, 2022”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to vehicles acquired after Decem-
22 ber 31, 2020.

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1 **SEC. 145. PRODUCTION CREDIT FOR INDIAN COAL FACILI-**
2 **TIES.**

3 (a) IN GENERAL.—Section 45(e)(10)(A) is amended
4 by striking “15-year period” each place it appears and in-
5 serting “16-year period”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to coal produced after December
8 31, 2020.

9 **SEC. 146. ENERGY EFFICIENT HOMES CREDIT.**

10 (a) IN GENERAL.—Section 45L(g) is amended by
11 striking “December 31, 2020” and inserting “December
12 31, 2021”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply to homes acquired after December
15 31, 2020.

16 **SEC. 147. EXTENSION OF EXCISE TAX CREDITS RELATING**
17 **TO ALTERNATIVE FUELS.**

18 (a) IN GENERAL.—Sections 6426(d)(5) and
19 6426(e)(3) are each amended by striking “December 31,
20 2020” and inserting “December 31, 2021”.

21 (b) OUTLAY PAYMENTS FOR ALTERNATIVE
22 FUELS.—Section 6427(e)(6)(C) is amended by striking
23 “December 31, 2020” and inserting “December 31,
24 2021”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this subsection shall apply to fuel sold or used after De-
3 cember 31, 2020.

4 **SEC. 148. EXTENSION OF RESIDENTIAL ENERGY-EFFICIENT**
5 **PROPERTY CREDIT AND INCLUSION OF BIO-**
6 **MASS FUEL PROPERTY EXPENDITURES.**

7 (a) EXTENSION.—

8 (1) IN GENERAL.—Section 25D(h) is amended
9 by striking “December 31, 2021” and inserting
10 “December 31, 2023”.

11 (2) PHASEDOWN.—Section 25D(g) is amend-
12 ed—

13 (A) by striking “January 1, 2021” in
14 paragraph (2) and inserting “January 1,
15 2023”, and

16 (B) by striking “after December 31, 2020,
17 and before January 1, 2022” in paragraph (3)
18 and inserting “after December 31, 2022, and
19 before January 1, 2024”.

20 (b) QUALIFIED BIOMASS FUEL PROPERTY EXPENDI-
21 TURES.—

22 (1) IN GENERAL.—Section 25D(a) is amended
23 by striking “and” at the end of paragraph (4), by
24 inserting “and” at the end of paragraph (5), and by

1 inserting after paragraph (5) the following new
2 paragraph:

3 “(6) the qualified biomass fuel property expend-
4 itures, and”.

5 (2) QUALIFIED BIOMASS FUEL PROPERTY EX-
6 PENDITURES DEFINED.—Section 25D(d) is amended
7 by adding at the end the following new paragraph:

8 “(6) QUALIFIED BIOMASS FUEL PROPERTY EX-
9 PENDITURE.—

10 “(A) IN GENERAL.—The term ‘qualified
11 biomass fuel property expenditure’ means an
12 expenditure for property—

13 “(i) which uses the burning of bio-
14 mass fuel to heat a dwelling unit located in
15 the United States and used as a residence
16 by the taxpayer, or to heat water for use
17 in such a dwelling unit, and

18 “(ii) which has a thermal efficiency
19 rating of at least 75 percent (measured by
20 the higher heating value of the fuel).

21 “(B) BIOMASS FUEL.—For purposes of
22 this section, the term ‘biomass fuel’ means any
23 plant-derived fuel available on a renewable or
24 recurring basis.”.

1 (3) DENIAL OF DOUBLE BENEFIT FOR BIOMASS
2 STOVES.—

3 (A) IN GENERAL.—Section 25C(d)(3) is
4 amended by adding “and” at the end of sub-
5 paragraph (C), by striking “, and” at the end
6 of subparagraph (D) and inserting a period,
7 and by striking subparagraph (E).

8 (B) CONFORMING AMENDMENT.—Section
9 25C(d) is amended by striking paragraph (6).

10 (c) EFFECTIVE DATE.—

11 (1) EXTENSION.—The amendments made by
12 subsection (a) shall apply to property placed in serv-
13 ice after December 31, 2020.

14 (2) QUALIFIED BIOMASS FUEL PROPERTY EX-
15 PENDITURES.—The amendments made by subsection
16 (b) shall apply to expenditures paid or incurred in
17 taxable years beginning after December 31, 2020.

18 **SEC. 149. BLACK LUNG DISABILITY TRUST FUND EXCISE**

19 **TAX.**

20 (a) IN GENERAL.—Section 4121(e)(2)(A) is amended
21 by striking “December 31, 2020” and inserting “Decem-
22 ber 31, 2021”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply to sales after December 31, 2020.

1 **TITLE II—OTHER PROVISIONS**

2 **SEC. 201. MINIMUM LOW-INCOME HOUSING TAX CREDIT**

3 **RATE.**

4 (a) **IN GENERAL.**—Subsection (b) of section 42 is
5 amended—

6 (1) by redesignating paragraph (3) as para-
7 graph (4), and

8 (2) by inserting after paragraph (2) the fol-
9 lowing new paragraph:

10 “(3) **MINIMUM CREDIT RATE.**—In the case of
11 any new or existing building to which paragraph (2)
12 does not apply and which is placed in service by the
13 taxpayer after December 31, 2020, the applicable
14 percentage shall not be less than 4 percent.”.

15 (b) **EFFECTIVE DATE.**—The amendments made by
16 this section shall apply to—

17 (1) any building which receives an allocation of
18 housing credit dollar amount after December 31,
19 2020, and

20 (2) in the case of any building any portion of
21 which is financed with an obligation described in
22 section 42(h)(4)(A), any such building if any such
23 obligation which so finances such building is issued
24 after December 31, 2020.

1 **SEC. 202. DEPRECIATION OF CERTAIN RESIDENTIAL RENT-**
2 **AL PROPERTY OVER 30-YEAR PERIOD.**

3 Section 13204(b) of Public Law 115–97 is amend-
4 ed—

5 (1) in paragraph (1), by striking “paragraph
6 (2)” and inserting “paragraphs (2) and (3)”, and

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

8 “(3) CERTAIN RESIDENTIAL RENTAL PROP-
9 erty.—In the case of any residential rental prop-
10 erty—

11 “(A) which was placed in service before
12 January 1, 2018,

13 “(B) which is held by an electing real
14 property trade or business (as defined in section
15 163(j)(7)(B) of the Internal Revenue Code of
16 1986), and

17 “(C) for which subparagraph (A), (B), (C),
18 (D), or (E) of section 168(g)(1) of the Internal
19 Revenue Code of 1986 did not apply prior to
20 such date,

21 the amendments made by subsection (a)(3)(C) shall
22 apply to taxable years beginning after December 31,
23 2017.”.

1 **SEC. 203. WASTE ENERGY RECOVERY PROPERTY ELIGIBLE**
2 **FOR ENERGY CREDIT.**

3 (a) IN GENERAL.—Section 48(a)(3)(A) is amended
4 by striking “or” at the end of clause (vi), by inserting
5 “or” at the end of clause (vii), and by adding at the end
6 the following new clause:

7 “(viii) waste energy recovery prop-
8 erty,”.

9 (b) APPLICATION OF 30 PERCENT CREDIT.—Section
10 48(a)(2)(A)(i) is amended by striking “and” at the end
11 of subclause (III) and by adding at the end the following
12 new subclause:

13 “(V) waste energy recovery prop-
14 erty, and”.

15 (c) APPLICATION OF PHASEOUT.—Section 48(a)(7)
16 is amended—

17 (1) by inserting “waste energy recovery prop-
18 erty,” after “qualified small wind property,” and

19 (2) by striking “FIBER-OPTIC SOLAR, QUALI-
20 FIED FUEL CELL, AND QUALIFIED SMALL WIND” in
21 the heading thereof and inserting “CERTAIN
22 OTHER”.

23 (d) DEFINITION.—Section 48(c) is amended by add-
24 ing at the end the following new paragraphs:

25 “(5) WASTE ENERGY RECOVERY PROPERTY.—

1 “(A) IN GENERAL.—The term ‘waste en-
2 ergy recovery property’ means property that
3 generates electricity solely from heat from
4 buildings or equipment if the primary purpose
5 of such building or equipment is not the genera-
6 tion of electricity.

7 “(B) CAPACITY LIMITATION.—The term
8 ‘waste energy recovery property’ shall not in-
9 clude any property which has a capacity in ex-
10 cess of 50 megawatts.

11 “(C) NO DOUBLE BENEFIT.—Any waste
12 energy recovery property (determined without
13 regard to this subparagraph) which is part of a
14 system which is a combined heat and power sys-
15 tem property shall not be treated as waste en-
16 ergy recovery property for purposes of this sec-
17 tion unless the taxpayer elects to not treat such
18 system as a combined heat and power system
19 property for purposes of this section.

20 “(D) TERMINATION.—The term ‘waste en-
21 ergy recovery property’ shall not include any
22 property the construction of which does not
23 begin before January 1, 2024.”.

24 (e) EFFECTIVE DATE.—The amendments made by
25 this section shall apply to periods after December 31,

1 2020, under rules similar to the rules of section 48(m)
2 as in effect on the day before the date of the enactment
3 of the Revenue Reconciliation Act of 1990.

4 **SEC. 204. EXTENSION OF ENERGY CREDIT FOR OFFSHORE**
5 **WIND FACILITIES.**

6 (a) IN GENERAL.—Section 48(a)(5) is amended by
7 adding at the end the following new subparagraph:

8 “(F) QUALIFIED OFFSHORE WIND FACILI-
9 TIES.—

10 “(i) IN GENERAL.—In the case of any
11 qualified offshore wind facility—

12 “(I) subparagraph (C)(ii) shall be
13 applied by substituting ‘January 1,
14 2026’ for ‘January 1, 2022’,

15 “(II) subparagraph (E) shall not
16 apply, and

17 “(III) for purposes of this para-
18 graph, section 45(d)(1) shall be ap-
19 plied by substituting ‘January 1,
20 2026’ for ‘January 1, 2022’.

21 “(ii) QUALIFIED OFFSHORE WIND FA-
22 CILITY.—For purposes of this subpara-
23 graph, the term ‘qualified offshore wind fa-
24 cility’ means a qualified facility (within the
25 meaning of section 45) described in para-

1 graph (1) of section 45(d) (determined
2 without regard to any date by which the
3 construction of the facility is required to
4 begin) which is located in the inland navi-
5 gable waters of the United States or in the
6 coastal waters of the United States.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall apply to periods after December 31,
9 2016, under rules similar to the rules of section 48(m)
10 of the Internal Revenue Code of 1986 (as in effect on the
11 day before the date of the enactment of the Revenue Rec-
12 onciliation Act of 1990).

13 **SEC. 205. MINIMUM RATE OF INTEREST FOR CERTAIN DE-**
14 **TERMINATIONS RELATED TO LIFE INSUR-**
15 **ANCE CONTRACTS.**

16 (a) MODIFICATION OF MINIMUM RATE FOR PUR-
17 POSES OF CASH VALUE ACCUMULATION TEST.—

18 (1) IN GENERAL.—Section 7702(b)(2)(A) is
19 amended by striking “an annual effective rate of 4
20 percent” and inserting “the applicable accumulation
21 test minimum rate”.

22 (2) APPLICABLE ACCUMULATION TEST MIN-
23 IMUM RATE.—Section 7702(b) is amended by adding
24 at the end the following new paragraph:

1 “(3) APPLICABLE ACCUMULATION TEST MIN-
2 IMUM RATE.—For purposes of paragraph (2)(A), the
3 term ‘applicable accumulation test minimum rate’
4 means the lesser of—

5 “(A) an annual effective rate of 4 percent,
6 or

7 “(B) the insurance interest rate (as de-
8 fined in subsection (f)(11)) in effect at the time
9 the contract is issued.”.

10 (b) MODIFICATION OF MINIMUM RATE FOR PUR-
11 POSES OF GUIDELINE PREMIUM REQUIREMENTS.—

12 (1) IN GENERAL.—Section 7702(c)(3)(B)(iii) is
13 amended by striking “an annual effective rate of 6
14 percent” and inserting “the applicable guideline pre-
15 mium minimum rate”.

16 (2) APPLICABLE GUIDELINE PREMIUM MIN-
17 IMUM RATE.—Section 7702(c)(3) is amended by
18 adding at the end the following new subparagraph:

19 “(E) APPLICABLE GUIDELINE PREMIUM
20 MINIMUM RATE.—For purposes of subpara-
21 graph (B)(iii), the term ‘applicable guideline
22 premium minimum rate’ means the applicable
23 accumulation test minimum rate (as defined in
24 subsection (b)(3)) plus 2 percentage points.”.

1 (c) APPLICATION OF MODIFIED MINIMUM RATES TO
2 DETERMINATION OF GUIDELINE LEVEL PREMIUM.—Sec-
3 tion 7702(c)(4) is amended—

4 (1) by striking “4 percent” and inserting “the
5 applicable accumulation test minimum rate”, and

6 (2) by striking “6 percent” and inserting “the
7 applicable guideline premium minimum rate”.

8 (d) INSURANCE INTEREST RATE.—Section 7702(f) is
9 amended by adding at the end the following new para-
10 graph:

11 “(11) INSURANCE INTEREST RATE.—For pur-
12 poses of this section—

13 “(A) IN GENERAL.—The term ‘insurance
14 interest rate’ means, with respect to any con-
15 tract issued in any calendar year, the lesser
16 of—

17 “(i) the section 7702 valuation inter-
18 est rate for such calendar year (or, if such
19 calendar year is not an adjustment year,
20 the most recent adjustment year), or

21 “(ii) the section 7702 applicable Fed-
22 eral interest rate for such calendar year
23 (or, if such calendar year is not an adjust-
24 ment year, the most recent adjustment
25 year).

1 “(B) SECTION 7702 VALUATION INTEREST
2 RATE.—The term ‘section 7702 valuation inter-
3 est rate’ means, with respect to any adjustment
4 year, the prescribed U.S. valuation interest rate
5 for life insurance with guaranteed durations of
6 more than 20 years (as defined in the National
7 Association of Insurance Commissioners’ Stand-
8 ard Valuation Law) as effective in the calendar
9 year immediately preceding such adjustment
10 year.

11 “(C) SECTION 7702 APPLICABLE FEDERAL
12 INTEREST RATE.—The term ‘section 7702 ap-
13 plicable Federal interest rate’ means, with re-
14 spect to any adjustment year, the average
15 (rounded to the nearest whole percentage point)
16 of the applicable Federal mid-term rates (as de-
17 fined in section 1274(d) but based on annual
18 compounding) effective as of the beginning of
19 each of the calendar months in the most recent
20 60-month period ending before the second cal-
21 endar year prior to such adjustment year.

22 “(D) ADJUSTMENT YEAR.—The term ‘ad-
23 justment year’ means the calendar year fol-
24 lowing any calendar year that includes the ef-
25 fective date of a change in the prescribed U.S.

1 valuation interest rate for life insurance with
2 guaranteed durations of more than 20 years (as
3 defined in the National Association of Insur-
4 ance Commissioners' Standard Valuation Law).

5 “(E) TRANSITION RULE.—Notwith-
6 standing subparagraph (A), the insurance inter-
7 est rate shall be 2 percent in the case of any
8 contract which is issued during the period
9 that—

10 “(i) begins on January 1, 2021, and

11 “(ii) ends immediately before the be-
12 ginning of the first adjustment year that
13 beings after December 31, 2021.”.

14 (e) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to contracts issued after December
16 31, 2020.

17 **SEC. 206. CLARIFICATIONS AND TECHNICAL IMPROVE-**
18 **MENTS TO CARES ACT EMPLOYEE RETEN-**
19 **TION CREDIT.**

20 (a) GROSS RECEIPTS OF TAX-EXEMPT ORGANIZA-
21 TIONS.—Section 2301(c)(2)(C) of the CARES Act is
22 amended—

23 (1) by striking “of such Code, clauses (i) and

24 (ii)(I)” and inserting “of such Code—

25 “(i) clauses (i) and (ii)(I)”,

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1 (2) by striking the period at the end and insert-
2 ing “, and”, and

3 (3) by adding at the end the following new
4 clause:

5 “(ii) any reference in this section to
6 gross receipts shall be treated as a ref-
7 erence to gross receipts within the meaning
8 of section 6033 of such Code.”.

9 (b) MODIFICATION OF TREATMENT OF HEALTH
10 PLAN EXPENSES.—Section 2301(c) of the CARES Act is
11 amended—

12 (1) by striking subparagraph (C) of paragraph
13 (3), and

14 (2) in paragraph (5)—

15 (A) by striking “The term” and inserting
16 the following:

17 “(A) IN GENERAL.—The term”, and

18 (B) by adding at the end the following new
19 subparagraph:

20 “(B) ALLOWANCE FOR CERTAIN HEALTH
21 PLAN EXPENSES.—

22 “(i) IN GENERAL.—Such term shall
23 include amounts paid by the eligible em-
24 ployer to provide and maintain a group
25 health plan (as defined in section

1 5000(b)(1) of the Internal Revenue Code
2 of 1986), but only to the extent that such
3 amounts are excluded from the gross in-
4 come of employees by reason of section
5 106(a) of such Code.

6 “(ii) ALLOCATION RULES.—For pur-
7 poses of this section, amounts treated as
8 wages under clause (i) shall be treated as
9 paid with respect to any employee (and
10 with respect to any period) to the extent
11 that such amounts are properly allocable to
12 such employee (and to such period) in such
13 manner as the Secretary may prescribe.
14 Except as otherwise provided by the Sec-
15 retary, such allocation shall be treated as
16 properly made if made on the basis of
17 being pro rata among periods of cov-
18 erage.”.

19 (c) IMPROVED COORDINATION BETWEEN PAYCHECK
20 PROTECTION PROGRAM AND EMPLOYEE RETENTION TAX
21 CREDIT.—

22 (1) AMENDMENT TO PAYCHECK PROTECTION
23 PROGRAM.—Section 7A(a)(12) of the Small Business
24 Act, as redesignated, transferred, and amended by
25 the Economic Aid to Hard-Hit Small Businesses,

1 Nonprofits, and Venues Act, is amended by adding
2 at the end the following: “Such payroll costs shall
3 not include qualified wages taken into account in de-
4 termining the credit allowed under section 2301 of
5 the CARES Act or qualified wages taken into ac-
6 count in determining the credit allowed under sub-
7 section (a) or (d) of section 303 of the Taxpayer
8 Certainty and Disaster Relief Act of 2020.”.

9 (2) AMENDMENTS TO EMPLOYEE RETENTION
10 TAX CREDIT.—

11 (A) IN GENERAL.—Section 2301(g) of the
12 CARES Act is amended to read as follows:

13 “(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO
14 ACCOUNT.—

15 “(1) IN GENERAL.—This section shall not apply
16 to so much of the qualified wages paid by an eligible
17 employer as such employer elects (at such time and
18 in such manner as the Secretary may prescribe) to
19 not take into account for purposes of this section.

20 “(2) COORDINATION WITH PAYCHECK PROTEC-
21 TION PROGRAM.—The Secretary, in consultation
22 with the Administrator of the Small Business Ad-
23 ministration, shall issue guidance providing that
24 payroll costs paid during the covered period shall not
25 fail to be treated as qualified wages under this sec-

1 tion by reason of an election under paragraph (1) to
2 the extent that a covered loan of the eligible em-
3 ployer is not forgiven by reason of a decision under
4 section 7A(g) of the Small Business Act. Terms
5 used in the preceding sentence which are also used
6 in section 7A of the Small Business Act shall have
7 the same meaning as when used in such section.”.

8 (B) CONFORMING AMENDMENTS.—

9 (i) Section 2301 of the CARES Act is
10 amended by striking subsection (j).

11 (ii) Section 2301(l) of the CARES Act
12 is amended by striking paragraph (3) and
13 by redesignating paragraphs (4) and (5) as
14 paragraphs (3) and (4), respectively.

15 (d) REGULATIONS AND GUIDANCE.—Section 2301(l)
16 of the CARES Act, as amended by subsection
17 (c)(2)(B)(ii), is amended by striking “and” at the end of
18 paragraph (3), by striking the period at the end of para-
19 graph (4) and inserting “, and”, and by adding at the
20 end the following new paragraph:

21 “(5) to prevent the avoidance of the purposes of
22 the limitations under this section, including through
23 the leaseback of employees.”.

24 (e) EFFECTIVE DATE.—

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1 (1) IN GENERAL.—The amendments made by
2 this section shall take effect as if included in the
3 provisions of the CARES Act to which they relate.

4 (2) SPECIAL RULE.—

5 (A) IN GENERAL.—For purposes of section
6 2301 of the CARES Act, an employer who has
7 filed a return of tax with respect to applicable
8 employment taxes (as defined in section
9 2301(c)(1) of division A of such Act) before the
10 date of the enactment of this Act may elect (in
11 such manner as the Secretary of the Treasury
12 (or the Secretary’s delegate) shall prescribe) to
13 treat any applicable amount as an amount paid
14 in the calendar quarter which includes the date
15 of the enactment of this Act.

16 (B) APPLICABLE AMOUNT.—For purposes
17 of subparagraph (A), the term “applicable
18 amount” means the amount of wages which—

19 (i) are—

20 (I) described in section
21 2301(c)(5)(B) of the CARES Act, as
22 added by the amendments made by
23 subsection (b), or

24 (II) permitted to be treated as
25 qualified wages under guidance issued

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1 pursuant to section 2301(g)(2) of the
2 CARES Act (as added by subsection
3 (c)), and
4 (ii) were—

5 (I) paid in a calendar quarter be-
6 ginning after December 31, 2019, and
7 before October 1, 2020, and

8 (II) not taken into account by
9 the taxpayer in calculating the credit
10 allowed under section 2301(a) of divi-
11 sion A of such Act for such calendar
12 quarter.

13 **SEC. 207. EXTENSION AND MODIFICATION OF EMPLOYEE**
14 **RETENTION AND REHIRING TAX CREDIT.**

15 (a) EXTENSION.—

16 (1) IN GENERAL.—Section 2301(m) of the
17 CARES Act is amended by striking “January 1,
18 2021” and inserting “July 1, 2021”.

19 (2) CONFORMING AMENDMENT.—Section
20 2301(e)(2)(A)(i) of the CARES Act is amended by
21 striking “during calendar year 2020” and inserting
22 “during the calendar quarter for which the credit is
23 determined under subsection (a)”.

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1 (b) INCREASE IN CREDIT PERCENTAGE.—Section
2 2301(a) of the CARES Act is amended by striking “50
3 percent” and inserting “70 percent”.

4 (c) INCREASE IN PER EMPLOYEE LIMITATION.—Sec-
5 tion 2301(b)(1) of the CARES Act is amended by striking
6 “for all calendar quarters shall not exceed \$10,000” and
7 inserting “for any calendar quarter shall not exceed
8 \$10,000”.

9 (d) MODIFICATIONS TO DEFINITION OF ELIGIBLE
10 EMPLOYER.—

11 (1) DECREASE IN REDUCTION IN GROSS RE-
12 CEIPTS NECESSARY TO QUALIFY AS ELIGIBLE EM-
13 PLOYER.—

14 (A) IN GENERAL.—Section
15 2301(c)(2)(A)(ii)(II) of the CARES Act is
16 amended to read as follows:

17 “(II) the gross receipts (within
18 the meaning of section 448(c) of the
19 Internal Revenue Code of 1986) of
20 such employer for such calendar quar-
21 ter are less than 80 percent of the
22 gross receipts of such employer for
23 the same calendar quarter in calendar
24 year 2019.”.

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1 (B) APPLICATION TO EMPLOYERS NOT IN
2 EXISTENCE IN 2019.—Section 2301(c)(2)(A) of
3 the CARES Act, as amended by subparagraph
4 (A), is amended by adding at the end the fol-
5 lowing new flush sentence:

6 “With respect to any employer for any calendar quarter,
7 if such employer was not in existence as of the beginning
8 of the same calendar quarter in calendar year 2019, clause
9 (ii)(II) shall be applied by substituting ‘2020’ for ‘2019’.”.

10 (2) ELECTION TO DETERMINE GROSS RECEIPTS
11 TEST BASED ON PRIOR QUARTER.—

12 (A) IN GENERAL.—Subparagraph (B) of
13 section 2301(c)(2) of the CARES Act is amend-
14 ed to read as follows:

15 “(B) ELECTION TO USE ALTERNATIVE
16 QUARTER.—At the election of the employer—

17 “(i) subparagraph (A)(ii)(II) shall be
18 applied—

19 “(I) by substituting ‘for the im-
20 mediately preceding calendar quarter’
21 for ‘for such calendar quarter’, and

22 “(II) by substituting ‘the cor-
23 responding calendar quarter in cal-
24 endar year 2019’ for ‘the same cal-

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1 endar quarter in calendar year 2019’,

2 and

3 “(ii) the last sentence of subpara-

4 graph (A) shall be applied by substituting

5 ‘the corresponding calendar quarter in cal-

6 endar year 2019’ for ‘the same calendar

7 quarter in calendar year 2019’.

8 An election under this subparagraph shall be

9 made at such time and in such manner as the

10 Secretary shall prescribe.”.

11 (B) CONFORMING AMENDMENT.—Section

12 2301(l) of the CARES Act, as amended by sec-

13 tion 206, is amended by inserting “and” at the

14 end of paragraph (3), by striking paragraph

15 (4), and by redesignating paragraph (5) as

16 paragraph (4).

17 (3) APPLICATION TO CERTAIN GOVERNMENTAL

18 EMPLOYERS.—

19 (A) IN GENERAL.—Section 2301(f) of the

20 CARES Act is amended—

21 (i) by striking “This” and inserting

22 the following:

23 “(1) IN GENERAL.—This”, and

24 (ii) by adding at the end the following

25 new paragraph:

1 “(2) EXCEPTION.—Paragraph (1) shall not
2 apply to—

3 “(A) any organization described in section
4 501(c)(1) of the Internal Revenue Code of 1986
5 and exempt from tax under section 501(a) of
6 such Code, or

7 “(B) any entity described in paragraph (1)
8 if —

9 “(i) such entity is a college or univer-
10 sity, or

11 “(ii) the principal purpose or function
12 of such entity is providing medical or hos-
13 pital care.

14 In the case of any entity described in subpara-
15 graph (B), such entity shall be treated as satis-
16 fying the requirements of subsection
17 (c)(2)(A)(i).”.

18 (B) CONFORMING AMENDMENT.—Section
19 2301(c)(5)(A) of the CARES Act, as amended
20 by section 206(b)(2), is amended by adding at
21 the end the following new sentence: “For pur-
22 poses of the preceding sentence, in the case of
23 any organization or entity described in sub-
24 section (f)(2), wages as defined in section
25 3121(a) of the Internal Revenue Code of 1986

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1 shall be determined without regard to para-
2 graphs (5), (6), (7), (10), and (13) of section
3 3121(b) of such Code (except with respect to
4 services performed in a penal institution by an
5 inmate thereof).”.

6 (e) MODIFICATION OF DETERMINATION OF QUALI-
7 FIED WAGES.—

8 (1) MODIFICATION OF THRESHOLD FOR TREAT-
9 MENT AS A LARGE EMPLOYER.—Section
10 2301(e)(3)(A) of the CARES Act is amended by
11 striking “100” each place it appears in clauses (i)
12 and (ii) and inserting “500”.

13 (2) ELIMINATION OF LIMITATION.—Section
14 2301(e)(3) of the CARES Act is amended—

15 (A) by striking subparagraph (B), and
16 (B) by striking “Such term” in the second
17 sentence of subparagraph (A) and inserting the
18 following:

19 “(B) EXCEPTION.—The term ‘qualified
20 wages’ ”.

21 (f) DENIAL OF DOUBLE BENEFIT.—Section 2301(h)
22 of the CARES Act is amended—

23 (1) by striking paragraphs (1) and (2) and in-
24 serting the following:

1 “(1) DENIAL OF DOUBLE BENEFIT.—Any
2 wages taken into account in determining the credit
3 allowed under this section shall not be taken into ac-
4 count as wages for purposes of sections 41, 45A,
5 45P, 45S, 51, and 1396 of the Internal Revenue
6 Code of 1986.”.

7 (2) by redesignating paragraph (3) as para-
8 graph (2).

9 (g) ADVANCE PAYMENTS.—

10 (1) IN GENERAL.—Section 2301 of the CARES
11 Act, as amended by section 206(c)(2)(B)(i), is
12 amended by inserting after subsection (i) the fol-
13 lowing new subsection:

14 “(j) ADVANCE PAYMENTS.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), no advance payment of the credit under
17 subsection (a) shall be allowed.

18 “(2) ADVANCE PAYMENTS TO SMALL EMPLOY-
19 ERS.—

20 “(A) IN GENERAL.—Under rules provided
21 by the Secretary, an eligible employer for which
22 the average number of full-time employees
23 (within the meaning of section 4980H of the
24 Internal Revenue Code of 1986) employed by
25 such eligible employer during 2019 was not

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1 greater than 500 may elect for any calendar
2 quarter to receive an advance payment of the
3 credit under subsection (a) for such quarter in
4 an amount not to exceed 70 percent of the aver-
5 age quarterly wages paid by the employer in
6 calendar year 2019.

7 “(B) SPECIAL RULE FOR SEASONAL EM-
8 PLOYERS.—In the case of any employer who
9 employs seasonal workers (as defined in section
10 45R(d)(5)(B) of the Internal Revenue Code of
11 1986), the employer may elect to substitute ‘the
12 wages for the calendar quarter in 2019 which
13 corresponds to the calendar quarter to which
14 the election relates’ for ‘the average quarterly
15 wages paid by the employer in calendar year
16 2019’.

17 “(C) SPECIAL RULE FOR EMPLOYERS NOT
18 IN EXISTENCE IN 2019.—In the case of any em-
19 ployer that was not in existence in 2019, sub-
20 paragraphs (A) and (B) shall each be applied
21 by substituting ‘2020’ for ‘2019’ each place it
22 appears.

23 “(3) RECONCILIATION OF CREDIT WITH AD-
24 VANCE PAYMENTS.—

1 “(A) IN GENERAL.—The amount of credit
2 which would (but for this subsection) be allowed
3 under this section shall be reduced (but not
4 below zero) by the aggregate payment allowed
5 to the taxpayer under paragraph (2). Any fail-
6 ure to so reduce the credit shall be treated as
7 arising out of a mathematical or clerical error
8 and assessed according to section 6213(b)(1) of
9 the Internal Revenue Code of 1986.

10 “(B) EXCESS ADVANCE PAYMENTS.—If the
11 advance payments to a taxpayer under para-
12 graph (2) for a calendar quarter exceed the
13 credit allowed by this section (determined with-
14 out regard to subparagraph (A)), the tax im-
15 posed by chapter 21 or 22 of the Internal Rev-
16 enue Code of 1986 (whichever is applicable) for
17 the calendar quarter shall be increased by the
18 amount of such excess.”.

19 (2) CONFORMING AMENDMENTS.—Section
20 2301(l) of the CARES Act, as amended by section
21 206 and subsection (d)(2)(B), is amended—

22 (A) by inserting “as provided in subsection
23 (j)(2)” after “subsection (a)” in paragraph (1),
24 (B) by striking paragraph (2), and

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1 (C) by redesignating paragraphs (3) and
2 (4) as paragraphs (2) and (3), respectively.

3 (h) THIRD-PARTY PAYORS.—Section 2301(l) of the
4 CARES Act, as amended by section 206 and subsections
5 (d)(2)(B) and (g)(2), is amended by adding at the end
6 the following flush sentence:

7 “Any forms, instructions, regulations, or guidance de-
8 scribed in paragraph (2) shall require the customer to be
9 responsible for the accounting of the credit and for any
10 liability for improperly claimed credits and shall require
11 the certified professional employer organization or other
12 third party payor to accurately report such tax credits
13 based on the information provided by the customer.”.

14 (i) PUBLIC AWARENESS CAMPAIGN.—Section 2301
15 of the CARES Act is amended by adding at the end the
16 following new subsection:

17 “(n) PUBLIC AWARENESS CAMPAIGN.—

18 “(1) IN GENERAL.—The Secretary shall con-
19 duct a public awareness campaign, in coordination
20 with the Administrator of the Small Business Ad-
21 ministration, to provide information regarding the
22 availability of the credit allowed under this section.

23 “(2) OUTREACH.—Under the campaign con-
24 ducted under paragraph (1), the Secretary shall—

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1 “(A) provide to all employers which re-
2 ported not more than 500 employees on the
3 most recently filed return of applicable employ-
4 ment taxes a notice about the credit allowed
5 under this section and the requirements for eli-
6 gibility to claim the credit, and

7 “(B) not later than 30 days after the date
8 of the enactment of this subsection, provide to
9 all employers educational materials relating to
10 the credit allowed under this section, including
11 specific materials for businesses with not more
12 than 500 employees.”.

13 (j) COORDINATION WITH CERTAIN PAYROLL PRO-
14 TECTION PROGRAM LOANS.—Section 2301(g)(2) of the
15 CARES Act, as added by section 206(c)(2)(A), is amend-
16 ed by striking “section 7A(g) of the Small Business Act”
17 and all that follows and inserting “section 7A(g) of the
18 Small Business Act or the application of section
19 7(a)(37)(J) of the Small Business Act. Terms used in the
20 preceding sentence which are also used in section 7A(g)
21 or 7(a)(37)(J) of the Small Business Act shall, when ap-
22 plied in connection with either such section, have the same
23 meaning as when used in such section, respectively.”.

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1 (k) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to calendar quarters beginning
3 after December 31, 2020.

4 **SEC. 208. MINIMUM AGE FOR DISTRIBUTIONS DURING**
5 **WORKING RETIREMENT.**

6 (a) IN GENERAL.—Paragraph (36) of section 401(a)
7 is amended to read as follows:

8 “(36) DISTRIBUTIONS DURING WORKING RE-
9 TIREMENT.—

10 “(A) IN GENERAL.—A trust forming part
11 of a pension plan shall not be treated as failing
12 to constitute a qualified trust under this section
13 solely because the plan provides that a distribu-
14 tion may be made from such trust to an em-
15 ployee who has attained age 59½ and who is
16 not separated from employment at the time of
17 such distribution.

18 “(B) CERTAIN EMPLOYEES IN THE BUILD-
19 ING AND CONSTRUCTION INDUSTRY.—Subpara-
20 graph (A) shall be applied by substituting ‘age
21 55’ for ‘age 59½’ in the case of a multiem-
22 ployer plan described in section
23 4203(b)(1)(B)(i) of the Employee Retirement
24 Income Security Act of 1974, with respect to

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1 individuals who were participants in such plan
2 on or before April 30, 2013, if—

3 “(i) the trust to which subparagraph
4 (A) applies was in existence before Janu-
5 ary 1, 1970, and

6 “(ii) before December 31, 2011, at a
7 time when the plan provided that distribu-
8 tions may be made to an employee who has
9 attained age 55 and who is not separated
10 from employment at the time of such dis-
11 tribution, the plan received at least 1 writ-
12 ten determination from the Internal Rev-
13 enue Service that the trust to which sub-
14 paragraph (A) applies constituted a quali-
15 fied trust under this section.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 this section shall apply to distributions made before, on,
18 or after the date of the enactment of this Act.

19 **SEC. 209. TEMPORARY RULE PREVENTING PARTIAL PLAN**
20 **TERMINATION.**

21 A plan shall not be treated as having a partial termi-
22 nation (within the meaning of 411(d)(3) of the Internal
23 Revenue Code of 1986) during any plan year which in-
24 cludes the period beginning on March 13, 2020, and end-
25 ing on March 31, 2021, if the number of active partici-

1 pants covered by the plan on March 31, 2021 is at least
2 80 percent of the number of active participants covered
3 by the plan on March 13, 2020.

4 **SEC. 210. TEMPORARY ALLOWANCE OF FULL DEDUCTION**
5 **FOR BUSINESS MEALS.**

6 (a) IN GENERAL.—Section 274(n)(2) of the Internal
7 Revenue Code of 1986 is amended by striking “or” at the
8 end of subparagraph (B), by striking the period at the
9 end of subparagraph (C)(iv) and inserting “, or”, and by
10 inserting after subparagraph (C) the following new sub-
11 paragraph:

12 “(D) such expense is—

13 “(i) for food or beverages provided by
14 a restaurant, and

15 “(ii) paid or incurred before January
16 1, 2023.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to amounts paid or incurred after
19 December 31, 2020.

20 **SEC. 211. TEMPORARY SPECIAL RULE FOR DETERMINA-**
21 **TION OF EARNED INCOME.**

22 (a) IN GENERAL.—If the earned income of the tax-
23 payer for the taxpayer’s first taxable year beginning in
24 2020 is less than the earned income of the taxpayer for
25 the preceding taxable year, the credits allowed under sec-

1 tions 24(d) and 32 of the Internal Revenue Code of 1986
2 may, at the election of the taxpayer, be determined by sub-
3 stituting—

4 (1) such earned income for the preceding tax-
5 able year, for

6 (2) such earned income for the taxpayer’s first
7 taxable year beginning in 2020.

8 (b) EARNED INCOME.—

9 (1) IN GENERAL.—For purposes of this section,
10 the term “earned income” has the meaning given
11 such term under section 32(c) of the Internal Rev-
12 enue Code of 1986.

13 (2) APPLICATION TO JOINT RETURNS.—For
14 purposes of subsection (a), in the case of a joint re-
15 turn, the earned income of the taxpayer for the pre-
16 ceding taxable year shall be the sum of the earned
17 income of each spouse for such preceding taxable
18 year.

19 (c) SPECIAL RULES.—

20 (1) ERRORS TREATED AS MATHEMATICAL
21 ERROR.—For purposes of section 6213 of the Inter-
22 nal Revenue Code of 1986, an incorrect use on a re-
23 turn of earned income pursuant to subsection (a)
24 shall be treated as a mathematical or clerical error.

1 (2) NO EFFECT ON DETERMINATION OF GROSS
2 INCOME, ETC.—Except as otherwise provided in this
3 section, the Internal Revenue Code of 1986 shall be
4 applied without regard to any substitution under
5 subsection (a).

6 **SEC. 212. CERTAIN CHARITABLE CONTRIBUTIONS DEDUCT-**
7 **IBLE BY NON-ITEMIZERS.**

8 (a) IN GENERAL.—Section 170 is amended by redес-
9 ignating subsection (p) as subsection (q) and by inserting
10 after subsection (o) the following new subsection:

11 “(p) SPECIAL RULE FOR TAXPAYERS WHO DO NOT
12 ELECT TO ITEMIZE DEDUCTIONS.—In the case of any
13 taxable year beginning in 2021, if the individual does not
14 elect to itemize deductions for such taxable year, the de-
15 duction under this section shall be equal to the deduction,
16 not in excess of \$300 (\$600 in the case of a joint return),
17 which would be determined under this section if the only
18 charitable contributions taken into account in determining
19 such deduction were contributions made in cash during
20 such taxable year (determined without regard to sub-
21 sections (b)(1)(G)(ii) and (d)(1)) to an organization de-
22 scribed in section 170(b)(1)(A) and not—

23 “(1) to an organization described in section
24 509(a)(3), or

1 “(2) for the establishment of a new, or mainte-
2 nance of an existing, donor advised fund (as defined
3 in section 4966(d)(2)).”.

4 (b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE
5 TO OVERSTATED DEDUCTION.—

6 (1) IN GENERAL.—Section 6662(b) is amended
7 by inserting after paragraph (8) the following:

8 “(9) Any overstatement of the deduction pro-
9 vided in section 170(p).”.

10 (2) INCREASED PENALTY.—Section 6662 is
11 amended by adding at the end the following new
12 subsection:

13 “(1) INCREASE IN PENALTY IN CASE OF OVERSTATE-
14 MENT OF QUALIFIED CHARITABLE CONTRIBUTIONS.—In
15 the case of any portion of an underpayment which is at-
16 tributable to one or more overstatements of the deduction
17 provided in section 170(p), subsection (a) shall be applied
18 with respect to such portion by substituting ‘50 percent’
19 for ‘20 percent’.”.

20 (3) EXCEPTION TO APPROVAL OF ASSESS-
21 MENT.—Section 6751(b)(2)(A) is amended by strik-
22 ing “or 6655” and inserting “6655, or 6662 (but
23 only with respect to an addition to tax by reason of
24 subsection (b)(9) thereof)”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 63(b) is amended by striking “and”
2 at the end of paragraph (2), by striking the period
3 at the end of paragraph (3) and inserting “, and”,
4 and by adding at the end the following new para-
5 graph:

6 “(4) the deduction provided in section 170(p).”.

7 (2) Section 63(d) is amended by adding “and”
8 at the end of paragraph (1), by striking paragraphs
9 (2) and (3), and by inserting after paragraph (1) the
10 following new paragraph:

11 “(2) any deduction referred to in any para-
12 graph of subsection (b).”.

13 (c) REPEAL OF SUPERSEDED PROVISIONS.—

14 (1) IN GENERAL.—Section 62(a) is amended by
15 striking paragraph (22).

16 (2) CONFORMING AMENDMENT.—Section 62 is
17 amended by striking subsection (f).

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to taxable years beginning after
20 December 31, 2020.

21 **SEC. 213. MODIFICATION OF LIMITATIONS ON CHARITABLE**
22 **CONTRIBUTIONS.**

23 (a) IN GENERAL.—Subsections (a)(3)(A)(i) and (b)
24 of section 2205 of the CARES Act are each amended by
25 inserting “or 2021” after “2020”.

1 (b) CONFORMING AMENDMENT.—The heading of sec-
2 tion 2205 of the CARES Act is amended by striking
3 “**MODIFICATION OF LIMITATIONS ON CHARITABLE**
4 **CONTRIBUTIONS DURING 2020**” and inserting “**TEM-**
5 **PORARY MODIFICATION OF LIMITATIONS ON CHARI-**
6 **TABLE CONTRIBUTIONS**”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to contributions made after De-
9 cember 31, 2020.

10 **SEC. 214. TEMPORARY SPECIAL RULES FOR HEALTH AND**
11 **DEPENDENT CARE FLEXIBLE SPENDING AR-**
12 **RANGEMENTS.**

13 (a) CARRYOVER FROM 2020 PLAN YEAR.—For plan
14 years ending in 2020, a plan that includes a health flexible
15 spending arrangement or dependent care flexible spending
16 arrangement shall not fail to be treated as a cafeteria plan
17 under the Internal Revenue Code of 1986 merely because
18 such plan or arrangement permits participants to carry
19 over (under rules similar to the rules applicable to health
20 flexible spending arrangements) any unused benefits or
21 contributions remaining in any such flexible spending ar-
22 rangement from such plan year to the plan year ending
23 in 2021.

24 (b) CARRYOVER FROM 2021 PLAN YEAR.—For plan
25 years ending in 2021, a plan that includes a health flexible

1 spending arrangement or dependent care flexible spending
2 arrangement shall not fail to be treated as a cafeteria plan
3 under the Internal Revenue Code of 1986 merely because
4 such plan or arrangement permits participants to carry
5 over (under rules similar to the rules applicable to health
6 flexible spending arrangements) any unused benefits or
7 contributions remaining in any such flexible spending ar-
8 rangement from such plan year to the plan year ending
9 in 2022.

10 (c) EXTENSION OF GRACE PERIODS, ETC.—

11 (1) IN GENERAL.—A plan that includes a
12 health flexible spending arrangement or dependent
13 care flexible spending arrangement shall not fail to
14 be treated as a cafeteria plan under the Internal
15 Revenue Code of 1986 merely because such plan or
16 arrangement extends the grace period for a plan
17 year ending in 2020 or 2021 to 12 months after the
18 end of such plan year, with respect to unused bene-
19 fits or contributions remaining in a health flexible
20 spending arrangement or a dependent care flexible
21 spending arrangement.

22 (2) POST-TERMINATION REIMBURSEMENTS
23 FROM HEALTH FSAs.—A plan that includes a
24 health flexible spending arrangement shall not fail to
25 be treated as a cafeteria plan under the Internal

1 Revenue Code of 1986 merely because such plan or
2 arrangement allows (under rules similar to the rules
3 applicable to dependent care flexible spending ar-
4 rangements) an employee who ceases participation in
5 the plan during calendar year 2020 or 2021 to con-
6 tinue to receive reimbursements from unused bene-
7 fits or contributions through the end of the plan
8 year in which such participation ceased (including
9 any grace period, taking into account any modifica-
10 tion of a grace period permitted under paragraph
11 (1)).

12 (d) SPECIAL CARRY FORWARD RULE FOR DEPEND-
13 ENT CARE FLEXIBLE SPENDING ARRANGEMENTS WHERE
14 DEPENDENT AGED OUT DURING PANDEMIC.—

15 (1) IN GENERAL.—In the case of any eligible
16 employee, section 21(b)(1)(A) of the Internal Rev-
17 enue Code of 1986 shall be applied by substituting
18 “age 14” for “age 13” for purposes of determining
19 the dependent care assistance which may be paid or
20 reimbursed with respect to such employee under the
21 dependent care flexible spending arrangement re-
22 ferred to in paragraph (3)(A) with respect to such
23 employee during—

24 (A) the plan year described in paragraph
25 (3)(A), and

1 (B) in the case of an employee described in
2 paragraph (3)(B)(ii), the subsequent plan year.

3 (2) APPLICATION TO SUBSEQUENT PLAN YEAR
4 LIMITED TO UNUSED BALANCE FROM PRECEDING
5 PLAN YEAR.—Paragraph (1)(B) shall only apply to
6 so much of the amounts paid for dependent care as-
7 sistance with respect to the dependents referred to
8 in paragraph (3)(B) as does not exceed the unused
9 balance described in paragraph (3)(B)(ii).

10 (3) ELIGIBLE EMPLOYEE.—For purposes of
11 this section, the term “eligible employee” means any
12 employee who—

13 (A) is enrolled in a dependent care flexible
14 spending arrangement for the last plan year
15 with respect to which the end of the regular en-
16 rollment period for such plan year was on or
17 before January 31, 2020, and

18 (B) has one or more dependents (as de-
19 fined in section 152(a)(1) of the Internal Rev-
20 enue Code of 1986) who attain the age of 13—

21 (i) during such plan year, or

22 (ii) in the case of an employee who
23 (after the application of this section) has
24 an unused balance in the employee’s ac-
25 count under such arrangement for such

1 plan year (determined as of the close of
2 the last day on which, under the terms of
3 the plan, claims for reimbursement may be
4 made with respect to such plan year), the
5 subsequent plan year.

6 (e) CHANGE IN ELECTION AMOUNT.—For plan years
7 ending in 2021, a plan that includes a health flexible
8 spending arrangement or dependent care flexible spending
9 arrangement shall not fail to be treated as a cafeteria plan
10 under the Internal Revenue Code of 1986 merely because
11 such plan or arrangement allows an employee to make an
12 election to modify prospectively the amount (but not in
13 excess of any applicable dollar limitation) of such employ-
14 ee’s contributions to any such flexible spending arrange-
15 ment (without regard to any change in status).

16 (f) DEFINITIONS.—Any term used in this section
17 which is also used in section 106, 125, or 129 of the Inter-
18 nal Revenue Code of 1986, or the regulations or guidance
19 thereunder, shall have the same meaning as when used
20 in such section, regulations, or guidance.

21 (g) PLAN AMENDMENTS.—A plan that includes a
22 health flexible spending arrangement or dependent care
23 flexible spending arrangement shall not fail to be treated
24 as a cafeteria plan under the Internal Revenue Code of
25 1986 merely because such plan or arrangement is amend-

1 ed pursuant to a provision under this section and such
2 amendment is retroactive, if—

3 (1) such amendment is adopted not later than
4 the last day of the first calendar year beginning
5 after the end of the plan year in which the amend-
6 ment is effective, and

7 (2) the plan or arrangement is operated con-
8 sistent with the terms of such amendment during
9 the period beginning on the effective date of the
10 amendment and ending on the date the amendment
11 is adopted.

12 **TITLE III—DISASTER TAX** 13 **RELIEF**

14 **SEC. 301. DEFINITIONS.**

15 For purposes of this title—

16 (1) **QUALIFIED DISASTER AREA.**—

17 (A) **IN GENERAL.**—The term “qualified
18 disaster area” means any area with respect to
19 which a major disaster was declared, during the
20 period beginning on January 1, 2020, and end-
21 ing on the date which is 60 days after the date
22 of the enactment of this Act, by the President
23 under section 401 of the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act
25 if the incident period of the disaster with re-

1 spect to which such declaration is made begins
2 on or after December 28, 2019, and on or be-
3 fore the date of the enactment of this Act.

4 (B) COVID–19 EXCEPTION.—Such term
5 shall not include any area with respect to which
6 such a major disaster has been so declared only
7 by reason of COVID–19.

8 (2) QUALIFIED DISASTER ZONE.—The term
9 “qualified disaster zone” means that portion of any
10 qualified disaster area which was determined by the
11 President, during the period beginning on January
12 1, 2020, and ending on the date which is 60 days
13 after the date of the enactment of this Act, to war-
14 rant individual or individual and public assistance
15 from the Federal Government under the Robert T.
16 Stafford Disaster Relief and Emergency Assistance
17 Act by reason of the qualified disaster with respect
18 to such disaster area.

19 (3) QUALIFIED DISASTER.—The term “quali-
20 fied disaster” means, with respect to any qualified
21 disaster area, the disaster by reason of which a
22 major disaster was declared with respect to such
23 area.

24 (4) INCIDENT PERIOD.—The term “incident pe-
25 riod” means, with respect to any qualified disaster,

1 the period specified by the Federal Emergency Man-
2 agement Agency as the period during which such
3 disaster occurred (except that for purposes of this
4 title such period shall not be treated as ending after
5 the date which is 30 days after the date of the en-
6 actment of this Act).

7 **SEC. 302. SPECIAL DISASTER-RELATED RULES FOR USE OF**
8 **RETIREMENT FUNDS.**

9 (a) **TAX-FAVORED WITHDRAWALS FROM RETIRE-**
10 **MENT PLANS.—**

11 (1) **IN GENERAL.—**Section 72(t) of the Internal
12 Revenue Code of 1986 shall not apply to any quali-
13 fied disaster distribution.

14 (2) **AGGREGATE DOLLAR LIMITATION.—**

15 (A) **IN GENERAL.—**For purposes of this
16 subsection, the aggregate amount of distribu-
17 tions received by an individual which may be
18 treated as qualified disaster distributions for
19 any taxable year shall not exceed the excess (if
20 any) of—

21 (i) \$100,000, over

22 (ii) the aggregate amounts treated as
23 qualified disaster distributions received by
24 such individual for all prior taxable years.

1 (B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would
2 TIONS.—If a distribution to an individual would
3 (without regard to subparagraph (A)) be a
4 qualified disaster distribution, a plan shall not
5 be treated as violating any requirement of the
6 Internal Revenue Code of 1986 merely because
7 the plan treats such distribution as a qualified
8 disaster distribution, unless the aggregate
9 amount of such distributions from all plans
10 maintained by the employer (and any member
11 of any controlled group which includes the em-
12 ployer) to such individual exceeds \$100,000.

13 (C) CONTROLLED GROUP.—For purposes
14 of subparagraph (B), the term “controlled
15 group” means any group treated as a single
16 employer under subsection (b), (c), (m), or (o)
17 of section 414 of the Internal Revenue Code of
18 1986.

19 (D) SPECIAL RULE FOR INDIVIDUALS AF-
20 FFECTED BY MORE THAN ONE DISASTER.—The
21 limitation of subparagraph (A) shall be applied
22 separately with respect to distributions made
23 with respect to each qualified disaster.

24 (3) AMOUNT DISTRIBUTED MAY BE REPAID.—

1 (A) IN GENERAL.—Any individual who re-
2 ceives a qualified disaster distribution may, at
3 any time during the 3-year period beginning on
4 the day after the date on which such distribu-
5 tion was received, make 1 or more contributions
6 in an aggregate amount not to exceed the
7 amount of such distribution to an eligible retire-
8 ment plan of which such individual is a bene-
9 ficiary and to which a rollover contribution of
10 such distribution could be made under section
11 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
12 457(e)(16), of the Internal Revenue Code of
13 1986, as the case may be.

14 (B) TREATMENT OF REPAYMENTS OF DIS-
15 TRIBUTIONS FROM ELIGIBLE RETIREMENT
16 PLANS OTHER THAN IRAS.—For purposes of
17 the Internal Revenue Code of 1986, if a con-
18 tribution is made pursuant to subparagraph (A)
19 with respect to a qualified disaster distribution
20 from an eligible retirement plan other than an
21 individual retirement plan, then the taxpayer
22 shall, to the extent of the amount of the con-
23 tribution, be treated as having received the
24 qualified disaster distribution in an eligible roll-
25 over distribution (as defined in section

1 402(c)(4) of such Code) and as having trans-
2 ferred the amount to the eligible retirement
3 plan in a direct trustee to trustee transfer with-
4 in 60 days of the distribution.

5 (C) TREATMENT OF REPAYMENTS OF DIS-
6 TRIBUTIONS FROM IRAS.—For purposes of the
7 Internal Revenue Code of 1986, if a contribu-
8 tion is made pursuant to subparagraph (A)
9 with respect to a qualified disaster distribution
10 from an individual retirement plan (as defined
11 by section 7701(a)(37) of such Code), then, to
12 the extent of the amount of the contribution,
13 the qualified disaster distribution shall be treat-
14 ed as a distribution described in section
15 408(d)(3) of such Code and as having been
16 transferred to the eligible retirement plan in a
17 direct trustee to trustee transfer within 60 days
18 of the distribution.

19 (4) DEFINITIONS.—For purposes of this sub-
20 section—

21 (A) QUALIFIED DISASTER DISTRIBUTION.—Except as provided in paragraph (2),
22 the term “qualified disaster distribution” means
23 any distribution from an eligible retirement
24 plan made—
25

1 (i) on or after the first day of the inci-
2 cident period of a qualified disaster and
3 before the date which is 180 days after the
4 date of the enactment of this Act, and

5 (ii) to an individual whose principal
6 place of abode at any time during the inci-
7 dent period of such qualified disaster is lo-
8 cated in the qualified disaster area with re-
9 spect to such qualified disaster and who
10 has sustained an economic loss by reason
11 of such qualified disaster.

12 (B) ELIGIBLE RETIREMENT PLAN.—The
13 term “eligible retirement plan” shall have the
14 meaning given such term by section
15 402(c)(8)(B) of the Internal Revenue Code of
16 1986.

17 (5) INCOME INCLUSION SPREAD OVER 3-YEAR
18 PERIOD.—

19 (A) IN GENERAL.—In the case of any
20 qualified disaster distribution, unless the tax-
21 payer elects not to have this paragraph apply
22 for any taxable year, any amount required to be
23 included in gross income for such taxable year
24 shall be so included ratably over the 3-taxable-
25 year period beginning with such taxable year.

1 (B) SPECIAL RULE.—For purposes of sub-
2 paragraph (A), rules similar to the rules of sub-
3 paragraph (E) of section 408A(d)(3) of the In-
4 ternal Revenue Code of 1986 shall apply.

5 (6) SPECIAL RULES.—

6 (A) EXEMPTION OF DISTRIBUTIONS FROM
7 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
8 HOLDING RULES.—For purposes of sections
9 401(a)(31), 402(f), and 3405 of the Internal
10 Revenue Code of 1986, qualified disaster dis-
11 tributions shall not be treated as eligible roll-
12 over distributions.

13 (B) QUALIFIED DISASTER DISTRIBUTIONS
14 TREATED AS MEETING PLAN DISTRIBUTION RE-
15 QUIREMENTS.—For purposes of the Internal
16 Revenue Code of 1986, a qualified disaster dis-
17 tribution shall be treated as meeting the re-
18 quirements of sections 401(k)(2)(B)(i),
19 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)
20 of such Code and section 8433(h)(1) of title 5,
21 United States Code, and, in the case of a
22 money purchase pension plan, a qualified dis-
23 aster distribution which is an in-service with-
24 drawal shall be treated as meeting the distribu-
25 tion rules of section 401(a) of such Code.

1 (b) RECONTRIBUTIONS OF WITHDRAWALS FOR
2 HOME PURCHASES.—

3 (1) RECONTRIBUTIONS.—

4 (A) IN GENERAL.—Any individual who re-
5 ceived a qualified distribution may, during the
6 applicable period, make 1 or more contributions
7 in an aggregate amount not to exceed the
8 amount of such qualified distribution to an eli-
9 gible retirement plan (as defined in section
10 402(c)(8)(B) of the Internal Revenue Code of
11 1986) of which such individual is a beneficiary
12 and to which a rollover contribution of such dis-
13 tribution could be made under section 402(c),
14 403(a)(4), 403(b)(8), or 408(d)(3), of such
15 Code, as the case may be.

16 (B) TREATMENT OF REPAYMENTS.—Rules
17 similar to the rules of subparagraphs (B) and
18 (C) of subsection (a)(3) shall apply for purposes
19 of this subsection.

20 (2) QUALIFIED DISTRIBUTION.—For purposes
21 of this subsection, the term “qualified distribution”
22 means any distribution—

23 (A) described in section
24 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(i)(V),

1 403(b)(11)(B), or 72(t)(2)(F), of the Internal
2 Revenue Code of 1986,

3 (B) which was to be used to purchase or
4 construct a principal residence in a qualified
5 disaster area, but which was not so used on ac-
6 count of the qualified disaster with respect to
7 such area, and

8 (C) which was received during the period
9 beginning on the date which is 180 days before
10 the first day of the incident period of such
11 qualified disaster and ending on the date which
12 is 30 days after the last day of such incident
13 period.

14 (3) APPLICABLE PERIOD.—For purposes of this
15 subsection, the term “applicable period” means, in
16 the case of a principal residence in a qualified dis-
17 aster area with respect to any qualified disaster, the
18 period beginning on the first day of the incident pe-
19 riod of such qualified disaster and ending on the
20 date which is 180 days after the date of the enact-
21 ment of this Act.

22 (c) LOANS FROM QUALIFIED PLANS.—

23 (1) INCREASE IN LIMIT ON LOANS NOT TREAT-
24 ED AS DISTRIBUTIONS.—In the case of any loan
25 from a qualified employer plan (as defined under

1 section 72(p)(4) of the Internal Revenue Code of
2 1986) to a qualified individual made during the 180-
3 day period beginning on the date of the enactment
4 of this Act—

5 (A) clause (i) of section 72(p)(2)(A) of
6 such Code shall be applied by substituting “
7 \$100,000” for “ \$50,000”, and

8 (B) clause (ii) of such section shall be ap-
9 plied by substituting “the present value of the
10 nonforfeitable accrued benefit of the employee
11 under the plan” for “one-half of the present
12 value of the nonforfeitable accrued benefit of
13 the employee under the plan”.

14 (2) DELAY OF REPAYMENT.—In the case of a
15 qualified individual (with respect to any qualified
16 disaster) with an outstanding loan (on or after the
17 first day of the incident period of such qualified dis-
18 aster) from a qualified employer plan (as defined in
19 section 72(p)(4) of the Internal Revenue Code of
20 1986)—

21 (A) if the due date pursuant to subpara-
22 graph (B) or (C) of section 72(p)(2) of such
23 Code for any repayment with respect to such
24 loan occurs during the period beginning on the
25 first day of the incident period of such qualified

1 disaster and ending on the date which is 180
2 days after the last day of such incident period,
3 such due date shall be delayed for 1 year (or,
4 if later, until the date which is 180 days after
5 the date of the enactment of this Act),

6 (B) any subsequent repayments with re-
7 spect to any such loan shall be appropriately
8 adjusted to reflect the delay in the due date
9 under subparagraph (A) and any interest accru-
10 ing during such delay, and

11 (C) in determining the 5-year period and
12 the term of a loan under subparagraph (B) or
13 (C) of section 72(p)(2) of such Code, the period
14 described in subparagraph (A) of this para-
15 graph shall be disregarded.

16 (3) QUALIFIED INDIVIDUAL.—For purposes of
17 this subsection, the term “qualified individual”
18 means any individual—

19 (A) whose principal place of abode at any
20 time during the incident period of any qualified
21 disaster is located in the qualified disaster area
22 with respect to such qualified disaster, and

23 (B) who has sustained an economic loss by
24 reason of such qualified disaster.

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1 (d) PROVISIONS RELATING TO PLAN AMEND-
2 MENTS.—

3 (1) IN GENERAL.—If this subsection applies to
4 any amendment to any plan or annuity contract,
5 such plan or contract shall be treated as being oper-
6 ated in accordance with the terms of the plan during
7 the period described in paragraph (2)(B)(i).

8 (2) AMENDMENTS TO WHICH SUBSECTION AP-
9 PLIES.—

10 (A) IN GENERAL.—This subsection shall
11 apply to any amendment to any plan or annuity
12 contract which is made—

13 (i) pursuant to any provision of this
14 section, or pursuant to any regulation
15 issued by the Secretary or the Secretary of
16 Labor under any provision of this section,
17 and

18 (ii) on or before the last day of the
19 first plan year beginning on or after Janu-
20 ary 1, 2022, or such later date as the Sec-
21 retary may prescribe.

22 In the case of a governmental plan (as defined
23 in section 414(d) of the Internal Revenue Code
24 of 1986), clause (ii) shall be applied by sub-

1 stituting the date which is 2 years after the
2 date otherwise applied under clause (ii).

3 (B) CONDITIONS.—This subsection shall
4 not apply to any amendment unless—

5 (i) during the period—

6 (I) beginning on the date that
7 this section or the regulation de-
8 scribed in subparagraph (A)(i) takes
9 effect (or in the case of a plan or con-
10 tract amendment not required by this
11 section or such regulation, the effec-
12 tive date specified by the plan), and

13 (II) ending on the date described
14 in subparagraph (A)(ii) (or, if earlier,
15 the date the plan or contract amend-
16 ment is adopted),

17 the plan or contract is operated as if such plan
18 or contract amendment were in effect, and

19 (ii) such plan or contract amendment
20 applies retroactively for such period.

21 **SEC. 303. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS**

22 **AFFECTED BY QUALIFIED DISASTERS.**

23 (a) IN GENERAL.—For purposes of section 38 of the
24 Internal Revenue Code of 1986, in the case of an eligible
25 employer, the 2020 qualified disaster employee retention

1 credit shall be treated as a credit listed at the end of sub-
2 section (b) of such section. For purposes of this sub-
3 section, the 2020 qualified disaster employee retention
4 credit for any taxable year is an amount equal to 40 per-
5 cent of the qualified wages with respect to each eligible
6 employee of such employer for such taxable year. The
7 amount of qualified wages with respect to any employee
8 which may be taken into account under this subsection
9 by the employer for any taxable year shall not exceed
10 \$6,000 (reduced by the amount of qualified wages with
11 respect to such employee taken into account for any prior
12 taxable year).

13 (b) DEFINITIONS.—For purposes of this section—

14 (1) ELIGIBLE EMPLOYER.—The term “eligible
15 employer” means any employer—

16 (A) which conducted an active trade or
17 business in a qualified disaster zone at any time
18 during the incident period of the qualified dis-
19 aster with respect to such qualified disaster
20 zone, and

21 (B) with respect to whom the trade or
22 business described in subparagraph (A) is inop-
23 erable at any time during the period beginning
24 on the first day of the incident period of such
25 qualified disaster and ending on the date of the

1 enactment of this Act, as a result of damage
2 sustained by reason of such qualified disaster.

3 (2) ELIGIBLE EMPLOYEE.—The term “eligible
4 employee” means with respect to an eligible em-
5 ployer an employee whose principal place of employ-
6 ment with such eligible employer (determined imme-
7 diately before the qualified disaster referred to in
8 paragraph (1)) was in the qualified disaster zone re-
9 ferred to in such paragraph.

10 (3) QUALIFIED WAGES.—The term “qualified
11 wages” means wages (as defined in section 51(c)(1)
12 of the Internal Revenue Code of 1986, but without
13 regard to section 3306(b)(2)(B) of such Code) paid
14 or incurred by an eligible employer with respect to
15 an eligible employee at any time on or after the date
16 on which the trade or business described in para-
17 graph (1) first became inoperable at the principal
18 place of employment of the employee (determined
19 immediately before the qualified disaster referred to
20 in such paragraph) and before the earlier of—

21 (A) the date on which such trade or busi-
22 ness has resumed significant operations at such
23 principal place of employment, or

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1 (B) the date which is 150 days after the
2 last day of the incident period of the qualified
3 disaster referred to in paragraph (1).

4 Such term shall include wages paid without regard
5 to whether the employee performs no services, per-
6 forms services at a different place of employment
7 than such principal place of employment, or per-
8 forms services at such principal place of employment
9 before significant operations have resumed. Such
10 term shall not include any wages taken into account
11 under section 2301 of the CARES Act.

12 (c) SPECIAL RULES.—

13 (1) DENIAL OF DOUBLE BENEFIT.—Any wages
14 taken into account in determining any credit allowed
15 under this section shall not be taken into account as
16 wages for purposes of sections 41, 45A, 45P, 45S,
17 51, and 1396 of the Internal Revenue Code of 1986.

18 (2) CERTAIN OTHER RULES TO APPLY.—For
19 purposes of this section, rules similar to the rules of
20 sections 51(i)(1), 52, and 280C(a) of the Internal
21 Revenue Code of 1986 shall apply.

22 (d) PAYROLL TAX CREDIT FOR CERTAIN TAX-EX-
23 EMPT ORGANIZATIONS.—

24 (1) IN GENERAL.—In the case of any qualified
25 tax-exempt organization, there shall be allowed as a

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1 credit against the tax imposed by section 3111(a) of
2 the Internal Revenue Code of 1986 on wages paid
3 with respect to employment of all employees of the
4 organization during the calendar quarter an amount
5 equal to 40 percent of the qualified wages paid to
6 eligible employees of such organization during such
7 calendar quarter.

8 (2) APPLICATION OF AGGREGATE DOLLAR LIM-
9 TATION PER EMPLOYEE.—The amount of qualified
10 wages with respect to any employee which may be
11 taken into account under this subsection by the em-
12 ployer for any calendar quarter shall not exceed
13 \$6,000 (reduced by the amount of qualified wages
14 with respect to which credit was allowed under this
15 subsection for any prior calendar quarter with re-
16 spect to such employee).

17 (3) OVERALL LIMITATION.—

18 (A) IN GENERAL.—The aggregate amount
19 allowed as a credit under this subsection for all
20 eligible employees of any employer for any cal-
21 endar quarter shall not exceed the amount of
22 the tax imposed by section 3111(a) of the Inter-
23 nal Revenue Code of 1986 on wages paid with
24 respect to employment of all employees of such
25 employer during such calendar quarter (reduced

1 by any credits allowed under subsections (e)
2 and (f) of section 3111 of such Code for such
3 quarter).

4 (B) CARRYFORWARD.—If the amount of
5 the credit under paragraph (1) exceeds the limi-
6 tation of subparagraph (A) for any calendar
7 quarter, such excess shall be carried to the suc-
8 ceeding calendar quarter and allowed as a cred-
9 it under paragraph (1) for such quarter.

10 (C) COORDINATION WITH OTHER PAYROLL
11 TAX CREDITS.—

12 (i) Section 7001(b)(3) of the Families
13 First Coronavirus Response Act is amend-
14 ed by inserting “, and section 303(d) of
15 the Taxpayer Certainty and Disaster Tax
16 Relief Act of 2020,” after “subsections (e)
17 and (f) of section 3111 of such Code”.

18 (ii) Section 7003(b)(2) of the Families
19 First Coronavirus Response Act is amend-
20 ed by striking “and section 7001 of this
21 Act,” and inserting “section 7001 of this
22 Act, and section 303(d) of the Taxpayer
23 Certainty and Disaster Tax Relief Act of
24 2020,”.

1 (iii) Section 2301(b)(2) of the CARES
2 Act is amended by striking “and sections
3 7001 and 7003 of the Families First
4 Coronavirus Response Act” and inserting
5 “, sections 7001 and 7003 of the Families
6 First Coronavirus Response Act, and sec-
7 tion 303(d) of the Taxpayer Certainty and
8 Disaster Tax Relief Act of 2020”.

9 (4) DEFINITIONS.—

10 (A) QUALIFIED TAX-EXEMPT ORGANIZA-
11 TION.—For purposes of this subsection, the
12 term “qualified tax-exempt organization” means
13 an organization described in section 501(c) of
14 the Internal Revenue Code of 1986 and exempt
15 from taxation under section 501(a) of such
16 Code if such organization would be an eligible
17 employer if the activities of such organization
18 were an active trade or business.

19 (B) APPLICATION OF CERTAIN TERMS
20 WITH RESPECT TO QUALIFIED TAX-EXEMPT OR-
21 GANIZATIONS.—For purposes of this subsection,
22 the terms “eligible employee” and “qualified
23 wages” shall be applied with respect to any
24 qualified tax-exempt organization—

1 (i) by treating the activities of such
2 organization as an active trade or business,
3 and

4 (ii) by substituting “wages (within the
5 meaning of subsection (d)(4)(C))” for
6 “wages (as defined in section 51(c)(1) of
7 the Internal Revenue Code of 1986, but
8 without regard to section 3306(b)(2)(B) of
9 such Code)” in subsection (b)(3).

10 (C) OTHER TERMS.—Except as otherwise
11 provided in this subsection, any term used in
12 this subsection which is also used in chapter 21
13 or 22 of the Internal Revenue Code of 1986
14 shall have the same meaning as when used in
15 such chapter.

16 (5) TRANSFERS TO CERTAIN TRUST FUNDS.—
17 There are hereby appropriated to the Federal Old-
18 Age and Survivors Insurance Trust Fund and the
19 Federal Disability Insurance Trust Fund established
20 under section 201 of the Social Security Act (42
21 U.S.C. 401) and the Social Security Equivalent Ben-
22 efit Account established under section 15A(a) of the
23 Railroad Retirement Act of 1974 (45 U.S.C. 231n-
24 1(a)) amounts equal to the reduction in revenues to
25 the Treasury by reason of this subsection (without

1 regard to this paragraph). Amounts appropriated by
2 the preceding sentence shall be transferred from the
3 general fund at such times and in such manner as
4 to replicate to the extent possible the transfers
5 which would have occurred to such Trust Fund or
6 Account had this subsection not been enacted.

7 (6) TREATMENT OF DEPOSITS.—The Secretary
8 shall waive any penalty under section 6656 of such
9 Code for any failure to make a deposit of applicable
10 employment taxes if the Secretary determines that
11 such failure was due to the anticipation of the credit
12 allowed under this subsection.

13 (7) THIRD PARTY PAYORS.—Any credit allowed
14 under this subsection shall be treated as a credit de-
15 scribed in section 3511(d)(2) of such Code.

16 (8) COORDINATION WITH SUBSECTION (a)
17 CREDIT.—Any wages taken into account in deter-
18 mining the credit allowed under this subsection shall
19 not be take into account as wages for purposes of
20 subsection (a).

21 (9) REGULATIONS AND GUIDANCE.—The Sec-
22 retary shall issue such forms, instructions, regula-
23 tions, and guidance as are necessary—

24 (A) to allow the advance payment of the
25 credit under paragraph (1), subject to the limi-

1 tations provided in this subsection, based on
2 such information as the Secretary shall require,

3 (B) regulations or other guidance to pro-
4 vide for the reconciliation of such advance pay-
5 ment with the amount of the credit under this
6 subsection at the time of filing the return of tax
7 for the applicable quarter or taxable year,

8 (C) with respect to the application of the
9 credit under paragraph (1) to third party
10 payors (including professional employer organi-
11 zations, certified professional employer organi-
12 zations, or agents under section 3504 of the In-
13 ternal Revenue Code of 1986), including regula-
14 tions or guidance allowing such payors to sub-
15 mit documentation necessary to substantiate
16 the eligible employer status of employers that
17 use such payors, and

18 (D) for recapturing the benefit of credits
19 determined under this subsection in cases where
20 there is a subsequent adjustment to the credit
21 determined under paragraph (1).

22 (e) ELECTION TO NOT TAKE CERTAIN WAGES INTO
23 ACCOUNT.—

24 (1) IN GENERAL.—This section shall not apply
25 to qualified wages paid by an eligible employer with

1 respect to which such employer makes an election
2 (at such time and in such manner as the Secretary
3 may prescribe) to have this section not apply to such
4 wages.

5 (2) COORDINATION WITH PAYCHECK PROTEC-
6 TION PROGRAM.—The Secretary, in consultation
7 with the Administrator of the Small Business Ad-
8 ministration, shall issue guidance providing that
9 payroll costs paid or incurred during the covered pe-
10 riod shall not fail to be treated as qualified wages
11 under this section by reason of an election under
12 paragraph (1) to the extent that a covered loan of
13 the eligible employer is not forgiven by reason of a
14 decision under section 7A(g) of the Small Business
15 Act. Terms used in the preceding sentence which are
16 also used in section 7A(g) of such Act shall have the
17 same meaning as when used in such section.

18 (f) CERTAIN GOVERNMENTAL EMPLOYERS.—

19 (1) IN GENERAL.—The credits under this sec-
20 tion shall not apply to the Government of the United
21 States, the government of any State or political sub-
22 division thereof, or any agency or instrumentality of
23 any of the foregoing.

24 (2) EXCEPTION.—Paragraph (1) shall not
25 apply to—

2513

1 (A) any organization described in section
2 501(c)(1) of the Internal Revenue Code of 1986
3 and exempt from tax under section 501(a) of
4 such Code, or

5 (B) any entity described in paragraph (1)
6 if —

7 (i) such entity is a college or univer-
8 sity, or

9 (ii) the principal purpose or function
10 of such entity is providing medical or hos-
11 pital care.

12 An entity described in subparagraph (B) shall
13 be treated for purposes of this section in the
14 same manner as an organization described in
15 section 501(c) of the Internal Revenue Code of
16 1986 and exempt from tax under section 501(a)
17 of such Code.

18 (g) AMENDMENT TO PAYCHECK PROTECTION PRO-
19 GRAM.—Section 7A(a)(12) of the Small Business Act (as
20 redesignated, transferred, and amended by the Economic
21 Aid to Hard-Hit Small Businesses, Nonprofits, and
22 Venues Act and as amended by section 206(c) of this divi-
23 sion) is amended by adding at the end the following:
24 “Such payroll costs shall not include qualified wages taken
25 into account in determining the credit allowed under sub-

1 section (a) or (d) of section 303 of the Taxpayer Certainty
2 and Disaster Tax Relief Act of 2020.”.

3 **SEC. 304. OTHER DISASTER-RELATED TAX RELIEF PROVI-**
4 **SIONS.**

5 (a) SPECIAL RULES FOR QUALIFIED DISASTER RE-
6 LIEF CONTRIBUTIONS.—

7 (1) IN GENERAL.—In the case of a qualified
8 disaster relief contribution made by a corporation—

9 (A) section 2205(a)(2)(B) of the CARES
10 Act shall be applied first to qualified contribu-
11 tions without regard to any qualified disaster
12 relief contributions and then separately to such
13 qualified disaster relief contribution, and

14 (B) in applying such section to such quali-
15 fied disaster relief contributions, clause (i)
16 thereof shall be applied—

17 (i) by substituting “100 percent” for
18 “25 percent”, and

19 (ii) by treating qualified contributions
20 other than qualified disaster relief con-
21 tributions as contributions allowed under
22 section 170(b)(2) of the Internal Revenue
23 Code of 1986.

24 (2) QUALIFIED DISASTER RELIEF CONTRIBU-
25 TION.—For purposes of this subsection, the term

1 “qualified disaster relief contribution” means any
2 qualified contribution (as defined in section
3 2205(a)(3) of the CARES Act) if—

4 (A) such contribution—

5 (i) is paid, during the period begin-
6 ning on January 1, 2020, and ending on
7 the date which is 60 days after the date of
8 the enactment of this Act, and

9 (ii) is made for relief efforts in one or
10 more qualified disaster areas,

11 (B) the taxpayer obtains from such organi-
12 zation contemporaneous written acknowledg-
13 ment (within the meaning of section 170(f)(8)
14 of such Code) that such contribution was used
15 (or is to be used) for relief efforts described in
16 subparagraph (A)(ii), and

17 (C) the taxpayer has elected the applica-
18 tion of this subsection with respect to such con-
19 tribution.

20 (3) CROSS-REFERENCE.—For the suspension of
21 the limitation on qualified disaster relief contribu-
22 tions made by an individual during 2020, see section
23 2205(a) of the CARES Act.

24 (b) SPECIAL RULES FOR QUALIFIED DISASTER-RE-
25 LATED PERSONAL CASUALTY LOSSES.—

2516

1 (1) IN GENERAL.—If an individual has a net
2 disaster loss for any taxable year—

3 (A) the amount determined under section
4 165(h)(2)(A)(ii) of the Internal Revenue Code
5 of 1986 shall be equal to the sum of—

6 (i) such net disaster loss, and

7 (ii) so much of the excess referred to
8 in the matter preceding clause (i) of sec-
9 tion 165(h)(2)(A) of such Code (reduced
10 by the amount in clause (i) of this sub-
11 paragraph) as exceeds 10 percent of the
12 adjusted gross income of the individual,

13 (B) in the case of qualified disaster-related
14 personal casualty losses, section 165(h)(1) of
15 such Code shall be applied to by substituting “
16 \$500” for “ \$500 (\$100 for taxable years be-
17 ginning after December 31, 2009)”,

18 (C) the standard deduction determined
19 under section 63(c) of such Code shall be in-
20 creased by the net disaster loss, and

21 (D) section 56(b)(1)(E) of such Code shall
22 not apply to so much of the standard deduction
23 as is attributable to the increase under sub-
24 paragraph (C) of this paragraph.

1 (2) NET DISASTER LOSS.—For purposes of this
2 subsection, the term “net disaster loss” means the
3 excess of qualified disaster-related personal casualty
4 losses over personal casualty gains (as defined in
5 section 165(h)(3)(A) of the Internal Revenue Code
6 of 1986).

7 (3) QUALIFIED DISASTER-RELATED PERSONAL
8 CASUALTY LOSSES.—For purposes of this sub-
9 section, the term “qualified disaster-related personal
10 casualty losses” means losses described in section
11 165(c)(3) of the Internal Revenue Code of 1986
12 which arise in a qualified disaster area on or after
13 the first day of the incident period of the qualified
14 disaster to which such area relates, and which are
15 attributable to such qualified disaster.

16 **SEC. 305. LOW-INCOME HOUSING TAX CREDIT.**

17 (a) ADDITIONAL LOW-INCOME HOUSING CREDIT AL-
18 LOCATIONS.—

19 (1) IN GENERAL.—For purposes of section 42
20 of the Internal Revenue Code of 1986, the State
21 housing credit ceiling for any State for each of cal-
22 endar years 2021 and 2022 shall be increased by the
23 aggregate housing credit dollar amount allocated by
24 the State housing credit agencies of such State for

1 such calendar year to buildings located in any quali-
2 fied disaster zone in such State.

3 (2) LIMITATION.—

4 (A) APPLICATION OF AGGREGATE LIMITA-
5 TION.—The increase determined under para-
6 graph (1) with respect to any State shall not
7 exceed—

8 (i) in the case of any such increase
9 determined for calendar year 2021, the ap-
10 plicable dollar limitation for such State,
11 and

12 (ii) in the case of any such increase
13 determined for calendar year 2022, the ap-
14 plicable dollar limitation for such State re-
15 duced by the amount of any increase deter-
16 mined under paragraph (1) with respect to
17 such State for calendar year 2021.

18 (B) APPLICABLE DOLLAR LIMITATION.—
19 For purposes of this paragraph, the term “ap-
20 plicable dollar limitation” means, with respect
21 to any State, the lesser of—

22 (i) the product of \$3.50 multiplied by
23 the population of such State (as deter-
24 mined for calendar year 2020) which re-

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1 sides in qualified disaster zones in such
2 State, or

3 (ii) 65 percent of the State housing
4 credit ceiling for such State for calendar
5 year 2020.

6 (3) EXTENSION OF PLACED IN SERVICE DEAD-
7 LINE FOR DESIGNATED HOUSING CREDIT DOLLAR
8 AMOUNTS.—

9 (A) IN GENERAL.—In the case of any
10 housing credit dollar amount which is allocated
11 by a State housing credit agency of a State for
12 calendar year 2021 or 2022 to a building lo-
13 cated in a qualified disaster zone in such State
14 and which is designated (at such time and in
15 such manner as the Secretary may provide) by
16 such State housing credit agency as housing
17 credit dollar amount to which this paragraph
18 applies, section 42(h)(1)(E) of the Internal
19 Revenue Code of 1986 shall be applied—

20 (i) by substituting “third calendar
21 year” for “second calendar year” both
22 places it appears, and

23 (ii) by substituting “2 years” for “1
24 year” in clause (ii) thereof.

1 (B) APPLICATION OF LIMITATION.—The
2 aggregate amount of housing credit dollar
3 amount designated under subparagraph (A) for
4 any calendar year by all State housing credit
5 agencies of a State shall not exceed the amount
6 determined under paragraph (2)(A) with re-
7 spect to such State for such calendar year.

8 (4) ALLOCATIONS TREATED AS MADE FIRST
9 FROM ADDITIONAL ALLOCATION FOR PURPOSES OF
10 DETERMINING CARRYOVER.—For purposes of deter-
11 mining the unused State housing credit ceiling for
12 any calendar year under section 42(h)(3)(C) of the
13 Internal Revenue Code of 1986, any increase in the
14 State housing credit ceiling under paragraph (1)
15 shall be treated as an amount described in clause (ii)
16 of such section.

17 **SEC. 306. TREATMENT OF CERTAIN POSSESSIONS.**

18 (a) PAYMENTS TO POSSESSIONS WITH MIRROR
19 CODE TAX SYSTEMS.—The Secretary of the Treasury
20 shall pay to each possession of the United States which
21 has a mirror code tax system amounts equal to the loss
22 (if any) to that possession by reason of the application
23 of the provisions of this title. Such amounts shall be deter-
24 mined by the Secretary of the Treasury based on informa-

1 tion provided by the government of the respective posses-
2 sion.

3 (b) PAYMENTS TO OTHER POSSESSIONS.—The Sec-
4 retary of the Treasury shall pay to each possession of the
5 United States which does not have a mirror code tax sys-
6 tem amounts estimated by the Secretary of the Treasury
7 as being equal to the aggregate benefits (if any) that
8 would have been provided to residents of such possession
9 by reason of the provisions of this title if a mirror code
10 tax system had been in effect in such possession. The pre-
11 ceding sentence shall not apply unless the respective pos-
12 session has a plan, which has been approved by the Sec-
13 retary of the Treasury, under which such possession will
14 promptly distribute such payments to its residents.

15 (c) MIRROR CODE TAX SYSTEM.—For purposes of
16 this section, the term “mirror code tax system” means,
17 with respect to any possession of the United States, the
18 income tax system of such possession if the income tax
19 liability of the residents of such possession under such sys-
20 tem is determined by reference to the income tax laws of
21 the United States as if such possession were the United
22 States.

23 (d) TREATMENT OF PAYMENTS.—For purposes of
24 section 1324 of title 31, United States Code, the payments
25 under this section shall be treated in the same manner

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1 as a refund due from a credit provision referred to in sub-
2 section (b)(2) of such section.

1 **DIVISION FF—OTHER MATTER**
2 **TITLE I—CONTINUING EDU-**
3 **CATION AT AFFECTED FOR-**
4 **EIGN INSTITUTIONS AND**
5 **MODIFICATION OF CERTAIN**
6 **PROTECTIONS FOR TAX-**
7 **PAYER RETURN INFORMA-**
8 **TION**

9 **SEC. 101. CONTINUING EDUCATION AT AFFECTED FOREIGN**
10 **INSTITUTIONS.**

11 (a) IN GENERAL.—Section 3510 of the CARES Act
12 (20 U.S.C. 1001 note) is amended—

13 (1) in subsection (a), by striking “for the dura-
14 tion of such emergency” and all that follows through
15 the period at the end and inserting “for purposes of
16 title IV of the Higher Education Act of 1965 (20
17 U.S.C. 1070 et seq.) until the end of the covered pe-
18 riod applicable to the institution.”;

19 (2) in subsection (b), by striking “for the dura-
20 tion of the qualifying emergency and the following
21 payment period for purposes of title IV of the High-
22 er Education Act of 1965 (20 U.S.C. 1070 et seq.).”
23 and inserting “until the end of the covered period
24 applicable to the institution.”;

1 (3) in subsection (c), by striking “for the dura-
2 tion of the qualifying emergency and the following
3 payment period,” and inserting “until all covered pe-
4 riods for foreign institutions carrying out a distance
5 education program authorized under this section
6 have ended,”;

7 (4) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) by striking “for the duration of a
10 qualifying emergency and the following
11 payment period,” and inserting “until the
12 end of the covered period applicable to a
13 foreign institution,”; and

14 (ii) by striking “allow a foreign insti-
15 tution” and inserting “allow the foreign in-
16 stitution”;

17 (B) in each of subparagraphs (A) and (B)
18 of paragraph (2), by striking “subsection (a)”
19 and inserting “paragraph (1)”;

20 (C) in paragraph (3)(B), by striking “30
21 days” and inserting “10 days”; and

22 (D) in paragraph (4)—

23 (i) by striking “for the duration of the
24 qualifying emergency and the following
25 payment period,” and inserting “until all

1 covered periods for foreign institutions that
2 entered into written arrangements under
3 paragraph (1) have ended,”; and

4 (ii) by striking “identifies each foreign
5 institution that entered into a written ar-
6 rangement under subsection (a).” and in-
7 serting the following: identifies, for each
8 such foreign institution—

9 “(A) the name of the foreign institution;

10 “(B) the name of the institution of higher
11 education located in the United States that has
12 entered into a written arrangement with such
13 foreign institution; and

14 “(C) information regarding the nature of
15 such written arrangement, including which
16 coursework or program requirements are ac-
17 complished at each respective institution.”; and

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

19 “(e) DEFINITION OF COVERED PERIOD.—

20 “(1) IN GENERAL.—In this section, the term
21 ‘covered period’, when used with respect to a foreign
22 institution of higher education, means the period—

23 “(A) beginning on the first day of—

24 “(i) a qualifying emergency; or

1 “(ii) a public health emergency, major
2 disaster or emergency, or national emer-
3 gency declared by the applicable govern-
4 ment authorities in the country in which
5 the foreign institution is located; and

6 “(B) ending on the later of—

7 “(i) subject to paragraph (2), the last
8 day of the payment period, for purposes of
9 title IV of the Higher Education Act of
10 1965 (20 U.S.C. 1070 et seq.), following
11 the end of any qualifying emergency or any
12 emergency or disaster described in sub-
13 paragraph (A)(ii) applicable to the foreign
14 institution; or

15 “(ii) June 30, 2022.

16 “(2) SPECIAL RULE FOR CERTAIN PAYMENT
17 PERIODS.—For purposes of subparagraph (B)(i), if
18 the following payment period for an award year ends
19 before June 30 of such award year, the covered pe-
20 riod shall be extended until June 30 of such award
21 year.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect as if included in the enact-
24 ment of the CARES Act (Public Law 116–136).

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1 **SEC. 102. DISCLOSURES TO IDENTIFY TAX RECEIVABLES**
2 **NOT ELIGIBLE FOR COLLECTION PURSUANT**
3 **TO QUALIFIED TAX COLLECTION CON-**
4 **TRACTS.**

5 (a) IN GENERAL.—Section 1106 of the Social Secu-
6 rity Act (42 U.S.C. 1306) is amended by adding at the
7 end the following:

8 “(g) Notwithstanding any other provision of this sec-
9 tion, the Commissioner of Social Security shall enter into
10 an agreement with the Secretary of the Treasury under
11 which—

12 “(1) if the Secretary provides the Commissioner
13 with the information described in section
14 6103(k)(15) of the Internal Revenue Code of 1986
15 with respect to any individual, the Commissioner
16 shall indicate to the Secretary as to whether such in-
17 dividual receives disability insurance benefits under
18 section 223 or supplemental security income benefits
19 under title XVI (including State supplementary pay-
20 ments of the type referred to in section 1616(a) or
21 payments of the type described in section 212(a) of
22 Public Law 93-66);

23 “(2) appropriate safeguards are included to as-
24 sure that the indication described in paragraph (1)
25 will be used solely for the purpose of determining if
26 tax receivables involving such individual are not eli-

1 gible for collection pursuant to a qualified tax collec-
2 tion contract by reason of section 6306(d)(3)(E) of
3 the Internal Revenue Code of 1986; and

4 “(3) the Secretary shall pay the Commissioner
5 of Social Security the full costs (including systems
6 and administrative costs) of providing the indication
7 described in paragraph (1).”.

8 (b) AUTHORIZATION OF DISCLOSURE BY SECRETARY
9 OF THE TREASURY.—

10 (1) IN GENERAL.—Section 6103(k) of the In-
11 ternal Revenue Code of 1986 is amended by adding
12 at the end the following new paragraph:

13 “(15) DISCLOSURES TO SOCIAL SECURITY AD-
14 MINISTRATION TO IDENTIFY TAX RECEIVABLES NOT
15 ELIGIBLE FOR COLLECTION PURSUANT TO QUALI-
16 FIED TAX COLLECTION CONTRACTS.—In the case of
17 any individual involved with a tax receivable which
18 the Secretary has identified for possible collection
19 pursuant to a qualified tax collection contract (as
20 defined in section 6306(b)), the Secretary may dis-
21 close the taxpayer identity and date of birth of such
22 individual to officers, employees, and contractors of
23 the Social Security Administration to determine if
24 such tax receivable is not eligible for collection pur-

1 suant to such a qualified tax collection contract by
2 reason of section 6306(d)(3)(E).”.

3 (2) CONFORMING AMENDMENTS RELATED TO
4 SAFEGUARDS.—

5 (A) Section 6103(a)(3) of such Code is
6 amended by striking “or (14)” and inserting
7 “(14), or (15)”.

8 (B) Section 6103(p)(4) of such Code is
9 amended—

10 (i) by striking “(k)(8), (10) or (11)”
11 both places it appears and inserting
12 “(k)(8), (10), (11), or (15)”, and

13 (ii) by striking “any other person de-
14 scribed in subsection (k)(10)” each place it
15 appears and inserting “any other person
16 described in subsection (k)(10) or (15)”.

17 (C) Section 7213(a)(2) of such Code is
18 amended by striking “(k)(10), (13), or (14)”
19 and inserting “(k)(10), (13), (14), or (15)”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to disclosures made on or after
22 the date of the enactment of this Act.

1 **SEC. 103. MODIFICATION OF CERTAIN PROTECTIONS FOR**
2 **TAXPAYER RETURN INFORMATION.**

3 (a) AMENDMENTS TO THE INTERNAL REVENUE
4 CODE OF 1986.—

5 (1) IN GENERAL.—Subparagraph (D) of section
6 6103(l)(13) of the Internal Revenue Code of 1986 is
7 amended—

8 (A) by inserting at the end of clause (iii)
9 the following new sentence: “Under such terms
10 and conditions as may be prescribed by the Sec-
11 retary, after consultation with the Department
12 of Education, an institution of higher education
13 described in subclause (I) or a State higher
14 education agency described in subclause (II)
15 may designate a contractor of such institution
16 or state agency to receive return information on
17 behalf of such institution or state agency to ad-
18 minister aspects of the institution’s or state
19 agency’s activities for the application, award,
20 and administration of such financial aid.”, and

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

22 “(iv) REDISCLOSURE TO OFFICE OF
23 INSPECTOR GENERAL, INDEPENDENT
24 AUDITORS, AND CONTRACTORS.—Any re-
25 turn information which is redisclosed
26 under clause (iii)—

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1 “(I) may be further disclosed by
2 persons described in subclauses (I),
3 (II), or (III) of clause (iii) or persons
4 designated in the last sentence of
5 clause (iii) to the Office of Inspector
6 General of the Department of Edu-
7 cation and independent auditors con-
8 ducting audits of such person’s ad-
9 ministration of the programs for
10 which the return information was re-
11 ceived, and

12 “(II) may be further disclosed by
13 persons described in subclauses (I),
14 (II), or (III) of clause (iii) to contrac-
15 tors of such entities,

16 but only to the extent necessary in car-
17 rying out the purposes described in such
18 clause (iii).

19 “(v) REDISCLOSURE TO FAMILY MEM-
20 BERS.—In addition to the purposes for
21 which information is disclosed and used
22 under subparagraphs (A) and (C), or re-
23 disclosed under clause (iii), any return in-
24 formation so disclosed or redisclosed may
25 be further disclosed to any individual cer-

1 tified by the Secretary of Education as
2 having provided approval under paragraph
3 (1) or (2) of section 494(a) of the Higher
4 Education Act of 1965, as the case may
5 be, for disclosure related to the income-
6 contingent or income-based repayment plan
7 under subparagraph (A) or the eligibility
8 for, and amount of, Federal student finan-
9 cial aid described in subparagraph (C).

10 “(vi) REDISCLOSURE OF FAFSA IN-
11 FORMATION.—Return information received
12 under subparagraph (C) may be redis-
13 closed in accordance with subsection (c) of
14 section 494 of the Higher Education Act
15 of 1965 as in effect on the date of enact-
16 ment of the Consolidated Appropriations
17 Act, 2021 to carry out the purposes speci-
18 fied in such subsection.”.

19 (2) CONFORMING AMENDMENT.—Subparagraph
20 (F) of section 6103(l)(13) of such Code is amended
21 by inserting “, and any redisclosure authorized
22 under clause (iii), (iv) (v), or (vi) of subparagraph
23 (D),” after “ or (C)”.

24 (3) CONFIDENTIALITY OF RETURN INFORMA-
25 TION.—

1 (A) Section 6103(a)(3) of such Code, as
2 amended by section 3516(a)(1) of the CARES
3 Act (Public Law 116–136), is amended by
4 striking “(13)(A), (13)(B), (13)(C),
5 (13)(D)(i),” and inserting “(13) (other than
6 subparagraphs (D)(v) and (D)(vi) thereof),”.

7 (B) Section 6103(p)(3)(A) of such Code,
8 as amended by section 3516(a)(2) of such Act,
9 is amended by striking “(13)(A), (13)(B),
10 (13)(C), (13)(D)(i),” and inserting
11 “(13)(D)(iv), (13)(D)(v), (13)(D)(vi)”.

12 (4) EFFECTIVE DATE.—The amendments made
13 by this subsection shall apply to disclosures made
14 after the date of the enactment of the FUTURE Act
15 (Public Law 116–91).

16 (b) AMENDMENTS TO THE HIGHER EDUCATION ACT
17 OF 1965.—

18 (1) IN GENERAL.—Section 494 of the Higher
19 Education Act of 1965 (20 U.S.C. 1098h(a)) is
20 amended—

21 (A) in subsection (a)(1)—

22 (i) in the matter preceding subpara-
23 graph (A), by inserting “, including return
24 information,” after “financial informa-
25 tion”;

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1 (ii) in subparagraph (A)—
2 (I) in clause (i)—
3 (aa) by striking “subpara-
4 graph (B), the” and inserting the
5 following: “subparagraph (B)—
6 “(I) the”; and
7 (bb) by adding at the end
8 the following:
9 “(II) the return information of
10 such individuals may be redisclosed
11 pursuant to clauses (iii), (iv), (v), and
12 (vi) of section 6103(l)(13)(D) of the
13 Internal Revenue Code of 1986, for
14 the relevant purposes described in
15 such section; and”; and
16 (II) in clause (ii), by striking
17 “such disclosure” and inserting “the
18 disclosures described in subclauses (I)
19 and (II) of clause (i)”; and
20 (iii) in subparagraph (B), by striking
21 “disclosure described in subparagraph
22 (A)(i)” and inserting “disclosures de-
23 scribed in subclauses (I) and (II) of sub-
24 paragraph (A)(i)”; and

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1 (B) in subsection (a)(2)(A)(ii), by striking
2 “affirmatively approve the disclosure described
3 in paragraph (1)(A)(i) and agree that such ap-
4 proval shall serve as an ongoing approval of
5 such disclosure until the date on which the indi-
6 vidual elects to opt out of such disclosure” and
7 inserting “affirmatively approve the disclosures
8 described in subclauses (I) and (II) of para-
9 graph (1)(A)(i), to the extent applicable, and
10 agree that such approval shall serve as an ongo-
11 ing approval of such disclosures until the date
12 on which the individual elects to opt out of such
13 disclosures”; and

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

15 “(c) ACCESS TO FAFSA INFORMATION.—

16 “(1) REDISCLOSURE OF INFORMATION.—The
17 information in a complete, unredacted Student Aid
18 Report (including any return information disclosed
19 under section 6103(l)(13) of the Internal Revenue
20 Code of 1986 (26 U.S.C. 6103(l)(13))) with respect
21 to an application described in subsection (a)(1) of an
22 applicant for Federal student financial aid—

23 “(A) upon request for such information by
24 such applicant, shall be provided to such appli-
25 cant by—

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1 “(i) the Secretary; or

2 “(ii) in a case in which the Secretary
3 has requested that institutions of higher
4 education carry out the requirements of
5 this subparagraph, an institution of higher
6 education that has received such informa-
7 tion; and

8 “(B) with the written consent by the appli-
9 cant to an institution of higher education, may
10 be provided by such institution of higher edu-
11 cation as is necessary to a scholarship granting
12 organization (including a tribal organization
13 (defined in section 4 of the Indian Self-Deter-
14 mination and Education Assistance Act (25
15 U.S.C. 5304))), or to an organization assisting
16 the applicant in applying for and receiving Fed-
17 eral, State, local, or tribal assistance, that is
18 designated by the applicant to assist the appli-
19 cant in applying for and receiving financial as-
20 sistance for any component of the applicant’s
21 cost of attendance (defined in section 472) at
22 that institution.

23 “(2) DISCUSSION OF INFORMATION.—A discus-
24 sion of the information in an application described
25 in subsection (a)(1) (including any return informa-

1 tion disclosed under section 6103(l)(13) of the Inter-
2 nal Revenue Code of 1986 (26 U.S.C. 6103(l)(13))
3 of an applicant between an institution of higher edu-
4 cation and the applicant may, with the written con-
5 sent of the applicant, include an individual selected
6 by the applicant (such as an advisor) to participate
7 in such discussion.

8 “(3) RESTRICTION ON DISCLOSING INFORMA-
9 TION.—A person receiving information under para-
10 graph (1)(B) or (2) with respect to an applicant
11 shall not use the information for any purpose other
12 than the express purpose for which consent was
13 granted by the applicant and shall not disclose such
14 information to any other person without the express
15 permission of, or request by, the applicant.

16 “(4) DEFINITIONS.—In this subsection:

17 “(A) STUDENT AID REPORT.—The term
18 ‘Student Aid Report’ has the meaning given the
19 term in section 668.2 of title 34, Code of Fed-
20 eral Regulations (or successor regulations).

21 “(B) WRITTEN CONSENT.—The term
22 ‘written consent’ means a separate, written doc-
23 ument that is signed and dated (which may in-
24 clude by electronic format) by an applicant,
25 which—

1 “(i) indicates that the information
2 being disclosed includes return information
3 disclosed under section 6103(l)(13) of the
4 Internal Revenue Code of 1986 (26 U.S.C.
5 6103(l)(13)) with respect to the applicant;

6 “(ii) states the purpose for which the
7 information is being disclosed; and

8 “(iii) states that the information may
9 only be used for the specific purpose and
10 no other purposes.

11 “(5) RECORD KEEPING REQUIREMENT.—An in-
12 stitution of higher education shall—

13 “(A) keep a record of each written consent
14 made under this subsection for a period of at
15 least 3 years from the date of the student’s last
16 date of attendance at the institution; and

17 “(B) make each such record readily avail-
18 able for review by the Secretary.”.

19 (2) CONFORMING AMENDMENT.—Section
20 494(a)(3) of the Higher Education Act of 1965 (20
21 U.S.C. 1098h(a)(3)) is amended by striking “para-
22 graph (1)(A)(i)” both places the term appears and
23 inserting “paragraph (1)(A)(i)(I)”.

1 **SEC. 104. RESCHEDULING OF THE NAEP MANDATED BIEN-**
2 **NIAL 4TH AND 8TH GRADE ASSESSMENT AND**
3 **ALIGNMENT OF THE MANDATED QUADREN-**
4 **NIAL 12TH GRADE ASSESSMENT.**

5 (a) CURRENT ASSESSMENT ADMINISTRATION RE-
6 SCHEDULING.—Notwithstanding any other provision of
7 law and due to the public health emergency declared by
8 the Secretary of Health and Human Services under sec-
9 tion 319 of the Public Health Service Act (42 U.S.C.
10 247d) on January 31, 2020, with respect to COVID–19—

11 (1) the biennial 4th and 8th grade reading and
12 mathematics assessments scheduled to be conducted
13 during the 2020–2021 school year in accordance
14 with paragraphs (2)(B) and (3)(A)(i) of section
15 303(b) of the National Assessment of Educational
16 Progress Authorization Act (20 U.S.C. 9622(b))
17 and, as practicable and subject to the discretion of
18 the National Assessment Governing Board, the Trial
19 Urban District Assessment, shall be conducted dur-
20 ing the 2021–2022 school year; and

21 (2) the next quadrennial 12th grade reading
22 and mathematics assessments carried out in accord-
23 ance with section 303(b)(2)(C) of the National As-
24 sessment of Educational Progress Authorization Act
25 (20 U.S.C. 9622(b)(2)(C)) after the date of enact-

1 ment of this section, shall be conducted during the
2 2023–2024 school year.

3 (b) FUTURE ASSESSMENT ADMINISTRATION.—In ac-
4 cordance with section 303(b)(2)(B) of the National As-
5 sessment of Educational Progress Authorization Act (20
6 U.S.C. 9622(b)(2)(B)), the next biennial assessments fol-
7 lowing the 2021–2022 administration, as authorized
8 under subsection (a), shall occur in the 2023–2024 school
9 year and, as practicable and subject to the discretion of
10 the National Assessment Governing Board, the next Trial
11 Urban District Assessment following the 2021–2022 ad-
12 ministration, as authorized under subsection (a), shall
13 occur in the 2023–2024 school year.

14 **TITLE II—PUBLIC LANDS**

15 **SEC. 201. SAGUARO NATIONAL PARK BOUNDARY EXPAN-** 16 **SION.**

17 (a) SHORT TITLE.—This section may be cited as the
18 “Saguaro National Park Boundary Expansion Act”.

19 (b) BOUNDARY OF SAGUARO NATIONAL PARK.—Sec-
20 tion 4 of the Saguaro National Park Establishment Act
21 of 1994 (Public Law 103–364; 108 Stat. 3467) is amend-
22 ed—

23 (1) in subsection (a)—

24 (A) by inserting “(1)” before “The bound-
25 aries of the park”; and

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

2 “(2)(A) The boundaries of the park are further
3 modified to include approximately 1,152 acres, as
4 generally depicted on the map titled ‘Saguaro Na-
5 tional Park Proposed Boundary Adjustment’, num-
6 bered 151/80,045G, and dated December 2020.

7 “(B) The map referred to in subparagraph (A)
8 shall be on file and available for inspection in the
9 appropriate offices of the National Park Service.”;
10 and

11 (2) by striking subsection (b)(2) and inserting
12 the following new paragraphs:

13 “(2) The Secretary may, with the consent of
14 the State of Arizona and in accordance with Federal
15 and State law, acquire land or interests therein
16 owned by the State of Arizona within the boundary
17 of the park.

18 “(3) If the Secretary is unable to acquire the
19 State land under paragraph (2), the Secretary may
20 enter into an agreement with the State that would
21 allow the National Park Service to manage State
22 land within the boundary of the park.”.

1 **SEC. 202. NEW RIVER GORGE NATIONAL PARK AND PRE-**
2 **SERVE DESIGNATION.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “New River Gorge National Park and Preserve Designa-
5 tion Act”.

6 (b) **DESIGNATION OF NEW RIVER GORGE NATIONAL**
7 **PARK AND NEW RIVER GORGE NATIONAL PRESERVE,**
8 **WEST VIRGINIA.**—

9 (1) **REDESIGNATION.**—The New River Gorge
10 National River established under section 1101 of the
11 National Parks and Recreation Act of 1978 (16
12 U.S.C. 460m–15) shall be known and designated as
13 the “New River Gorge National Park and Preserve”,
14 consisting of—

15 (A) the New River Gorge National Park;
16 and

17 (B) the New River Gorge National Pre-
18 serve.

19 (2) **NEW RIVER GORGE NATIONAL PARK.**—The
20 boundaries of the New River Gorge National Park
21 referred to in paragraph (1)(A) shall be the bound-
22 aries depicted as “Proposed National Park Area” on
23 the map entitled “New River Gorge National Park
24 and Preserve Proposed Boundary”, numbered 637/
25 163,199A, and dated September 2020.

1 (3) NEW RIVER GORGE NATIONAL PRESERVE;
2 BOUNDARY.—The boundaries of the New River
3 Gorge National Preserve referred to in paragraph
4 (1)(B) shall be the boundaries depicted as “Pro-
5 posed National Preserve Area” on the map entitled
6 “New River Gorge National Park and Preserve Pro-
7 posed Boundary”, numbered 637/163,199A, and
8 dated September 2020.

9 (c) ADMINISTRATION.—

10 (1) IN GENERAL.—The New River Gorge Na-
11 tional Park and Preserve shall be administered by
12 the Secretary of the Interior (referred to in this sec-
13 tion as the “Secretary”) in accordance with—

14 (A) this section;

15 (B) the laws generally applicable to units
16 of the National Park System, including—

17 (i) section 100101(a), chapter 1003,
18 and sections 100751(a), 100752, 100753,
19 and 102101 of title 54, United States
20 Code; and

21 (ii) chapter 3201 of title 54, United
22 States Code; and

23 (C) title XI of the National Parks and
24 Recreation Act of 1978 (16 U.S.C. 460m–15 et
25 seq.), except that the provisions of section 1106

1 of that Act (16 U.S.C. 460m–20) relating to
2 hunting shall not apply to the New River Gorge
3 National Park.

4 (2) HUNTING AND FISHING.—

5 (A) HUNTING.—Hunting within the New
6 River Gorge National Preserve shall be admin-
7 istered by the Secretary—

8 (i) in the same manner as hunting
9 was administered on the day before the
10 date of enactment of this Act in those por-
11 tions of the New River Gorge National
12 River designated as the New River Gorge
13 National Preserve by subsection (b)(3);
14 and

15 (ii) in accordance with—

16 (I) section 1106 of the National
17 Parks and Recreation Act of 1978 (16
18 U.S.C. 460m–20); and

19 (II) other applicable laws.

20 (B) FISHING.—Fishing within the New
21 River Gorge National Park and Preserve shall
22 be administered by the Secretary—

23 (i) in the same manner as fishing was
24 administered within the New River Gorge

1 National River on the day before the date
2 of enactment of this Act; and

3 (ii) in accordance with—

4 (I) section 1106 of the National
5 Parks and Recreation Act of 1978 (16
6 U.S.C. 460m–20); and

7 (II) other applicable laws.

8 (C) PRIVATE LAND.—Nothing in this sec-
9 tion prohibits hunting, fishing, or trapping on
10 private land in accordance with applicable State
11 and Federal laws.

12 (3) LAND ACQUISITION.—

13 (A) ADDITIONAL LAND FOR NATIONAL
14 PRESERVE.—

15 (i) IN GENERAL.—The Secretary may
16 acquire land or any interest in land identi-
17 fied as “Proposed Additional Lands” on
18 the map entitled “New River Gorge Na-
19 tional Park and Preserve Proposed Bound-
20 ary”, numbered 637/163,199A, and dated
21 September 2020, by purchase from a will-
22 ing seller, donation, or exchange.

23 (ii) BOUNDARY MODIFICATION.—On
24 acquisition of any land or interest in land
25 under clause (i), the Secretary shall—

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1 (I) modify the boundary of the
2 New River Gorge National Preserve to
3 reflect the acquisition; and

4 (II) administer the land or inter-
5 est in land in accordance with the
6 laws applicable to the New River
7 Gorge National Preserve.

8 (B) VISITOR PARKING.—

9 (i) IN GENERAL.—The Secretary may
10 acquire not more than 100 acres of land in
11 the vicinity of the New River Gorge Na-
12 tional Park and Preserve by purchase from
13 a willing seller, donation, or exchange to
14 provide for—

15 (I) visitor parking; and

16 (II) improved public access to the
17 New River Gorge National Park and
18 Preserve.

19 (ii) ADMINISTRATION.—On acquisition
20 of the land under clause (i), the acquired
21 land shall be administered as part of the
22 New River Gorge National Park or the
23 New River Gorge National Preserve, as ap-
24 propriate.

1 (4) COMMERCIAL RECREATIONAL WATERCRAFT
2 SERVICES.—Commercial recreational watercraft
3 services within the New River Gorge National Park
4 and Preserve shall be administered by the Secretary
5 in accordance with section 402 of the West Virginia
6 National Interest River Conservation Act of 1987
7 (16 U.S.C. 460m–15 note; Public Law 100–534).

8 (5) REFERENCES.—Any reference in a law,
9 map, regulation, document, paper, or other record of
10 the United States to the New River Gorge National
11 River shall be considered to be a reference to the
12 “New River Gorge National Park” or the “New
13 River Gorge National Preserve”, as appropriate.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as are nec-
16 essary to carry out this section.

17 **SEC. 203. DESIGNATION OF MIRACLE MOUNTAIN.**

18 (a) SHORT TITLE.—This section may be cited as the
19 “Miracle Mountain Designation Act”.

20 (b) FINDINGS.—Congress finds as follows:

21 (1) On September 13, 2018, the Bald Mountain
22 Fire burned nearly 20,000 acres of land in Utah.

23 (2) Elk Ridge City, located in Utah County,
24 was nearly the victim of this fire.

1 (3) Suddenly, the fire halted its progression
2 and, instead of burning into Elk Ridge City, stayed
3 behind the mountain and spared the city.

4 (4) Congress, in acknowledgment of this event,
5 believes this mountain holds special significance to
6 the residents of Elk Ridge City and surrounding
7 communities.

8 (5) The presently unnamed peak has been re-
9 ferred to as “Miracle Mountain” by many residents
10 since the fire that nearly went into Elk Ridge City.

11 (c) DESIGNATION.—The mountain in the State of
12 Utah, located at 39° 59′ 02N, 111° 40′ 12W, shall be
13 known and designated as “Miracle Mountain”.

14 (d) REFERENCES.—Any reference in a law, map, reg-
15 ulation, document, record, or other paper of the United
16 States to the mountain described in subsection (c) shall
17 be considered to be a reference to “Miracle Mountain”.

1 **TITLE III—FOREIGN RELATIONS**
2 **AND DEPARTMENT OF STATE**
3 **PROVISIONS**

4 **Subtitle A—Robert Levinson Hos-**
5 **tage Recovery and Hostage-tak-**
6 **ing Accountability Act**

7 **SEC. 301. SHORT TITLE.**

8 This subtitle may be cited as the “Robert Levinson
9 Hostage Recovery and Hostage-Taking Accountability
10 Act”.

11 **SEC. 302. ASSISTANCE FOR UNITED STATES NATIONALS UN-**
12 **LAWFULLY OR WRONGFULLY DETAINED**
13 **ABROAD.**

14 (a) REVIEW.—The Secretary of State shall review the
15 cases of United States nationals detained abroad to deter-
16 mine if there is credible information that they are being
17 detained unlawfully or wrongfully, based on criteria which
18 may include whether—

19 (1) United States officials receive or possess
20 credible information indicating innocence of the de-
21 tained individual;

22 (2) the individual is being detained solely or
23 substantially because he or she is a United States
24 national;

1 (3) the individual is being detained solely or
2 substantially to influence United States Government
3 policy or to secure economic or political concessions
4 from the United States Government;

5 (4) the detention appears to be because the in-
6 dividual sought to obtain, exercise, defend, or pro-
7 mote freedom of the press, freedom of religion, or
8 the right to peacefully assemble;

9 (5) the individual is being detained in violation
10 of the laws of the detaining country;

11 (6) independent nongovernmental organizations
12 or journalists have raised legitimate questions about
13 the innocence of the detained individual;

14 (7) the United States mission in the country
15 where the individual is being detained has received
16 credible reports that the detention is a pretext for an
17 illegitimate purpose;

18 (8) the individual is detained in a country
19 where the Department of State has determined in its
20 annual human rights reports that the judicial system
21 is not independent or impartial, is susceptible to cor-
22 ruption, or is incapable of rendering just verdicts;

23 (9) the individual is being detained in inhumane
24 conditions;

1 (10) due process of law has been sufficiently
2 impaired so as to render the detention arbitrary; and

3 (11) United States diplomatic engagement is
4 likely necessary to secure the release of the detained
5 individual.

6 (b) REFERRALS TO THE SPECIAL ENVOY.—Upon a
7 determination by the Secretary of State, based on the to-
8 tality of the circumstances, that there is credible informa-
9 tion that the detention of a United States national abroad
10 is unlawful or wrongful, and regardless of whether the de-
11 tention is by a foreign government or a nongovernmental
12 actor, the Secretary shall transfer responsibility for such
13 case from the Bureau of Consular Affairs of the Depart-
14 ment of State to the Special Envoy for Hostage Affairs
15 created pursuant to section 303.

16 (c) REPORT.—

17 (1) ANNUAL REPORT.—

18 (A) IN GENERAL.—The Secretary of State
19 shall submit to the appropriate congressional
20 committees an annual report with respect to
21 United States nationals for whom the Secretary
22 determines there is credible information of un-
23 lawful or wrongful detention abroad.

24 (B) FORM.—The report required under
25 this paragraph shall be submitted in unclassi-

1 fied form, but may include a classified annex if
2 necessary.

3 (2) COMPOSITION.—The report required under
4 paragraph (1) shall include current estimates of the
5 number of individuals so detained, as well as rel-
6 evant information about particular cases, such as—

7 (A) the name of the individual, unless the
8 provision of such information is inconsistent
9 with section 552a of title 5, United States Code
10 (commonly known as the “Privacy Act of
11 1974”);

12 (B) basic facts about the case;

13 (C) a summary of the information that
14 such individual may be detained unlawfully or
15 wrongfully;

16 (D) a description of specific efforts, legal
17 and diplomatic, taken on behalf of the indi-
18 vidual since the last reporting period, including
19 a description of accomplishments and setbacks;
20 and

21 (E) a description of intended next steps.

22 (d) RESOURCE GUIDANCE.—

23 (1) ESTABLISHMENT.—Not later than 180 days
24 after the date of the enactment of this Act and after
25 consulting with relevant organizations that advocate

1 on behalf of United States nationals detained abroad
2 and the Family Engagement Coordinator established
3 pursuant to section 304(c)(2), the Secretary of State
4 shall provide resource guidance in writing for gov-
5 ernment officials and families of unjustly or wrong-
6 fully detained individuals.

7 (2) CONTENT.—The resource guidance required
8 under paragraph (1) should include—

9 (A) information to help families under-
10 stand United States policy concerning the re-
11 lease of United States nationals unlawfully or
12 wrongfully held abroad;

13 (B) contact information for officials in the
14 Department of State or other government agen-
15 cies suited to answer family questions;

16 (C) relevant information about options
17 available to help families obtain the release of
18 unjustly or wrongfully detained individuals,
19 such as guidance on how families may engage
20 with United States diplomatic and consular
21 channels to ensure prompt and regular access
22 for the detained individual to legal counsel,
23 family members, humane treatment, and other
24 services;

1 (D) guidance on submitting public or pri-
2 vate letters from members of Congress or other
3 individuals who may be influential in securing
4 the release of an individual; and

5 (E) appropriate points of contacts, such as
6 legal resources and counseling services, who
7 have a record of assisting victims' families.

8 **SEC. 303. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.**

9 (a) ESTABLISHMENT.—There shall be a Special Pres-
10 idential Envoy for Hostage Affairs, who shall be appointed
11 by the President, by and with the advice and consent of
12 the Senate, and shall report to the Secretary of State.

13 (b) RANK.—The Special Envoy shall have the rank
14 and status of ambassador.

15 (c) RESPONSIBILITIES.—The Special Presidential
16 Envoy for Hostage Affairs shall—

17 (1) lead diplomatic engagement on United
18 States hostage policy;

19 (2) coordinate all diplomatic engagements and
20 strategy in support of hostage recovery efforts, in
21 coordination with the Hostage Recovery Fusion Cell
22 and consistent with policy guidance communicated
23 through the Hostage Response Group;

24 (3) in coordination with the Hostage Recovery
25 Fusion Cell as appropriate, coordinate diplomatic

1 engagements regarding cases in which a foreign gov-
2 ernment has detained a United States national and
3 the United States Government regards such deten-
4 tion as unlawful or wrongful;

5 (4) provide senior representation from the Spe-
6 cial Envoy's office to the Hostage Recovery Fusion
7 Cell established under section 304 and the Hostage
8 Response Group established under section 305; and

9 (5) ensure that families of United States na-
10 tionals unlawfully or wrongly detained abroad re-
11 ceive updated information about developments in
12 cases and government policy.

13 **SEC. 304. HOSTAGE RECOVERY FUSION CELL.**

14 (a) ESTABLISHMENT.—The President shall establish
15 an interagency Hostage Recovery Fusion Cell.

16 (b) PARTICIPATION.—The President shall direct the
17 heads of each of the following executive departments,
18 agencies, and offices to make available personnel to par-
19 ticipate in the Hostage Recovery Fusion Cell:

20 (1) The Department of State.

21 (2) The Department of the Treasury.

22 (3) The Department of Defense.

23 (4) The Department of Justice.

24 (5) The Office of the Director of National Intel-
25 ligence.

1 (6) The Federal Bureau of Investigation.

2 (7) The Central Intelligence Agency.

3 (8) Other agencies as the President, from time
4 to time, may designate.

5 (c) PERSONNEL.—The Hostage Recovery Fusion Cell
6 shall include—

7 (1) a Director, who shall be a full-time senior
8 officer or employee of the United States Govern-
9 ment;

10 (2) a Family Engagement Coordinator who
11 shall—

12 (A) work to ensure that all interactions by
13 executive branch officials with a hostage's fam-
14 ily occur in a coordinated fashion and that the
15 family receives consistent and accurate informa-
16 tion from the United States Government; and

17 (B) if directed, perform the same function
18 as set out in subparagraph (A) with regard to
19 the family of a United States national who is
20 unlawfully or wrongfully detained abroad; and

21 (3) other officers and employees as deemed ap-
22 propriate by the President.

23 (d) DUTIES.—The Hostage Recovery Fusion Cell
24 shall—

1 (1) coordinate efforts by participating agencies
2 to ensure that all relevant information, expertise,
3 and resources are brought to bear to secure the safe
4 recovery of United States nationals held hostage
5 abroad;

6 (2) if directed, coordinate the United States
7 Government's response to other hostage-takings oc-
8 curring abroad in which the United States has a na-
9 tional interest;

10 (3) if directed, coordinate or assist the United
11 States Government's response to help secure the re-
12 lease of United States nationals unlawfully or
13 wrongfully detained abroad; and

14 (4) pursuant to policy guidance coordinated
15 through the National Security Council—

16 (A) identify and recommend hostage recov-
17 ery options and strategies to the President
18 through the National Security Council or the
19 Deputies Committee of the National Security
20 Council;

21 (B) coordinate efforts by participating
22 agencies to ensure that information regarding
23 hostage events, including potential recovery op-
24 tions and engagements with families and exter-
25 nal actors (including foreign governments), is

1 appropriately shared within the United States
2 Government to facilitate a coordinated response
3 to a hostage-taking;

4 (C) assess and track all hostage-takings of
5 United States nationals abroad and provide reg-
6 ular reports to the President and Congress on
7 the status of such cases and any measures
8 being taken toward the hostages' safe recovery;

9 (D) provide a forum for intelligence shar-
10 ing and, with the support of the Director of Na-
11 tional Intelligence, coordinate the declassifica-
12 tion of relevant information;

13 (E) coordinate efforts by participating
14 agencies to provide appropriate support and as-
15 sistance to hostages and their families in a co-
16 ordinated and consistent manner and to provide
17 families with timely information regarding sig-
18 nificant events in their cases;

19 (F) make recommendations to agencies in
20 order to reduce the likelihood of United States
21 nationals' being taken hostage abroad and en-
22 hance United States Government preparation to
23 maximize the probability of a favorable outcome
24 following a hostage-taking; and

1 (G) coordinate with agencies regarding
2 congressional, media, and other public inquiries
3 pertaining to hostage events.

4 (e) ADMINISTRATION.—The Hostage Recovery Fu-
5 sion Cell shall be located within the Federal Bureau of
6 Investigation for administrative purposes.

7 **SEC. 305. HOSTAGE RESPONSE GROUP.**

8 (a) ESTABLISHMENT.—The President shall establish
9 a Hostage Response Group, chaired by a designated mem-
10 ber of the National Security Council or the Deputies Com-
11 mittee of the National Security Council, to be convened
12 on a regular basis, to further the safe recovery of United
13 States nationals held hostage abroad or unlawfully or
14 wrongfully detained abroad, and to be tasked with coordi-
15 nating the United States Government response to other
16 hostage-takings occurring abroad in which the United
17 States has a national interest.

18 (b) MEMBERSHIP.—The regular members of the Hos-
19 tage Response Group shall include the Director of the
20 Hostage Recovery Fusion Cell, the Hostage Recovery Fu-
21 sion Cell's Family Engagement Coordinator, the Special
22 Envoy appointed pursuant to section 303, and representa-
23 tives from the Department of the Treasury, the Depart-
24 ment of Defense, the Department of Justice, the Federal
25 Bureau of Investigation, the Office of the Director of Na-

1 tional Intelligence, the Central Intelligence Agency, and
2 other agencies as the President, from time to time, may
3 designate.

4 (c) DUTIES.—The Hostage Recovery Group shall—

5 (1) identify and recommend hostage recovery
6 options and strategies to the President through the
7 National Security Council;

8 (2) coordinate the development and implemen-
9 tation of United States hostage recovery policies,
10 strategies, and procedures;

11 (3) receive regular updates from the Hostage
12 Recovery Fusion Cell and the Special Envoy for
13 Hostage Affairs on the status of United States na-
14 tionals being held hostage or unlawfully or wrong-
15 fully detained abroad and measures being taken to
16 effect safe recoveries;

17 (4) coordinate the provision of policy guidance
18 to the Hostage Recovery Fusion Cell, including re-
19 viewing recovery options proposed by the Hostage
20 Recovery Fusion Cell and working to resolve dis-
21 putes within the Hostage Recovery Fusion Cell;

22 (5) as appropriate, direct the use of resources
23 at the Hostage Recovery Fusion Cell to coordinate
24 or assist in the safe recovery of United States na-

1 tionals unlawfully or wrongfully detained abroad;
2 and

3 (6) as appropriate, direct the use of resources
4 at the Hostage Recovery Fusion Cell to coordinate
5 the United States Government response to other
6 hostage-takings occurring abroad in which the
7 United States has a national interest.

8 (d) MEETINGS.—The Hostage Response Group shall
9 meet regularly.

10 (e) REPORTING.—The Hostage Response Group shall
11 regularly provide recommendations on hostage recovery
12 options and strategies to the National Security Council.

13 **SEC. 306. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

14 (a) IN GENERAL.—The President may impose the
15 sanctions described in subsection (b) with respect to any
16 foreign person the President determines, based on credible
17 evidence—

18 (1) is responsible for or is complicit in, or re-
19 sponsible for ordering, controlling, or otherwise di-
20 recting, the hostage-taking of a United States na-
21 tional abroad or the unlawful or wrongful detention
22 of a United States national abroad; or

23 (2) knowingly provides financial, material, or
24 technological support for, or goods or services in
25 support of, an activity described in paragraph (1).

1 (b) SANCTIONS DESCRIBED.—The sanctions de-
2 scribed in this subsection are the following:

3 (1) INELIGIBILITY FOR VISAS, ADMISSION, OR
4 PAROLE.—

5 (A) VISAS, ADMISSION, OR PAROLE.—An
6 alien described in subsection (a) may be—

7 (i) inadmissible to the United States;

8 (ii) ineligible to receive a visa or other
9 documentation to enter the United States;

10 and

11 (iii) otherwise ineligible to be admitted
12 or paroled into the United States or to re-
13 ceive any other benefit under the Immigra-
14 tion and Nationality Act (8 U.S.C. 1101 et
15 seq.).

16 (B) CURRENT VISAS REVOKED.—

17 (i) IN GENERAL.—An alien described
18 in subsection (a) may be subject to revoca-
19 tion of any visa or other entry documenta-
20 tion regardless of when the visa or other
21 entry documentation is or was issued.

22 (ii) IMMEDIATE EFFECT.—A revoca-
23 tion under clause (i) may—

24 (I) take effect immediately; and

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1 (II) cancel any other valid visa or
2 entry documentation that is in the
3 alien's possession.

4 (2) BLOCKING OF PROPERTY.—

5 (A) IN GENERAL.—The President may ex-
6 ercise all of the powers granted to the President
7 under the International Emergency Economic
8 Powers Act (50 U.S.C. 1701 et seq.), to the ex-
9 tent necessary to block and prohibit all trans-
10 actions in property and interests in property of
11 a foreign person described in subsection (a) if
12 such property and interests in property are in
13 the United States, come within the United
14 States, or are or come within the possession or
15 control of a United States person.

16 (B) INAPPLICABILITY OF NATIONAL EMER-
17 GENCY REQUIREMENT.—The requirements of
18 section 202 of the International Emergency
19 Economic Powers Act (50 U.S.C. 1701) shall
20 not apply for purposes of this section.

21 (c) EXCEPTIONS.—

22 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
23 TIES.—Sanctions under this section shall not apply
24 to any activity subject to the reporting requirements
25 under title V of the National Security Act of 1947

1 (50 U.S.C. 3091 et seq.) or any authorized intel-
2 ligence activities of the United States.

3 (2) EXCEPTION TO COMPLY WITH INTER-
4 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
5 MENT ACTIVITIES.—Sanctions under subsection
6 (b)(1) shall not apply with respect to an alien if ad-
7 mitting or paroling the alien into the United States
8 is necessary—

9 (A) to permit the United States to comply
10 with the Agreement regarding the Head-
11 quarters of the United Nations, signed at Lake
12 Success June 26, 1947, and entered into force
13 November 21, 1947, between the United Na-
14 tions and the United States, or other applicable
15 international obligations; or

16 (B) to carry out or assist law enforcement
17 activity in the United States.

18 (d) PENALTIES.—A person that violates, attempts to
19 violate, conspires to violate, or causes a violation of sub-
20 section (b)(2) or any regulation, license, or order issued
21 to carry out that subsection shall be subject to the pen-
22 alties set forth in subsections (b) and (c) of section 206
23 of the International Emergency Economic Powers Act (50
24 U.S.C. 1705) to the same extent as a person that commits
25 an unlawful act described in subsection (a) of that section.

1 (e) TERMINATION OF SANCTIONS.—The President
2 may terminate the application of sanctions under this sec-
3 tion with respect to a person if the President determines
4 that—

5 (1) information exists that the person did not
6 engage in the activity for which sanctions were im-
7 posed;

8 (2) the person has been prosecuted appro-
9 priately for the activity for which sanctions were im-
10 posed;

11 (3) the person has credibly demonstrated a sig-
12 nificant change in behavior, has paid an appropriate
13 consequence for the activity for which sanctions were
14 imposed, and has credibly committed to not engage
15 in an activity described in subsection (a) in the fu-
16 ture; or

17 (4) the termination of the sanctions is in the
18 national security interests of the United States.

19 (f) REPORTING REQUIREMENT.—If the President
20 terminates sanctions pursuant to subsection (d), the Presi-
21 dent shall report to the appropriate congressional commit-
22 tees a written justification for such termination within 15
23 days.

24 (g) IMPLEMENTATION OF REGULATORY AUTHOR-
25 ITY.—The President may exercise all authorities provided

1 under sections 203 and 205 of the International Emer-
2 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
3 to carry out this section.

4 (h) EXCEPTION RELATING TO IMPORTATION OF
5 GOODS.—

6 (1) IN GENERAL.—The authorities and require-
7 ments to impose sanctions authorized under this
8 subtitle shall not include the authority or a require-
9 ment to impose sanctions on the importation of
10 goods.

11 (2) GOOD DEFINED.—In this paragraph, the
12 term “good” means any article, natural or manmade
13 substance, material, supply or manufactured prod-
14 uct, including inspection and test equipment, and ex-
15 cluding technical data.

16 (i) DEFINITIONS.—In this section:

17 (1) FOREIGN PERSON.—The term “foreign per-
18 son” means—

19 (A) any citizen or national of a foreign
20 country (including any such individual who is
21 also a citizen or national of the United States);
22 or

23 (B) any entity not organized solely under
24 the laws of the United States or existing solely
25 in the United States.

1 (2) UNITED STATES PERSON.—The term
2 “United States person” means—

3 (A) an individual who is a United States
4 citizen or an alien lawfully admitted for perma-
5 nent residence to the United States;

6 (B) an entity organized under the laws of
7 the United States or any jurisdiction within the
8 United States, including a foreign branch of
9 such an entity; or

10 (C) any person in the United States.

11 **SEC. 307. DEFINITIONS.**

12 In this Act:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Foreign Relations,
17 the Committee on Appropriations, the Com-
18 mittee on Banking, Housing, and Urban Af-
19 fairs, the Committee on the Judiciary, the Com-
20 mittee on Armed Services, and the Select Com-
21 mittee on Intelligence of the United States Sen-
22 ate; and

23 (B) the Committee on Foreign Affairs, the
24 Committee on Appropriations, the Committee
25 on Financial Services, the Committee on the

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1 Judiciary, the Committee on Armed Services,
2 and the Permanent Select Committee on Intel-
3 ligence of the House of Representatives.

4 (2) UNITED STATES NATIONAL.—The term
5 “United States national” means—

6 (A) a United States national as defined in
7 section 101(a)(22) or section 308 of the Immi-
8 gration and Nationality Act (8 U.S.C.
9 1101(a)(22), 8 U.S.C. 1408); and

10 (B) a lawful permanent resident alien with
11 significant ties to the United States.

12 **SEC. 308. RULE OF CONSTRUCTION.**

13 Nothing in this Act may be construed to authorize
14 a private right of action.

15 **Subtitle B—Taiwan Assurance Act**
16 **of 2020**

17 **SEC. 311. SHORT TITLE.**

18 This subtitle may be cited as the “Taiwan Assurance
19 Act of 2020”.

20 **SEC. 312. FINDINGS.**

21 Congress makes the following findings:

22 (1) April 10, 2019, marked the 40th anniver-
23 sary of the Taiwan Relations Act of 1979 (Public
24 Law 96–8).

1 (2) Since 1949, the close relationship between
2 the United States and Taiwan has benefitted both
3 parties and the broader Indo-Pacific region.

4 (3) The security of Taiwan and its democracy
5 are key elements of continued peace and stability of
6 the greater Indo-Pacific region, which is in the polit-
7 ical, security, and economic interests of the United
8 States.

9 (4) The People’s Republic of China is currently
10 engaged in a comprehensive military modernization
11 campaign to enhance the power-projection capabili-
12 ties of the People’s Liberation Army and its ability
13 to conduct joint operations, which is shifting the
14 military balance of power across the Taiwan Strait.

15 (5) Taiwan and its diplomatic partners continue
16 to face sustained pressure and coercion from the
17 People’s Republic of China, which seeks to isolate
18 Taiwan from the international community.

19 (6) It is the policy of the United States to rein-
20 force its commitments to Taiwan under the Taiwan
21 Relations Act in a manner consistent with the “Six
22 Assurances” and in accordance with the United
23 States “One China” policy.

24 (7) In the Taiwan Travel Act, which became
25 law on March 16, 2018, Congress observed that the

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1 “self-imposed restrictions that the United States
2 maintains on high-level visits” between the United
3 States and Taiwan have resulted in insufficient
4 high-level communication.

5 **SEC. 313. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) Taiwan is a vital part of the United States
8 Free and Open Indo-Pacific Strategy;

9 (2) the United States Government—

10 (A) supports Taiwan’s continued pursuit of
11 asymmetric capabilities and concepts; and

12 (B) urges Taiwan to increase its defense
13 spending in order to fully resource its defense
14 strategy; and

15 (3) the United States should conduct regular
16 sales and transfers of defense articles to Taiwan in
17 order to enhance its self-defense capabilities, par-
18 ticularly its efforts to develop and integrate asym-
19 metric capabilities, including undersea warfare and
20 air defense capabilities, into its military forces.

21 **SEC. 314. TAIWAN’S INCLUSION IN INTERNATIONAL ORGA-**
22 **NIZATIONS.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the People’s Republic of China’s attempts to
25 dictate the terms of Taiwan’s participation in inter-

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1 national organizations, has, in many cases, resulted in
2 Taiwan's exclusion from such organizations even when
3 statehood is not a requirement, and that such exclusion—

4 (1) is detrimental to global health, civilian air
5 safety, and efforts to counter transnational crime;

6 (2) negatively impacts the safety and security
7 of citizens globally; and

8 (3) negatively impacts the security of Taiwan
9 and its democracy.

10 (b) STATEMENT OF POLICY.—It is the policy of the
11 United States to advocate for Taiwan's meaningful par-
12 ticipation in the United Nations, the World Health Assem-
13 bly, the International Civil Aviation Organization, the
14 International Criminal Police Organization, and other
15 international bodies, as appropriate, and to advocate for
16 Taiwan's membership in the Food and Agriculture Orga-
17 nization, the United Nations Educational, Scientific and
18 Cultural Organization, and other international organiza-
19 tions for which statehood is not a requirement for mem-
20 bership.

21 **SEC. 315. REVIEW OF DEPARTMENT OF STATE TAIWAN**
22 **GUIDELINES.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Secretary of State
25 shall conduct a review of the Department of State's guid-

1 ance that governs relations with Taiwan, including the
2 periodic memorandum entitled “Guidelines on Relations
3 with Taiwan” and related documents, and reissue such
4 guidance to executive branch departments and agencies.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the Department of State’s guidance regarding
7 relations with Taiwan—

8 (1) should be crafted with the intent to deepen
9 and expand United States-Taiwan relations, and be
10 based on the value, merits, and importance of the
11 United States-Taiwan relationship;

12 (2) should be crafted giving due consideration
13 to the fact that Taiwan is governed by a representa-
14 tive democratic government that is peacefully con-
15 stituted through free and fair elections that reflect
16 the will of the people of Taiwan, and that Taiwan
17 is a free and open society that respects universal
18 human rights and democratic values; and

19 (3) should ensure that the conduct of relations
20 with Taiwan reflects the longstanding, comprehen-
21 sive, and values-based relationship the United States
22 shares with Taiwan, and contribute to the peaceful
23 resolution of cross-strait issues.

24 (c) REPORTING REQUIREMENTS.—Not later than
25 180 days after the date of the enactment of this Act, the

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1 Secretary of State shall submit to the Committee on For-
2 eign Relations of the Senate and the Committee on For-
3 eign Affairs of the House of Representatives a report that
4 includes a description of—

5 (1) the results of the review pursuant to sub-
6 section (a) of the Department of State’s guidance on
7 relations with Taiwan, including a copy of the re-
8 issued “Guidelines of Relations with Taiwan” memo-
9 randum; and

10 (2) the implementation of the Taiwan Travel
11 Act (Public Law 115–135) and any changes to guid-
12 ance on relations with Taiwan that are the result of
13 such implementation.

14 **Subtitle C—Support for Human**
15 **Rights in Belarus**

16 **SEC. 321. SHORT TITLE.**

17 This subtitle may be cited as the “Belarus Democ-
18 racy, Human Rights, and Sovereignty Act of 2020”.

19 **SEC. 322. FINDINGS.**

20 Section 2 of the Belarus Democracy Act of 2004
21 (Public Law 109–480; 22 U.S.C. 5811 note) is amended
22 to read as follows:

23 **“SEC. 2. FINDINGS.**

24 “Congress finds the following:

1 “(1) The International Covenant on Civil and
2 Political Rights, done at New York December 19,
3 1966, was ratified by Belarus in 1973, guaranteeing
4 Belarusians the freedom of expression and the free-
5 dom of association.

6 “(2) Alyaksandr Lukashenka has ruled Belarus
7 as an undemocratic dictatorship since the first presi-
8 dential election in Belarus in 1994.

9 “(3) Subsequent presidential elections in
10 Belarus have been neither free nor fair and have
11 been rejected by the international community as not
12 meeting minimal electoral standards, with the jailing
13 of opposition activists frequently used as a tool of
14 government repression before and after the elections.

15 “(4) In response to the repression and violence
16 during the 2006 presidential election, Congress
17 passed the Belarus Democracy Reauthorization Act
18 of 2006 (Public Law 109–480).

19 “(5) In 2006, President George W. Bush issued
20 Executive Order 13405, titled ‘Blocking Property of
21 Certain Persons Undermining Democratic Processes
22 or Institutions in Belarus’, which authorized the im-
23 position of sanctions against persons responsible
24 for—

1 “(A) undermining democratic processes in
2 Belarus; or

3 “(B) participating in human rights abuses
4 related to political repression in Belarus.

5 “(6) In March 2011, the Senate unanimously
6 passed Senate Resolution 105, which—

7 “(A) condemned the December 2010 elec-
8 tion in Belarus as ‘illegitimate, fraudulent, and
9 not representative of the will or the aspirations
10 of the voters in Belarus’; and

11 “(B) called on the Lukashenka regime ‘to
12 immediately and unconditionally release all po-
13 litical prisoners in Belarus who were arrested in
14 association with the December 19, 2010, elec-
15 tion’.

16 “(7) The Government of Belarus, led illegally
17 by Alyaksandr Lukashenka, continues to engage in
18 a pattern of clear and persistent violations of human
19 rights and fundamental freedoms.

20 “(8) The Government of Belarus, led illegally
21 by Alyaksandr Lukashenka, continues to engage in
22 a pattern of clear and uncorrected violations of basic
23 principles of democratic governance, including
24 through a series of fundamentally flawed presi-
25 dential and parliamentary elections undermining the

1 legitimacy of executive and legislative authority in
2 that country.

3 “(9) The Government of Belarus, led illegally
4 by Alyaksandr Lukashenka, continues to subject
5 thousands of pro-democracy political activists and
6 peaceful protesters to harassment, beatings, and im-
7 prisonment, particularly as a result of their attempts
8 to peacefully exercise their right to freedom of as-
9 sembly and association.

10 “(10) The Government of Belarus, led illegally
11 by Alyaksandr Lukashenka, continues to suppress
12 independent media and journalists and to restrict
13 access to the internet, including social media and
14 other digital communication platforms, in violation
15 of the right to freedom of speech and expression of
16 those dissenting from the dictatorship of Alyaksandr
17 Lukashenka.

18 “(11) The Government of Belarus, led illegally
19 by Alyaksandr Lukashenka, continues a systematic
20 campaign of harassment, repression, and closure of
21 nongovernmental organizations, including inde-
22 pendent trade unions and entrepreneurs, creating a
23 climate of fear that inhibits the development of civil
24 society and social solidarity.

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1 “(12) The Government of Belarus, led illegally
2 by Alyaksandr Lukashenka, has pursued a policy
3 undermining the country’s sovereignty and independ-
4 ence by making Belarus political, economic, cultural,
5 and societal interests subservient to those of Russia.

6 “(13) The Government of Belarus, led illegally
7 by Alyaksandr Lukashenka, continues to reduce the
8 independence of Belarus through integration into a
9 so-called ‘Union State’ that is under the control of
10 Russia.

11 “(14) In advance of the August 2020 presi-
12 dential elections in Belarus, authorities acting on be-
13 half of President Lukashenka arrested journalists,
14 bloggers, political activists, and opposition leaders,
15 including 3 leading presidential candidates (Syarhey
16 Tsikhanouski, Mikalay Statkevich, and Viktor
17 Babaryka), who were barred from running in the
18 election by the Central Election Commission of the
19 Republic of Belarus.

20 “(15) While the 3 opposition candidates were
21 imprisoned, 2 of their wives and 1 of their campaign
22 managers (Sviatlana Tsikhanouskaya, Veranika
23 Tsepkala, and Maria Kalesnikava) joined together
24 and ran in place of the candidates.

1 “(16) Thousands of Belarusian people dem-
2 onstrated their support for these candidates by at-
3 tending rallies, including 1 rally that included an es-
4 timated 63,000 participants.

5 “(17) On August, 5, 2020, the Senate unani-
6 mously passed Senate Resolution 658, which calls
7 for a free, fair, and transparent presidential election
8 in Belarus, including the unimpeded participation of
9 all presidential candidates.

10 “(18) On August 9, 2020, the Government of
11 Belarus conducted a presidential election that—

12 “(A) was held under undemocratic condi-
13 tions that did not meet international standards;

14 “(B) involved government malfeasance and
15 serious irregularities with ballot counting and
16 the reporting of election results, including—

17 “(i) early voting ballot stuffing;

18 “(ii) ballot burning;

19 “(iii) pressuring poll workers; and

20 “(iv) removing bags full of ballots by
21 climbing out of windows;

22 “(C) included restrictive measures that im-
23 peded the work of local independent observers
24 and did not provide sufficient notice to the

1 OSCE to allow for the OSCE to monitor the
2 elections, as is customary.

3 “(19) Incumbent president Alyaksandr
4 Lukashenka declared a landslide victory in the elec-
5 tion and claimed to have received more than 80 per-
6 cent of the votes cast in the election.

7 “(20) The leading opposition candidate,
8 Sviatlana Tsikhanouskaya—

9 “(A) formally disputed the government’s
10 reported election results;

11 “(B) explained that her staff had examined
12 the election results from more than 50 polling
13 places; and

14 “(C) found that her share of the vote ex-
15 ceeded Lukashenka’s share by many times.

16 “(21) On August 10, 2020, Sviatlana
17 Tsikhanouskaya was detained while attending a
18 meeting with the Central Election Commission of
19 the Republic of Belarus and forced to flee to Lith-
20 uania under pressure from government authorities.

21 “(22) On August 11, 2020, Lithuanian Foreign
22 Minister Linas Linkevičius announced that Sviatlana
23 Tsikhanouskaya was safe in Lithuania and has con-
24 tinued to be one of the strongest voices supporting

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1 the pro-democracy movement in Belarus within the
2 European Union and globally.

3 “(23) On August 18, 2020, Sviatlana
4 Tsikhanouskaya announced the formation of a Co-
5 ordination Council to oversee a resolution to the cri-
6 sis in Belarus and a peaceful transition of power by
7 subjecting the Council’s senior members to violence,
8 detention, and forced exile. The Government of
9 Belarus, led illegally by Alyaksandr Lukashenka, has
10 sought to stop the work of the Coordination Council.

11 “(24) Before the European Parliament on Au-
12 gust 25, 2020, Sviatlana Tsikhanouskaya stressed
13 that a ‘peaceful revolution’ was underway in
14 Belarus, and that ‘It is neither a pro-Russian nor
15 anti-Russian revolution. It is neither an anti-Euro-
16 pean Union nor a pro-European Union revolution. It
17 is a democratic revolution.’

18 “(25) On or around September 6, 2020, opposi-
19 tion leader Maria Kalesnikava and members of the
20 Coordination Council, including Anton Ronenkov,
21 Ivan Kravtsov, and Maxim Bogretsov, were detained
22 by authorities who sought to forcibly expel them to
23 Ukraine. Ms. Kalesnikava tore up her passport at
24 the Ukrainian border in a successful effort to pre-
25 vent this expulsion, subsequently disappeared, and

1 was discovered in a Minsk prison on September 9,
2 2020.

3 “(26) On August 11, 2020, the European
4 Union High Representative for Foreign and Security
5 Policy, Josep Borrell, issued a declaration on the
6 presidential election in Belarus stating that the elec-
7 tions were neither free nor fair.

8 “(27) On August 28, 2020, United States Dep-
9 uty Secretary of State Stephen Biegun declared that
10 the August 9th election in Belarus was fraudulent.

11 “(28) Following Alyaksandr Lukashenka’s Sep-
12 tember 23, 2020, secret inauguration, the United
13 States, the European Union, numerous European
14 Union member states, the United Kingdom, and
15 Canada announced that they did not recognize Mr.
16 Lukashenka as the legitimately elected leader of
17 Belarus.

18 “(29) Since the sham election on August 9,
19 2020, tens of thousands of Belarusian citizens have
20 participated in daily peaceful protests calling for a
21 new, free, and fair election, and the release of polit-
22 ical prisoners.

23 “(30) According to Amnesty International, on
24 August 30, 2020, Belarusians held one of the largest
25 protest rallies in the country’s modern history in

1 Minsk and in other cities, which was attended by at
2 least 100,000 people who demanded the resignation
3 of President Lukashenka and an investigation into
4 the human rights violations in Belarus.

5 “(31) Women have served as the leading force
6 in demonstrations across the country, protesting the
7 police brutality and mass detentions by wearing
8 white, carrying flowers, forming ‘solidarity chains’,
9 and unmasking undercover police trying to arrest
10 demonstrators.

11 “(32) The Government of Belarus has re-
12 sponded to the peaceful opposition protests, which
13 are the largest in Belarus history, with a violent
14 crackdown, including, according to the United Na-
15 tions Special Rapporteur, the detention by govern-
16 ment authorities of more than 10,000 peaceful
17 protestors as of September 18, 2020, mostly for tak-
18 ing part in or observing peaceful protests, with many
19 of these arrests followed by beatings and torture at
20 the hands of Belarusian law enforcement.

21 “(33) According to the Viasna Human Rights
22 Centre, at least 450 detainees have reported being
23 tortured or otherwise ill-treated while held in incom-
24 municado detention for up to 10 days, including
25 through—

1 “(A) severe beatings;

2 “(B) forced performance of humiliating
3 acts; and

4 “(C) sexual violence and other forms of vi-
5 olence.

6 “(34) At least 4 Belarusians have been killed at
7 protests, and dozens of Belarusians who were de-
8 tained during the protests are still missing.

9 “(35) The Belarus Ministry of Defense threat-
10 ened to send the army to confront protestors, warn-
11 ing that in case of any violation of peace and order
12 in areas around national monuments, ‘you will have
13 the army to deal with now, not the police’.

14 “(36) The Government of Belarus, led illegally
15 by Alyaksandr Lukashenka, has consistently re-
16 stricted the free flow of information to silence the
17 opposition and to conceal the regime’s violent crack-
18 down on peaceful protestors, including by—

19 “(A) stripping the accreditation of journal-
20 ists from major foreign news outlets;

21 “(B) detaining and harassing countless
22 journalists.

23 “(C) arresting dozens of journalists, 6 of
24 whom report for Radio Free Europe/Radio Lib-
25 erty;

1 “(D) halting the publishing of 2 inde-
2 pendent newspapers; and

3 “(E) disrupting internet access;

4 “(F) blocking more than 50 news websites
5 that were covering the protests; and

6 “(G) limiting access to social media and
7 other digital communication platforms.

8 “(37) Internet access in Belarus has been re-
9 peatedly disrupted and restricted since August 9,
10 2020, which independent experts and monitoring
11 groups have attributed to government interference.

12 “(38) Thousands of employees at Belarusian
13 state-owned enterprises, who have been seen as
14 Alyaksandr Lukashenka’s traditional base during his
15 26-year rule, went on strike across the country to
16 protest Lukashenka’s illegitimate election and the
17 subsequent crackdowns, including at some of
18 Belarus’s largest factories such as the BelAZ truck
19 plant, the Minsk Tractor Works, and the Minsk
20 Automobile Plant.

21 “(39) After the employees of state media out-
22 lets walked off the job in protest rather than help
23 report misleading government propaganda,
24 Lukashenka confirmed that he ‘asked the Russians’

1 to send teams of Russian journalists to replace local
2 employees.

3 “(40) On August 19, 2020, European Council
4 President Charles Michel announced that the Euro-
5 pean Union would impose sanctions on a substantial
6 number of individuals responsible for violence, re-
7 pression, and election fraud in Belarus.

8 “(41) On October 2, 2020, the Department of
9 Treasury announced new sanctions under Executive
10 Order 13405 on eight individuals ‘for their roles in
11 the fraudulent August 9, 2020 Belarus presidential
12 election or the subsequent violent crackdown on
13 peaceful protesters’.

14 “(42) Similar sanctions have also been applied
15 to Belarusian human rights violators by the Govern-
16 ment of Canada and the Government of the United
17 Kingdom.

18 “(43) Against the will of the majority of the
19 Belarusian people—

20 “(A) Alyaksandr Lukashenka appealed to
21 Russian President Vladimir Putin to provide se-
22 curity assistance to his government, if re-
23 quested; and

24 “(B) President Putin has agreed to prop
25 up the Alyaksandr Lukashenka regime by—

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1 “(i) confirming that a Russian police
2 force was ready to be deployed if ‘the situ-
3 ation gets out of control’;

4 “(ii) providing significant financial
5 support; and

6 “(iii) sending Russian propagandists
7 to help disseminate pro-regime propaganda
8 on Belarus state television.

9 “(44) The Governments of the United States,
10 the European Union, the United Kingdom, and Can-
11 ada have—

12 “(A) condemned the violent crackdown on
13 peaceful protestors;

14 “(B) refused to accept the results of the
15 fraudulent election; and

16 “(C) called for new free and fair elections
17 under independent observation.”.

18 **SEC. 323. STATEMENT OF POLICY.**

19 Section 3 of the Belarus Democracy Act of 2004
20 (Public Law 109–480; 22 U.S.C. 5811 note) is amended
21 to read as follows:

22 **“SEC. 3. STATEMENT OF POLICY.**

23 “It is the policy of the United States—

24 “(1) to condemn—

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1 “(A) the conduct of the August 9, 2020,
2 presidential election in Belarus, which was nei-
3 ther free nor fair;

4 “(B) the Belarusian authorities’ unrelent-
5 ing crackdown on, arbitrary arrests of, and vio-
6 lence against opposition candidates, peaceful
7 protestors, human rights activists, employees
8 from state-owned enterprises participating in
9 strikes, independent election observers, and
10 independent journalists and bloggers; and

11 “(C) the unjustified detention and forced
12 or attempted expulsion of members of the Co-
13 ordination Council in Belarus;

14 “(2) to continue demanding the immediate re-
15 lease without preconditions of all political prisoners
16 in Belarus and those arrested for peacefully pro-
17 testing, including all those individuals detained in
18 connection with the August 9, 2020, presidential
19 election;

20 “(3) to stand in solidarity with the people of
21 Belarus, including human rights defenders, bloggers,
22 and journalists, who are exercising their right to
23 freedom of assembly, freedom of expression, and rule
24 of law and to continue supporting the aspirations of

1 the people of Belarus for democracy, human rights,
2 and the rule of law;

3 “(4) to continue actively supporting the aspira-
4 tions of the people of the Republic of Belarus—

5 “(A) to preserve the independence and sov-
6 ereignty of their country; and

7 “(B) to freely exercise their religion, in-
8 cluding the head of the Catholic Church in
9 Belarus, Archbishop Tadeusz Kondrusiewicz,
10 who was barred from entering the country after
11 criticizing Belarusian authorities;

12 “(5) to recognize the leading role of women in
13 the peaceful protests and pro-democracy movement
14 in Belarus;

15 “(6) to continue—

16 “(A) rejecting the invalid results of the
17 fraudulent August 9, 2020 presidential election
18 in Belarus announced by the Central Election
19 Commission of the Republic of Belarus; and

20 “(B) supporting calls for new presidential
21 and parliamentary elections, conducted in a
22 manner that is free and fair according to OSCE
23 standards and under the supervision of OSCE
24 observers and independent domestic observers;

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1 “(7) to refuse to recognize Alyaksandr
2 Lukashenka as the legitimately elected leader of
3 Belarus;

4 “(8) to not recognize any incorporation of
5 Belarus into a ‘Union State’ with Russia, since this
6 so-called ‘Union State’ would be both an attempt to
7 absorb Belarus and a step to reconstituting the to-
8 talitarian Soviet Union;

9 “(9) to continue calling for the fulfillment by
10 the Government of Belarus of Belarus’s freely un-
11 dertaken obligations as an OSCE participating state
12 and as a signatory of the Charter of the United Na-
13 tions;

14 “(10) to support an OSCE role in mediating a
15 dialogue within Belarus between the government and
16 genuine representatives of Belarusian society;

17 “(11) to recognize the Coordination Council as
18 a legitimate institution to participate in a dialogue
19 on a peaceful transition of power;

20 “(12) to applaud the commitment by foreign
21 diplomats in Minsk to engage with Coordination
22 Council member and Nobel Laureate, Svetlana
23 Alexievich, and to encourage an ongoing dialogue
24 with her and with other leaders of the democrat-
25 ically-oriented political opposition in Belarus;

1 “(13) to urge an expanded United States diplo-
2 matic presence in Belarus to advocate for the aspira-
3 tions of the people of Belarus for democracy, human
4 rights, and the rule of law;

5 “(14) to encourage the United States Govern-
6 ment—

7 “(A) to continue working closely with the
8 European Union, the United Kingdom, Canada,
9 and other countries and international organiza-
10 tions to promote the principles of democracy,
11 the rule of law, and human rights in Belarus;
12 and

13 “(B) to impose targeted sanctions, in co-
14 ordination with the European Union and other
15 international partners, against officials in
16 Belarus who are responsible for—

17 “(i) undermining democratic processes
18 in Belarus; or

19 “(ii) participating in human rights
20 abuses related to political repression in
21 Belarus;

22 “(15) to call on the Government of Belarus to
23 uphold its human rights obligations, including those
24 rights enumerated in the International Covenant on
25 Civil and Political Rights; and

1 “(16) to support—

2 “(A) the continued territorial integrity of
3 Belarus; and

4 “(B) the right of the Belarusian people to
5 determine their future.”.

6 **SEC. 324. ASSISTANCE TO PROMOTE DEMOCRACY, CIVIL**
7 **SOCIETY, AND SOVEREIGNTY IN BELARUS.**

8 Section 4 of the Belarus Democracy Act of 2004
9 (Public Law 109–480; 22 U.S.C. 5811 note) is amend-
10 ed—

11 (1) by amending the section heading to read as
12 follows: “**ASSISTANCE TO PROMOTE DEMOC-**
13 **RACY, CIVIL SOCIETY, AND SOVEREIGNTY IN**
14 **BELARUS.**”;

15 (2) in subsection (a)—

16 (A) in paragraph (1), by striking “Euro-
17 pean” and inserting “Trans-Atlantic”; and

18 (B) by redesignating paragraphs (2) and
19 (3) as paragraphs (3) and (4), respectively; and

20 (C) by inserting after paragraph (1) the
21 following:

22 “(2) To assist the people of Belarus in building
23 the sovereignty and independence of their country.”;

24 (3) in subsection (b)—

1 (A) by inserting “and Belarusian groups
2 outside of Belarus” after “indigenous
3 Belarusian groups”; and

4 (B) by inserting “and Belarusian sov-
5 ereignty” before the period at the end;

6 (4) in subsection (c)—

7 (A) by striking paragraph (8);

8 (B) by redesignating paragraphs (3)
9 through (7) as paragraphs (4) through (8), re-
10 spectively;

11 (C) by inserting after paragraph (2) the
12 following:

13 “(3) countering internet censorship and repres-
14 sive surveillance technology that seek to limit free
15 association, control access to information, and pre-
16 vent citizens from exercising their rights to free
17 speech;”;

18 (D) in paragraph (8), as redesignated, by
19 striking “and” at the end; and

20 (E) by adding at the end the following:

21 “(9) supporting the work of women advocating
22 freedom, human rights, and human progress;

23 “(10) supporting the development of Belarusian
24 language education;

1 “(11) enhancing the development of the private
2 sector, particularly the information technology sec-
3 tor, and its role in the economy of Belarus, including
4 by increasing the capacity of private sector actors,
5 developing business support organizations, offering
6 entrepreneurship training, and expanding access to
7 finance for small and medium enterprises;

8 “(12) supporting political refugees in neigh-
9 boring European countries fleeing the crackdown in
10 Belarus;

11 “(13) supporting the gathering of evidence on
12 and investigating of the human rights abuses in
13 Belarus;

14 “(14) supporting the public health response, in-
15 cluding filling the information void, in Belarus dur-
16 ing the COVID–19 pandemic; and

17 “(15) other activities consistent with the pur-
18 poses of this Act.”;

19 (5) by redesignating subsection (d) as sub-
20 section (g);

21 (6) by inserting after subsection (c) the fol-
22 lowing:

23 “(d) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that, in light of the political crisis in Belarus and
25 the unprecedented mobilization of the Belarusian people,

1 United States foreign assistance to Belarusian civil society
2 should be reevaluated and increased—

3 “(1) to carry out the purposes described in sub-
4 section (a); and

5 “(2) to include the activities described in sub-
6 section (c).

7 “(e) COORDINATION WITH EUROPEAN PARTNERS.—
8 In order to maximize impact, eliminate duplication, and
9 further the achievement of the purposes described in sub-
10 section (a), the Secretary of State shall ensure coordina-
11 tion with the European Union and its institutions, the gov-
12 ernments of countries that are members of the European
13 Union, the United Kingdom, and Canada.

14 “(f) REPORT ON ASSISTANCE.—Not later than 1 year
15 after the date of the enactment of the Belarus Democracy,
16 Human Rights, and Sovereignty Act of 2020, the Sec-
17 retary of State, acting through the Office of the Coordi-
18 nator of U.S. Assistance to Europe and Eurasia, and in
19 coordination with the Administrator of the United States
20 Agency for International Development, shall submit a re-
21 port to the appropriate congressional committees describ-
22 ing the programs and activities carried out to achieve the
23 purposes described in subsection (a), including an assess-
24 ment of whether or not progress was made in achieving
25 those purposes.”; and

1 (7) in subsection (g), as redesignated—

2 (A) in the subsection heading, by striking
3 “AUTHORIZATION OF APPROPRIATIONS” and all
4 that follows through “There are” and inserting
5 “AUTHORIZATION OF APPROPRIATIONS.—There
6 are”;

7 (B) by striking “fiscal years 2007 and
8 2008” and inserting “fiscal years 2021 and
9 2022”; and

10 (C) by striking paragraph (2).

11 **SEC. 325. INTERNATIONAL BROADCASTING, INTERNET**
12 **FREEDOM, AND ACCESS TO INFORMATION IN**
13 **BELARUS.**

14 Section 5 of the Belarus Democracy Act of 2004
15 (Public Law 109–480; 22 U.S.C. 5811 note) is amended
16 to read as follows:

17 **“SEC. 5. INTERNATIONAL BROADCASTING, INTERNET FREE-**
18 **DOM, AND ACCESS TO INFORMATION IN**
19 **BELARUS.**

20 “(a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 “(1) the President should support and reallo-
23 cate resources to radio, television, and internet
24 broadcasting conducted by Radio Free Europe/Radio
25 Liberty in languages spoken in Belarus;

1 “(2) the United States should also support
2 other independent media providing objective infor-
3 mation to the Belarusian people, particularly in the
4 Belarusian language;

5 “(3) the President should provide the United
6 States Agency for Global Media with a surge capac-
7 ity (as such term is defined in section 316 of the
8 United States International Broadcasting Act (22
9 U.S.C. 6216)) for programs and activities in
10 Belarus;

11 “(4) the Chief Executive Officer of the United
12 States Agency for Global Media, working through
13 the Open Technology Fund and in coordination with
14 the Secretary of State, should expand and prioritize
15 efforts to provide anti-censorship technology and
16 services to journalists and civil society in Belarus in
17 order to enhance their ability to safely access or
18 share digital news and information without fear of
19 repercussions or surveillance; and

20 “(5) the United States should continue to con-
21 demn the Belarusian authorities’ crackdown on inde-
22 pendent media, including the harassment and mass
23 detentions of independent and foreign journalists
24 and the denial of accreditation.

1 “(b) STRATEGY TO PROMOTE EXPANDED BROAD-
2 CASTING, INTERNET FREEDOM, AND ACCESS TO INFOR-
3 MATION IN BELARUS.—

4 “(1) IN GENERAL.—Not later than 120 days
5 after the date of the enactment of the Belarus De-
6 mocracy, Human Rights, and Sovereignty Act of
7 2020, the Chief Executive Officer of the United
8 States Agency for Global Media and the Secretary of
9 State shall jointly submit to the appropriate congres-
10 sional committees a comprehensive strategy, includ-
11 ing a cost estimate, to carry out the following:

12 “(A) Expand independent radio, television,
13 live stream, and social network broadcasting
14 and communications in Belarus to provide news
15 and information, particularly in the Belarusian
16 language, that is credible, comprehensive, and
17 accurate.

18 “(B) Support the development and use of
19 anti-censorship and circumvention technologies
20 by the Open Technology Fund and the Bureau
21 of Democracy Human Rights and Labor that
22 enable the citizens of Belarus to communicate
23 securely and undertake internet activities with-
24 out interference from the Government of
25 Belarus.

1 “(C) Assist efforts to overcome attempts
2 by the Government of Belarus to disrupt inter-
3 net access and block content online.

4 “(D) Monitor the cooperation of the Gov-
5 ernment of Belarus with any foreign govern-
6 ment or organization for purposes related to the
7 censorship or surveillance of the internet, in-
8 cluding an assessment of any such cooperation
9 in the preceding ten years.

10 “(E) Monitor the purchase or receipt by
11 the Government of Belarus of any technology or
12 training from any foreign government or orga-
13 nization for purposes related to the censorship
14 or surveillance of the internet, including an as-
15 sessment of any such purchase or receipt in the
16 preceding ten years.

17 “(F) Assist with the protection of journal-
18 ists who have been targeted for free speech ac-
19 tivities, including through the denial of accredi-
20 tation.

21 “(G) Provide cyber-attack mitigation serv-
22 ices to civil society organizations in Belarus.

23 “(H) Provide resources for educational ma-
24 terials and training on digital literacy, bypass-
25 ing internet censorship, digital safety, and in-

1 vestigative and analytical journalism for inde-
2 pendent journalists working in Belarus.

3 “(I) Build the capacity of civil society,
4 media, and other nongovernmental and organi-
5 zations to identify, track, and counter
6 disinformation, including from proxies of the
7 Government of Russia working at Belarusian
8 state television.

9 “(2) FORM.—The report required under para-
10 graph (1) shall be transmitted in unclassified form,
11 but may contain a classified annex.”.

12 **SEC. 326. SANCTIONS AGAINST THE GOVERNMENT OF**
13 **BELARUS.**

14 Section 6 of the Belarus Democracy Act of 2004
15 (Public Law 109–480; 22 U.S.C. 5811 note) is amend-
16 ed—

17 (1) in subsection (b)—

18 (A) by striking “December 19, 2010” each
19 place it appears and inserting “August 9,
20 2020”;

21 (B) in paragraph (2), by inserting “,
22 peaceful protesters,” after “all opposition activ-
23 ists”;

24 (C) by striking paragraphs (3) and (6);
25 and

1 (D) by redesignating paragraphs (4), (5),
2 and (7) as paragraphs (3), (4), and (5), respec-
3 tively;

4 (2) in subsection (c)—

5 (A) in the subsection heading, by inserting
6 “AND RUSSIAN INDIVIDUALS COMPLICIT IN
7 THE CRACKDOWN THAT OCCURRED AFTER
8 THE AUGUST 9, 2020, ELECTION” after
9 “BELARUS”;

10 (B) by redesignating paragraphs (4) and
11 (5) as paragraphs (5) and (6), respectively;

12 (C) by inserting after paragraph (3) the
13 following:

14 “(4) is a member of the Central Election Com-
15 mission of Belarus or assisted the Commission in
16 manipulating the presidential election of August 9,
17 2020;”;

18 (D) in paragraph (5), as redesignated, to
19 read as follows:

20 “(5) is a member of any branch of the security
21 or law enforcement services of Belarus, including the
22 KGB, Interior Ministry, and OMON special police
23 unit, and is responsible for, or complicit in, ordering,
24 controlling, materially assisting, sponsoring, or pro-
25 viding financial, material, or technological support

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1 for, or otherwise directing, the crackdown on opposi-
2 tion leaders, journalists, and peaceful protestors that
3 occurred in connection with the presidential election
4 of August 9, 2020; or”; and

5 (E) by adding at the end the following:

6 “(7) is a government official, including at the
7 Information Ministry, responsible for the crackdown
8 on independent media, including revoking the ac-
9 creditation of journalists, disrupting internet access,
10 and restricting online content;

11 “(8) is an official in the so-called ‘Union State’
12 between Russia and Belarus (regardless of nation-
13 ality of the individual); or

14 “(9) is a Russian individual that has signifi-
15 cantly participated in the crackdown on independent
16 press or human rights abuses related to political re-
17 pression in Belarus, including the Russian propa-
18 gandists sent to replace local employees at
19 Belarusian state media outlets.”;

20 (3) in subsection (d)(1), by striking “the Over-
21 seas Private Investment Corporation” and inserting
22 “the United States International Development Fi-
23 nance Corporation”;

24 (4) in subsection (e), by striking “(including
25 any technical assistance or grant) of any kind”; and

1 (5) in subsection (f)—

2 (A) in paragraph (1)(A), by striking “or
3 by any member or family member closely linked
4 to any member of the senior leadership of the
5 Government of Belarus” and inserting “or by
6 the senior leadership of the Government of
7 Belarus or by any member or family member
8 closely linked to the senior leadership of the
9 Government of Belarus, or an official of the so-
10 called ‘Union State’ with Russia”; and

11 (B) in paragraph (2)—

12 (i) in subparagraph (A), by adding at
13 the end before the semicolon the following:
14 “, or an official of the so-called ‘Union
15 State’ with Russia”; and

16 (ii) in subparagraph (B), by inserting
17 “, or the so-called ‘Union State’ with Rus-
18 sia,” after “the Government of Belarus”.

19 **SEC. 327. MULTILATERAL COOPERATION.**

20 Section 7 of the Belarus Democracy Act of 2004
21 (Public Law 109–480; 22 U.S.C. 5811 note) is amended
22 to read as follows:

23 **“SEC. 7. MULTILATERAL COOPERATION.**

24 “It is the sense of Congress that the President should
25 continue to coordinate with the European Union and its

1 institutions, European Union member states, the United
2 Kingdom, and Canada to develop a comprehensive, multi-
3 lateral strategy—

4 “(1) to further the purposes of this Act, includ-
5 ing, as appropriate, encouraging other countries to
6 take measures with respect to the Republic of
7 Belarus that are similar to measures described in
8 this Act; and

9 “(2) to deter the Government of the Russian
10 Federation from undermining democratic processes
11 and institutions in Belarus or threatening the inde-
12 pendence, sovereignty, and territorial integrity of
13 Belarus.”.

14 **SEC. 328. REPORTS.**

15 Section 8 of the Belarus Democracy Act of 2004
16 (Public Law 109–480; 22 U.S.C. 5811 note) is amended
17 to read as follows:

18 **“SEC. 8. REPORTS.**

19 “(a) REPORT ON THREAT TO SOVEREIGNTY AND
20 INDEPENDENCE OF BELARUS.—

21 “(1) IN GENERAL.—Not later than 120 days
22 after the date of the enactment of the Belarus De-
23 mocracy, Human Rights, and Sovereignty Act of
24 2020, the Secretary of State, in coordination with
25 the Director of National Intelligence and the Sec-

1 retary of the Treasury, shall transmit to the appro-
2 priate congressional committees a report describing
3 the threat that the Government of Russia poses to
4 the sovereignty and independence of Belarus.

5 “(2) MATTERS TO BE INCLUDED.—The report
6 required under paragraph (1) shall include—

7 “(A) an assessment of how the Govern-
8 ment of Russia is exploiting the current polit-
9 ical crisis in Belarus to push for deeper political
10 and economic control of or integration with
11 Belarus;

12 “(B) a description of the economic and en-
13 ergy assets in Belarus that the Government of
14 Russia, including Russian state-owned or state-
15 controlled companies, controls;

16 “(C) a description of Belarus major enter-
17 prises that are vulnerable of being taken over
18 by Russian entities amid the country’s wors-
19 ening financial crisis;

20 “(D) a description of how and to what
21 ends the Government of Russia seeks to aug-
22 ment its military presence in Belarus;

23 “(E) a description of Russian influence
24 over the media and information space in
25 Belarus and how the Government of Russia

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1 uses disinformation and other malign tech-
2 niques to undermine Belarusian history, cul-
3 ture, and language;

4 “(F) a description of other actors in
5 Belarus that the Government of Russia uses to
6 advance its malign influence, including vet-
7 erans’ organizations and extrajudicial networks;

8 “(G) a description of efforts to undermine
9 Belarusian language, cultural, and national
10 symbols, including the traditional red and white
11 flag and the ‘Pahonia’ mounted knight; and

12 “(H) the identification of Russian individ-
13 uals and government agencies that are signifi-
14 cantly supporting or involved in the crackdown
15 on peaceful protestors and the opposition or the
16 repression of independent media following the
17 August 9, 2020, presidential election.

18 “(3) FORM.—The report required under this
19 subsection shall be transmitted in unclassified form,
20 but may contain a classified annex.

21 “(b) REPORT ON PERSONAL ASSETS OF
22 ALYAKSANDR LUKASHENKA.—

23 “(1) IN GENERAL.—Not later than 90 days
24 after the date of the enactment of the Belarus De-
25 mocracy, Human Rights, and Sovereignty Act of

1 2020, the Director of National Intelligence, in con-
2 sultation with the Secretary of the Treasury and the
3 Secretary of State, shall submit to the appropriate
4 congressional committees a report describing—

5 “(A) the total assets under the direct or
6 indirect control of Alyaksandr Lukashenka, in-
7 cluding estimated assets and known sources of
8 income of Alyaksandr Lukashenka and his im-
9 mediate family members, including assets, in-
10 vestments, bank accounts, and other business
11 interests; and

12 “(B) an identification of the most signifi-
13 cant senior foreign political figures in Belarus,
14 as determined by their closeness to Alyaksandr
15 Lukashenka.

16 “(2) WAIVER.—The Director of National Intel-
17 ligence may waive, in whole or in part, the reporting
18 requirement under paragraph (1)(A) if the Director
19 submits to the appropriate congressional commit-
20 tees—

21 “(A) a written justification stating that the
22 waiver is in the national interest of the United
23 States; and

24 “(B) a detailed explanation of the reasons
25 therefor.

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1 “(3) FORM.—The report required under this
2 subsection shall be transmitted in unclassified form,
3 but may contain a classified annex.”.

4 **SEC. 329. DEFINITIONS.**

5 Section 9 of the Belarus Democracy Act of 2004
6 (Public Law 109–480; 22 U.S.C. 5811 note) is amend-
7 ed—

8 (1) by amending paragraph (1) to read as fol-
9 lows:

10 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term ‘appropriate congressional com-
12 mittees’ means—

13 “(A) the Committee on Foreign Relations
14 of the Senate;

15 “(B) the Committee on Banking, Housing,
16 and Urban Affairs of the Senate;

17 “(C) the Committee on Appropriations of
18 the Senate;

19 “(D) the Committee on Foreign Affairs of
20 the House of Representatives;

21 “(E) the Committee on Financial Services
22 of the House of Representatives; and

23 “(F) the Committee on Appropriations of
24 the House of Representatives.”; and

25 (2) in paragraph (3)(B)—

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1 (A) in clause (i), by inserting “members of
2 the security and intelligence services,” after
3 “prosecutors,”; and

4 (B) in clause (ii), by inserting “, electoral
5 fraud, online censorship, or restrictions on inde-
6 pendent media and journalists” after “public
7 corruption”.

8 **SEC. 330. DETERMINATION OF BUDGETARY EFFECTS.**

9 The budgetary effects of this subtitle, for the purpose
10 of complying with the Statutory Pay-As-You-Go Act of
11 2010, shall be determined by reference to the latest state-
12 ment titled “Budgetary Effects of PAYGO Legislation”
13 for this subtitle, submitted for printing in the Congres-
14 sional Record by the Chairman of the House Budget Com-
15 mittee, provided that such statement has been submitted
16 prior to the vote on passage.

17 **Subtitle D—Gandhi-King Scholarly**
18 **Exchange Initiative Act**

19 **SEC. 331. SHORT TITLE.**

20 This subtitle may be cited as the “Gandhi-King
21 Scholarly Exchange Initiative Act”.

22 **SEC. 332. FINDINGS.**

23 Congress makes the following findings:

24 (1) The peoples of the United States and India
25 have a long history of friendship and the interests

1 of the peoples of the United States, India, and the
2 world will benefit from a stronger United States-
3 India partnership.

4 (2) Mohandas Karamchand Gandhi and Martin
5 Luther King, Jr., were dedicated leaders fighting for
6 social justice and social change, peace, and civil
7 rights in their respective communities, and countries
8 and in the world.

9 (3) The use of nonviolent civil disobedience is a
10 shared tactic that has played a key role in defeating
11 social injustice in India, the United States, and in
12 other parts of the world.

13 (4) Mohandas Gandhi, who was born on Octo-
14 ber 2, 1869, was murdered on January 30, 1948,
15 after dedicating his life to the peaceful empowerment
16 of the people of India and to the end of British colo-
17 nial rule.

18 (5) Martin Luther King, Jr., who was born on
19 January 15, 1929, was murdered on April 4, 1968,
20 after a life dedicated to peaceful movements against
21 segregation, discrimination, racial injustice, and pov-
22 erty.

23 (6) In February 1959, Dr. King and his wife,
24 Coretta Scott King, traveled throughout India. By
25 the end of his monthlong visit, Dr. King said, “I am

1 more convinced than ever before that the method of
2 nonviolent resistance is the most potent weapon
3 available to oppressed people in their struggle for
4 justice and human dignity.”.

5 (7) Fifty years after Dr. King’s visit, All India
6 Radio, the national radio station of India, discovered
7 a taped message by Dr. King that emphasized the
8 intellectual harmony between the messages of Dr.
9 King and Mohandas Gandhi on nonviolent social ac-
10 tion.

11 (8) On August 22, 2011, the Dr. Martin Lu-
12 ther King, Jr., National Memorial opened to the
13 public in Washington, DC. This newest memorial on
14 the National Mall pays tribute to Dr. King’s na-
15 tional and international contributions to world peace
16 through nonviolent social change.

17 (9) The 116th Congress coincides with both the
18 150th birth anniversary of Mohandas Gandhi and
19 the 90th birth anniversary of Dr. Martin Luther
20 King, Jr.

21 (10) Mohandas Gandhi, who employed the prin-
22 ciple of satyagraha, or “fighting with peace”, has
23 come to represent the moral force inspiring many
24 civil and social rights movement around the world.

1 (11) Dr. King’s effective use of Gandhi’s prin-
2 ciples was instrumental to the American civil rights
3 movement.

4 (12) There is a long history of civil and social
5 rights movements in the United States and in India.
6 As the relationship between the United States and
7 India evolves, a binational foundation through which
8 the governments of each country can work together
9 and catalyze private investment toward development
10 objectives would provide an ongoing, productive in-
11 stitution and symbol of the friendship and common
12 ideals of the respective governments and their peo-
13 ples.

14 (13) There is a global goal of ending tuber-
15 culosis by 2030, the United States and India seek a
16 TB-Free India by 2025, and the United States-India
17 Gandhi-King Development Foundation, as described
18 in this subtitle, could help address gaps across the
19 TB value chain in prevention, detection, diagnosis,
20 and treatment, and catalyze market-based strategies
21 to bridge the service gap for the “last mile”.

22 (14) Leaders in both countries have prioritized
23 the United States-India relationship and continue to
24 support a strengthened United States-India partner-

1 ship, recognizing that it will be one of the defining
2 partnerships of the 21st century.

3 **SEC. 333. GANDHI-KING SCHOLARLY EXCHANGE INITIA-**
4 **TIVE.**

5 (a) IN GENERAL.—In order to further the shared
6 ideals and values of Mohandas Gandhi and Martin Luther
7 King, Jr, the Secretary of State should establish, in co-
8 operation with the appropriate representatives of the Gov-
9 ernment of India, a professional exchange program known
10 as the “Gandhi-King Scholarly Exchange Initiative”. The
11 initiative should be comprised of the following:

12 (1) An annual educational forum for scholars
13 from the United States and India that focuses on
14 the social justice and human and civil rights legacies
15 of Mohandas Gandhi and Martin Luther King, Jr.,
16 which should—

17 (A) be held alternately in the United
18 States and in India;

19 (B) include representatives from govern-
20 ments, nongovernmental organizations, civic or-
21 ganizations, and educational, cultural, women’s,
22 civil, and human rights groups, including reli-
23 gious and ethnic minorities and marginalized
24 communities; and

1 (C) focus on studying the works of Gandhi
2 and King, and applying their philosophies of
3 nonviolent resistance to addressing current
4 issues, including poverty alleviation, conflict
5 mitigation, human and civil rights challenges,
6 refugee crises, and threats to democracy and
7 democratic norms in countries around the
8 world.

9 (2) An undergraduate, graduate, and post-grad-
10 uate student exchange for students in the United
11 States and India to—

12 (A) study the history and legacies of Mar-
13 tin Luther King, Jr., and Mohandas Gandhi;
14 and

15 (B) research, develop, and recommend best
16 practices relating to peace, nonviolence, and
17 reconciliation in current conflict regions.

18 (b) SUNSET.—The authorities provided under this
19 section shall terminate on the date that is five years after
20 the date of enactment of this Act.

21 **SEC. 334. GANDHI-KING GLOBAL ACADEMY.**

22 (a) IN GENERAL.—The president and chief executive
23 officer of the United States Institute of Peace should cre-
24 ate a professional development training initiative on con-
25 flict resolution tools based on the principles of nonviolence.

1 Such training initiative shall be known as the Gandhi-
2 King Global Academy and should—

3 (1) include representatives from governments,
4 nongovernmental organizations, civic organizations,
5 and educational, cultural, women's, civil, and human
6 rights groups, including religious and ethnic minori-
7 ties and marginalized communities in countries with
8 ongoing political, social, ethnic, or violent conflict;

9 (2) include a specific focus on the success of
10 nonviolent movements, inclusion, and representation
11 in conflict resolution;

12 (3) develop a curriculum on conflict resolution
13 tools based on the principles of nonviolence; and

14 (4) make the curriculum publicly available on-
15 line, in person, and through a variety of media.

16 (b) PROHIBITION.—The United States Institute of
17 Peace may not, in the course of any activity authorized
18 by subsection (a), enter into any contract with an outside
19 entity to conduct advocacy on its behalf.

20 (c) SUNSET.—The authorities provided under this
21 section shall terminate on the date that is five years after
22 the date of enactment of this Act.

2615

1 **SEC. 335. ESTABLISHMENT OF THE UNITED STATES-INDIA**
2 **GANDHI-KING DEVELOPMENT FOUNDATION.**

3 (a) ESTABLISHMENT.—The Administrator of the
4 United States Agency for International Development
5 (USAID), with the concurrence of the Secretary of State
6 and in coordination with appropriate counterparts in the
7 Government of India, is authorized to establish, on such
8 terms and conditions as are determined necessary, one or
9 more legal entities to compose the United States-India
10 Gandhi-King Development Foundation (in this section re-
11 ferred to as the “Foundation”). Each such legal entity
12 within the Foundation shall be organized under the laws
13 of India and shall not be considered to be an agency or
14 establishment of the United States Government and shall
15 not have the full faith and credit of the United States.

16 (b) FUNCTIONS.—The Foundation, through one or
17 more entities referred to in subsection (a)—

18 (1) shall identify development priorities and ad-
19 minister and oversee competitively-awarded grants to
20 private nongovernmental entities to address such
21 priorities in India, including—

22 (A) health initiatives addressing tuber-
23 culosis (TB), water, sanitation, and health
24 (WASH), and pollution and related health im-
25 pacts (PHI);

1 (B) pollution, plastic waste reduction, and
2 climate-related shocks;

3 (C) education; and

4 (D) empowerment of women;

5 (2) should provide credible platforms and mod-
6 els, including returnable capital to attract and blend
7 public and private capital, which can then be de-
8 ployed efficiently and effectively to address the prior-
9 ities identified in paragraph (1).

10 (c) ADDITIONALITY.—

11 (1) IN GENERAL.—Before an entity within the
12 Foundation makes a grant under subsection (b)(1)
13 to address a priority identified under such sub-
14 section, the Foundation shall ensure that private
15 sector entities are afforded an opportunity to sup-
16 port the projects funded by such grants.

17 (2) SAFEGUARDS, POLICIES, AND GUIDE-
18 LINES.—The Foundation shall develop appropriate
19 safeguards, policies, and guidelines to ensure that
20 grants made under subsection (b)(1) operate accord-
21 ing to internationally recognized best practices and
22 standards, including for transparency and account-
23 ability.

24 (d) LIMITATIONS.—No party receiving a grant made
25 under subsection (b)(1) may receive such grant in an

1 amount that is more than five percent of amounts appro-
2 priated or otherwise made available under section
3 337(a)(3) to the entity in the Foundation making such
4 grant.

5 (e) GOVERNING COUNCIL.—

6 (1) PURPOSE.—The Government of the United
7 States and the Government of India shall convene a
8 Governing Council to provide guidance and direction
9 to the Foundation.

10 (2) APPOINTMENT OF MEMBERS.—The Admin-
11 istrator of the United States Agency for Inter-
12 national Development, with the concurrence of the
13 Secretary of State, shall appoint a majority of the
14 Governing Council of the Foundation for a period of
15 five years following the establishment of the Founda-
16 tion.

17 (3) CHARTER.—The Governing Council of the
18 Foundation shall adopt a charter for the operation
19 of the Foundation, which shall include provisions
20 to—

21 (A) identify development priorities or a
22 process to identify development priorities;

23 (B) define criteria for application, merit
24 review, and transparent, competitive awarding
25 of grants by the Foundation;

1 (C) establish an annual organization-wide
2 audit by an independent auditor in accordance
3 with generally accepted auditing standards, the
4 results of which shall be made immediately
5 available to the Board, the Administrator of the
6 United States Agency for International Devel-
7 opment, and the appropriate Government of
8 India counterpart;

9 (D) assist in the creation of project spe-
10 cific timetables for each of the projects funded
11 by a grant from the Foundation;

12 (E) establish an oversight role and march-
13 in audit rights for the Administrator of the
14 United States Agency for International Devel-
15 opment and the appropriate Government of
16 India counterpart; and

17 (F) establish an annual report on the ac-
18 tivities of the Foundation to be made publicly
19 available.

20 (f) PUBLICLY AVAILABLE PROJECT INFORMATION.—

21 The Foundation shall maintain a user-friendly, publicly
22 available, machine readable database with detailed project
23 level information, as appropriate, including a description
24 of the grants made by the Foundation under this section
25 and project level performance metrics.

1 (g) DETAIL OF UNITED STATES GOVERNMENT PER-
2 SONNEL TO THE FOUNDATION.—

3 (1) IN GENERAL.—Whenever the Administrator
4 of the United States Agency for International Devel-
5 opment or the Secretary of State determines it to be
6 in furtherance of the purposes of this subtitle, the
7 Administrator and the Secretary are authorized to
8 detail or assign any officer or employee of the Agen-
9 cy or the Department, respectively, to any position
10 in the Foundation to provide technical, scientific, or
11 professional assistance to the Foundation or, in co-
12 operation with the Foundation, to implementing
13 partners of the Foundation, without reimbursement
14 to the United States Government.

15 (2) STATUS.—Any United States Government
16 officer or employee, while detailed or assigned under
17 this subsection, shall be considered, for the purpose
18 of preserving their allowances, privileges, rights, se-
19 niority, and other benefits as such, an officer or em-
20 ployee of the United States Government and of the
21 agency of the United States Government from which
22 detailed or assigned, and shall continue to receive
23 compensation, allowances, and benefits from pro-
24 gram funds appropriated to that agency or made
25 available to that agency for purposes related to the

1 activities of the detail or assignment, in accordance
2 with authorities related to their employment status
3 and agency policies.

4 (3) SUNSET.—The authorities provided under
5 this subsection shall terminate on the date that is
6 five years after the establishment of the Foundation.

7 **SEC. 336. REPORTING REQUIREMENTS.**

8 (a) INITIAL REPORTS.—Not later than 120 days
9 after the date of the enactment of this Act—

10 (1) the Secretary of State shall submit to the
11 Committee on Foreign Affairs and the Committee on
12 Appropriations of the House of Representatives and
13 the Committee on Foreign Relations and the Com-
14 mittee on Appropriations of the Senate a report on
15 the Secretary of State’s plan to establish the initia-
16 tive authorized under section 333;

17 (2) the president and chief executive officer of
18 the United States Institute of Peace shall submit to
19 the Committee on Foreign Affairs and the Com-
20 mittee on Appropriations of the House of Represent-
21 atives and the Committee on Foreign Relations and
22 the Committee on Appropriations of the Senate a re-
23 port on the president and chief executive officer’s
24 plan to establish the initiative authorized under sec-
25 tion 334; and

1 (3) the Administrator of the United States
2 Agency for International Development shall submit
3 to the Committee on Foreign Affairs and the Com-
4 mittee on Appropriations of the House of Represent-
5 atives and the Committee on Foreign Relations and
6 the Committee on Appropriations of the Senate a re-
7 port on the Administrator's plan to establish the or-
8 ganization authorized under section 335.

9 (b) PERIODIC UPDATES.—The Secretary of State,
10 president and chief executive officer of the United States
11 Institute of Peace, and Administrator of the United States
12 Agency for International Development shall submit to the
13 committees described in subsection (a)(3) an update on
14 a semiannual basis regarding the progress in imple-
15 menting each of the initiatives or establishing the organi-
16 zation referred to in such subsection.

17 **SEC. 337. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There is authorized to be appro-
19 priated to carry out—

20 (1) section 333, up to \$1,000,000 for each of
21 fiscal years 2021 through 2025 to the Secretary of
22 State

23 (2) section 334, up to \$2,000,000 for fiscal
24 year 2021 to the United States Institute of Peace;

1 (3) section 335, up to \$30,000,000 for fiscal
2 year 2021 to the Administrator of the United States
3 Agency for International Development; and

4 (4) section 335, up to an additional
5 \$15,000,000 for each of fiscal years 2022 through
6 2025 to the Administrator of the United States
7 Agency for International Development, if the private
8 sector in India commits amounts equal to that con-
9 tributed by the United States.

10 (b) SENSE OF CONGRESS ON FOREIGN ASSISTANCE
11 FUNDS.—It is the sense of Congress that the authoriza-
12 tion of appropriations under subsection (a) should be re-
13 newable for one or more periods of not more than 5 years
14 if—

15 (1) authorized by Congress; and

16 (2) the Secretary of State, in consultation with
17 the Administrator of the United States Agency for
18 International Development, determines that the
19 Foundation’s work is successful in addressing the
20 priorities identified in section 335(b)(1) and that the
21 private sector in India has committed funds to the
22 Foundation in accordance with subsection (a)(4).

1 **Subtitle E—Tibetan Policy and**
2 **Support Act of 2020**

3 **SEC. 341. MODIFICATIONS TO AND REAUTHORIZATION OF**
4 **TIBETAN POLICY ACT OF 2020.**

5 (a) TIBETAN NEGOTIATIONS.—Section 613 of the Ti-
6 betan Policy Act of 2002 (22 U.S.C. 6901 note) is amend-
7 ed—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by inserting “without pre-
11 conditions” after “a dialogue”;

12 (ii) by inserting “or democratically-
13 elected leaders of the Tibetan community”
14 after “his representatives”; and

15 (iii) by inserting before the period at
16 the end the following: “and should coordi-
17 nate with other governments in multilat-
18 eral efforts toward this goal”;

19 (B) by redesignating paragraph (2) as
20 paragraph (3); and

21 (C) by inserting after paragraph (1) the
22 following new paragraph:

23 “(2) POLICY COMMUNICATION.—The Secretary
24 of State shall ensure that, in accordance with this
25 Act, United States policy on Tibet, as coordinated

1 by the United States Special Coordinator for Ti-
2 betan Issues, is communicated to all Federal depart-
3 ments and agencies in contact with the Government
4 of the People’s Republic of China.”;

5 (2) in subsection (b)—

6 (A) in the matter preceding paragraph

7 (1)—

8 (i) by striking “until December 31,
9 2021” and inserting “until December 31,
10 2031”; and

11 (ii) by inserting “and direct the De-
12 partment of State to make public on its
13 website” after “appropriate congressional
14 committees”;

15 (B) in paragraph (1), by striking “; and”
16 and inserting a semicolon;

17 (C) in paragraph (2), by striking the pe-
18 riod at the end and inserting “; and” ; and

19 (D) by adding at the end the following new
20 paragraph:

21 “(3) the steps taken by the United States Gov-
22 ernment to promote the human rights and distinct
23 religious, cultural, linguistic, and historical identity
24 of the Tibetan people, including the right of the Ti-
25 betan people to select, educate, and venerate their

1 own religious leaders in accordance with their estab-
2 lished religious practice and system.”.

3 (b) TIBET PROJECT PRINCIPLES.—Section 616 of
4 such Act (22 U.S.C. 6901 note) is amended—

5 (1) in subsection (d)—

6 (A) in paragraph (5), by inserting “human
7 rights,” after “respect Tibetan”;

8 (B) in paragraph (8), by striking “; and”
9 and inserting a semicolon;

10 (C) in paragraph (9)—

11 (i) by inserting “involuntary or co-
12 erced” after “nor facilitate the”; and

13 (ii) by striking the period at the end
14 and inserting “; and”; and

15 (D) by adding at the end the following new
16 paragraph:

17 “(10) neither provide incentive for, nor facili-
18 tate the involuntary or coerced relocation of, Tibetan
19 nomads from their traditional pasturelands into con-
20 centrated settlements.”;

21 (2) by adding at the end the following new sub-
22 sections:

23 “(e) UNITED STATES ASSISTANCE.—

24 “(1) IN GENERAL.—The President is author-
25 ized to provide assistance to nongovernmental orga-

1 nizations to support inclusive economic growth, resil-
2 ience, global health, education, environmental stew-
3 ardsip, and cultural and historical preservation for
4 Tibetan communities in Tibet, in accordance with
5 the principles specified in subsection (d).

6 “(2) COORDINATION.—Assistance authorized
7 under paragraph (1) shall be carried out in coordi-
8 nation with the United States Special Coordinator
9 for Tibetan Issues in accordance with section
10 621(d).

11 “(f) PRIVATE SECTOR INVESTMENT.—The Secretary
12 of State, in coordination with the Secretary of Commerce,
13 should—

14 “(1) encourage United States businesses and
15 individuals that are engaged in commerce or invest-
16 ing in enterprises in Tibet to be guided by the prin-
17 ciples specified in subsection (d) and the United Na-
18 tions Guiding Principles on Business and Human
19 Rights; and

20 “(2) hold regular consultations with businesses
21 and individuals that are engaged in commerce or are
22 investing in enterprises in Tibet about the principles
23 referenced in paragraph (1) and the business prac-
24 tices of such businesses and individuals in Tibet.”.

1 (c) DIPLOMATIC REPRESENTATION RELATING TO
2 TIBET.—Section 618 of such Act (22 U.S.C. 6901 note)
3 is amended to read as follows:

4 **“SEC. 618. DIPLOMATIC REPRESENTATION RELATING TO**
5 **TIBET.**

6 “(a) UNITED STATES CONSULATE IN LHASA,
7 TIBET.—The Secretary should seek to establish a United
8 States consulate in Lhasa, Tibet—

9 “(1) to provide consular services to United
10 States citizens traveling in Tibet; and

11 “(2) to monitor political, economic, and cultural
12 developments in Tibet.

13 “(b) POLICY.—The Secretary may not authorize the
14 establishment in the United States of any additional con-
15 sulate of the People’s Republic of China until such time
16 as a United States consulate in Lhasa, Tibet, is estab-
17 lished under subsection (a).

18 “(c) WAIVER.—The Secretary may waive the require-
19 ment under subsection (b), notwithstanding the lack of a
20 United States consulate in Lhasa, not less than 30 days
21 after the Secretary determines and reports to the appro-
22 priate congressional committees that it is in the national
23 security interests of the United States to waive such re-
24 quirements and submits to the appropriate congressional
25 committees a report including—

1 “(1) a specific and detailed rationale for the de-
2 termination that the waiver is in the national secu-
3 rity interests of the United States; and

4 “(2) a description of the efforts by the Depart-
5 ment of State to seek the establishment of a United
6 States consulate in Lhasa.”.

7 (d) RELIGIOUS PERSECUTION IN TIBET.—Section
8 620(b) of such Act (22 U.S.C. 6901 note) is amended by
9 inserting before the period at the end the following: “, in-
10 cluding with respect to the reincarnation system of Ti-
11 betan Buddhism”.

12 (e) UNITED STATES SPECIAL COORDINATOR FOR TI-
13 BETAN ISSUES.—Section 621 of such Act (22 U.S.C. 6901
14 note) is amended—

15 (1) by amending subsection (c) to read as fol-
16 lows:

17 “(c) OBJECTIVES.—The objectives of the Special Co-
18 ordinator are to—

19 “(1) promote substantive dialogue without pre-
20 conditions, between the Government of the People’s
21 Republic of China and the Dalai Lama, his or her
22 representatives, or democratically elected leaders of
23 the Tibetan community, or explore activities to im-
24 prove prospects for dialogue, that leads to a nego-
25 tiated agreement on Tibet;

1 “(2) coordinate with other governments in mul-
2 tilateral efforts towards the goal of a negotiated
3 agreement on Tibet;

4 “(3) encourage the Government of the People’s
5 Republic of China to address the aspirations of the
6 Tibetan people with regard to their distinct histor-
7 ical, cultural, religious, and linguistic identity;

8 “(4) promote the human rights of the Tibetan
9 people;

10 “(5) promote activities to preserve environment
11 and water resources of the Tibetan plateau;

12 “(6) encourage that any initiatives or activities
13 for Tibetan communities in the Tibet Autonomous
14 Region are conducted in accordance with the prin-
15 ciples espoused in section 616(d); and

16 “(7) promote access to Tibet in accordance with
17 the Reciprocal Access to Tibet Act of 2018 (Public
18 Law 115–330).”;

19 (2) in subsection (d)—

20 (A) in paragraph (5), by striking “; and”
21 and inserting a semicolon;

22 (B) by redesignating paragraph (6) as
23 paragraph (8); and

24 (C) by inserting after paragraph (5) the
25 following new paragraphs:

1 “(6) provide guidance with respect to all
2 projects carried out pursuant to assistance provided
3 under section 616(e);

4 “(7) seek to establish international diplomatic
5 coalitions to—

6 “(A) oppose any effort by the Government
7 of the People’s Republic of China to select, edu-
8 cate, and venerate Tibetan Buddhist religious
9 leaders in a manner inconsistent with the prin-
10 ciple that the succession or identification of Ti-
11 betan Buddhist lamas, including the Dalai
12 Lama, should occur without interference, in a
13 manner consistent with traditional practice; and

14 “(B) ensure that the identification and in-
15 stallation of Tibetan Buddhist religious leaders,
16 including any future Dalai Lama, is determined
17 solely within the Tibetan Buddhist faith com-
18 munity, in accordance with the internationally-
19 recognized right to religious freedom; and”;

20 (3) by adding at the end the following new sub-
21 section:

22 “(e) PERSONNEL.—The Secretary shall ensure that
23 the Office of the Special Coordinator is adequately staffed
24 at all times to assist in the management of the responsibil-
25 ities of this section.”.

2631

1 **SEC. 342. STATEMENT OF POLICY REGARDING THE SUC-**
2 **CESSION OR REINCARNATION OF THE DALAI**
3 **LAMA.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Tibetan Buddhism is practiced in many
6 countries including Bhutan, India, Mongolia, Nepal,
7 the People’s Republic of China, the Russian Federa-
8 tion, and the United States, yet the Government of
9 the People’s Republic of China has repeatedly in-
10 sisted on its role in managing the selection of Tibet’s
11 next spiritual leader, the Dalai Lama, through ac-
12 tions such as those described in the “Measures on
13 the Management of the Reincarnation of Living
14 Buddhas” in 2007.

15 (2) On March 19, 2019, Chinese Ministry of
16 Affairs spokesperson reiterated that the “reincarna-
17 tion of living Buddhas including the Dalai Lama
18 must comply with Chinese laws and regulations and
19 follow religious rituals and historical conventions”.

20 (3) The Government of the People’s Republic of
21 China has interfered in the process of recognizing a
22 successor or reincarnation of Tibetan Buddhist lead-
23 ers, including in 1995 by arbitrarily detaining
24 Gedhun Choekyi Nyima, a 6-year old boy who was
25 identified as the 11th Panchen Lama, and pur-

1 porting to install its own candidate as the Panchen
2 Lama.

3 (4) The 14th Dalai Lama, Tenzin Gyatso,
4 issued a statement on September 24, 2011, explain-
5 ing the traditions and spiritual precepts of the selec-
6 tion of Dalai Lamas, setting forth his views on the
7 considerations and process for selecting his suc-
8 cessor, and providing a response to the Chinese gov-
9 ernment's claims that only the Chinese government
10 has the ultimate authority in the selection process of
11 the Dalai Lama.

12 (5) The 14th Dalai Lama said in his statement
13 that the person who reincarnates has sole legitimate
14 authority over where and how he or she takes re-
15 birth and how that reincarnation is to be recognized
16 and if there is a need for a 15th Dalai Lama to be
17 recognized, then the responsibility shall primarily
18 rest with the officers of the Dalai Lama's Gaden
19 Phodrang Trust, who will be informed by the written
20 instructions of the 14th Dalai Lama.

21 (6) Since 2011, the 14th Dalai Lama has reit-
22 erated publicly on numerous occasions that decisions
23 on the successions, emanations, or reincarnations of
24 the Dalai Lama belongs to the Tibetan Buddhist
25 faith community alone.

1 (7) On June 8, 2015, the United States House
2 of Representatives unanimously approved House
3 Resolution 337 which calls on the United States
4 Government to “underscore that government inter-
5 ference in the Tibetan reincarnation process is a vio-
6 lation of the internationally recognized right to reli-
7 gious freedom . . . and to highlight the fact that
8 other countries besides China have long Tibetan
9 Buddhist traditions, and that matters related to re-
10 incarnations in Tibetan Buddhism are of keen inter-
11 est to Tibetan Buddhist populations worldwide”.

12 (8) On April 25, 2018, the United States Sen-
13 ate unanimously approved Senate Resolution 429
14 which “expresses its sense that the identification
15 and installation of Tibetan Buddhist religious lead-
16 ers, including a future 15th Dalai Lama, is a matter
17 that should be determined solely within the Tibetan
18 Buddhist faith community, in accordance with the
19 inalienable right to religious freedom”.

20 (9) The Department of State’s Report on Inter-
21 national Religious Freedom for 2018 reported on
22 policies and efforts of the Government of the Peo-
23 ple’s Republic of China to exert control over the se-
24 lection of Tibetan Buddhist religious leaders, includ-
25 ing reincarnate lamas, and stated that “[United

1 States] officials underscored that decisions on the
2 reincarnation of the Dalai Lama should be made
3 solely by faith leaders.”.

4 (b) STATEMENT OF POLICY.—It is the policy of the
5 United States that—

6 (1) decisions regarding the selection, education,
7 and veneration of Tibetan Buddhist religious leaders
8 are exclusively spiritual matters that should be made
9 by the appropriate religious authorities within the
10 Tibetan Buddhist tradition and in the context of the
11 will of practitioners of Tibetan Buddhism;

12 (2) the wishes of the 14th Dalai Lama, includ-
13 ing any written instructions, should play a key role
14 in the selection, education, and veneration of a fu-
15 ture 15th Dalai Lama; and

16 (3) interference by the Government of the Peo-
17 ple’s Republic of China or any other government in
18 the process of recognizing a successor or reincarna-
19 tion of the 14th Dalai Lama and any future Dalai
20 Lamas would represent a clear abuse of the right to
21 religious freedom of Tibetan Buddhists and the Ti-
22 betan people.

23 (c) HOLDING CHINESE OFFICIALS RESPONSIBLE
24 FOR RELIGIOUS FREEDOM ABUSES TARGETING TIBETAN
25 BUDDHISTS.—It is the policy of the United States to take

1 all appropriate measures to hold accountable senior offi-
2 cials of the Government of the People’s Republic of China
3 or the Chinese Communist Party who directly interfere
4 with the identification and installation of the future 15th
5 Dalai Lama of Tibetan Buddhism, successor to the 14th
6 Dalai Lama, including by—

7 (1) imposing sanctions pursuant to the Global
8 Magnitsky Human Rights Accountability Act (22
9 U.S.C. 2656 note); and

10 (2) prohibiting admission to the United States
11 under section 212(a)(2)(G) of the Immigration and
12 Nationality Act (8 U.S.C. 1182(a)(2)(G)).

13 (d) DEPARTMENT OF STATE PROGRAMMING TO PRO-
14 MOTE RELIGIOUS FREEDOM FOR TIBETAN BUDDHISTS.—
15 Consistent with section 401 of the Frank R. Wolf Inter-
16 national Religious Freedom Act (Public Law 114–281;
17 130 Stat. 1436), the Ambassador-at-Large for Inter-
18 national Religious Freedom should support efforts to pro-
19 tect and promote international religious freedom in China
20 and for programs to protect Tibetan Buddhism in China
21 and elsewhere.

22 **SEC. 343. POLICY REGARDING THE ENVIRONMENT AND**
23 **WATER RESOURCES ON THE TIBETAN PLA-**
24 **TEAU.**

25 (a) FINDINGS.—Congress finds the following:

1 (1) The Tibetan Plateau contains glaciers, riv-
2 ers, grasslands, and other geographical and ecologi-
3 cal features that are crucial for supporting vegeta-
4 tion growth and biodiversity and regulating water
5 flow and supply for an estimated 1,800,000,000 peo-
6 ple. Environmental changes threaten the glaciers in
7 Tibet that feed the major rivers of South and East
8 Asia, which supply freshwater to an estimated
9 1,800,000,000 people.

10 (2) Several factors, including temperature
11 changes, large government-backed infrastructure
12 projects, and resettlement of Tibetan nomads, are
13 likely to result in variable water flows in the future.

14 (3) The grasslands of Tibet play a significant
15 role in carbon production and sequestration and Ti-
16 bet's rivers support wetlands that play a key role in
17 water storage, water quality, and the regulation of
18 water flow, support biodiversity, foster vegetation
19 growth, and act as carbon sinks.

20 (4) Traditional Tibetan grassland stewardship
21 practices, which can be key to mitigating the nega-
22 tive effects of environmental changes on the Tibetan
23 Plateau, are undermined by the resettlement of no-
24 mads from Tibetan grasslands.

1 (5) The People’s Republic of China has ap-
2 proximately 20 percent of the world’s population but
3 only around 7 percent of the world’s water supply,
4 while many countries in South and Southeast Asia
5 rely on the rivers flowing from the Himalayas of the
6 Tibetan Plateau.

7 (6) The People’s Republic of China has already
8 completed water transfer programs diverting billions
9 of cubic meters of water yearly and has plans to di-
10 vert more waters from the Tibetan plateau in China.

11 (b) WATER RESOURCES IN TIBET AND THE TIBETAN
12 WATERSHED.—The Secretary of State, in coordination
13 with relevant agencies of the United States Government,
14 should—

15 (1) pursue collaborative efforts with Chinese
16 and international scientific institutions, as appro-
17 priate, to monitor the environment on the Tibetan
18 Plateau, including glacial retreat, temperature rise,
19 and carbon levels, in order to promote a greater un-
20 derstanding of the effects on permafrost, river flows,
21 grasslands and desertification, and the monsoon
22 cycle;

23 (2) engage with the Government of the People’s
24 Republic of China, the Tibetan people, and non-
25 governmental organizations to encourage the partici-

1 pation of Tibetan nomads and other Tibetan stake-
2 holders in the development and implementation of
3 grassland management policies, in order to utilize
4 their indigenous experience in mitigation and stew-
5 ardship of the land and to assess policies on the
6 forced resettlement of nomads; and

7 (3) encourage a regional framework on water
8 security, or use existing frameworks, such as the
9 Lower Mekong Initiative, to facilitate cooperative
10 agreements among all riparian nations that would
11 promote transparency, sharing of information, pollu-
12 tion regulation, and arrangements on impounding
13 and diversion of waters that originate on the Ti-
14 betan Plateau.

15 **SEC. 344. DEMOCRACY IN THE TIBETAN EXILE COMMUNITY.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) The 14th Dalai Lama advocates the Middle
18 Way Approach, which seeks genuine autonomy for
19 the 6,000,000 Tibetans in Tibet.

20 (2) The 14th Dalai Lama has overseen a proc-
21 ess of democratization within the Tibetan polity and
22 devolved his political responsibilities to the elected
23 representatives of the Tibetan people in exile in
24 2011.

1 (3) In 2011 and again in 2016, members of the
2 Tibetan exile community across some 30 countries
3 held free and fair elections to select political leaders
4 to serve in the Central Tibetan Administration par-
5 liament and as chief executive.

6 (4) The Dalai Lama has said that the Central
7 Tibetan Administration will cease to exist once a ne-
8 gotiated settlement has been achieved that allows Ti-
9 betans to freely enjoy their culture, religion, and lan-
10 guage in Tibet.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) Tibetan exile communities around the world
14 should be commended for the adoption of a system
15 of self-governance with democratic institutions to
16 choose their leaders;

17 (2) the Dalai Lama should be commended for
18 his decision to devolve political authority to elected
19 leaders in accordance with democratic principles;

20 (3) as of the date of the enactment of this Act,
21 the Central Tibetan Administration is the institution
22 that represents and reflects, to the greatest extent,
23 the aspirations of the Tibetan diaspora around the
24 world, and the Sikyong is the President of the Cen-
25 tral Tibetan Administration; and

1 (4) as consistent with section 621(d)(3) of the
2 Tibetan Policy Act of 2002 (22 U.S.C. 6901 note),
3 the United States Special Coordinator for Tibetan
4 Issues should continue to maintain close contact
5 with the religious, cultural, and political leaders of
6 the Tibetan people.

7 **SEC. 345. SUSTAINABILITY IN TIBETAN COMMUNITIES**
8 **SEEKING TO PRESERVE THEIR CULTURE, RE-**
9 **LIGION, AND LANGUAGE.**

10 The Secretary of State should urge the Government
11 of Nepal to honor the Gentleman's Agreement with the
12 United Nations High Commissioner for Refugees and the
13 Government of India, which commits the Government of
14 Nepal to respect the principle of non-refoulement by con-
15 tinuing to give Tibetan new arrivals access to the territory
16 of Nepal and allowing them safe passage through Nepal
17 to India.

18 **SEC. 346. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) OFFICE OF THE UNITED STATES SPECIAL COOR-
20 DINATOR FOR TIBETAN ISSUES.—There is authorized to
21 be appropriated \$1,000,000 for each of the fiscal years
22 2021 through 2025 for the Office of the United States
23 Special Coordinator for Tibetan Issues.

24 (b) TIBETAN SCHOLARSHIP PROGRAM AND
25 NGAWANG CHOEPHEL EXCHANGE PROGRAMS.—

1 (1) TIBETAN SCHOLARSHIP PROGRAM.—There
2 is authorized to be appropriated \$675,000 for each
3 of the fiscal years 2021 through 2025 to carry out
4 the Tibetan scholarship program established under
5 section 103(b)(1) of the Human Rights, Refugee,
6 and Other Foreign Relations Provisions Act of 1996
7 (Public Law 104–319; 22 U.S.C. 2151 note).

8 (2) NGAWANG CHOEPHEL EXCHANGE PRO-
9 GRAMS.—There is authorized to be appropriated
10 \$575,000 for each of the fiscal years 2021 through
11 2025 to carry out the “Ngawang Choephel Ex-
12 change Programs” (formerly known as “programs of
13 educational and cultural exchange between the
14 United States and the people of Tibet”) under sec-
15 tion 103(a) of the Human Rights, Refugee, and
16 Other Foreign Relations Provisions Act of 1996
17 (Public Law 104–319; 110 Stat. 3865).

18 (c) HUMANITARIAN ASSISTANCE AND SUPPORT TO
19 TIBETAN REFUGEES IN SOUTH ASIA.—Amounts author-
20 ized to be appropriated or otherwise made available to
21 carry out chapter 9 of part I of the Foreign Assistance
22 Act of 1961 (22 U.S.C. 2292 et seq.) and the Migration
23 and Refugee Assistance Act of 1962 (Public Law 87–510)
24 for each of the fiscal years 2021 through 2025 are author-
25 ized to be made available for humanitarian assistance, in-

1 cluding food, medicine, clothing, and medical and voca-
2 tional training, for Tibetan refugees in South Asia who
3 have fled facing a credible threat of persecution in the
4 People's Republic of China.

5 (d) TIBETAN AUTONOMOUS REGION AND TIBETAN
6 COMMUNITIES IN CHINA.—There is authorized to be ap-
7 propriated \$8,000,000 for each year of the fiscal years
8 2021 through 2025 under chapter 4 of part II of the For-
9 eign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to
10 support activities for Tibetan communities in the Tibet
11 Autonomous Region and in other Tibetan communities in
12 China that are conducted in accordance with subsection
13 616(d) of the Tibetan Policy Act of 2002 (22 U.S.C. 6901
14 note).

15 (e) ASSISTANCE FOR TIBETANS IN INDIA AND
16 NEPAL.—There is authorized to be appropriated
17 \$6,000,000 for each of the fiscal years 2021 through 2025
18 under chapter 4 of part II of the Foreign Assistance Act
19 of 1961 (22 U.S.C. 2346 et seq.) for programs to promote
20 and preserve Tibetan culture and language development,
21 and the resilience of Tibetan communities in India and
22 Nepal, and to assist in the education and development of
23 the next generation of Tibetan leaders from such commu-
24 nities.

1 (f) TIBETAN GOVERNANCE.—There is authorized to
2 be appropriated \$3,000,000 for each of the fiscal years
3 2021 through 2025 under chapter 4 of part II of the For-
4 eign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) for
5 programs to strengthen the capacity of Tibetan institu-
6 tions and strengthen democracy, governance, information
7 and international outreach, and research.

8 (g) VOICE OF AMERICA AND RADIO FREE ASIA.—

9 (1) VOICE OF AMERICA.—There is authorized to
10 be appropriated \$3,344,000 for each of the fiscal
11 years 2021 through 2025 to Voice of America for
12 broadcasts described in paragraph (3).

13 (2) RADIO FREE ASIA.—There is authorized to
14 be appropriated \$4,060,000 for each of the fiscal
15 years 2021 through 2025 to Radio Free Asia for
16 broadcasts described in paragraph (3).

17 (3) BROADCASTS DESCRIBED.—Broadcasts de-
18 scribed in this paragraph are broadcasts to provide
19 uncensored news and information in the Tibetan lan-
20 guage to Tibetans, including Tibetans in Tibet.

1 **Subtitle F—The United States –**
2 **Northern Triangle Enhanced**
3 **Engagement Act**

4 **SEC. 351. SHORT TITLE.**

5 This subtitle may be cited as the “The United States
6 – Northern Triangle Enhanced Engagement Act”.

7 **SEC. 352. STRATEGY TO ADVANCE PROSPERITY, COMBAT**
8 **CORRUPTION, STRENGTHEN DEMOCRATIC**
9 **GOVERNANCE, AND IMPROVE CIVILIAN SECU-**
10 **RITY IN EL SALVADOR, GUATEMALA, AND**
11 **HONDURAS.**

12 (a) **ELEMENTS.**—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary of State,
14 in coordination with the Administrator of the United
15 States Agency for International Development, and the
16 heads of other relevant Federal agencies, shall submit to
17 the appropriate congressional committees a 5-year strat-
18 egy to advance economic prosperity, combat corruption,
19 strengthen democratic governance, and improve civilian
20 security in El Salvador, Guatemala, and Honduras and
21 to curb irregular migration from the region.

22 (b) **CONSIDERATION.**—In developing the strategy re-
23 quired under this section, the Secretary of State should
24 consider the following priorities:

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1 (1) Promoting economic prosperity, including
2 by—

3 (A) supporting market-based solutions to
4 eliminate constraints to inclusive economic
5 growth;

6 (B) addressing the underlying causes of
7 poverty and inequality;

8 (C) responding to immediate humanitarian
9 needs by improving humanitarian outcomes, in-
10 cluding through access to sanitation, hygiene,
11 and shelter, and by enabling the provision of
12 health resources;

13 (D) supporting conservation and commu-
14 nity resilience and strengthening community
15 preparedness for natural disasters;

16 (E) identifying, as appropriate, a role for
17 relevant United States agencies and the United
18 States private sector in supporting efforts to in-
19 crease private sector investment and advance
20 economic prosperity; and

21 (F) improving domestic resource mobiliza-
22 tion, including by strengthening tax collection
23 and enforcement and legal arbitration mecha-
24 nisms.

25 (2) Combating corruption, including by—

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1 (A) strengthening the capacity of national
2 justice systems and attorneys generals to iden-
3 tify and prosecute money laundering and other
4 financial crimes and breaking up financial hold-
5 ings of organized criminal syndicates, including
6 illegally acquired lands and proceeds from ille-
7 gal activities;

8 (B) strengthening special prosecutorial of-
9 fices and financial institutions to conduct asset
10 forfeitures and criminal analysis, and to combat
11 corruption, money laundering, financial crimes,
12 extortion, and human rights crimes;

13 (C) implementing transparent, merit-based
14 selection processes for prosecutors and judges
15 and the development of professional and merit-
16 based civil services;

17 (D) establishing or strengthening methods,
18 procedures for internal and external control
19 mechanisms for the security and police services
20 and judiciary; and

21 (E) supporting anticorruption efforts
22 through bilateral assistance and complementary
23 support through multilateral anticorruption
24 mechanisms when necessary.

1 (3) Advancing democratic governance, including
2 by—

3 (A) strengthening government institutions
4 at the local and national levels to provide serv-
5 ices and respond to citizen needs through trans-
6 parent, inclusive, and democratic processes;

7 (B) strengthening access to information
8 laws and reforming laws that currently limit ac-
9 cess to information;

10 (C) building the capacity of independent
11 media to engage in professional investigative
12 journalism;

13 (D) ensuring that threats and attacks on
14 journalists, labor leaders, human rights defend-
15 ers, and other members of civil society are fully
16 investigated and perpetrators are held account-
17 able; and

18 (E) strengthening electoral institutions and
19 processes to ensure free, fair, and transparent
20 elections.

21 (4) Improving security conditions, including
22 by—

23 (A) implementing the Central America Re-
24 gional Security Initiative;

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1 (B) increasing the professionalization of
2 security services, including the civilian police
3 and military units;

4 (C) combating the illicit activities of
5 transnational criminal organizations through
6 support to fully vetted elements of attorneys
7 general offices, appropriate government institu-
8 tions, and security services; and

9 (D) enhancing the capacity of relevant se-
10 curity services and attorneys general to support
11 counternarcotics efforts and combat human
12 trafficking, forcible recruitment of children and
13 youth by gangs, gender-based violence, and
14 other illicit activities, including trafficking of
15 wildlife, and natural resources.

16 (c) CONSULTATION.—In developing the strategy re-
17 quired under this section, the Secretary of State may con-
18 sult with civil society and the private sector in the United
19 States, El Salvador, Guatemala, and Honduras.

20 (d) BENCHMARKS.—The strategy required under this
21 section shall include annual benchmarks to track the strat-
22 egy's progress in curbing irregular migration from the re-
23 gion to the United States and improving conditions in El
24 Salvador, Guatemala, and Honduras by measuring
25 progress in key areas, including—

1 (1) reducing poverty and unemployment, in-
2 creasing private sector investment, responding to im-
3 mediate humanitarian needs, sustainably reinte-
4 grating returnees, supporting conservation and com-
5 munity resilience, and addressing forced displace-
6 ment in accordance with the priorities outlined in
7 subsection (b)(1);

8 (2) strengthening national justice systems and
9 attorneys generals, supporting multilateral
10 anticorruption mechanisms, identifying and pros-
11 ecuting money laundering and other financial
12 crimes, breaking up financial holdings of organized
13 criminal syndicates, and advancing judicial integrity
14 and investigative capacity of local authorities in ac-
15 cordance with the priorities outlined in subsection
16 (b)(2);

17 (3) strengthening government institutions at
18 the local and national levels to provide services and
19 respond to citizen needs through transparent, inclu-
20 sive, and democratic processes, promoting human
21 rights, building the capacity of independent media,
22 developing the capacity of civil society to conduct
23 oversight, affording legal protections for human
24 rights defenders and members of civil society, and

1 strengthening electoral institutions in accordance
2 with priorities outlined in subsection (b)(3); and
3 (4) implementing the objectives stated under
4 the Central America Regional Security Initiative and
5 building the capacity of civilian security services in
6 accordance with the priorities outlined in subsection
7 (b)(4).

8 (e) PUBLIC DIPLOMACY.—The strategy required
9 under this section shall include a public diplomacy strat-
10 egy for educating citizens of the region about United
11 States assistance and its benefits to them, and informing
12 such citizens of the dangers of irregular migration to the
13 United States.

14 (f) ANNUAL PROGRESS UPDATES.—Not later than 1
15 year after the submission of the strategy required under
16 this section and annually thereafter for 4 years, the Sec-
17 retary of State shall provide the appropriate congressional
18 committees with a written description of progress made
19 in meeting the benchmarks established in the strategy.

20 (g) PUBLIC AVAILABILITY.—The strategy required
21 under this section shall be made publicly available on the
22 website of the Department of State. If appropriate, a clas-
23 sified annex may be submitted to the appropriate congres-
24 sional committees.

1 (h) DEFINITION.—In this section, the term “appro-
2 priate congressional committees” means—

3 (1) the Committee on Foreign Relations and
4 the Committee on Appropriations of the Senate; and

5 (2) the Committee on Foreign Affairs and the
6 Committee on Appropriations of the House of Rep-
7 resentatives.

8 **SEC. 353. TARGETED SANCTIONS TO FIGHT CORRUPTION**
9 **IN EL SALVADOR, GUATEMALA, AND HON-**
10 **DURAS.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) corruption in El Salvador, Guatemala, and
14 Honduras by private citizens and select officials in
15 local, regional, and Federal governments signifi-
16 cantly damages the economies of such countries and
17 deprives citizens of opportunities;

18 (2) corruption in El Salvador, Guatemala, and
19 Honduras is facilitated and carried out not only by
20 private citizens and select officials from those coun-
21 tries but also in many instances by individuals from
22 third countries; and

23 (3) imposing targeted sanctions on individuals
24 from throughout the world and particularly in the
25 Western Hemisphere who are engaged in acts of sig-

1 nificant corruption that impact El Salvador, Guate-
2 mala, and Honduras or obstruction of investigations
3 into such acts of corruption will benefit the citizens
4 and governments of such countries.

5 (b) REPORT REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, and not less
7 frequently than annually thereafter, the President shall
8 submit to the appropriate congressional committees an un-
9 classified report with classified annex if necessary that
10 identifies each foreign person who the President deter-
11 mines to have knowingly engaged in actions that under-
12 mine democratic processes or institutions, or in significant
13 corruption or obstruction of investigations into such acts
14 of corruption in El Salvador, Guatemala, and Honduras,
15 including the following:

16 (1) Corruption related to government contracts.

17 (2) Bribery and extortion.

18 (3) The facilitation or transfer of the proceeds
19 of corruption, including through money laundering.

20 (4) Acts of violence, harassment, or intimidati-
21 on directed at governmental and nongovernmental
22 corruption investigators.

23 (c) IMPOSITION OF SANCTIONS.—The President shall
24 impose the sanctions described in subsection (d) with re-

1 spect to each foreign person identified in the report re-
2 quired under subsection (b).

3 (d) SANCTIONS DESCRIBED.—

4 (1) IN GENERAL.—The sanctions described in
5 this subsection are the following:

6 (A) INELIGIBILITY FOR VISAS AND ADMIS-
7 SION TO THE UNITED STATES.—In the case of
8 a foreign person who is an individual, such for-
9 eign person is—

10 (i) inadmissible to the United States;

11 (ii) ineligible to receive a visa or other
12 documentation to enter the United States;

13 and

14 (iii) otherwise ineligible to be admitted
15 or paroled into the United States or to re-
16 ceive any other benefit under the Immigra-
17 tion and Nationality Act (8 U.S.C. 1101 et
18 seq.).

19 (B) CURRENT VISAS REVOKED.—

20 (i) IN GENERAL.—The issuing con-
21 sular officer or the Secretary of State, (or
22 a designee of the Secretary of State) shall,
23 in accordance with section 221(i) of the
24 Immigration and Nationality Act (8 U.S.C.
25 1201(i)), revoke any visa or other entry

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1 documentation issued to a foreign person
2 regardless of when the visa or other entry
3 documentation is issued.

4 (ii) EFFECT OF REVOCATION.—A rev-
5 ocation under clause (i) shall—

6 (I) take effect immediately; and

7 (II) automatically cancel any
8 other valid visa or entry documenta-
9 tion that is in the foreign person's
10 possession.

11 (2) EXCEPTION TO COMPLY WITH INTER-
12 NATIONAL OBLIGATIONS.—Sanctions under subpara-
13 graph (B) and (C) of paragraph (1) shall not apply
14 with respect to a foreign person if admitting or pa-
15 roling such person into the United States is nec-
16 essary to permit the United States to comply with
17 the Agreement regarding the Headquarters of the
18 United Nations, signed at Lake Success June 26,
19 1947, and entered into force November 21, 1947,
20 between the United Nations and the United States,
21 or other applicable international obligations.

22 (e) NATIONAL SECURITY WAIVER.—The President
23 may waive the application of the sanctions under sub-
24 section (c) if the President—

1 (1) determines that such a waiver is in the na-
2 tional security interest of the United States; and

3 (2) submits to the appropriate congressional
4 committees within 15 days after such determination
5 a notice of and justification for the waiver.

6 (f) TERMINATION.—The authority to impose sanc-
7 tions under subsection (b), and any sanctions imposed
8 pursuant to such authority, shall expire on the date that
9 is 3 years after the date of the enactment of this Act.

10 (g) PUBLIC AVAILABILITY.—The unclassified portion
11 of the report required by subsection (b) shall be made
12 available to the public, including through publication in
13 the Federal Register. In any case in which the President
14 concludes that such publication would be harmful to the
15 national security of the United States, only a statement
16 that a determination or finding has been made by the
17 President, including the name and section of the Act
18 under which it was made, shall be published.

19 (h) DEFINITIONS.—In this section, the term “appro-
20 priate congressional committees” means—

21 (1) the Committee on Foreign Relations and
22 the Committee on the Judiciary of the Senate;

23 (2) the Committee on Foreign Affairs and the
24 Committee on the Judiciary of the House of Rep-
25 resentatives.

1 **Subtitle G—Other Provisions**

2 **SEC. 361. OFFICE OF SANCTIONS COORDINATION.**

3 (a) OFFICE OF SANCTIONS COORDINATION OF THE
4 DEPARTMENT OF STATE.—

5 (1) IN GENERAL.—Section 1 of the State De-
6 partment Basic Authorities Act of 1956 (22 U.S.C.
7 2651a) is amended by adding at the end the fol-
8 lowing new subsection:

9 “(h) OFFICE OF SANCTIONS COORDINATION.—

10 “(1) IN GENERAL.—There is established, within
11 the Department of State, an Office of Sanctions Co-
12 ordination (in this subsection referred to as the ‘Of-
13 fice’).

14 “(2) HEAD.—The head of the Office shall—

15 “(A) have the rank and status of ambas-
16 sador;

17 “(B) be appointed by the President, by
18 and with the advice and consent of the Senate;
19 and

20 “(C) report directly to the Secretary of
21 State.

22 “(3) DUTIES.—The head of the Office shall—

23 “(A) exercise sanctions authorities dele-
24 gated to the Secretary;

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1 “(B) serve as the principal advisor to the
2 senior management of the Department and the
3 Secretary regarding the development and imple-
4 mentation of sanctions policy;

5 “(C) serve as the lead representative of the
6 United States in diplomatic engagement on
7 sanctions matters;

8 “(D) consult and closely coordinate with
9 allies and partners of the United States, includ-
10 ing the United Kingdom, the European Union
11 and member countries of the European Union,
12 Canada, Australia, New Zealand, Japan, and
13 South Korea, to ensure the maximum effective-
14 ness of sanctions imposed by the United States
15 and such allies and partners;

16 “(E) serve as the coordinator for the devel-
17 opment and implementation of sanctions policy
18 with respect to all activities, policies, and pro-
19 grams of all bureaus and offices of the Depart-
20 ment relating to the development and imple-
21 mentation of sanctions policy; and

22 “(F) serve as the lead representative of the
23 Department in interagency discussions with re-
24 spect to the development and implementation of
25 sanctions policy.

1 “(4) DIRECT HIRE AUTHORITY.—

2 “(A) IN GENERAL.—The head of the Of-
3 fice may appoint, without regard to the provi-
4 sions of sections 3309 through 3318 of title 5,
5 United States Code, candidates directly to posi-
6 tions in the competitive service, as defined in
7 section 2102 of that title, in the Office.

8 “(B) TERMINATION.—The authority pro-
9 vided under subparagraph (A) shall terminate
10 on the date that is two years after the date of
11 the enactment of this subsection.”.

12 (2) CONFORMING AMENDMENT.—Section
13 1(c)(3) of the State Department Basic Authorities
14 Act of 1956 (22 U.S.C. 2651a(c)(3)) is amended by
15 adding at the end the following new subparagraph:

16 “(C) COORDINATION.—The Assistant Sec-
17 retary authorized under subparagraph (A) shall
18 coordinate with the Office of Sanctions Coordi-
19 nation established under subsection (h) with re-
20 spect to the development and implementation of
21 economic sanctions.”.

22 (3) BRIEFING REQUIRED.—Not later than 60
23 days after the date of the enactment of this Act and
24 every 90 days thereafter until the date that is two
25 years after such date of enactment, the Secretary of

1 State shall brief the appropriate congressional com-
2 mittees on the efforts of the Department of State to
3 establish the Office of Sanctions Coordination pursu-
4 ant to subsection (h) of section 1 of the State De-
5 partment Basic Authorities Act of 1956, as added
6 by paragraph (1), including a description of—

7 (A) measures taken to implement the re-
8 quirements of such subsection and to establish
9 the Office;

10 (B) actions taken by the Office to carry
11 out the duties listed in paragraph (3) of such
12 subsection;

13 (C) the resources devoted to the Office, in-
14 cluding the number of employees working in the
15 Office; and

16 (D) plans for the use of the direct hire au-
17 thority provided under paragraph (4) of such
18 subsection.

19 (b) COORDINATION WITH ALLIES AND PARTNERS OF
20 THE UNITED STATES.—

21 (1) IN GENERAL.—The Secretary of State shall
22 develop and implement mechanisms and programs,
23 as appropriate, through the head of the Office of
24 Sanctions Coordination established pursuant to sub-
25 section (h) of section 1 of the State Department

1 Basic Authorities Act of 1956, as added by sub-
2 section (a)(1), to coordinate the development and
3 implementation of United States sanctions policies
4 with allies and partners of the United States, includ-
5 ing the United Kingdom, the European Union and
6 member countries of the European Union, Canada,
7 Australia, New Zealand, Japan, and South Korea.

8 (2) INFORMATION SHARING.—The Secretary
9 should pursue the development and implementation
10 of mechanisms and programs under paragraph (1),
11 as appropriate, that involve the sharing of informa-
12 tion with respect to policy development and sanc-
13 tions implementation.

14 (3) CAPACITY BUILDING.—The Secretary
15 should pursue efforts, in coordination with the Sec-
16 retary of the Treasury and the head of any other
17 Federal agency the Secretary considers appropriate,
18 to assist allies and partners of the United States, in-
19 cluding the countries specified in paragraph (1), as
20 appropriate, in the development of their legal and
21 technical capacities to develop and implement sanc-
22 tions authorities.

23 (4) EXCHANGE PROGRAMS.—In furtherance of
24 the efforts described in paragraph (3), the Sec-
25 retary, in coordination with the Secretary of the

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1 Treasury and the head of any other Federal agency
2 the Secretary considers appropriate, may enter into
3 agreements with counterpart agencies in foreign gov-
4 ernments establishing exchange programs for the
5 temporary detail of Federal Government employees
6 to share information and expertise with respect to
7 the development and implementation of sanctions
8 authorities.

9 (5) BRIEFING REQUIRED.—Not later than 90
10 days after the date of the enactment of this Act and
11 every 180 days thereafter until the date that is five
12 years after such date of enactment, the Secretary of
13 State shall brief the appropriate congressional com-
14 mittees on the efforts of the Department of State to
15 implement this section, including a description of—

16 (A) measures taken to implement para-
17 graph (1);

18 (B) actions taken pursuant to paragraphs
19 (2) through (4);

20 (C) the extent of coordination between the
21 United States and allies and partners of the
22 United States, including the countries specified
23 in paragraph (1), with respect to the develop-
24 ment and implementation of sanctions policy;
25 and

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1 (D) obstacles preventing closer coordina-
2 tion between the United States and such allies
3 and partners with respect to the development
4 and implementation of sanctions policy.

5 (c) SENSE OF CONGRESS.—It is the sense of the Con-
6 gress that the President should appoint a coordinator for
7 sanctions and national economic security issues within the
8 framework of the National Security Council.

9 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
10 DEFINED.—In this section, the term “appropriate con-
11 gressional committees” means—

12 (1) the Committee on Foreign Relations, the
13 Committee on Banking, Housing, and Urban Af-
14 fairs, the Committee on Homeland Security and
15 Governmental Affairs, and the Committee on Fi-
16 nance of the Senate; and

17 (2) the Committee on Foreign Affairs, the
18 Committee on Financial Services, the Committee on
19 Oversight and Reform, and the Committee on Way
20 and Means of the House of Representatives.

21 **TITLE IV—SENATE SERGEANT**
22 **AT ARMS CLOUD SERVICES**

23 **SEC. 401. SENATE SERGEANT AT ARMS CLOUD SERVICES.**

24 (a) Section 10 of the Legislative Branch Appropria-
25 tions Act, 2005 (2 U.S.C. 6628) is amended—

1 (1) by redesignating subsection (b) as sub-
2 section (h); and

3 (2) by striking subsection (a) and inserting the
4 following:

5 “(a) IN GENERAL.—In this section—

6 “(1) the term ‘agent of the Office of the SAA’
7 includes a provider of electronic communication serv-
8 ice or remote computing service commissioned or
9 used through the Office of the SAA by a Senate of-
10 fice to provide such services to the Senate office;

11 “(2) the term ‘electronic communication service’
12 has the meaning given that term in section 2510 of
13 title 18, United States Code;

14 “(3) the term ‘Office of the SAA’ means the
15 Office of the Sergeant at Arms and Doorkeeper of
16 the Senate;

17 “(4) the term ‘provider for a Senate office’
18 means a provider of electronic communication serv-
19 ice or remote computing service directly commis-
20 sioned or used by a Senate office to provide such
21 services;

22 “(5) the term ‘remote computing service’ has
23 the meaning given that term in section 2711 of title
24 18, United States Code;

1 “(6) the term ‘Senate data’, with respect to a
2 Senate office, means any electronic mail or other
3 electronic or data communication, other data (in-
4 cluding metadata), or other information of the Sen-
5 ate office; and

6 “(7) the term ‘Senate office’ means a com-
7 mittee or office of the Senate, including a Senator,
8 an officer of the Senate, or an employee of, intern
9 at, or other agent of a committee or office of the
10 Senate.

11 “(b) TREATMENT.—

12 “(1) RETAINING POSSESSION.—

13 “(A) IN GENERAL.—A Senate office shall
14 be deemed to retain possession of any Senate
15 data of the Senate office, without regard to the
16 use by the Senate office of any individual or en-
17 tity described in paragraph (2) for the purposes
18 of any function or service described in para-
19 graph (2).

20 “(B) RULE OF CONSTRUCTION.—Subpara-
21 graph (A) shall not be construed to limit the
22 use by an intended recipient of any Senate data
23 from a Senate office.

24 “(2) SERGEANT AT ARMS AND PROVIDERS FOR
25 A SENATE OFFICE.—The Office of the SAA, any of-

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1 ficer, employee, or agent of the Office of the SAA,
2 and any provider for a Senate office shall not be
3 treated as acquiring possession, custody, or control
4 of any Senate data by reason of its being trans-
5 mitted, processed, or stored (whether temporarily or
6 otherwise) through the use of an electronic system
7 established, maintained, or operated, or the use of
8 electronic services provided, in whole or in part by
9 the Office of the SAA, the officer, employee, or
10 agent of the Office of the SAA, or the provider for
11 the Senate office.

12 “(c) NOTIFICATION.—Notwithstanding any other
13 provision of law or rule of civil or criminal procedure, the
14 Office of the SAA, any officer, employee, or agent of the
15 Office of the SAA, and any provider for a Senate office
16 that is providing services to or used by a Senate office
17 shall not be barred, through operation of any court order
18 or any statutory provision, from notifying the Senate of-
19 fice of any legal process seeking disclosure of Senate data
20 of the Senate office that is transmitted, processed, or
21 stored (whether temporarily or otherwise) through the use
22 of an electronic system established, maintained, or oper-
23 ated, or the use of electronic services provided, in whole
24 or in part by the Office of the SAA, the officer, employee,

1 or agent of the Office of the SAA, or the provider for a
2 Senate office.

3 “(d) MOTIONS TO QUASH OR MODIFY.—Upon a mo-
4 tion made promptly by a Senate office or provider for a
5 Senate office, a court of competent jurisdiction shall quash
6 or modify any legal process directed to the provider for
7 a Senate office if compliance with the legal process would
8 require the disclosure of Senate data of the Senate office.

9 “(e) INFORMATION REGARDING IMPLICATIONS OF
10 USING PROVIDERS.—The Office of the SAA, in consulta-
11 tion with the Senate Legal Counsel, shall provide informa-
12 tion to each Senate office that commissions or uses a pro-
13 vider of electronic communication service or remote com-
14 puting service to provide such services to the Senate office
15 regarding the potential constitutional implications and the
16 potential impact on privileges that may be asserted by the
17 Senate office.

18 “(f) APPLICABLE PRIVILEGES.—Nothing in this sec-
19 tion shall be construed to limit or supersede any applicable
20 privilege, immunity, or other objection that may apply to
21 the disclosure of Senate data.

22 “(g) PREEMPTION.—Except as provided in this sec-
23 tion, any provision of law or rule of civil or criminal proce-
24 dure of any State, political subdivision, or agency thereof,

1 which is inconsistent with this section shall be deemed to
2 be preempted and superseded.”.

3 (b)(1) In this subsection, the terms “Senate data”
4 and “Senate office” have the meanings given such terms
5 in section 10 of the Legislative Branch Appropriations
6 Act, 2005, as amended by subsection (a) of this section.

7 (2) The amendments made by this section shall—

8 (A) take effect as though included in the Legis-
9 lative Branch Appropriations Act, 2005 (division G
10 of Public Law 108–447; 118 Stat. 3166); and

11 (B) apply with respect to—

12 (i) any legal process seeking disclosure of
13 Senate data of a Senate office that is filed,
14 issued, or made on or after the date of enact-
15 ment of this Act; and

16 (ii) any matter that is pending on or after
17 the date of enactment of this Act that relates
18 to legal process described in clause (i) that is
19 filed, issued, or made before the date of enact-
20 ment of this Act, unless the Senate data of the
21 Senate office was disclosed in accordance with
22 such legal process before the date of enactment
23 of this Act.

1 **TITLE V—REPEAL OF REQUIRE-**
2 **MENT TO SELL CERTAIN FED-**
3 **ERAL PROPERTY IN PLUM IS-**
4 **LAND, NEW YORK**

5 **SEC. 501. REPEAL OF REQUIREMENT TO SELL CERTAIN**
6 **FEDERAL PROPERTY IN PLUM ISLAND, NEW**
7 **YORK.**

8 (a) REPEAL OF REQUIREMENT IN PUBLIC LAW 110–
9 329.—Section 540 of the Department of Homeland Secu-
10 rity Appropriations Act, 2009 (division D of Public Law
11 110–329; 122 Stat. 3688) is repealed.

12 (b) REPEAL OF REQUIREMENT IN PUBLIC LAW 112–
13 74.—Section 538 of the Department of Homeland Secu-
14 rity Appropriations Act, 2012 (6 U.S.C. 190 note; division
15 D of Public Law 112–74) is repealed.

16 (c) REQUIREMENT.—The Administrator of General
17 Services shall ensure that—

18 (1) Federal property commonly known as Plum
19 Island, New York, including the Orient point facility,
20 all real and personal property and transportation as-
21 sets that support Plum Island operations and access
22 to Plum Island, be disposed of as a single consoli-
23 dated asset; and

1 (2) such disposal is subject to conditions as
2 may be necessary to protect Government interests
3 and meet program requirements.

4 **TITLE VI—PREVENTING ONLINE**
5 **SALES OF E-CIGARETTES TO**
6 **CHILDREN**

7 **SEC. 601. SHORT TITLE.**

8 This title may be cited as the “Preventing Online
9 Sales of E-Cigarettes to Children Act”.

10 **SEC. 602. AMENDMENTS TO THE JENKINS ACT.**

11 (a) IN GENERAL.—The Act entitled “An Act to assist
12 States in collecting sales and use taxes on cigarettes”, ap-
13 proved October 19, 1949 (commonly known as the “Jen-
14 kins Act”) (15 U.S.C. 375 et seq.), is amended—

15 (1) in section 1 (15 U.S.C. 375)—

16 (A) in paragraph (2)(A)(ii)—

17 (i) by striking “includes roll-your-own
18 tobacco” and inserting the following: “in-
19 cludes—

20 “(I) roll-your-own tobacco”;

21 (ii) in subclause (I), as so designated,
22 by striking the period at the end and in-
23 serting “; and”; and

24 (iii) by adding at the end the fol-
25 lowing:

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1 “(II) an electronic nicotine deliv-
2 ery system.”;

3 (B) by redesignating paragraphs (7)
4 through (14) as paragraphs (8) through (15),
5 respectively; and

6 (C) by inserting after paragraph (6) the
7 following:

8 “(7) ELECTRONIC NICOTINE DELIVERY SYS-
9 TEM.—The term ‘electronic nicotine delivery sys-
10 tem’—

11 “(A) means any electronic device that,
12 through an aerosolized solution, delivers nico-
13 tine, flavor, or any other substance to the user
14 inhaling from the device;

15 “(B) includes—

16 “(i) an e-cigarette;

17 “(ii) an e-hookah;

18 “(iii) an e-cigar;

19 “(iv) a vape pen;

20 “(v) an advanced refillable personal
21 vaporizer;

22 “(vi) an electronic pipe; and

23 “(vii) any component, liquid, part, or
24 accessory of a device described in subpara-
25 graph (A), without regard to whether the

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1 component, liquid, part, or accessory is
2 sold separately from the device; and

3 “(C) does not include a product that is—

4 “(i) approved by the Food and Drug
5 Administration for—

6 “(I) sale as a tobacco cessation
7 product; or

8 “(II) any other therapeutic pur-
9 pose; and

10 “(ii) marketed and sold solely for a
11 purpose described in clause (i).”; and

12 (2) in section 2A(b)(1) (15 U.S.C. 376a(b)(1)),

13 by inserting “NICOTINE/” after
14 “CIGARETTES/”.

15 (b) EFFECTIVE DATE.—This section, and the amend-
16 ments made by this section, shall take effect on the date
17 that is 90 days after the date of enactment of this Act.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion, or an amendment made by this section, may be con-
20 strued to affect or otherwise alter any provision of the
21 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301
22 et seq.), including its implementing regulations.

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1 **SEC. 603. NONMAILABILITY OF ELECTRONIC NICOTINE DE-**
2 **LIVERY SYSTEMS.**

3 (a) REGULATIONS.—Not later than 120 days after
4 the date of enactment of this Act, the United States Postal
5 Service shall promulgate regulations to clarify the applica-
6 bility of the prohibition on mailing of cigarettes under sec-
7 tion 1716E of title 18, United States Code, to electronic
8 nicotine delivery systems, in accordance with the amend-
9 ment to the definition of “cigarette” made by section 602.

10 (b) EFFECTIVE DATE.—The prohibition on mailing
11 of cigarettes under section 1716E of title 18, United
12 States Code, shall apply to electronic nicotine delivery sys-
13 tems on and after the date on which the United States
14 Postal Service promulgates regulations under subsection
15 (a) of this section.

16 **TITLE VII—FAFSA**
17 **SIMPLIFICATION**

18 **SEC. 701. SHORT TITLE; EFFECTIVE DATE.**

19 (a) SHORT TITLE.—This title may be cited as the
20 “FAFSA Simplification Act”.

21 (b) GENERAL EFFECTIVE DATE.—Except as other-
22 wise expressly provided, this Act, and the amendments
23 made by this title to the Higher Education Act of 1965
24 (20 U.S.C. 1001 et seq.), shall take effect on July 1, 2023,
25 and shall apply with respect to award year 2023–2024 and
26 each subsequent award year, as determined under the

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1 Higher Education Act of 1965. The Secretary of Edu-
2 cation shall have the authority to take such steps as are
3 necessary before July 1, 2023, to provide for the orderly
4 implementation on such date of the amendments to the
5 Higher Education Act of 1965 made by this Act.

6 **SEC. 702. MAKING IT EASIER TO APPLY FOR FEDERAL AID**
7 **AND MAKING THAT AID PREDICTABLE.**

8 (a) NEED ANALYSIS.—

9 (1) IN GENERAL.—Section 471 of the Higher
10 Education Act of 1965 (20 U.S.C. 1087kk) is
11 amended to read as follows:

12 **“SEC. 471. AMOUNT OF NEED.**

13 “Except as otherwise provided therein, for award
14 year 2023–2024 and each subsequent award year, the
15 amount of need of any student for financial assistance
16 under this title (except subpart 1 or 2 of part A) is equal
17 to—

18 “(1) the cost of attendance of such student,
19 minus

20 “(2) the student aid index (as defined in section
21 473) for such student, minus

22 “(3) other financial assistance not received
23 under this title (as defined in section 480(i)).”

24 (2) MAXIMUM AID UNDER PART D.—Section
25 451 of the Higher Education Act of 1965 (20

1 U.S.C. 1087a) is amended by adding at the end the
2 following:

3 “(c) **MAXIMUM AID.**—The maximum dollar amount
4 of financial assistance provided under this part to a stu-
5 dent shall not exceed the cost of attendance for such stu-
6 dent.”.

7 (3) **GUIDANCE TO STATES.**—The Secretary of
8 Education shall issue guidance for States on inter-
9 pretation and implementation of the terminology and
10 formula adjustments made to the Higher Education
11 Act of 1965 (20 U.S.C. 1001 et seq.) under the
12 amendments by this Act, including the student aid
13 index, formerly known as the expected family con-
14 tribution, and the need analysis formulas.

15 (b) **COST OF ATTENDANCE AND STUDENT AID**
16 **INDEX.**—Sections 472 and 473 of the Higher Education
17 Act of 1965 (20 U.S.C. 1087ll and 1087mm) are amended
18 to read as follows:

19 **“SEC. 472. COST OF ATTENDANCE.**

20 “(a) **IN GENERAL.**—For the purpose of this title, the
21 term ‘cost of attendance’ means—

22 “(1) tuition and fees normally assessed a stu-
23 dent carrying the same academic workload as deter-
24 mined by the institution;

1 “(2) an allowance for books, course materials,
2 supplies, and equipment, which shall include all such
3 costs required of all such students in the same
4 course of study, including a reasonable allowance for
5 the documented rental or upfront purchase of a per-
6 sonal computer, as determined by the institution;

7 “(3) an allowance for transportation, which
8 may include transportation between campus, resi-
9 dences, and place of work, as determined by the in-
10 stitution;

11 “(4) an allowance for miscellaneous personal
12 expenses, for a student attending the institution on
13 at least a half-time basis, as determined by the insti-
14 tution;

15 “(5) an allowance for living expenses, including
16 food and housing costs, to be incurred by the stu-
17 dent attending the institution on at least a half-time
18 basis, as determined by the institution, which shall
19 include—

20 “(A) for a student electing institutionally
21 owned or operated food services, such as board
22 or meal plans, a standard allowance for such
23 services that provides the equivalent of three
24 meals each day;

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1 “(B) for a student not electing institution-
2 ally owned or operated food services, such as
3 board or meal plans, a standard allowance for
4 purchasing food off campus that provides the
5 equivalent of three meals each day;

6 “(C) for a student without dependents re-
7 siding in institutionally owned or operated
8 housing, a standard allowance determined by
9 the institution based on the average or median
10 amount assessed to such residents for housing
11 charges, whichever is greater;

12 “(D) for a student with dependents resid-
13 ing in institutionally owned or operated hous-
14 ing, a standard allowance determined by the in-
15 stitution based on the average or median
16 amount assessed to such residents for housing
17 charges, whichever is greater;

18 “(E) for a student living off campus, and
19 not in institutionally owned or operated hous-
20 ing, a standard allowance for rent or other
21 housing costs;

22 “(F) for a dependent student residing at
23 home with parents, a standard allowance that
24 shall not be zero determined by the institution;

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1 “(G) for a student living in housing located
2 on a military base or for which a basic allow-
3 ance is provided under section 403(b) of title
4 37, United States Code, a standard allowance
5 for food based upon such student’s choice of
6 purchasing food on-campus or off-campus (de-
7 termined respectively in accordance with sub-
8 paragraph (A) or (B)), but not for housing
9 costs; and

10 “(H) for all other students, an allowance
11 based on the expenses reasonably incurred by
12 such students for housing and food;

13 “(6) for a student engaged in a program of
14 study by correspondence, only tuition and fees and,
15 if required, books and supplies, travel, and housing
16 and food costs incurred specifically in fulfilling a re-
17 quired period of residential training;

18 “(7) for a confined or incarcerated student,
19 only tuition, fees, books, course materials, supplies,
20 equipment, and the cost of obtaining a license, cer-
21 tification, or a first professional credential in accord-
22 ance with paragraph (14);

23 “(8) for a student enrolled in an academic pro-
24 gram in a program of study abroad approved for
25 credit by the student’s home institution, reasonable

1 costs associated with such study (as determined by
2 the institution at which such student is enrolled);

3 “(9) for a student with one or more dependents,
4 an allowance based on the estimated actual expenses
5 incurred for such dependent care, based on the num-
6 ber and age of such dependents, except that—

7 “(A) such allowance shall not exceed the
8 reasonable cost in the community in which such
9 student resides for the kind of care provided;
10 and

11 “(B) the period for which dependent care
12 is required includes, but is not limited to, class-
13 time, study-time, field work, internships, and
14 commuting time;

15 “(10) for a student with a disability, an allow-
16 ance (as determined by the institution) for those ex-
17 penses related to the student’s disability, including
18 special services, personal assistance, transportation,
19 equipment, and supplies that are reasonably in-
20 curred and not provided for by other assisting agen-
21 cies;

22 “(11) for a student receiving all or part of the
23 student’s instruction by means of telecommuni-
24 cations technology, no distinction shall be made with

1 respect to the mode of instruction in determining
2 costs;

3 “(12) for a student engaged in a work experi-
4 ence under a cooperative education program, an al-
5 lowance for reasonable costs associated with such
6 employment (as determined by the institution);

7 “(13) for a student who receives a Federal stu-
8 dent loan made under this title or any other Federal
9 law, to cover a student’s cost of attendance at the
10 institution, an allowance for the actual cost of any
11 loan fee, origination fee, or insurance premium
12 charged to such student or the parent of such stu-
13 dent on such loan; and

14 “(14) for a student in a program requiring pro-
15 fessional licensure, certification, or a first profes-
16 sional credential, the cost of obtaining the license,
17 certification, or a first professional credential.

18 “(b) SPECIAL RULE FOR LIVING EXPENSES FOR
19 LESS-THAN-HALF-TIME STUDENTS.—For students at-
20 tending an institution of higher education less than half-
21 time, an institution of higher education may include an
22 allowance for living expenses, including food and housing
23 costs in accordance with subsection (a)(4) for up to three
24 semesters, or the equivalent, with no more than two se-
25 mesters being consecutive.

1 “(c) DISCLOSURE OF COST OF ATTENDANCE ELE-
2 MENTS.—Each institution shall make publicly available on
3 the institution’s website a list of all the elements of cost
4 of attendance described in paragraphs (1) through (14)
5 of subsection (a), and shall disclose such elements on any
6 portion of the website describing tuition and fees of the
7 institution.

8 **“SEC. 473. SPECIAL RULES FOR STUDENT AID INDEX.**

9 “(a) IN GENERAL.—For the purpose of this Act, the
10 term ‘student aid index’ means, with respect to a student,
11 an index that reflects an evaluation of a student’s approxi-
12 mate financial resources to contribute toward the stu-
13 dent’s postsecondary education for the academic year, as
14 determined in accordance with this part.

15 “(b) SPECIAL RULE FOR STUDENTS ELIGIBLE FOR
16 THE TOTAL MAXIMUM PELL GRANT.—The Secretary
17 shall consider an applicant to automatically have a student
18 aid index equal to zero if the applicant is eligible for the
19 total maximum Federal Pell Grant under section
20 401(b)(1)(A), except that, if the applicant has a calculated
21 student aid index of less than zero the Secretary shall con-
22 sider the negative number as the student aid index for
23 the applicant.

24 “(c) SPECIAL RULE FOR NONFILERS.—Notwith-
25 standing subsection (b), for an applicant (or, as applica-

1 ble, an applicant and spouse, or an applicant's parents)
2 who is not required to file a Federal tax return for the
3 second preceding tax year, the Secretary shall for the pur-
4 poses of this title consider the student aid index as equal
5 to – \$1,500 for the applicant.”.

6 (c) DETERMINATION OF STUDENT AID INDEX.—Sec-
7 tion 474 of the Higher Education Act of 1965 (20 U.S.C.
8 1087nn) is amended to read as follows:

9 **“SEC. 474. DETERMINATION OF STUDENT AID INDEX.**

10 “The student aid index—

11 “(1) for a dependent student shall be deter-
12 mined in accordance with section 475;

13 “(2) for a single independent student or a mar-
14 ried independent student without dependents (other
15 than a spouse) shall be determined in accordance
16 with section 476; and

17 “(3) for an independent student with depend-
18 ents other than a spouse shall be determined in ac-
19 cordance with section 477.”.

20 (d) STUDENT AID INDEX FOR DEPENDENT STU-
21 DENTS.—Section 475 of the Higher Education Act of
22 1965 (20 U.S.C. 1087oo) is amended to read as follows:

23 **“SEC. 475. STUDENT AID INDEX FOR DEPENDENT STU-
24 DENTS.**

25 “(a) COMPUTATION OF STUDENT AID INDEX.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), for each dependent student, the student
3 aid index is equal to the sum of—

4 “(A) the assessment of the parents’ ad-
5 justed available income (determined in accord-
6 ance with subsection (b));

7 “(B) the assessment of the student’s avail-
8 able income (determined in accordance with
9 subsection (g)); and

10 “(C) the student’s available assets (deter-
11 mined in accordance with subsection (h)).

12 “(2) EXCEPTION.—If the sum determined
13 under paragraph (1) with respect to a dependent
14 student is less than – \$1,500, the student aid index
15 for the dependent student shall be – \$1,500.

16 “(b) ASSESSMENT OF PARENTS’ ADJUSTED AVAIL-
17 ABLE INCOME.—The assessment of parents’ adjusted
18 available income is equal to the amount determined by—

19 “(1) computing adjusted available income by
20 adding—

21 “(A) the parents’ available income (deter-
22 mined in accordance with subsection (c)); and

23 “(B) the parents’ available assets (deter-
24 mined in accordance with subsection (d));

1 “(2) assessing such adjusted available income in
2 accordance with the assessment schedule set forth in
3 subsection (e); and

4 “(3) considering such assessment resulting
5 under paragraph (2) as the amount determined
6 under this subsection.

7 “(c) PARENTS’ AVAILABLE INCOME.—

8 “(1) IN GENERAL.—The parents’ available in-
9 come is determined by subtracting from total income
10 (as defined in section 480)—

11 “(A) Federal income taxes;

12 “(B) an allowance for payroll taxes, deter-
13 mined in accordance with paragraph (2);

14 “(C) an income protection allowance, de-
15 termined in accordance with paragraph (3); and

16 “(D) an employment expense allowance,
17 determined in accordance with paragraph (4).

18 “(2) ALLOWANCE FOR PAYROLL TAXES.—The
19 allowance for payroll taxes is equal to the sum of—

20 “(A) the total amount earned by the par-
21 ents, multiplied by the rate of tax under section
22 3101(b) of the Internal Revenue Code of 1986;
23 and

24 “(B) the amount earned by the parents
25 that does not exceed such contribution and ben-

1 efit base (twice such contribution and benefit
 2 base, in the case of a joint return) for the year
 3 of the earnings, multiplied by the rate of tax
 4 applicable to such earnings under section
 5 3101(a) of the Internal Revenue Code of 1986.

6 “(3) INCOME PROTECTION ALLOWANCE.—The
 7 income protection allowance shall equal the amount
 8 determined in the following table, as adjusted by the
 9 Secretary pursuant to section 478(b):

“Income Protection Allowance (to be adjusted for 2023–2024 and
 succeeding years)

Family Size (including student)	Amount
2	\$23,330
3	\$29,040
4	\$35,870
5	\$42,320
6	\$49,500
For each additional add	\$5,590.

10 “(4) EMPLOYMENT EXPENSE ALLOWANCE.—
 11 The employment expense allowance is equal to the
 12 lesser of \$4,000 or 35 percent of the single parent’s
 13 earned income or married parents’ combined earned
 14 income (as adjusted by the Secretary pursuant to
 15 section 478(g)).

16 “(d) PARENTS’ AVAILABLE ASSETS.—

17 “(1) IN GENERAL.—

18 “(A) DETERMINATION.—Except as pro-
 19 vided in subparagraph (B), the parents’ avail-
 20 able assets are equal to—

1 “(i) the difference between the par-
 2 ents’ assets and the asset protection allow-
 3 ance (determined in accordance with para-
 4 graph (2)); multiplied by

5 “(ii) 12 percent.

6 “(B) NOT LESS THAN ZERO.—The par-
 7 ents’ available assets under this subsection shall
 8 not be less than zero.

9 “(2) ASSET PROTECTION ALLOWANCE.—The
 10 asset protection allowance is calculated based on the
 11 following table (as revised by the Secretary pursuant
 12 to section 478(d)):

“Asset Protection Allowances for Parents of Dependent Students

If the age of the oldest parent is—	And there are	
	two parents	one parent
	then the allowance is—	
25 or less	\$0	\$0
26	\$400	\$100
27	\$700	\$300
28	\$1,100	\$400
29	\$1,500	\$600
30	\$1,800	\$700
31	\$2,200	\$800
32	\$2,600	\$1,000
33	\$2,900	\$1,100
34	\$3,300	\$1,300
35	\$3,700	\$1,400
36	\$4,000	\$1,500
37	\$4,400	\$1,700
38	\$4,800	\$1,800
39	\$5,100	\$2,000
40	\$5,500	\$2,100
41	\$5,600	\$2,200
42	\$5,700	\$2,200
43	\$5,900	\$2,300
44	\$6,000	\$2,300
45	\$6,200	\$2,400
46	\$6,300	\$2,400

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“Asset Protection Allowances for Parents of Dependent Students—Continued

If the age of the oldest parent is—	And there are	
	two parents then the allowance is—	one parent
47	\$6,500	\$2,500
48	\$6,600	\$2,500
49	\$6,800	\$2,600
50	\$7,000	\$2,700
51	\$7,100	\$2,700
52	\$7,300	\$2,800
53	\$7,500	\$2,900
54	\$7,700	\$2,900
55	\$7,900	\$3,000
56	\$8,100	\$3,100
57	\$8,400	\$3,100
58	\$8,600	\$3,200
59	\$8,800	\$3,300
60	\$9,100	\$3,400
61	\$9,300	\$3,500
62	\$9,600	\$3,600
63	\$9,900	\$3,700
64	\$10,200	\$3,800
65 or more	\$10,500	\$3,900.

1 “(e) ASSESSMENT SCHEDULE.—The assessment of
 2 the parents’ adjusted available income (as determined
 3 under subsection (b)(1) and hereafter in this subsection
 4 referred to as ‘AAI’) is calculated based on the following
 5 table (as revised by the Secretary pursuant to section
 6 478(e)):

“Parents’ Contribution From AAI

If the parents’ AAI is—	Then the parents’ contribution from AAI is—
Less than – \$6,820	– \$1,500
– \$6,820 to \$17,400	22% of AAI
\$17,401 to \$21,800	\$3,828 + 25% of AAI over \$17,400
\$21,801 to \$26,200	\$4,928 + 29% of AAI over \$21,800
\$26,201 to \$30,700	\$6,204 + 34% of AAI over \$26,200
\$30,701 to \$35,100	\$7,734 + 40% of AAI over \$30,700
\$35,101 or more	\$9,494 + 47% of AAI over \$35,100.

7 “(f) CONSIDERATION OF PARENTAL INCOME.—

1 “(1) PARENTS WHO LIVE TOGETHER.—Parental
2 tal income and assets in the case of student whose
3 parents are married and not separated, or who are
4 unmarried but live together, shall include the income
5 and assets of both parents.

6 “(2) DIVORCED OR SEPARATED PARENTS.—Parental
7 income and assets for a student whose parents
8 are divorced or separated, but not remarried, is
9 determined by including only the income and assets
10 of the parent who provides the greater portion of the
11 student’s financial support.

12 “(3) DEATH OF A PARENT.—Parental income
13 and assets in the case of the death of any parent is
14 determined as follows:

15 “(A) If either of the parents has died, the
16 surviving parent shall be considered a single
17 parent, until that parent has remarried.

18 “(B) If both parents have died, the student
19 shall not report any parental income or assets.

20 “(4) REMARRIED PARENTS.—If a parent whose
21 income and assets are taken into account under
22 paragraph (2), or if a parent who is a widow or wid-
23 ower and whose income is taken into account under
24 paragraph (3), has remarried, the income of that
25 parent’s spouse shall be included in determining the

1 parent's assessment of adjusted available income if
2 the student's parent and the stepparent are married
3 as of the date of application for the award year con-
4 cerned.

5 “(5) SINGLE PARENT WHO IS NOT DIVORCED
6 OR SEPARATED.—Parental income and assets in the
7 case of a student whose parent is not described in
8 paragraph (1) and is a single parent who is not di-
9 vorced, separated, or remarried, shall include the in-
10 come and assets of such single parent.

11 “(g) STUDENT'S AVAILABLE INCOME.—

12 “(1) IN GENERAL.—The student's available in-
13 come is equal to—

14 “(A) the difference between the student's
15 total income (determined in accordance with
16 section 480) and the adjustment to student in-
17 come (determined in accordance with paragraph
18 (2)); multiplied by

19 “(B) 50 percent.

20 “(2) ADJUSTMENT TO STUDENT INCOME.—The
21 adjustment to student income is equal to the sum
22 of—

23 “(A) Federal income taxes;

24 “(B) an allowance for payroll taxes deter-
25 mined in accordance with paragraph (3);

1 “(C) an income protection allowance that
2 is equal to \$9,410, as adjusted pursuant to sec-
3 tion 478(b); and

4 “(D) an allowance for parents’ negative
5 available income, determined in accordance with
6 paragraph (4).

7 “(3) ALLOWANCE FOR PAYROLL TAXES.—The
8 allowance for payroll taxes is equal to the sum of—

9 “(A) the total amount earned by the stu-
10 dent, multiplied by the rate of tax under section
11 3101(b) of the Internal Revenue Code of 1986;
12 and

13 “(B) the amount earned by the student
14 that does not exceed such contribution and ben-
15 efit base for the year of the earnings, multiplied
16 by the rate of tax applicable to such earnings
17 under section 3101(a) of the Internal Revenue
18 Code of 1986.

19 “(4) ALLOWANCE FOR PARENTS’ NEGATIVE
20 AVAILABLE INCOME.—The allowance for parents’
21 negative available income is the amount, if any, by
22 which the sum of the amounts deducted under sub-
23 section (c)(1) exceeds the sum of the parents’ total
24 income (as defined in section 480) and the parents’

1 available assets (as determined in accordance with
2 subsection (d)).

3 “(h) STUDENT’S ASSETS.—The student’s assets are
4 determined by calculating the assets of the student and
5 multiplying such amount by 20 percent, except that the
6 result shall not be less than zero.”.

7 (e) STUDENT AID INDEX FOR INDEPENDENT STU-
8 DENTS WITHOUT DEPENDENTS OTHER THAN A
9 SPOUSE.—Section 476 of the Higher Education Act of
10 1965 (20 U.S.C. 1087pp) is amended to read as follows:

11 **“SEC. 476. STUDENT AID INDEX FOR INDEPENDENT STU-
12 DENTS WITHOUT DEPENDENTS OTHER THAN
13 A SPOUSE.**

14 “(a) COMPUTATION OF STUDENT AID INDEX.—

15 “(1) IN GENERAL.—For each independent stu-
16 dent without dependents other than a spouse, the
17 student aid index is equal to (except as provided in
18 paragraph (2)) the sum of—

19 “(A) the family’s available income (deter-
20 mined in accordance with subsection (b)); and

21 “(B) the family’s available assets (deter-
22 mined in accordance with subsection (c)).

23 “(2) EXCEPTION.—If the sum determined
24 under paragraph (1) with respect to an independent
25 student without dependents other than a spouse is

1 less than – \$1,500, the student aid index for the
2 independent student shall be – \$1,500.

3 “(b) FAMILY’S AVAILABLE INCOME.—

4 “(1) IN GENERAL.—The family’s available in-
5 come is determined by—

6 “(A) deducting from total income (as de-
7 fined in section 480)—

8 “(i) Federal income taxes;

9 “(ii) an allowance for payroll taxes,
10 determined in accordance with paragraph
11 (2);

12 “(iii) an income protection allowance
13 that is equal to—

14 “(I) in the case of a single inde-
15 pendent student without dependents,
16 \$14,630, as adjusted pursuant to sec-
17 tion 478(b); and

18 “(II) in the case of a married
19 independent student without depend-
20 ents, \$23,460, as adjusted pursuant
21 to section 478(b); and

22 “(iv) in the case of a married inde-
23 pendent student, an employment expense
24 allowance, as determined in accordance
25 with paragraph (3); and

1 “(B) multiplying the amount determined
2 under subparagraph (A) by 50 percent.

3 “(2) ALLOWANCE FOR PAYROLL TAXES.—The
4 allowance for payroll taxes is equal to the sum of—

5 “(A) the total amount earned by the stu-
6 dent (and spouse, if appropriate), multiplied by
7 the rate of tax under section 3101(b) of the In-
8 ternal Revenue Code of 1986; and

9 “(B) the amount earned by the student
10 (and spouse, if appropriate) that does not ex-
11 ceed such contribution and benefit base (twice
12 such contribution and benefit base, in the case
13 of a joint return) for the year of the earnings,
14 multiplied by the rate of tax applicable to such
15 earnings under section 3101(a) of the Internal
16 Revenue Code of 1986.

17 “(3) EMPLOYMENT EXPENSE ALLOWANCE.—
18 The employment expense allowance is equal to the
19 following:

20 “(A) If the student is married, such allow-
21 ance is equal to the lesser of \$4,000 or 35 per-
22 cent of the couple’s combined earned income (as
23 adjusted by the Secretary pursuant to section
24 478(g)).

1 “(B) If the student is not married, the em-
 2 ployment expense allowance is zero.

3 “(c) FAMILY’S AVAILABLE ASSETS.—

4 “(1) IN GENERAL.—

5 “(A) DETERMINATION.—Except as pro-
 6 vided in subparagraph (B), the family’s avail-
 7 able assets are equal to—

8 “(i) the difference between the fam-
 9 ily’s assets (as defined in section 480(f))
 10 and the asset protection allowance (deter-
 11 mined in accordance with paragraph (2));
 12 multiplied by

13 “(ii) 20 percent.

14 “(B) NOT LESS THAN ZERO.—The family’s
 15 available assets under this subsection shall not
 16 be less than zero.

17 “(2) ASSET PROTECTION ALLOWANCE.—The
 18 asset protection allowance is calculated based on the
 19 following table (as revised by the Secretary pursuant
 20 to section 478(d)):

“Asset Protection Allowances for Families and Students

If the age of the student is—	And the student is	
	married	single
	then the allowance is—	
25 or less	\$0	\$0
26	\$400	\$100
27	\$700	\$300
28	\$1,100	\$400

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“Asset Protection Allowances for Families and Students—
Continued

If the age of the student is—	And the student is	
	married	single
then the allowance is—		
29	\$1,500	\$600
30	\$1,800	\$700
31	\$2,200	\$800
32	\$2,600	\$1,000
33	\$2,900	\$1,100
34	\$3,300	\$1,300
35	\$3,700	\$1,400
36	\$4,000	\$1,500
37	\$4,400	\$1,700
38	\$4,800	\$1,800
39	\$5,100	\$2,000
40	\$5,500	\$2,100
41	\$5,600	\$2,200
42	\$5,700	\$2,200
43	\$5,900	\$2,300
44	\$6,000	\$2,300
45	\$6,200	\$2,400
46	\$6,300	\$2,400
47	\$6,500	\$2,500
48	\$6,600	\$2,500
49	\$6,800	\$2,600
50	\$7,000	\$2,700
51	\$7,100	\$2,700
52	\$7,300	\$2,800
53	\$7,500	\$2,900
54	\$7,700	\$2,900
55	\$7,900	\$3,000
56	\$8,100	\$3,100
57	\$8,400	\$3,100
58	\$8,600	\$3,200
59	\$8,800	\$3,300
60	\$9,100	\$3,400
61	\$9,300	\$3,500
62	\$9,600	\$3,600
63	\$9,900	\$3,700
64	\$10,200	\$3,800
65 or more	\$10,500	\$3,900.

1 “(d) COMPUTATIONS IN CASE OF SEPARATION, DI-
2 VORCE, OR DEATH.—In the case of a student who is di-
3 vorced or separated, or whose spouse has died, the

1 spouse's income and assets shall not be considered in de-
2 termining the family's available income or assets.”.

3 (f) STUDENT AID INDEX FOR INDEPENDENT STU-
4 DENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—
5 Section 477 of the Higher Education Act of 1965 (20
6 U.S.C. 1087qq) is amended to read as follows:

7 **“SEC. 477. STUDENT AID INDEX FOR INDEPENDENT STU-
8 DENTS WITH DEPENDENTS OTHER THAN A
9 SPOUSE.**

10 **“(a) COMPUTATION OF STUDENT AID INDEX.—**

11 **“(1) IN GENERAL.—**For each independent stu-
12 dent with dependents other than a spouse, the stu-
13 dent aid index is equal to the amount determined
14 by—

15 **“(A) computing adjusted available income
16 by adding—**

17 **“(i) the family's available income (de-
18 termined in accordance with subsection
19 (b)); and**

20 **“(ii) the family's available assets (de-
21 termined in accordance with subsection
22 (c));**

23 **“(B) assessing such adjusted available in-
24 come in accordance with an assessment sched-
25 ule set forth in subsection (d); and**

1 “(C) considering such assessment resulting
2 under subparagraph (B) as the amount deter-
3 mined under this subsection.

4 “(2) EXCEPTION.—If the sum determined
5 under paragraph (1) with respect to an independent
6 student with dependents other than a spouse is less
7 than – \$1,500, the student aid index for the inde-
8 pendent student shall be – \$1,500.

9 “(b) FAMILY’S AVAILABLE INCOME.—

10 “(1) IN GENERAL.—The family’s available in-
11 come is determined by deducting from total income
12 (as defined in section 480)—

13 “(A) Federal income taxes;

14 “(B) an allowance for payroll taxes, deter-
15 mined in accordance with paragraph (2);

16 “(C) an income protection allowance, de-
17 termined in accordance with paragraph (3); and

18 “(D) an employment expense allowance,
19 determined in accordance with paragraph (4).

20 “(2) ALLOWANCE FOR PAYROLL TAXES.—The
21 allowance for payroll taxes is equal to the sum of—

22 “(A) the total amount earned by the stu-
23 dent (and spouse, if appropriate), multiplied by
24 the rate of tax under section 3101(b) of the In-
25 ternal Revenue Code of 1986; and

1 “(B) the amount earned by the student
 2 (and spouse, if appropriate) that does not ex-
 3 ceed such contribution and benefit base (twice
 4 such contribution and benefit base, in the case
 5 of a joint return) for the year of the earnings,
 6 multiplied by the rate of tax applicable to such
 7 earnings under section 3101(a) of the Internal
 8 Revenue Code of 1986.

9 “(3) INCOME PROTECTION ALLOWANCE.—The
 10 income protection allowance shall equal the amount
 11 determined in the following table, as adjusted by the
 12 Secretary pursuant to section 478(b):

13 “(A) In the case of a married independent
 14 student with dependents:

“Income Protection Allowance (to be adjusted for 2023–2024 and succeeding years)

Family Size (including student)	Amount
3	\$46,140
4	\$56,970
5	\$67,230
6	\$78,620
For each additional add	\$8,880.

15 “(B) In the case of a single independent
 16 student with dependents:

“Income Protection Allowance (to be adjusted for 2023–2024 and succeeding years)

Family Size (including student)	Amount
2	\$43,920
3	\$54,690
4	\$67,520

“Income Protection Allowance (to be adjusted for 2023–2024 and succeeding years)—Continued

Family Size (including student)	Amount
5	\$79,680
6	\$93,180
For each additional add	\$10,530.

1 “(4) EMPLOYMENT EXPENSE ALLOWANCE.—

2 The employment expense allowance is equal to the
 3 lesser of \$4,000 or 35 percent of the student’s
 4 earned income or the combined earned income of the
 5 student and the student’s spouse, if applicable (as
 6 adjusted by the Secretary pursuant to section
 7 478(g)).

8 “(c) FAMILY’S AVAILABLE ASSETS.—

9 “(1) IN GENERAL.—

10 “(A) DETERMINATION.—Except as pro-
 11 vided in subparagraph (B), the family’s avail-
 12 able assets are equal to—

13 “(i) the difference between the fam-
 14 ily’s assets (as defined in 480(f)) and the
 15 asset protection allowance (determined in
 16 accordance with paragraph (2)); multiplied
 17 by

18 “(ii) 7 percent.

19 “(B) NOT LESS THAN ZERO.—The family’s
 20 available assets under this subsection shall not
 21 be less than zero.

1 “(2) ASSET PROTECTION ALLOWANCE.—The
 2 asset protection allowance is calculated based on the
 3 following table (as revised by the Secretary pursuant
 4 to section 478(d)):

“Asset Protection Allowances for Families and Students

If the age of the student is—	And the student is	
	married	single
	then the allowance is—	
25 or less	\$0	\$0
26	\$400	\$100
27	\$700	\$300
28	\$1,100	\$400
29	\$1,500	\$600
30	\$1,800	\$700
31	\$2,200	\$800
32	\$2,600	\$1,000
33	\$2,900	\$1,100
34	\$3,300	\$1,300
35	\$3,700	\$1,400
36	\$4,000	\$1,500
37	\$4,400	\$1,700
38	\$4,800	\$1,800
39	\$5,100	\$2,000
40	\$5,500	\$2,100
41	\$5,600	\$2,200
42	\$5,700	\$2,200
43	\$5,900	\$2,300
44	\$6,000	\$2,300
45	\$6,200	\$2,400
46	\$6,300	\$2,400
47	\$6,500	\$2,500
48	\$6,600	\$2,500
49	\$6,800	\$2,600
50	\$7,000	\$2,700
51	\$7,100	\$2,700
52	\$7,300	\$2,800
53	\$7,500	\$2,900
54	\$7,700	\$2,900
55	\$7,900	\$3,000
56	\$8,100	\$3,100
57	\$8,400	\$3,100
58	\$8,600	\$3,200
59	\$8,800	\$3,300
60	\$9,100	\$3,400
61	\$9,300	\$3,500
62	\$9,600	\$3,600
63	\$9,900	\$3,700
64	\$10,200	\$3,800

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“Asset Protection Allowances for Families and Students—
Continued

If the age of the student is—	And the student is	
	married	single
then the allowance is—		
65 or more	\$10,500	\$3,900.

1 “(d) ASSESSMENT SCHEDULE.—The assessment of
 2 adjusted available income (as determined under subsection
 3 (a)(1) and hereafter in this subsection referred to as
 4 ‘AAI’) is calculated based on the following table (as re-
 5 vised by the Secretary pursuant to section 478(e)):

“Assessment From Adjusted Available Income

If AAI is—	Then the assessment is—
Less than – \$6,820	– \$1,500
– \$6,820 to \$17,400	22% of AAI
\$17,401 to \$21,800	\$3,828 + 25% of AAI over \$17,400
\$21,801 to \$26,200	\$4,928 + 29% of AAI over \$21,800
\$26,201 to \$30,700	\$6,204 + 34% of AAI over \$26,200
\$30,701 to \$35,100	\$7,734 + 40% of AAI over \$30,700
\$35,101 or more	\$9,494 + 47% of AAI over \$35,100.

6 “(e) COMPUTATIONS IN CASE OF SEPARATION, DI-
 7 VORCE, OR DEATH.—In the case of a student who is di-
 8 vorced or separated, or whose spouse has died, the
 9 spouse’s income and assets shall not be considered in de-
 10 termining the family’s available income or assets.”.

11 (g) REGULATIONS; UPDATED TABLES.—Section 478
 12 of the Higher Education Act of 1965 (20 U.S.C. 1087rr)
 13 is amended to read as follows:

14 **“SEC. 478. REGULATIONS; UPDATED TABLES.**

15 “(a) AUTHORITY TO PRESCRIBE REGULATIONS RE-
 16 STRICTED.—Notwithstanding any other provision of law,

1 the Secretary shall not have the authority to prescribe reg-
2 ulations to carry out this part except—

3 “(1) to prescribe updated tables in accordance
4 with subsections (b) through (g); and

5 “(2) with respect to the definition of cost of at-
6 tendance under section 472, excluding section
7 472(a)(1).

8 “(b) INCOME PROTECTION ALLOWANCE ADJUST-
9 MENTS.—For award year 2023–2024 and each subse-
10 quent award year, the Secretary shall publish in the Fed-
11 eral Register revised income protection allowances for the
12 purposes of subsections (c)(3) and (g)(2)(C) of section
13 475, subclauses (I) and (II) of section 476(b)(1)(A)(iii),
14 and section 477(b)(3), by increasing the income protection
15 allowances in each of such provisions, by a percentage
16 equal to the percentage increase in the Consumer Price
17 Index, as defined in subsection (f), between April 2020
18 and the April in the year prior to the beginning of the
19 award year and rounding the result to the nearest \$10.

20 “(c) ADJUSTED NET WORTH OF A FARM OR BUSI-
21 NESS.—

22 “(1) TABLE.—The table of the net worth of a
23 farm or business for purposes of making determina-
24 tions of assets as defined under section 480(f) is the
25 following:

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“Farm/Business Net Worth Adjustment

If the net worth of a farm or business is—	Then the adjusted net worth is—
Less than \$1	\$0
\$1 to \$140,000	40% of net worth of farm/business
\$140,001 to \$415,000	\$56,000 + 50% of net worth over \$140,000
\$415,001 to \$695,000	\$193,500 + 60% of net worth over \$415,000
\$695,001 or more	\$361,500 + 100% of net worth over \$695,000.

1 “(2) REVISED TABLES.—For award year 2023–
 2 2024 and each subsequent award year, the Secretary
 3 shall publish in the Federal Register a revised table
 4 of the adjusted net worth of a farm or business for
 5 purposes of section 480(f). Such revised table shall
 6 be developed—

7 “(A) by increasing each dollar amount that
 8 refers to net worth of a farm or business by a
 9 percentage equal to the percentage increase in
 10 the Consumer Price Index between April 2020
 11 and the April in the year prior to the beginning
 12 of such award year, and rounding the result to
 13 the nearest \$5,000; and

14 “(B) by adjusting the dollar amounts in
 15 the column referring to the adjusted net worth
 16 to reflect the changes made pursuant to sub-
 17 paragraph (A).

18 “(d) ASSET PROTECTION ALLOWANCE.—For award
 19 year 2023–2024 and each subsequent award year, the Sec-
 20 retary shall publish in the Federal Register a revised table
 21 of allowances for the purpose of sections 475(d)(2),
 22 476(c)(2), and 477(c)(2). Such revised table shall be de-

1 veloped by determining the present value cost, rounded to
2 the nearest \$100, of an annuity that would provide, for
3 each age cohort of 40 and above, a supplemental income
4 at age 65 (adjusted for inflation) equal to the difference
5 between the moderate family income (as most recently de-
6 termined by the Bureau of Labor Statistics), and the cur-
7 rent average social security retirement benefits. For each
8 age cohort below 40, the allowance shall be computed by
9 decreasing the allowance for age 40, as updated, by one-
10 fifteenth for each year of age below age 40 and rounding
11 the result to the nearest \$100. In making such determina-
12 tions—

13 “(1) the tables of allowances specified in sec-
14 tions 475(d)(2), 476(e)(2), and 477(e)(2) shall be
15 considered to be for award year 2021–2022 for the
16 purposes of calculating inflation;

17 “(2) inflation shall be presumed to be 6 percent
18 per year;

19 “(3) the rate of return of an annuity shall be
20 presumed to be 8 percent; and

21 “(4) the sales commission on an annuity shall
22 be presumed to be 6 percent.

23 “(e) ASSESSMENT SCHEDULES AND RATES.—For
24 award year 2023–2024 and each subsequent award year,
25 the Secretary shall publish in the Federal Register a re-

1 vided table of assessments from adjusted available income
2 for the purpose of sections 475(e) and 477(d). Such re-
3 vised table shall be developed—

4 “(1) by increasing each dollar amount that re-
5 fers to adjusted available income by a percentage
6 equal to the percentage increase in the Consumer
7 Price Index between April 2020 and the April in the
8 year prior to the beginning of such academic year,
9 rounded to the nearest \$100; and

10 “(2) by adjusting the other dollar amounts to
11 reflect the changes made pursuant to paragraph (1).

12 “(f) CONSUMER PRICE INDEX DEFINED.—In this
13 section, the term ‘Consumer Price Index’ means the Con-
14 sumer Price Index for All Urban Consumers published by
15 the Department of Labor. Each annual update of tables
16 to reflect changes in the Consumer Price Index shall be
17 corrected for misestimation of actual changes in such
18 Index in previous years.

19 “(g) EMPLOYMENT EXPENSE ALLOWANCE.—For
20 award year 2023–2024 and each succeeding award year,
21 the Secretary shall publish in the Federal Register a re-
22 vised table of employment expense allowances for the pur-
23 pose of sections 475(c)(4), 476(b)(3), and 477(b)(4). Such
24 revised table shall be developed by increasing the dollar
25 amount specified in sections 475(c)(4), 476(b)(3), and

1 477(b)(4) by a percentage equal to the percentage increase
2 in the Consumer Price Index, as defined in subsection (f),
3 between April 2020 and the April in the year prior to the
4 beginning of the award year and rounding the result to
5 the nearest \$10.

6 “(h) CLARIFICATION FOR AWARD YEAR 2023–
7 2024.—For award year 2023–2024, the Secretary shall
8 determine adjusted amounts and prescribe revised tables
9 with respect to the income protection, employment ex-
10 pense, and asset protection allowances and the assessment
11 schedules under sections 475, 476, and 477, pursuant to
12 this section. The amounts and tables specified in sections
13 475, 476, and 477 with respect to such allowances and
14 schedules shall only be used by the Secretary as a baseline
15 for adjustments and table revisions prescribed in accord-
16 ance with this section.”.

17 (h) APPLICANTS EXEMPT FROM ASSET REPORT-
18 ING.—Section 479 of the Higher Education Act of 1965
19 (20 U.S.C. 1087ss) is amended to read as follows:

20 **“SEC. 479. ELIGIBLE APPLICANTS EXEMPT FROM ASSET RE-**
21 **PORTING.**

22 “(a) IN GENERAL.—Notwithstanding any other pro-
23 vision of law, this section shall be effective for each indi-
24 vidual seeking to apply for Federal financial aid under this
25 title, as part of the simplified application for Federal stu-

1 dent financial aid under section 483, on or after July 1,
2 2023.

3 “(b) APPLICANTS EXEMPT FROM ASSET REPORT-
4 ING.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (3), in carrying out section 483, the Secretary
7 shall not use asset information from an eligible ap-
8 plicant or, as applicable, the parent or spouse of an
9 eligible applicant.

10 “(2) ELIGIBLE APPLICANTS.—In this sub-
11 section, the term ‘eligible applicant’ means an appli-
12 cant who meets at least one of the following criteria:

13 “(A) Is an applicant who qualifies for an
14 automatic zero student aid index or negative
15 student aid index under subsection (b) or (c) of
16 section 473.

17 “(B) Is an applicant who is a dependent
18 student and the student’s parents have a total
19 adjusted gross income (excluding any income of
20 the dependent student) that is less than
21 \$60,000 and do not file a Schedule A, B, D, E,
22 F, or H (or equivalent successor schedules)
23 with the Federal income tax return for the sec-
24 ond preceding tax year, and—

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1 “(i) do not file a Schedule C (or the
2 equivalent successor schedule) with the
3 Federal income tax return for the second
4 preceding tax year; or

5 “(ii) file a Schedule C (or the equiva-
6 lent successor schedule) with net business
7 income of not more than a \$10,000 loss or
8 gain with the Federal income tax return
9 for the second preceding tax year.

10 “(C) Is an applicant who is an independent
11 student and the student (including the stu-
12 dent’s spouse, if any) has a total adjusted gross
13 income that is less than \$60,000 and does not
14 file a Schedule A, B, D, E, F, or H (or equiva-
15 lent successor schedules), with the Federal in-
16 come tax return for the second preceding tax
17 year, and—

18 “(i) does not file a Schedule C (or the
19 equivalent successor schedule) with the
20 Federal income tax return for the second
21 preceding tax year; or

22 “(ii) files a Schedule C (or the equiva-
23 lent successor schedule) with net business
24 income of not more than a \$10,000 loss or

1 gain with the Federal income tax return
2 for the second preceding tax year.

3 “(D) Is an applicant who, at any time dur-
4 ing the previous 24-month period, received a
5 benefit under a means-tested Federal benefit
6 program (or whose parent or spouse received
7 such a benefit, as applicable).

8 “(3) SPECIAL RULE.—An eligible applicant
9 shall not be exempt from asset reporting under this
10 section if the applicant is a dependent student and
11 the students’ parents do not—

12 “(A) reside in the United States or a
13 United States territory; or

14 “(B) file taxes in the United States or a
15 United States territory, except if such nonfiling
16 is due to not being required to file a Federal
17 tax return for the applicable tax year due to a
18 low income.

19 “(4) DEFINITIONS.—In this section:

20 “(A) SCHEDULE A.—The term ‘Schedule
21 A’ means a form or information by a taxpayer
22 to report itemized deductions.

23 “(B) SCHEDULE B.—The term ‘Schedule
24 B’ means a form or information filed by a tax-

1 payer to report interest and ordinary dividend
2 income.

3 “(C) SCHEDULE C.—The term ‘Schedule
4 C’ means a form or information filed by a tax-
5 payer to report income or loss from a business
6 operated or a profession practiced as a sole pro-
7 prietor.

8 “(D) SCHEDULE D.—The term ‘Schedule
9 D’ means a form or information filed by a tax-
10 payer to report sales, exchanges or some invol-
11 untary conversions of capital assets, certain
12 capital gain distributions, and nonbusiness bad
13 debts.

14 “(E) SCHEDULE E.—The term ‘Schedule
15 E’ means a form or information filed by a tax-
16 payer to report income from rental properties,
17 royalties, partnerships, S corporations, estates,
18 trusts, and residual interests in real estate
19 mortgage investment conduits.

20 “(F) SCHEDULE F.—The term ‘Schedule
21 F’ means a form or information filed by a tax-
22 payer to report farm income and expenses.

23 “(G) SCHEDULE H.—The term ‘Schedule
24 H’ means a form or information filed by a tax-
25 payer to report household employment taxes.

1 “(H) MEANS-TESTED FEDERAL BENEFIT
2 PROGRAM.—The term ‘means-tested Federal
3 benefit program’ means any of the following:

4 “(i) The supplemental security income
5 program under title XVI of the Social Se-
6 curity Act (42 U.S.C. 1381 et seq.).

7 “(ii) The supplemental nutrition as-
8 sistance program under the Food and Nu-
9 trition Act of 2008 (7 U.S.C. 2011 et
10 seq.), a nutrition assistance program car-
11 ried out under section 19 of such Act (7
12 U.S.C. 2028), and a supplemental nutri-
13 tion assistance program carried out under
14 section 3(c) of the Act entitled ‘An Act to
15 authorize appropriations for certain insular
16 areas of the United States, and for other
17 purposes’ (Public Law 95–348).

18 “(iii) The program of block grants for
19 States for temporary assistance for needy
20 families established under part A of title
21 IV of the Social Security Act (42 U.S.C.
22 601 et seq.).

23 “(iv) The special supplemental nutri-
24 tion program for women, infants, and chil-

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1 dren established by section 17 of the Child
2 Nutrition Act of 1966 (42 U.S.C. 1786).

3 “(v) The Medicaid program under
4 title XIX of the Social Security Act (42
5 U.S.C. 1396 et seq.).

6 “(vi) Federal housing assistance pro-
7 grams, including tenant-based assistance
8 under section 8(o) of the United States
9 Housing Act of 1937 (42 U.S.C.
10 1437f(o)), and public housing, as defined
11 in section 3(b)(1) of such Act (42 U.S.C.
12 1437a(b)(1)).

13 “(vii) Other means-tested programs
14 determined by the Secretary to be approxi-
15 mately consistent with the income eligi-
16 bility requirements of the means-tested
17 programs under clauses (i) through (vi).”.

18 (i) DISCRETION OF STUDENT FINANCIAL AID AD-
19 MINISTRATORS.—Section 479A of the Higher Education
20 Act of 1965 (20 U.S.C. 1087tt) is amended to read as
21 follows:

22 **“SEC. 479A. DISCRETION OF STUDENT FINANCIAL AID AD-
23 MINISTRATORS.**

24 “(a) IN GENERAL.—

1 “(1) AUTHORITY OF FINANCIAL AID ADMINIS-
2 TRATORS.—A financial aid administrator shall have
3 the authority to, on the basis of adequate docu-
4 mentation, make adjustments to any or all of the
5 following on a case-by-case basis:

6 “(A) For an applicant with special cir-
7 cumstances under subsection (b) to—

8 “(i) the cost of attendance;

9 “(ii) the values of the data used to
10 calculate the student aid index; or

11 “(iii) the values of the data used to
12 calculate the Federal Pell Grant award.

13 “(B) For an applicant with unusual cir-
14 cumstances under subsection (c), to the depend-
15 ency status of such applicant.

16 “(2) LIMITATIONS ON AUTHORITY.—

17 “(A) USE OF AUTHORITY.—No institution
18 of higher education or financial aid adminis-
19 trator shall maintain a policy of denying all re-
20 quests for adjustments under this section.

21 “(B) NO ADDITIONAL FEE.—No student or
22 parent shall be charged a fee for a documented
23 interview of the student by the financial aid ad-
24 ministrator or for the review of a student or
25 parent’s request for adjustments under this sec-

1 tion including the review of any supplementary
2 information or documentation of a student or
3 parent’s special circumstances or a student’s
4 unusual circumstances.

5 “(C) RULE OF CONSTRUCTION.—The au-
6 thority to make adjustments under paragraph
7 (1)(A) shall not be construed to permit finan-
8 cial aid administrators to deviate from the cost
9 of attendance, the values of data used to cal-
10 culate the student aid index or the values of
11 data used to calculate the Federal Pell Grant
12 award (or both) for awarding aid under this
13 title in the absence of special circumstances.

14 “(3) ADEQUATE DOCUMENTATION.—Adequate
15 documentation for adjustments under this section
16 must substantiate the special circumstances or un-
17 usual circumstances of an individual student, and
18 may include, to the extent relevant and appro-
19 priate—

20 “(A) a documented interview between the
21 student and the financial aid administrator;

22 “(B) for the purposes of determining that
23 a student qualifies for an adjustment under
24 paragraph (1)(B)—

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1 “(i) submission of a court order or of-
2 ficial Federal or State documentation that
3 the student or the student’s parents or
4 legal guardians are incarcerated in any
5 Federal or State penal institution;

6 “(ii) a documented phone call or a
7 written statement, which confirms the spe-
8 cific unusual circumstances with—

9 “(I) a child welfare agency au-
10 thorized by a State or county;

11 “(II) a Tribal welfare authority
12 or agency;

13 “(III) an independent living case
14 worker, such as a case worker who
15 supports current and former foster
16 youth with the transition to adult-
17 hood; or

18 “(IV) a public or private agency,
19 facility, or program servicing the vic-
20 tims of abuse, neglect, assault, or vio-
21 lence, which may include domestic vio-
22 lence;

23 “(iii) a documented phone call or a
24 written statement from an attorney, a
25 guardian ad litem, or a court-appointed

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1 special advocate, or a person serving in a
2 similar capacity which confirms the specific
3 unusual circumstances and documents the
4 person's relationship to the student;

5 “(iv) a documented phone call or writ-
6 ten statement from a representative under
7 chapter 1 or 2 of subpart 2 of part A,
8 which confirms the specific unusual cir-
9 cumstances and documents the representa-
10 tive's relationship to the student;

11 “(v) documents, such as utility bills or
12 health insurance documentation, that dem-
13 onstrate a separation from parents or legal
14 guardians; and

15 “(vi) in the absence of documentation
16 described in this subparagraph, other doc-
17 umentation the financial aid administrator
18 determines is adequate to confirm the un-
19 usual circumstances, pursuant to section
20 480(d)(9); and

21 “(C) supplementary information, as nec-
22 essary, about the financial status or personal
23 circumstances of eligible applicants as it relates
24 to the special circumstances or unusual cir-

1 cumstances based on which the applicant is re-
2 questing an adjustment.

3 “(4) SPECIAL RULE.—In making adjustments
4 under paragraph (1), a financial aid administrator
5 may offer a dependent student financial assistance
6 under a Federal Direct Unsubsidized Stafford Loan
7 without requiring the parents of such student to pro-
8 vide their parent information on the Free Applica-
9 tion for Federal Student Aid if the student does not
10 qualify for, or does not choose to use, the unusual
11 circumstance option described in section 480(d)(9),
12 and the financial aid administrator determines that
13 the parents of such student ended financial support
14 of such student or refuse to file such form.

15 “(5) PUBLIC DISCLOSURE.—Each institution of
16 higher education shall make publicly available infor-
17 mation that students applying for aid under this
18 title have the opportunity to pursue adjustments
19 under this section.

20 “(b) ADJUSTMENTS FOR STUDENTS WITH SPECIAL
21 CIRCUMSTANCES.—

22 “(1) SPECIAL CIRCUMSTANCES FOR ADJUST-
23 MENTS RELATED TO PELL GRANTS.—Special cir-
24 cumstances for adjustments to calculate a Federal
25 Pell Grant award—

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1 “(A) shall be conditions that differentiate
2 an individual student from a group of students
3 rather than conditions that exist across a group
4 of students; and

5 “(B) may include—

6 “(i) recent unemployment of a family
7 member or student;

8 “(ii) a student or family member who
9 is a dislocated worker (as defined in sec-
10 tion 3 of the Workforce Innovation and
11 Opportunity Act);

12 “(iii) a change in housing status that
13 results in an individual being a homeless
14 youth;

15 “(iv) an unusual amount of claimed
16 losses against income on the Federal tax
17 return that substantially lower adjusted
18 gross income, such as business, investment,
19 or real estate losses;

20 “(v) receipt of foreign income of per-
21 manent residents or United States citizens
22 exempt from Federal taxation, or the for-
23 eign income for which a permanent resi-
24 dent or citizen received a foreign tax cred-
25 it;

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1 “(vi) in the case of an applicant who
2 does not qualify for the exemption from
3 asset reporting under section 479, assets
4 as defined in section 480(f); or

5 “(vii) other changes or adjustments in
6 the income, assets, or size of a family, or
7 a student’s dependency status.

8 “(2) SPECIAL CIRCUMSTANCES FOR ADJUST-
9 MENTS RELATED TO COST OF ATTENDANCE AND
10 STUDENT AID INDEX.—Special circumstances for ad-
11 justments to the cost of attendance or the values of
12 the data used to calculate the student aid index—

13 “(A) shall be conditions that differentiate
14 an individual student from a group of students
15 rather than conditions that exist across a group
16 of students, except as provided in sections 479B
17 and 479C; and

18 “(B) may include—

19 “(i) tuition expenses at an elementary
20 school or secondary school;

21 “(ii) medical, dental, or nursing home
22 expenses not covered by insurance;

23 “(iii) child care or dependent care
24 costs not covered by the dependent care

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1 cost allowance calculated in accordance
2 with section 472;

3 “(iv) recent unemployment of a family
4 member or student;

5 “(v) a student or family member who
6 is a dislocated worker (as defined in sec-
7 tion 3 of the Workforce Innovation and
8 Opportunity Act);

9 “(vi) the existence of additional family
10 members enrolled in a degree, certificate,
11 or other program leading to a recognized
12 educational credential at an institution
13 with a program participation agreement
14 under section 487;

15 “(vii) a change in housing status that
16 results in an individual being a homeless
17 youth;

18 “(viii) a condition of severe disability
19 of the student, or in the case of a depend-
20 ent student, the dependent student’s par-
21 ent or guardian, or in the case of an inde-
22 pendent student, the independent student’s
23 dependent or spouse;

24 “(ix) unusual amount of claimed
25 losses against income on the Federal tax

1 return that substantially lower adjusted
2 gross income, such as business, investment,
3 or real estate losses; or

4 “(x) other changes or adjustments in
5 the income, assets, or size of a family, or
6 a student’s dependency status.

7 “(c) UNUSUAL CIRCUMSTANCES ADJUSTMENTS.—

8 “(1) IN GENERAL.—Unusual circumstances for
9 adjustments to the dependency status of an appli-
10 cant shall be—

11 “(A) conditions that differentiate an indi-
12 vidual student from a group of students; and

13 “(B) based on unusual circumstances, pur-
14 suant to section 480(d)(9).

15 “(2) PROVISIONAL INDEPENDENT STUDENTS.—

16 “(A) REQUIREMENTS FOR THE SEC-
17 RETARY.—The Secretary shall—

18 “(i) enable each student who, based
19 on an unusual circumstance described in
20 section 480(d)(9), may qualify for an ad-
21 justment under subsection (a)(1)(B) that
22 will result in a determination of independ-
23 ence under this section or section 479D to
24 complete the Free Application for Federal
25 Student Aid as an independent student for

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1 the purpose of a provisional determination
2 of the student's Federal financial aid
3 award, with the final determination of the
4 award subject to the documentation re-
5 quirements of subsection (a)(3);

6 “(ii) upon completion of the Free Ap-
7 plication for Federal Student Aid provide
8 an estimate of the student's Federal Pell
9 Grant award, and other information as
10 specified in section 483(a)(3)(A), based on
11 the assumption that the student is deter-
12 mined to be an independent student; and

13 “(iii) specify, on the Free Application
14 for Federal Student Aid, the consequences
15 under section 490(a) of knowingly and
16 willfully completing the Free Application
17 for Federal Student Aid as an independent
18 student under clause (i) without meeting
19 the unusual circumstances to qualify for
20 such a determination.

21 “(B) REQUIREMENTS FOR FINANCIAL AID
22 ADMINISTRATORS.—With respect to a student
23 accepted for admission who completes the Free
24 Application for Federal Student Aid as an inde-

1 pendent student under subparagraph (A), a fi-
2 nancial aid administrator shall—

3 “(i) notify the student of the institu-
4 tional process, requirements, and timeline
5 for an adjustment under this section and
6 section 480(d)(9) that will result in a re-
7 view of the student’s request for an adjust-
8 ment and a determination of the student’s
9 dependency status under such sections
10 within a reasonable time after the student
11 completes the Free Application for Federal
12 Student Aid;

13 “(ii) provide the student a final deter-
14 mination of the student’s dependency sta-
15 tus and Federal financial aid award as
16 soon as practicable after all requested doc-
17 umentation is provided;

18 “(iii) retain all documents related to
19 the adjustment under this section and sec-
20 tion 480(d)(9), including documented
21 interviews, for at least the duration of the
22 student’s enrollment, and shall abide by all
23 other record keeping requirements of this
24 Act; and

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1 “(iv) presume that any student who
2 has obtained an adjustment under this sec-
3 tion and section 480(d)(9) and a final de-
4 termination of independence for any pre-
5 ceding award year at an institution of
6 higher education to be independent for
7 each subsequent award year at the same
8 institution unless—

9 “(I) the student informs the in-
10 stitution that circumstances have
11 changed; or

12 “(II) the institution has specific
13 conflicting information about the stu-
14 dent’s independence.

15 “(C) ELIGIBILITY.—If a student pursues
16 provisional independent student status and is
17 not determined to be an independent student by
18 a financial aid administrator, such student shall
19 only be eligible for a Federal Direct Unsub-
20 sidized Stafford Loan for that award year un-
21 less such student subsequently completes the
22 Free Application for Federal Student Aid as a
23 dependent student.

24 “(d) ADJUSTMENTS TO ASSETS OR INCOME TAKEN
25 INTO ACCOUNT.—A financial aid administrator shall be

1 considered to be making a necessary adjustment in accord-
2 ance with this section if—

3 “(1) the administrator makes adjustments ex-
4 cluding from family income or assets any proceeds
5 or losses from a sale of farm or business assets of
6 a family if such sale results from a voluntary or in-
7 voluntary foreclosure, forfeiture, or bankruptcy or a
8 voluntary or involuntary liquidation; or

9 “(2) the administrator makes adjustments for a
10 condition of disability of a student, or in the case of
11 a dependent student, the dependent student’s parent
12 or guardian, or in the case of an independent stu-
13 dent, the independent student’s dependent or spouse,
14 so as to take into consideration the additional costs
15 incurred as a result of such disability.

16 “(e) REFUSAL OR ADJUSTMENT OF LOAN CERTIFI-
17 CATIONS.—On a case-by-case basis, an eligible institution
18 may refuse to use the authority provided under this sec-
19 tion, certify a statement that permits a student to receive
20 a loan under part D, certify a loan amount, or make a
21 loan that is less than the student’s determination of need
22 (as determined under this part), if the reason for the ac-
23 tion is documented and provided in writing to the student.
24 No eligible institution shall discriminate against any bor-
25 rower or applicant in obtaining a loan on the basis of race,

1 ethnicity, national origin, religion, sex, marital status, age,
2 or disability status.

3 “(f) SPECIAL RULE REGARDING PROFESSIONAL
4 JUDGMENT DURING A DISASTER, EMERGENCY, OR ECO-
5 NOMIC DOWNTURN.—

6 “(1) IN GENERAL.—For the purposes of mak-
7 ing a professional judgment under this section, fi-
8 nancial aid administrators may, during a qualifying
9 emergency—

10 “(A) determine that the income earned
11 from work for an applicant is zero, if the appli-
12 cant can provide paper or electronic documenta-
13 tion of receipt of unemployment benefits or con-
14 firmation that an application for unemployment
15 benefits was submitted; and

16 “(B) make additional appropriate adjust-
17 ments to the income earned from work for a
18 student, parent, or spouse, as applicable, based
19 on the totality of the family’s situation, includ-
20 ing consideration of unemployment benefits.

21 “(2) DOCUMENTATION.—For the purposes of
22 documenting unemployment under paragraph (1),
23 documentation shall be accepted if such documenta-
24 tion is submitted not more than 90 days from the
25 date on which such documentation was issued, ex-

1 cept if a financial aid administrator knows that the
2 student, parent, or spouse, as applicable, has already
3 obtained other employment.

4 “(3) PROGRAM REVIEWS.—The Secretary shall
5 make adjustments to the model used to select insti-
6 tutions of higher education participating under this
7 title for program reviews in order to account for any
8 rise in the use of professional judgment under this
9 section during the award years applicable to the
10 qualifying emergency, as determined by the Sec-
11 retary.

12 “(4) QUALIFYING EMERGENCY.—In this sub-
13 section, the term ‘qualifying emergency’ means—

14 “(A) an event for which the President de-
15 clared a major disaster or an emergency under
16 section 401 or 501, respectively, of the Robert
17 T. Stafford Disaster Relief and Emergency As-
18 sistance Act (42 U.S.C. 5170 and 5191);

19 “(B) a national emergency related to the
20 coronavirus declared by the President under
21 section 201 of the National Emergencies Act
22 (50 U.S.C. 1601 et seq.); or

23 “(C) a period of recession or economic
24 downturn as determined by the Secretary, in
25 consultation with the Secretary of Labor.”.

1 (j) DISREGARD OF STUDENT AID IN OTHER PRO-
2 GRAMS.—Section 479B of the Higher Education Act of
3 1965 (20 U.S.C. 1087uu) is amended to read as follows:

4 **“SEC. 479B. DISREGARD OF STUDENT AID IN OTHER PRO-**
5 **GRAMS.**

6 “Notwithstanding any other provision of law, student
7 financial assistance received under this title, Bureau of In-
8 dian Education student assistance programs, and employ-
9 ment and training programs under section 134 of the
10 Workforce Innovation and Opportunity Act (29 U.S.C.
11 3174 et. seq.) shall not be taken into account in deter-
12 mining the need or eligibility of any person for benefits
13 or assistance, or the amount of such benefits or assistance,
14 under any Federal, State, or local program financed in
15 whole or in part with Federal funds.”.

16 (k) NATIVE AMERICAN STUDENTS.—Section 479C of
17 the Higher Education Act of 1965 (20 U.S.C. 1087uu–
18 1) is amended to read as follows:

19 **“SEC. 479C. NATIVE AMERICAN STUDENTS.**

20 “(a) IN GENERAL.—In determining the student aid
21 index for Native American students, computations per-
22 formed pursuant to this part shall exclude—

23 “(1) any income and assets of \$2,000 or less
24 per individual payment received by the student (and
25 spouse) and student’s parents under Public Law 98–

1 64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (com-
2 monly known as the ‘Per Capita Act’) or the Indian
3 Tribal Judgment Funds Use or Distribution Act (25
4 U.S.C. 1401 et seq.); and

5 “(2) any income received by the student (and
6 spouse) and student’s parents under the Alaska Na-
7 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
8 or the Maine Indian Claims Settlement Act of 1980
9 (25 U.S.C. 1721 et seq.).

10 “(b) GUIDANCE.—The Secretary shall develop guid-
11 ance, in consultation with Tribal Colleges and Universities
12 (as defined in section 316) and the State higher education
13 agency in Alaska and Maine, to implement the determina-
14 tion under subsection (a) without adding additional ques-
15 tions to the FAFSA, including through the use of the au-
16 thority under section 479A.”.

17 (l) SPECIAL RULES FOR INDEPENDENT STU-
18 DENTS.—Part F of title IV of the Higher Education Act
19 of 1965 (20 U.S.C. 1087kk et seq.) is further amended—

20 (1) by inserting after section 479C the fol-
21 lowing:

22 **“SEC. 479D. SPECIAL RULES FOR INDEPENDENT STUDENTS.**

23 “(a) DETERMINATION PROCESS FOR UNACCOM-
24 PANIED HOMELESS YOUTH.—In making a determination

1 of independence under section 480(d)(8), a financial aid
2 administrator shall comply with the following:

3 “(1) Consider documentation of the student’s
4 circumstance to be adequate in the absence of docu-
5 mented conflicting information, if such documenta-
6 tion is provided through a documented phone call,
7 written statement, or verifiable electronic data
8 match by—

9 “(A) a local educational agency homeless
10 liaison, designated pursuant to section
11 722(g)(1)(J)(ii) of the McKinney-Vento Home-
12 less Assistance Act (42 U.S.C.
13 11432(g)(1)(J)(ii)) or a designee of the liaison;

14 “(B) the director of an emergency or tran-
15 sitional shelter, street outreach program, home-
16 less youth drop-in center, or other program
17 serving individuals who are experiencing home-
18 lessness, or a designee of the director;

19 “(C) the director of a project supported by
20 a Federal TRIO program or a Gaining Early
21 Awareness and Readiness for Undergraduate
22 program grant under chapter 1 or 2 of subpart
23 2 of part A, or a designee of the director; or

1 “(D) a financial aid administrator at an-
2 other institution who documented the student’s
3 circumstance in a prior award year.

4 “(2) If a student is unable to provide docu-
5 mentation from any individual described in para-
6 graph (1), make a case-by-case determination, which
7 shall be—

8 “(A) based on a written statement from, or
9 a documented interview with, the student that
10 confirms that the student is an unaccompanied
11 homeless youth, or unaccompanied, at risk of
12 homelessness, and self-supporting; and

13 “(B) made without regard to the reasons
14 that the student is an unaccompanied homeless
15 youth, or unaccompanied, at risk of homeles-
16 ness, and self-supporting.

17 “(3) Consider a determination made under this
18 subsection as distinct from a determination of inde-
19 pendence under section 480(d)(9).

20 “(b) DOCUMENTATION PROCESS FOR FOSTER CARE
21 YOUTH.—If an institution requires that a student provide
22 documentation that the student was in foster care when
23 the student was age 13 or older, a financial aid adminis-
24 trator shall consider any of the following as adequate doc-

1 umentation, in the absence of documented conflicting in-
2 formation:

3 “(1) Submission of a court order or official
4 State documentation that the student received Fed-
5 eral or State support in foster care.

6 “(2) A documented phone call, written state-
7 ment, or verifiable electronic data match, which con-
8 firms the student was in foster care at an applicable
9 age, from—

10 “(A) a State, county, or tribal agency ad-
11 ministering a program under part B or E of
12 title IV of the Social Security Act (42 U.S.C.
13 621 et seq. and 670 et seq.);

14 “(B) a State Medicaid agency; or

15 “(C) a public or private foster care placing
16 agency or foster care facility or placement.

17 “(3) A documented phone call or a written
18 statement from an attorney, a guardian ad litem, or
19 a Court Appointed Special Advocate that confirms
20 that the student was in foster care at an applicable
21 age and documents the person’s relationship to the
22 student.

23 “(4) Verification of the student’s eligibility for
24 an education and training voucher under the John

1 H. Chafee Foster Care Program under section 477
2 of the Social Security Act (42 U.S.C. 677).

3 “(5) A documented phone call or written state-
4 ment from a financial aid administrator who docu-
5 mented the student’s circumstance in a prior award
6 year.

7 “(c) TIMING.—A determination of independence
8 under paragraph (2), (8), or (9) of section 480(d) for a
9 student—

10 “(1) shall be made as quickly as practicable;

11 “(2) may be made as early as the year before
12 the award year for which the student initially sub-
13 mits an application; and

14 “(3) shall be made not later than 60 days after
15 the date of the student’s enrollment during the
16 award year for which the student initially submits
17 an application.

18 “(d) USE OF EARLIER DETERMINATIONS.—

19 “(1) EARLIER DETERMINATION BY THE INSTI-
20 TUTION.—Any student who is determined to be inde-
21 pendent under paragraph (2), (8), or (9) of section
22 480(d) for a preceding award year at an institution
23 shall be presumed to be independent for each subse-
24 quent award year at the same institution unless—

1 “(A) the student informs the institution
2 that circumstances have changed; or

3 “(B) the institution has specific conflicting
4 information about the student’s independence
5 and has informed the student of this informa-
6 tion.

7 “(2) EARLIER DETERMINATION BY ANOTHER
8 INSTITUTION.—A financial aid administrator may
9 make a determination of independence pursuant to
10 section 479A(c), based upon a documented deter-
11 mination of independence that was previously made
12 by another financial aid administrator under such
13 paragraph in the same award year.

14 “(e) RETENTION OF DOCUMENTS.—A financial aid
15 administrator shall retain all documents related to any de-
16 termination of independence, including documented inter-
17 views, for at least the duration of the student’s enrollment
18 and an additional period prescribed by the Secretary to
19 enable a student to utilize the documents for the purposes
20 of subsection (a)(1)(D), (b)(5), or (d) of this section.”;
21 and

22 (2) by amending section 480 to read as follows:

23 **“SEC. 480. DEFINITIONS.**

24 “In this part:

1 “(a) TOTAL INCOME.—The term ‘total income’
2 means the amount equal to adjusted gross income for the
3 second preceding tax year plus untaxed income and bene-
4 fits for the second preceding tax year minus excludable
5 income for the second preceding tax year. The factors used
6 to determine total income shall be derived from the Fed-
7 eral income tax return, if available, except for the appli-
8 cant’s ability to indicate a qualified rollover in the second
9 preceding tax year as outlined in section 483 or foreign
10 income described in subsection (b)(5).

11 “(b) UNTAXED INCOME AND BENEFITS.—The term
12 ‘untaxed income and benefits’ means—

13 “(1) deductions and payments to self-employed
14 SEP, SIMPLE, Keogh, and other qualified indi-
15 vidual retirement accounts excluded from income for
16 Federal tax purposes, except such term shall not in-
17 clude payments made to tax-deferred pension and
18 retirement plans, paid directly or withheld from
19 earnings, that are not delineated on the Federal tax
20 return;

21 “(2) tax-exempt interest income;

22 “(3) untaxed portion of individual retirement
23 account distributions;

24 “(4) untaxed portion of pensions; and

1 “(5) foreign income of permanent residents of
2 the United States or United States citizens exempt
3 from Federal taxation, or the foreign income for
4 which such a permanent resident or citizen receives
5 a foreign tax credit.

6 “(c) VETERANS AND VETERANS’ EDUCATION BENE-
7 FITS.—(1) The term ‘veteran’ has the meaning given the
8 term in section 101(2) of title 38, United States Code,
9 and includes individuals who served in the United States
10 Armed Forces as described in sections 101(21), 101(22),
11 and 101(23) of title 38, United States Code.

12 “(2) The term ‘veterans’ education benefits’ means
13 veterans’ benefits under the following provisions of law:

14 “(A) Chapter 103 of title 10, United States
15 Code (Senior Reserve Officers’ Training Corps).

16 “(B) Chapter 106A of title 10, United States
17 Code (Educational Assistance for Persons Enlisting
18 for Active Duty).

19 “(C) Chapter 1606 of title 10, United States
20 Code (Selected Reserve Educational Assistance Pro-
21 gram).

22 “(D) Chapter 1607 of title 10, United States
23 Code (Educational Assistance Program for Reserve
24 Component Members Supporting Contingency Oper-
25 ations and Certain Other Operations).

1 “(E) Chapter 30 of title 38, United States Code
2 (All-Volunteer Force Educational Assistance Pro-
3 gram, also known as the ‘Montgomery GI Bill—ac-
4 tive duty’).

5 “(F) Chapter 31 of title 38, United States Code
6 (Training and Rehabilitation for Veterans with Serv-
7 ice-Connected Disabilities).

8 “(G) Chapter 32 of title 38, United States Code
9 (Post-Vietnam Era Veterans’ Educational Assistance
10 Program).

11 “(H) Chapter 33 of title 38, United States
12 Code (Post-9/11 Educational Assistance).

13 “(I) Chapter 35 of title 38, United States Code
14 (Survivors’ and Dependents’ Educational Assistance
15 Program).

16 “(J) Section 903 of the Department of Defense
17 Authorization Act, 1981 (10 U.S.C. 2141 note)
18 (Educational Assistance Pilot Program).

19 “(K) Section 156(b) of the ‘Joint Resolution
20 making further continuing appropriations and pro-
21 viding for productive employment for the fiscal year
22 1983, and for other purposes’ (42 U.S.C. 402 note)
23 (Restored Entitlement Program for Survivors, also
24 known as ‘Quayle benefits’).

1 “(L) The provisions of chapter 3 of title 37,
2 United States Code, related to subsistence allow-
3 ances for members of the Reserve Officers Training
4 Corps.

5 “(d) INDEPENDENT STUDENTS AND DETERMINA-
6 TIONS.—The term ‘independent’, when used with respect
7 to a student, means any individual who—

8 “(1) is 24 years of age or older by December
9 31 of the award year;

10 “(2) is, or was at any time when the individual
11 was 13 years of age or older—

12 “(A) an orphan;

13 “(B) a ward of the court; or

14 “(C) in foster care;

15 “(3) is, or was immediately prior to attaining
16 the age of majority, an emancipated minor or in
17 legal guardianship as determined by a court of com-
18 petent jurisdiction in the individual’s State of legal
19 residence;

20 “(4) is a veteran of the Armed Forces of the
21 United States (as defined in subsection (c)) or is
22 currently serving on active duty in the Armed Forces
23 for other than training purposes;

24 “(5) is a graduate or professional student;

25 “(6) is married and not separated;

1 “(7) has legal dependents other than a spouse;

2 “(8) is an unaccompanied homeless youth or is
3 unaccompanied, at risk of homelessness, and self-
4 supporting, without regard to such individual’s age;
5 and

6 “(9) is a student for whom a financial aid ad-
7 ministrator makes a documented determination of
8 independence by reason of other unusual cir-
9 cumstances pursuant to section 479A(c) in which
10 the student is unable to contact a parent or where
11 contact with parents poses a risk to such student,
12 which includes circumstances of—

13 “(A) human trafficking, as described in
14 the Trafficking Victims Protection Act of 2000
15 (22 U.S.C. 7101 et seq.);

16 “(B) legally granted refugee or asylum sta-
17 tus;

18 “(C) parental abandonment or estrange-
19 ment; or

20 “(D) student or parental incarceration.

21 “(e) **EXCLUDABLE INCOME.**—The term ‘excludable
22 income’ means—

23 “(1) an amount equal to the education credits
24 described in paragraphs (1) and (2) of section
25 25A(a) of the Internal Revenue Code of 1986;

1 “(2) if an applicant elects to report it, college
2 grant and scholarship aid included in gross income
3 on a Federal tax return, including amounts attrib-
4 utable to grant and scholarship portions of fellow-
5 ships and assistantships and any national service
6 educational award or post-service benefit received by
7 an individual under title I of the National and Com-
8 munity Service Act of 1990 (42 U.S.C. 12511 et
9 seq.), including awards, living allowances, and inter-
10 est accrual payments; and

11 “(3) income earned from work under part C of
12 this title.

13 “(f) ASSETS.—

14 “(1) IN GENERAL.—The term ‘assets’ means
15 the amount in checking and savings accounts, time
16 deposits, money market funds, investments, trusts,
17 stocks, bonds, derivatives, securities, mutual funds,
18 tax shelters, qualified education benefits (except as
19 provided in paragraph (3)), the annual amount of
20 child support received and the net value of real es-
21 tate, vacation homes, income producing property,
22 and business and farm assets, determined in accord-
23 ance with section 478(e).

24 “(2) EXCLUSIONS.—With respect to determina-
25 tions of need under this title, the term ‘assets’ shall

1 not include the net value of the family's principal
2 place of residence.

3 “(3) CONSIDERATION OF QUALIFIED EDU-
4 CATION BENEFIT.—A qualified education benefit
5 shall be considered an asset of—

6 “(A) the student if the student is an inde-
7 pendent student; or

8 “(B) the parent if the student is a depend-
9 ent student and the account is designated for
10 the student, regardless of whether the owner of
11 the account is the student or the parent.

12 “(4) DEFINITION OF QUALIFIED EDUCATION
13 BENEFIT.—In this subsection, the term ‘qualified
14 education benefit’ means—

15 “(A) a qualified tuition program (as de-
16 fined in section 529(b)(1)(A) of the Internal
17 Revenue Code of 1986) or other prepaid tuition
18 plan offered by a State; and

19 “(B) a Coverdell education savings account
20 (as defined in section 530(b)(1) of the Internal
21 Revenue Code of 1986).

22 “(g) NET VALUE.—The term ‘net value’ means the
23 market value at the time of application of the assets (as
24 defined in subsection (f)), minus the outstanding liabilities
25 or indebtedness against the assets.

1 “(h) TREATMENT OF INCOME TAXES PAID TO
2 OTHER JURISDICTIONS.—

3 “(1) The tax on income paid to the Govern-
4 ments of the Commonwealth of Puerto Rico, Guam,
5 American Samoa, the Virgin Islands, or the Com-
6 monwealth of the Northern Mariana Islands, the Re-
7 public of the Marshall Islands, the Federated States
8 of Micronesia, or Palau under the laws applicable to
9 those jurisdictions, or the comparable tax paid to the
10 central government of a foreign country, shall be
11 treated as Federal income taxes.

12 “(2) References in this part to the Internal
13 Revenue Code of 1986, Federal income tax forms,
14 and the Internal Revenue Service shall, for purposes
15 of the tax described in paragraph (1), be treated as
16 references to the corresponding laws, tax forms, and
17 tax collection agencies of those jurisdictions, respec-
18 tively, subject to such adjustments as the Secretary
19 may provide by regulation.

20 “(i) OTHER FINANCIAL ASSISTANCE.—

21 “(1) For purposes of determining a student’s
22 eligibility for funds under this title, other financial
23 assistance not received under this title shall include
24 all scholarships, grants, loans, or other assistance
25 known to the institution at the time the determina-

1 tion of the student’s need is made, including na-
2 tional service educational awards or post-service ben-
3 efits under title I of the National and Community
4 Service Act of 1990 (42 U.S.C. 12511 et seq.), but
5 excluding veterans’ education benefits.

6 “(2) Notwithstanding paragraph (1), a tax
7 credit taken under section 25A of the Internal Rev-
8 enue Code of 1986, or a distribution that is not in-
9 cludable in gross income under section 529 of such
10 Code, under another prepaid tuition plan offered by
11 a State, or under a Coverdell education savings ac-
12 count under section 530 of such Code, shall not be
13 treated as other financial assistance for purposes of
14 section 471(a)(3).

15 “(3) Notwithstanding paragraph (1) and sec-
16 tion 472, assistance not received under this title may
17 be excluded from both other financial assistance and
18 cost of attendance, if that assistance is provided by
19 a State and is designated by such State to offset a
20 specific component of the cost of attendance. If that
21 assistance is excluded from either other financial as-
22 sistance or cost of attendance, it shall be excluded
23 from both.

24 “(4) Notwithstanding paragraph (1), payments
25 made and services provided under part E of title IV

1 of the Social Security Act to or on behalf of any
2 child or youth over whom the State agency has re-
3 sponsibility for placement, care, or supervision, in-
4 cluding the value of vouchers for education and
5 training and amounts expended for room and board
6 for youth who are not in foster care but are receiv-
7 ing services under section 477 of such Act, shall not
8 be treated as other financial assistance for purposes
9 of section 471(a)(3).

10 “(5) Notwithstanding paragraph (1), emergency
11 financial assistance provided to the student for unex-
12 pected expenses that are a component of the stu-
13 dent’s cost of attendance, and not otherwise consid-
14 ered when the determination of the student’s need is
15 made, shall not be treated as other financial assist-
16 ance for purposes of section 471(a)(3).

17 “(j) DEPENDENTS.—

18 “(1) Except as otherwise provided, the term
19 ‘dependent of the parent’ means the student who is
20 deemed to be a dependent student when applying for
21 aid under this title, and any other person who lives
22 with and receives more than one-half of their sup-
23 port from the parent (or parents) and will continue
24 to receive more than half of their support from the
25 parent (or parents) during the award year.

1 “(2) Except as otherwise provided, the term
2 ‘dependent of the student’ means the student’s de-
3 pendent children and other persons (except the stu-
4 dent’s spouse) who live with and receive more than
5 one-half of their support from the student and will
6 continue to receive more than half of their support
7 from the student during the award year.

8 “(k) FAMILY SIZE.—

9 “(1) DEPENDENT STUDENT.—Except as pro-
10 vided in paragraph (3), in determining family size in
11 the case of a dependent student—

12 “(A) if the parents are not divorced or sep-
13 arated, family members include the student’s
14 parents, and any dependent (within the mean-
15 ing of section 152 of the Internal Revenue Code
16 of 1986 or an eligible individual for purposes of
17 the credit under section 24 of the Internal Rev-
18 enue Code of 1986) of the student’s parents for
19 the taxable year used in determining the
20 amount of need of the student for financial as-
21 sistance under this title;

22 “(B) if the parents are divorced or sepa-
23 rated, family members include the parent whose
24 income is included in computing available in-
25 come and any dependent (within the meaning of

1 section 152 of the Internal Revenue Code of
2 1986 or an eligible individual for purposes of
3 the credit under section 24 of the Internal Rev-
4 enue Code of 1986) of that parent for the tax-
5 able year used in determining the amount of
6 need of the student for financial assistance
7 under this title;

8 “(C) if the parents are divorced and the
9 parents whose income is so included are remar-
10 ried, or if the parent was a widow or widower
11 who has remarried, family members also in-
12 clude, in addition to those individuals referred
13 to in subparagraph (B), the new spouse and
14 any dependent (within the meaning of section
15 152 of the Internal Revenue Code of 1986 or
16 an eligible individual for purposes of the credit
17 under section 24 of the Internal Revenue Code
18 of 1986) of the new spouse for the taxable year
19 used in determining the amount of need of the
20 student for financial assistance under this title,
21 if that spouse’s income is included in deter-
22 mining the parent’s adjusted available income;
23 and

24 “(D) if the student is not considered as a
25 dependent (within the meaning of section 152

1 of the Internal Revenue Code of 1986 or an eli-
2 gible individual for purposes of the credit under
3 section 24 of the Internal Revenue Code of
4 1986) of any parent, the parents' family size
5 shall include the student and the family mem-
6 bers applicable to the parents' situation under
7 subparagraph (A), (B), or (C).

8 “(2) INDEPENDENT STUDENT.—Except as pro-
9 vided in paragraph (3), in determining family size in
10 the case of an independent student—

11 “(A) family members include the student,
12 the student's spouse, and any dependent (within
13 the meaning of section 152 of the Internal Rev-
14 enue Code of 1986 or an eligible individual for
15 purposes of the credit under section 24 of the
16 Internal Revenue Code of 1986) of that student
17 for the taxable year used in determining the
18 amount of need of the student for financial as-
19 sistance under this title; and

20 “(B) if the student is divorced or sepa-
21 rated, family members do not include the
22 spouse (or ex-spouse), but do include the stu-
23 dent and any dependent (within the meaning of
24 section 152 of the Internal Revenue Code of
25 1986 or an eligible individual for purposes of

1 the credit under section 24 of the Internal Rev-
2 enue Code of 1986) of that student for the tax-
3 able year used in determining the amount of
4 need of the student for financial assistance
5 under this title.

6 “(3) PROCEDURES AND MODIFICATION.—The
7 Secretary shall provide procedures for determining
8 family size in cases in which information for the tax-
9 able year used in determining the amount of need of
10 the student for financial assistance under this title
11 has changed or does not accurately reflect the appli-
12 cant’s current household size, including when a di-
13 vorce settlement only allows a parent to file for the
14 Earned Income Tax Credit available under section
15 32 of the Internal Revenue Code of 1986.

16 “(l) BUSINESS ASSETS.—The term ‘business assets’
17 means property that is used in the operation of a trade
18 or business, including real estate, inventories, buildings,
19 machinery, and other equipment, patents, franchise rights,
20 and copyrights.

21 “(m) HOMELESS YOUTH.—The term ‘homeless
22 youth’ has the meaning given the term ‘homeless children
23 and youths’ in section 725 of the McKinney-Vento Home-
24 less Assistance Act (42 U.S.C. 11434a).

1 “(n) UNACCOMPANIED.—The terms ‘unaccom-
2 panied’, ‘unaccompanied youth’, or ‘unaccompanied home-
3 less youth’ have the meaning given the term ‘unaccom-
4 panied youth’ in section 725 of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11434a).”.

6 (m) FAFSA.—

7 (1) IN GENERAL.—Section 483 of the Higher
8 Education Act of 1965 (20 U.S.C. 1090) is amended
9 to read as follows:

10 **“SEC. 483. FREE APPLICATION FOR FEDERAL STUDENT AID.**

11 “(a) SIMPLIFIED APPLICATION FOR FEDERAL STU-
12 DENT FINANCIAL AID.—

13 “(1) IN GENERAL.—Each individual seeking to
14 apply for Federal financial aid under this title for
15 award year 2023–2024 and any subsequent award
16 year shall file a free application with the Secretary,
17 known as the ‘Free Application for Federal Student
18 Aid’, to determine eligibility for such aid, as de-
19 scribed in paragraph (2), and in accordance with
20 section 479.

21 “(2) FREE APPLICATION.—

22 “(A) IN GENERAL.—The Secretary shall
23 make available, for the purposes of paragraph
24 (1), a free application to determine the eligi-

1 bility of a student for Federal financial aid
2 under this title.

3 “(B) INFORMATION REQUIRED BY THE AP-
4 PLICANT.—

5 “(i) IN GENERAL.—The applicant,
6 and, if necessary, the parents or spouse of
7 the applicant, shall provide the Secretary
8 with the applicable information described
9 in clause (ii) in order to be eligible for
10 Federal financial aid under this title.

11 “(ii) INFORMATION TO BE PRO-
12 VIDED.—The information described in this
13 clause is the following:

14 “(I) Name.

15 “(II) Contact information, in-
16 cluding address, phone number, email
17 address, or other electronic address.

18 “(III) Social security number.

19 “(IV) Date of birth.

20 “(V) Marital status.

21 “(VI) Citizenship status, includ-
22 ing alien registration number, if appli-
23 cable.

24 “(VII) Sex.

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1 “(VIII) Race or ethnicity, using
2 categories developed in consultation
3 with the Bureau of the Census and
4 the Director of the Institute of Edu-
5 cation Sciences that, to the greatest
6 extent practicable, separately capture
7 the racial groups specified in the
8 American Community Survey of the
9 Bureau of the Census.

10 “(IX) State of legal residence
11 and date of residency.

12 “(X) The following information
13 on secondary school completion:

14 “(aa) Name and location of
15 the high school from which the
16 applicant received, or will receive
17 prior to the period of enrollment
18 for which aid is sought, a regular
19 high school diploma;

20 “(bb) name and location of
21 the entity from which the appli-
22 cant received, or will receive prior
23 to the period of enrollment for
24 which aid is sought, a recognized

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1 equivalent of a regular high
2 school diploma; or

3 “(cc) if the applicant com-
4 pleted or will complete prior to
5 the period of enrollment for
6 which aid is sought, a secondary
7 school education in a home school
8 setting that is treated as a home
9 school or private school under
10 State law.

11 “(XI) Name of each institution
12 where the applicant intends to apply
13 for enrollment or continue enrollment.

14 “(XII) Year in school for period
15 of enrollment for which aid is sought,
16 including whether applicant will have
17 finished first bachelor’s degree prior
18 to the period of enrollment for which
19 aid is sought.

20 “(XIII) Whether one or both of
21 the applicant’s parents attended col-
22 lege.

23 “(XIV) Any required asset infor-
24 mation, unless exempt under section

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1 479, in which the applicant shall indi-
2 cate—

3 “(aa) the annual amount of
4 child support received, if applica-
5 ble; and

6 “(bb) all required asset in-
7 formation not described in item
8 (aa).

9 “(XV) The number of members
10 of the applicant’s family who will also
11 be enrolled in an eligible institution of
12 higher education on at least a half-
13 time basis during the same enrollment
14 period as the applicant.

15 “(XVI) If the applicant meets
16 any of the following designations:

17 “(aa) Is an unaccompanied
18 homeless youth, or is unaccom-
19 panied, at risk of homelessness,
20 and self-supporting.

21 “(bb) Is an emancipated
22 minor.

23 “(cc) Is in legal guardian-
24 ship.

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1 “(dd) Has been a dependent
2 ward of the court at any time
3 since the applicant turned 13.

4 “(ee) Has been in foster
5 care at any time since the appli-
6 cant turned 13.

7 “(ff) Both parents have died
8 since the applicant turned 13.

9 “(gg) Is a veteran of the
10 Armed Forces of the United
11 States or is serving (on the date
12 of the application) on active duty
13 in the Armed Forces for other
14 than training purposes.

15 “(hh) Is under the age of 24
16 and has a dependent child or rel-
17 ative.

18 “(ii) Does not have access to
19 parental information due to an
20 unusual circumstance described
21 in section 480(d)(9).

22 “(XVII) If the applicant receives
23 or has received any of the following
24 means-tested Federal benefits within
25 the last two years:

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1 “(aa) The supplemental se-
2 curity income program under
3 title XVI of the Social Security
4 Act (42 U.S.C. 1381 et seq.).

5 “(bb) The supplemental nu-
6 trition assistance program under
7 the Food and Nutrition Act of
8 2008 (7 U.S.C. 2011 et seq.), a
9 nutrition assistance program car-
10 ried out under section 19 of such
11 Act (7 U.S.C. 2028), or a supple-
12 mental nutrition assistance pro-
13 gram carried out under section
14 3(e) of the Act entitled ‘An Act
15 to authorize appropriations for
16 certain insular areas of the
17 United States, and for other pur-
18 poses’ (Public Law 95–348).

19 “(cc) The free and reduced
20 price school lunch program estab-
21 lished under the Richard B. Rus-
22 sell National School Lunch Act
23 (42 U.S.C. 1751 et seq.).

24 “(dd) The program of block
25 grants for States for temporary

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1 assistance for needy families es-
2 tablished under part A of title IV
3 of the Social Security Act (42
4 U.S.C. 601 et seq.).

5 “(ee) The special supple-
6 mental nutrition program for
7 women, infants, and children es-
8 tablished by section 17 of the
9 Child Nutrition Act of 1966 (42
10 U.S.C. 1786).

11 “(ff) The Medicaid program
12 under title XIX of the Social Se-
13 curity Act (42 U.S.C. 1396 et
14 seq.).

15 “(gg) Federal housing as-
16 sistance programs, including ten-
17 ant-based assistance under sec-
18 tion 8(o) of the United States
19 Housing Act of 1937 (42 U.S.C.
20 1437f(o)), and public housing, as
21 defined in section 3(b)(1) of such
22 Act (42 U.S.C. 1437a(b)(1)).

23 “(hh) Refundable credit for
24 coverage under a qualified health

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1 plan under section 36B of the In-
2 ternal Revenue Code of 1986.

3 “(ii) The Earned Income
4 Tax Credit under section 32 of
5 the Internal Revenue Code of
6 1986.

7 “(jj) Any other means-tested
8 program determined by the Sec-
9 retary to be appropriate.

10 “(XVIII) If the applicant, or, if
11 necessary, the parents or spouse of
12 the applicant, reported receiving tax
13 exempt payments from an individual
14 retirement plan (as defined in section
15 7701 of the Internal Revenue Code of
16 1986) distribution or from pensions or
17 annuities on a Federal tax return, in-
18 formation as to how much of the indi-
19 vidual retirement plan distribution or
20 pension or annuity disbursement was
21 a qualified rollover.

22 “(XIX) If the applicant, or, if
23 necessary, the parents or spouse of
24 the applicant, reported receiving for-
25 eign income that is exempt from Fed-

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1 eral taxation or for which a perma-
2 nent resident of the United States or
3 United States citizen receives a for-
4 eign tax credit, information regarding
5 the amount of such foreign income.

6 “(XX) If the applicant, or, if ap-
7 plicable, the parents or spouse of the
8 applicant, elects to report receiving
9 college grant and scholarship aid in-
10 cluded in gross income on a Federal
11 tax return described in section
12 480(e)(2), information regarding the
13 amount of such aid

14 “(iii) PROHIBITION AGAINST RE-
15 QUESTING INFORMATION MORE THAN
16 ONCE.—Any information requested during
17 the process of creating an account for com-
18 pleting the free application under this sub-
19 section, shall, to the fullest extent possible,
20 not be required a second time for the same
21 award year, or in a duplicative manner,
22 when completing such free application ex-
23 cept in the case of an unusual situation,
24 such as a temporary inability to access an

1 account for completing such free applica-
2 tion.

3 “(iv) CHANGE IN FAMILY SIZE.—The
4 Secretary shall provide a process by which
5 an applicant shall confirm the accuracy of
6 family size or update the family size with
7 respect to such applicant for purposes of
8 determining the need of such applicant for
9 financial assistance under this title based
10 on a change in family size from the tax
11 year data used for such determination.

12 “(v) SINGLE QUESTION FOR HOME-
13 LESS STATUS.—The Secretary shall ensure
14 that—

15 “(I) on the form developed under
16 this section for which the information
17 is applicable, there is a single, easily
18 understood screening question to iden-
19 tify an applicant who is an unaccom-
20 panied homeless youth or is unaccom-
21 panied, at risk of homelessness, and
22 self-supporting; and

23 “(II) such question is distinct
24 from those relating to an individual
25 who does not have access to parental

1 income due to an unusual cir-
2 cumstance.

3 “(vi) ADJUSTMENTS.—The Secretary
4 shall disclose on the FAFSA that the stu-
5 dent may, on a case-by-case basis, qualify
6 for an adjustment under section 479A to
7 the cost of attendance or the values of the
8 data items required to calculate the stu-
9 dent’s eligibility for a Federal Pell Grant
10 or the student aid index for the student or
11 parent.

12 “(C) NOTIFICATION AND APPROVAL OF
13 REQUEST FOR TAX RETURN INFORMATION.—
14 The Secretary shall notify students and bor-
15 rowers who wish to submit an application for
16 Federal student financial aid under this title
17 (as well as parents and spouses who must sign
18 such an application or request or a Master
19 Promissory Note on behalf of those students
20 and borrowers) of the authority of the Sec-
21 retary to require that such persons affirmatively
22 approve that the Internal Revenue Service dis-
23 close their tax return information as described
24 in section 494.

1 “(D) AUTHORIZATIONS AVAILABLE TO THE
2 APPLICANT.—

3 “(i) AUTHORIZATION TO DISCLOSE
4 FAFSA INFORMATION, INCLUDING A RE-
5 DISCLOSURE OF TAX RETURN INFORMA-
6 TION, TO INSTITUTION, STATE HIGHER
7 EDUCATION AGENCY, AND DESIGNATED
8 SCHOLARSHIP ORGANIZATIONS.—An appli-
9 cant and, if necessary, the parents or
10 spouse of the applicant shall provide the
11 Secretary with authorization to disclose to
12 an institution, State higher education
13 agency, and scholarship organizations (des-
14 ignated (prior to the date of enactment of
15 the FUTURE Act (Public Law 116–91))
16 by the Secretary under section
17 483(a)(3)(E)) as in effect on such date of
18 enactment, as specified by the applicant
19 and in accordance with section 494, in
20 order for the applicant’s eligibility for Fed-
21 eral financial aid programs, State financial
22 aid programs, institutional financial aid
23 programs, and scholarship programs at
24 scholarship organizations (designated
25 (prior to the date of enactment of the FU-

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1 TURE Act (Public Law 116–91)) by the
2 Secretary under section 483(a)(3)(E)) as
3 in effect on such date of enactment, to be
4 determined, the following:

5 “(I) Information described under
6 section 6103(l)(13) of the Internal
7 Revenue Code of 1986.

8 “(II) All information provided by
9 the applicant on the application de-
10 scribed by this subsection to deter-
11 mine the applicant’s eligibility for
12 Federal financial aid under this title
13 and for the application, award, and
14 administration of such Federal finan-
15 cial aid, except the name of an insti-
16 tution to which an applicant selects to
17 redisclose information shall not be dis-
18 closed to any other institution.

19 “(ii) AUTHORIZATION TO DISCLOSE
20 TO BENEFITS PROGRAMS.—An applicant
21 and, if necessary, the parents or spouse of
22 the applicant may provide the Secretary
23 with authorization to disclose to applicable
24 agencies that handle applications for
25 means-tested Federal benefit programs, as

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1 defined in section 479(b)(4)(H), all infor-
2 mation provided by the applicant on the
3 application described by this subsection as
4 well as such applicant's student aid index
5 and scheduled Federal Pell Grant award to
6 assist in identification, outreach and appli-
7 cation efforts for the application, award,
8 and administration of such means-tested
9 Federal benefits programs, except such in-
10 formation shall not include Federal tax in-
11 formation as specified in section
12 6103(l)(13)(C) of the Internal Revenue
13 Code of 1986.

14 “(E) ACTION BY THE SECRETARY.—Upon
15 receiving—

16 “(i) an application under this section,
17 the Secretary shall, as soon as practicable,
18 perform the necessary functions with the
19 Commissioner of Internal Revenue to cal-
20 culate the applicant's student aid index
21 and scheduled award for a Federal Pell
22 Grant, if applicable, assuming full-time en-
23 rollment for an academic year, and note to
24 the applicant the assumptions relationship
25 to the scheduled award; and

1 “(ii) an authorization under subpara-
2 graph (D), the Secretary shall, as soon as
3 practicable, disclose the information de-
4 scribed under such subparagraph, as speci-
5 fied by the applicant, in order for the ap-
6 plicant’s eligibility for Federal, State, or
7 institutional student financial aid pro-
8 grams or means-tested Federal benefit pro-
9 grams to be estimated or determined.

10 “(F) WORK STUDY WAGES.—With respect
11 to an applicant who has received income earned
12 from work under part C of this title, the Sec-
13 retary shall take the steps necessary to collect
14 information on the amount of such income for
15 the purposes of calculating such applicant’s stu-
16 dent aid index and scheduled award for a Fed-
17 eral Pell Grant, if applicable, without adding
18 additional questions to the FAFSA, including
19 by collecting such information from institutions
20 of higher education participating in work-study
21 programs under part C of this title.

22 “(3) INFORMATION TO BE SUPPLIED BY THE
23 SECRETARY OF EDUCATION.—

24 “(A) IN GENERAL.—Upon receiving and
25 timely processing a free application that con-

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1 tains the information described in paragraph
2 (2), the Secretary shall provide to the applicant
3 the following information based on full-time at-
4 tendance for an academic year:

5 “(i) The estimated dollar amount of a
6 Federal Pell Grant scheduled award for
7 which the applicant is eligible for such
8 award year.

9 “(ii) Information on other types of
10 Federal financial aid for which the appli-
11 cant may be eligible (including situations
12 in which the applicant could qualify for
13 150 percent of a scheduled Federal Pell
14 Grant award and loans made under this
15 title) and how the applicant can find addi-
16 tional information regarding such aid.

17 “(iii) Consumer-tested information re-
18 garding each institution selected by the ap-
19 plicant in accordance with paragraph
20 (2)(B)(ii)(XI), which may include the fol-
21 lowing:

22 “(I) The following information,
23 as collected through the Integrated
24 Postsecondary Education Data Sys-

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1 tem or a successor Federal data sys-
2 tem as designated by the Secretary:

3 “(aa) Net price by the in-
4 come categories, as described
5 under section 132(i)(6), and
6 disaggregated by undergraduate
7 and graduate programs, as appli-
8 cable.

9 “(bb) Graduation rate.

10 “(cc) Retention rate.

11 “(dd) Transfer rate, if avail-
12 able.

13 “(II) Median debt of students
14 upon completion.

15 “(III) Institutional default rate,
16 as calculated under section 435.

17 “(iv) If the student is eligible for a
18 student aid index of less than or equal to
19 zero under section 473, a notification of
20 the Federal means-tested benefits that
21 they have not already indicated they re-
22 ceive, but for which they may be eligible,
23 and relevant links and information on how
24 to apply for such benefits.

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1 “(v) Information on education tax
2 benefits described in paragraphs (1) and
3 (2) of section 25A(a) of the Internal Rev-
4 enue Code of 1986 or other applicable edu-
5 cation tax benefits determined in consulta-
6 tion with the Secretary of the Treasury.

7 “(vi) If the individual identified as a
8 veteran, or as serving (on the date of the
9 application) on active duty in the Armed
10 Forces for other than training purposes,
11 information on benefits administered by
12 the Department of Veteran Affairs or De-
13 partment of Defense, respectively.

14 “(vii) If applicable, the applicant’s
15 current outstanding balance of loans under
16 this title.

17 “(B) INFORMATION PROVIDED TO THE
18 STATE.—

19 “(i) IN GENERAL.—The Secretary
20 shall redisclose, with authorization from
21 the applicant in accordance with paragraph
22 (2)(D)(i), to a State higher education
23 agency administering State-based financial
24 aid and serving the applicant’s State of
25 residence, the information described under

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1 section 6103(l)(13) of the Internal Rev-
2 enue Code of 1986 and information de-
3 scribed in paragraph (2)(B) for the appli-
4 cation, award, and administration of
5 grants and other student financial aid pro-
6 vided directly from the State to be deter-
7 mined by such State. Such information
8 shall include the list of institutions pro-
9 vided by the applicant on the application.

10 “(ii) USE OF INFORMATION.—A State
11 agency administering State-based financial
12 aid—

13 “(I) shall use the information
14 provided under clause (i) solely for the
15 application, award, and administration
16 of State-based financial aid for which
17 the applicant is eligible;

18 “(II) may use the information,
19 except for the information described
20 under section 6103(l)(13) of the In-
21 ternal Revenue Code of 1986, for
22 State agency research that does not
23 release any individually identifiable in-
24 formation on any applicant to pro-

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1 mote college attendance, persistence,
2 and completion;

3 “(III) may use identifying infor-
4 mation provided by student applicants
5 on the FAFSA to determine whether
6 or not a graduating secondary student
7 has filed the application in coordina-
8 tion with local educational agencies or
9 secondary schools to encourage stu-
10 dents to complete the application; and

11 “(IV) may share the application
12 information, excluding the information
13 described under section 6103(l)(13) of
14 the Internal Revenue Code of 1986,
15 with any other entity, only if such ap-
16 plicant provides explicit written con-
17 sent of the applicant, except as pro-
18 vided in subclause (III).

19 “(iii) LIMITATION ON CONSENT PROC-
20 ESS.—A State may provide a consent proc-
21 ess whereby an applicant may elect to
22 share the information described in clause
23 (i), except for the information described in
24 section 6103(l)(13) of the Internal Rev-
25 enue Code of 1986, through explicit writ-

1 ten consent to Federal, State, or local gov-
2 ernment agencies or tribal organizations to
3 assist such applicant in applying for and
4 receiving Federal, State, or local govern-
5 ment assistance, or tribal assistance for
6 any component of the applicant's cost of
7 attendance that may include financial as-
8 sistance or non-monetary assistance.

9 “(iv) PROHIBITION.—Any entity that
10 receives applicant information under clause
11 (iii) shall not sell, share, or otherwise use
12 applicant information other than for the
13 purposes outlined in clause (iii).

14 “(C) USE OF INFORMATION PROVIDED TO
15 THE INSTITUTION.—An institution—

16 “(i) shall use the information provided
17 to it solely for the application, award, and
18 administration of financial aid to the appli-
19 cant;

20 “(ii) may use the information pro-
21 vided, excluding the information described
22 under section 6013(l)(13) of the Internal
23 Revenue Code of 1986, for research that
24 does not release any individually identifi-
25 able information on any applicant, to pro-

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1 mote college attendance, persistence, and
2 completion; and

3 “(iii) shall not share such educational
4 record information with any other entity
5 without the explicit written consent of the
6 applicant.

7 “(D) PROHIBITION.—Any entity that re-
8 ceives applicant information under subpara-
9 graph (C)(iii) shall not sell, share, or otherwise
10 use applicant information other than for the
11 purposes outlined in subparagraph (C).

12 “(E) FAFSA INFORMATION THAT IN-
13 CLUDES TAX RETURN INFORMATION.—An ap-
14 plicant’s FAFSA information that includes re-
15 turn or return information as described in sec-
16 tion 6103(l)(13) of the Internal Revenue Code
17 of 1986 may be disclosed or redisclosed (which
18 shall include obtaining, sharing, or discussing
19 such information) only in accordance with the
20 procedures described in section 494.

21 “(4) DEVELOPMENT OF FORM AND INFORMA-
22 TION EXCHANGE.—Prior to the design of the free
23 application under this subsection, the Secretary
24 shall, to the maximum extent practicable, on an an-
25 nual basis—

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1 “(A) consult with stakeholders to gather
2 information about innovations and technology
3 available to—

4 “(i) ensure an efficient and effective
5 process;

6 “(ii) mitigate unintended con-
7 sequences; and

8 “(iii) determine the best practices for
9 outreach to students and families during
10 the transition to the streamlined process
11 for the determination of Federal financial
12 aid and Federal Pell Grant eligibility while
13 reducing the data burden on applicants
14 and families; and

15 “(B) solicit public comments for the for-
16 mat of the free application that provides for
17 adequate time to incorporate feedback prior to
18 development of the application for the suc-
19 ceeding award year.

20 “(5) NO ADDITIONAL INFORMATION REQUESTS
21 PERMITTED.—In carrying out this subsection, the
22 Secretary may not require additional information to
23 be submitted by an applicant (or the parents or
24 spouse of an applicant) for Federal financial aid
25 through other requirements or reporting, except as

1 required under a process or procedure exercised in
2 accordance with the authority under section 479A.

3 “(6) STATE-RUN PROGRAMS.—

4 “(A) IN GENERAL.—The Secretary shall
5 conduct outreach to States in order to research
6 the benefits to students of States relying solely
7 on the student aid index, scheduled Pell Grant
8 Award, or the financial data made available,
9 upon authorization by the applicant, as a result
10 of an application for aid under this subsection
11 for determining the eligibility of the applicant
12 for State provided financial aid.

13 “(B) SECRETARIAL REVIEW.—If a State
14 determines that there is a need for additional
15 data elements beyond those provided pursuant
16 to this subsection for determining the eligibility
17 of an applicant for State provided financial aid,
18 the State shall forward a list of those additional
19 data elements determined necessary, but not
20 provided by virtue of the application under this
21 subsection, to the Secretary. The Secretary
22 shall make readily available to the public
23 through the Department’s websites and other
24 means—

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1 “(i) a list of States that do not re-
2 quire additional financial information sepa-
3 rate from the Free Application for Federal
4 Student Aid and do not require asset infor-
5 mation from students who qualify for the
6 exemption from asset reporting under sec-
7 tion 479 for the purposes of awarding
8 State scholarships and grant aid;

9 “(ii) a list of States that require asset
10 information from students who qualify for
11 the exemption from asset reporting under
12 section 479 for the purposes of awarding
13 State scholarships and grant aid;

14 “(iii) a list of States that have indi-
15 cated that they require additional financial
16 information separate from the Free Appli-
17 cation for Federal Student Aid for pur-
18 poses of awarding State scholarships and
19 grant aid; and

20 “(iv) with the publication of the lists
21 under this subparagraph, information
22 about additional resources available to ap-
23 plicants, including links to such State
24 websites.

25 “(7) INSTITUTION-RUN FINANCIAL AID.—

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1 “(A) IN GENERAL.—The Secretary shall
2 conduct outreach to institutions of higher edu-
3 cation to describe the benefits to students of re-
4 lying solely on the student aid index, scheduled
5 Pell Grant Award, or the financial data made
6 available, upon authorization for release by the
7 applicant, as a result of an application for aid
8 under this subsection for determining the eligi-
9 bility of the applicant for institutional financial
10 aid. The Secretary shall make readily available
11 to the public through its websites and other
12 means—

13 “(i) a list of institutions that do not
14 require additional financial information
15 separate from the Free Application for
16 Federal Student Aid and do not require
17 asset information from students who qual-
18 ify for the exemption from asset reporting
19 under section 479 for the purpose of
20 awarding institution-run financial aid;

21 “(ii) a list of institutions that require
22 asset information from students who qual-
23 ify for the exemption from asset reporting
24 under section 479 for the purpose of
25 awarding institution-run financial aid;

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1 “(iii) a list of institutions that require
2 additional financial information separate
3 from the Free Application for Federal Stu-
4 dent Aid for the purpose of awarding insti-
5 tution-run financial aid; and

6 “(iv) with the publication of the list in
7 clause (iii), information about additional
8 resources available to applicants.

9 “(8) SECURITY OF DATA.—The Secretary shall,
10 in consultation with the Secretary of the Treasury—

11 “(A) take all necessary steps to safeguard
12 the data required to be transmitted for the pur-
13 pose of this section between Federal agencies
14 and to States and institutions of higher edu-
15 cation and secure the transmittal of such data;

16 “(B) provide guidance to States and insti-
17 tutions of higher education regarding their obli-
18 gation to ensure the security of the data pro-
19 vided under this section and section 6103 of the
20 Internal Revenue Code of 1986; and

21 “(C) provide guidance on the implementa-
22 tion of section 6103 of the Internal Revenue
23 Code of 1986, including how it intersects with
24 the provisions of section 444 of the General
25 Education Provisions Act (commonly known as

1 the ‘Family Educational Rights and Privacy
2 Act of 1974’), and any additional consent proc-
3 esses that may be available to applicants in ac-
4 cordance with the Internal Revenue Code of
5 1986 regarding sharing of Federal tax informa-
6 tion.

7 “(9) REPORT TO CONGRESS.—

8 “(A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of the FAFSA Sim-
10 plification Act, the Secretary shall report to the
11 authorizing committees on the progress of the
12 Secretary in carrying out this subsection, in-
13 cluding planning and stakeholder consultation.
14 Such report shall include—

15 “(i) benchmarks for implementation;

16 “(ii) entities and organizations that
17 the Secretary consulted;

18 “(iii) system requirements for such
19 implementation and how they will be ad-
20 dressed;

21 “(iv) any areas of concern and poten-
22 tial problem issues uncovered that may
23 hamper such implementation; and

24 “(v) solutions determined to address
25 such issues.

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1 “(B) UPDATES.—The Secretary shall pro-
2 vide updates to the authorizing committees—

3 “(i) as to the progress and planning
4 described in subparagraph (A) prior to im-
5 plementation of the revisions to the Free
6 Application for Federal Student Aid under
7 this subsection not less often than quar-
8 terly; and

9 “(ii) at least 6 months and 1 year
10 after implementation of the revisions to the
11 Free Application for Federal Student Aid.

12 “(b) ADJUSTMENTS AND IMPROVEMENTS.—

13 “(1) IN GENERAL.—The Secretary shall dis-
14 close in a consumer-tested format, upon completion
15 of the Free Application for Federal Student Aid
16 under this section, that the student may, on a case-
17 by-case basis, qualify for an adjustment under sec-
18 tion 479A to the cost of attendance or the values of
19 the data items required to calculate the Federal Pell
20 Grant or the need analysis for the student or parent.
21 Such disclosure shall specify—

22 “(A) examples of the special circumstances
23 under which a student or family member may
24 qualify for such adjustment or determination of
25 independence; and

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1 “(B) additional information regarding the
2 steps a student or family member may take in
3 order to seek an adjustment under section
4 479A.

5 “(2) CONSUMER TESTING.—

6 “(A) IN GENERAL.—Not later than 9
7 months after the date of enactment of the
8 FAFSA Simplification Act, the Secretary shall
9 begin consumer testing the design of the Free
10 Application for Federal Student Aid under this
11 section with prospective first-generation college
12 students, representatives of students (including
13 low-income students, English learners, first-gen-
14 eration college students, adult students, vet-
15 erans, servicemembers, and prospective stu-
16 dents), students’ families (including low-income
17 families, families with English learners, families
18 with first-generation college students, and fami-
19 lies with prospective students), institutions of
20 higher education, secondary school and postsec-
21 ondary counselors, and nonprofit consumer
22 groups.

23 “(B) UPDATES.—For award year 2023–
24 2024 and at least each fourth succeeding award
25 year thereafter, the Secretary shall update the

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1 design of the Free Application for Federal Stu-
2 dent Aid based on additional consumer testing
3 with the populations described in subparagraph
4 (A) in order to improve the usability and acces-
5 sibility of the application.

6 “(3) ACCESSIBILITY OF THE FAFSA.—The Sec-
7 retary shall—

8 “(A) in conjunction with the Bureau of the
9 Census, determine the most common languages
10 spoken by English learner students and their
11 parents in the United States;

12 “(B) develop and make publicly available
13 versions of the Free Application for Federal
14 Student Aid form in not fewer than 11 of the
15 most common languages determined under sub-
16 paragraph (A) and make such versions available
17 and accessible to applicants in paper and elec-
18 tronic formats; and

19 “(C) ensure that the Free Application for
20 Federal Student Aid is available in formats ac-
21 cessible to individuals with disabilities and com-
22 pliant with the most recent Web Content Acces-
23 sibility Guidelines, or successor guidelines.

24 “(4) REAPPLICATION IN A SUCCEEDING ACA-
25 DEMIC YEAR.—In order to streamline an applicant’s

1 experience in applying for financial aid, the Sec-
2 retary shall allow an applicant who electronically ap-
3 plies for financial assistance under this title for an
4 academic year subsequent to an academic year for
5 which such applicant applied for financial assistance
6 under this title to automatically electronically import
7 all of the applicant's (including parents', guardians',
8 or spouses', as applicable) identifying, demographic,
9 and school data from the previous application and to
10 update such information to reflect any circumstances
11 that have changed.

12 “(5) TECHNOLOGY ACCESSIBILITY.—The Sec-
13 retary shall make the application under this section
14 available through prevalent technology. Such tech-
15 nology shall, at a minimum, enable applicants to—

16 “(A) save data; and

17 “(B) submit the application under this title
18 to the Secretary through such technology.

19 “(6) VERIFICATION BURDEN.—The Secretary
20 shall—

21 “(A) to the maximum extent practicable,
22 streamline and simplify the process of
23 verification for applicants for Federal financial
24 aid;

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1 “(B) in establishing policies and proce-
2 dures to verify applicants’ eligibility for Federal
3 financial aid, consider—

4 “(i) the burden placed on low-income
5 applicants;

6 “(ii) the risk to low-income applicants
7 of failing to complete the application, en-
8 roll in college, or complete a postsecondary
9 credential as a result of being selected for
10 verification;

11 “(iii) the effectiveness of the policies
12 and procedures in preventing overpay-
13 ments; and

14 “(iv) the reasons for the source of any
15 improper payments; and

16 “(C) issue a public report not less often
17 than annually that includes the number and
18 percentage of applicants subject to verification,
19 whether the applicants ultimately received Fed-
20 eral financial aid disbursements, the extent to
21 which the student aid index changed for such
22 applicants as a result of verification, and the
23 extent to which such applicants’ eligibility for
24 Federal financial aid under this title changed.

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1 “(7) STUDIES.—The Secretary shall periodically
2 conduct studies on—

3 “(A) whether the Free Application for
4 Federal Student Aid is a barrier to college enrollment
5 by examining—

6 “(i) the effect of States requiring additional
7 information specified in clauses (ii)
8 and (iii) of subsection (a)(6)(B) on the determination
9 of State financial aid awards,
10 including—

11 “(I) how much financial aid
12 awards would change if the additional
13 information were not required; and

14 “(II) the number of students who
15 started but did not finish the Free
16 Application for Federal Student Aid,
17 compared to the baseline year of
18 2021; and

19 “(ii) the number of students who—

20 “(I) started a Free Application
21 for Federal Student Aid but did not
22 receive financial assistance under this
23 title for the applicable academic year;
24 and

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1 “(II) if available, did not enroll
2 in an institution of higher education
3 in the applicable academic year;

4 “(B) the most common barriers faced by
5 applicants in completing the Free Application
6 for Federal Student Aid; and

7 “(C) the most common reasons that stu-
8 dents and families do not fill out the Free Ap-
9 plications for Federal Student Aid.

10 “(c) DATA AND INFORMATION.—

11 “(1) IN GENERAL.—The Secretary shall publish
12 data in a publicly accessible manner—

13 “(A) annually on the total number of Free
14 Applications for Federal Student Aid submitted
15 by application cycle, disaggregated by demo-
16 graphic characteristics, type of institution or in-
17 stitutions of higher education to which the ap-
18 plicant applied, the applicant’s State of legal
19 residence, and high school and public school
20 district;

21 “(B) quarterly on the total number of Free
22 Applications for Federal Student Aid submitted
23 by application cycle, disaggregated by type of
24 institution or institutions of higher education to
25 which the applicant applied, the applicant’s

1 State of legal residence, and high school and
2 public school district;

3 “(C) weekly on the total number of Free
4 Applications for Federal Student Aid sub-
5 mitted, disaggregated by high school and public
6 school district; and

7 “(D) annually on the number of individ-
8 uals who apply for federal financial aid pursu-
9 ant to this section who indicated that they
10 are—

11 “(i) an unaccompanied homeless
12 youth or unaccompanied, at risk of home-
13 lessness, and self-supporting; or

14 “(ii) a foster care youth.

15 “(2) CONTENTS.—The data described in para-
16 graph (1)(D) with respect to homeless youth shall
17 include, at a minimum, for each application cycle—

18 “(A) the total number of all applicants
19 who were determined to be individuals described
20 in section 480(d)(8); and

21 “(B) the number of applicants described in
22 subparagraph (A), disaggregated—

23 “(i) by State; and

24 “(ii) by the sources of determination
25 as described in section 479D(b).

1 “(3) DATA SHARING.—The Secretary may enter
2 into data sharing agreements with the appropriate
3 Federal or State agencies to conduct outreach re-
4 garding, and connect applicants directly with, the
5 means-tested Federal benefit programs described in
6 subsection (a)(2)(B)(ii)(XVII) for which the appli-
7 cants may be eligible.

8 “(d) ENSURING FORM USABILITY.—

9 “(1) SIGNATURE.—Notwithstanding any other
10 provision of this title, the Secretary may permit the
11 Free Application for Federal Student Aid to be sub-
12 mitted without a signature, if a signature is subse-
13 quently submitted by the applicant, or if the appli-
14 cant uses an access device provided by the Secretary.

15 “(2) FREE PREPARATION AUTHORIZED.—Not-
16 withstanding any other provision of this title, an ap-
17 plicant may use a preparer for consultative or prepa-
18 ration services for the completion of the Free Appli-
19 cation for Federal Student Aid without charging a
20 fee to the applicant if the preparer—

21 “(A) includes, at the time the application
22 is submitted to the Department, the name, ad-
23 dress or employer’s address, social security
24 number or employer identification number, and

1 organizational affiliation of the preparer on the
2 applicant's form;

3 “(B) is subject to the same penalties as an
4 applicant for purposely giving false or mis-
5 leading information in the application;

6 “(C) clearly informs each individual upon
7 initial contact, that the Free Application for
8 Federal Student Aid is a free form that may be
9 completed without professional assistance; and

10 “(D) does not produce, use, or disseminate
11 any other form for the purpose of applying for
12 Federal financial aid other than the Free Appli-
13 cation for Federal Student Aid developed by the
14 Secretary under this section.

15 “(3) CHARGES TO STUDENTS AND PARENTS
16 FOR USE OF FORMS PROHIBITED.—The need for and
17 eligibility of a student for financial assistance under
18 this title may be determined only by using the Free
19 Application for Federal Student Aid developed by
20 the Secretary under this section. Such application
21 shall be produced, distributed, and processed by the
22 Secretary, and no parent or student shall be charged
23 a fee by the Secretary, a contractor, a third-party
24 servicer or private software provider, or any other
25 public or private entity for the collection, processing,

1 or delivery of Federal financial aid through the use
2 of such application. No data collected on a form for
3 which a fee is charged shall be used to complete the
4 Free Application for Federal Student Aid prescribed
5 under this section, except that a Federal or State in-
6 come tax form prepared by a paid income tax pre-
7 parer or preparer service for the primary purpose of
8 filing a Federal or State income tax return may be
9 used to complete the Free Application for Federal
10 Student Aid prescribed under this section.

11 “(4) APPLICATION PROCESSING CYCLE.—The
12 Secretary shall enable applicants to submit a Free
13 Application for Federal Student Aid developed under
14 this section and initiate the processing of such appli-
15 cation, not later than January 1 of the applicant’s
16 planned year of enrollment, to the maximum extent
17 practicable, on or around October 1 prior to the ap-
18 plicant’s planned year of enrollment.

19 “(5) EARLY ESTIMATES.—The Secretary shall
20 maintain an electronic method for applicants to
21 enter income and family size information to calculate
22 a non-binding estimate of the applicant’s Federal fi-
23 nancial aid available under this title and shall place
24 such calculator on a prominent location at the begin-

1 ning of the Free Application for Federal Student
2 Aid.

3 “(6) ADDITIONAL FORMS.—Notwithstanding
4 any other provision of this title, an institution may
5 not condition the packaging or receipt of Federal fi-
6 nancial aid on the completion of additional requests
7 for financial information beyond the Free Applica-
8 tion for Federal Student Aid, unless such informa-
9 tion is required for verification, a determination of
10 independence, or professional judgement.”.

11 (2) REPORTS.—Notwithstanding section 701(b)
12 of this title, the Secretary of Education shall have
13 the authority to issue reports and begin consumer
14 testing prior to July 1, 2023, as provided in the
15 amendment made by paragraph (1).

16 (n) STUDENT ELIGIBILITY.—

17 (1) AMENDMENTS.—

18 (A) IN GENERAL.—Section 484 of the
19 Higher Education Act of 1965 (20 U.S.C.
20 1091) is amended—

21 (i) by striking subsections (n) and (r);

22 (ii) by redesignating subsections (o),

23 (p), (s), and (t), as subsections (n), (o),

24 (q), and (r), respectively;

1 (iii) by inserting between subsections
2 (o) and (q), as redesignated under clause
3 (i), the following:

4 “(p) USE OF INCOME DATA WITH IRS.—The Sec-
5 retary, in cooperation with the Secretary of the Treasury,
6 shall fulfill the data transfer requirements under section
7 6103(l)(13) of the Internal Revenue Code of 1986 and the
8 procedure and requirements outlined in section 494.”; and

9 (iv) by adding at the end the fol-
10 lowing:

11 “(s) EXCEPTION TO REQUIRED REGISTRATION WITH
12 THE SELECTIVE SERVICE SYSTEM.—Notwithstanding
13 section 12(f) of the Military Selective Service Act (50
14 U.S.C. 3811(f)), an individual shall not be ineligible for
15 assistance or a benefit provided under this title if the indi-
16 vidual is required under section 3 of such Act (50 U.S.C.
17 3802) to present himself for and submit to registration
18 under such section and fails to do so in accordance with
19 any proclamation issued under such section, or in accord-
20 ance with any rule or regulation issued under such section.

21 “(t) CONFINED OR INCARCERATED INDIVIDUALS.—

22 “(1) DEFINITIONS.—In this subsection:

23 “(A) CONFINED OR INCARCERATED INDI-
24 VIDUAL.—The term ‘confined or incarcerated
25 individual’—

1 “(i) means an individual who is serv-
2 ing a criminal sentence in a Federal, State,
3 or local penal institution, prison, jail, re-
4 formatory, work farm, or other similar cor-
5 rectional institution; and

6 “(ii) does not include an individual
7 who is in a halfway house or home deten-
8 tion or is sentenced to serve only week-
9 ends.

10 “(B) PRISON EDUCATION PROGRAM.—The
11 term ‘prison education program’ means an edu-
12 cation or training program that—

13 “(i) is an eligible program under this
14 title offered by an institution of higher
15 education (as defined in section 101 or
16 102(a)(1)(B));

17 “(ii) is offered by an institution that
18 has been approved to operate in a correc-
19 tional facility by the appropriate State de-
20 partment of corrections or other entity
21 that is responsible for overseeing correc-
22 tional facilities, or by the Bureau of Pris-
23 ons;

24 “(iii) has been determined by the ap-
25 propriate State department of corrections

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1 or other entity that is responsible for over-
2 seeing correctional facilities, or by the Bu-
3 reau of Prisons, to be operating in the best
4 interest of students, the determination of
5 which shall be made by the State depart-
6 ment of corrections or other entity or by
7 the Bureau of Prisons, respectively, and
8 may be based on—

9 “(I) rates of confined or incarcerated
10 ated individuals continuing their edu-
11 cation post-release;

12 “(II) job placement rates for
13 such individuals;

14 “(III) earnings for such individ-
15 uals;

16 “(IV) rates of recidivism for such
17 individuals;

18 “(V) the experience, credentials,
19 and rates of turnover or departure of
20 instructors;

21 “(VI) the transferability of cred-
22 its for courses available to confined or
23 incarcerated individuals and the appli-
24 cability of such credits toward related
25 degree or certificate programs; or

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1 “(VII) offering relevant academic
2 and career advising services to partici-
3 pating confined or incarcerated indi-
4 viduals while they are confined or in-
5 carcerated, in advance of reentry, and
6 upon release;

7 “(iv) offers transferability of credits
8 to at least 1 institution of higher education
9 (as defined in section 101 or 102(a)(1)(B))
10 in the State in which the correctional facil-
11 ity is located, or, in the case of a Federal
12 correctional facility, in the State in which
13 most of the individuals confined or incar-
14 cerated in such facility will reside upon re-
15 lease;

16 “(v) is offered by an institution that
17 has not been subject, during the 5 years
18 preceding the date of the determination,
19 to—

20 “(I) any suspension, emergency
21 action, or termination of programs
22 under this title;

23 “(II) any adverse action by the
24 institution’s accrediting agency or as-
25 sociation; or

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1 “(III) any action by the State to
2 revoke a license or other authority to
3 operate;

4 “(vi) satisfies any applicable edu-
5 cational requirements for professional li-
6 censure or certification, including licensure
7 or certification examinations needed to
8 practice or find employment in the sectors
9 or occupations for which the program pre-
10 pares the individual, in the State in which
11 the correctional facility is located or, in the
12 case of a Federal correctional facility, in
13 the State in which most of the individuals
14 confined or incarcerated in such facility
15 will reside upon release; and

16 “(vii) does not offer education that is
17 designed to lead to licensure or employ-
18 ment for a specific job or occupation in the
19 State if such job or occupation typically in-
20 volves prohibitions on the licensure or em-
21 ployment of formerly incarcerated individ-
22 uals in the State in which the correctional
23 facility is located, or, in the case of a Fed-
24 eral correctional facility, in the State in
25 which most of the individuals confined or

1 incarcerated in such facility will reside
2 upon release.

3 “(2) TECHNICAL ASSISTANCE.—The Secretary,
4 in collaboration with the Attorney General, shall pro-
5 vide technical assistance and guidance to the Bureau
6 of Prisons, State departments of corrections, and
7 other entities that are responsible for overseeing cor-
8 rectional facilities in making determinations under
9 paragraph (1)(B)(iii).

10 “(3) FEDERAL PELL GRANT ELIGIBILITY.—
11 Notwithstanding subsection (a), in order for a con-
12 fined or incarcerated individual who otherwise meets
13 the eligibility requirements of this title to be eligible
14 to receive a Federal Pell Grant under section 401,
15 the individual shall be enrolled or accepted for en-
16 rollment in a prison education program.

17 “(4) EVALUATION.—

18 “(A) IN GENERAL.—Not later than 1 year
19 after the date of enactment of the FAFSA Sim-
20 plification Act, in order to evaluate and improve
21 the impact of activities supported under this
22 subsection, the Secretary, in partnership with
23 the Director of the Institute of Education
24 Sciences, shall award 1 or more grants or con-
25 tracts to, or enter into cooperative agreements

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1 with, experienced public and private institutions
2 and organizations to enable the institutions and
3 organizations to conduct an external evaluation
4 that shall—

5 “(i) assess the ability of confined or
6 incarcerated individuals to access and com-
7 plete the Free Application for Federal Stu-
8 dent Aid;

9 “(ii) examine in-custody outcomes and
10 post-release outcomes related to providing
11 Federal Pell Grants to confined or incar-
12 cerated individuals, including—

13 “(I) attainment of a postsec-
14 ondary degree or credential;

15 “(II) safety in penal institutions
16 with prison education programs;

17 “(III) the size of waiting lists for
18 prison education programs;

19 “(IV) the extent to which such
20 individuals continue their education
21 post-release;

22 “(V) employment and earnings
23 outcomes for such individuals; and

24 “(VI) rates of recidivism for such
25 individuals;

1 “(iii) track individuals who received
2 Federal Pell Grants under subpart 1 of
3 part A at 1, 3, and 5 years after the indi-
4 viduals’ release from confinement or incar-
5 ceration; and

6 “(iv) examine the extent to which in-
7 stitutions provide re-entry or relevant ca-
8 reer services to participating confined or
9 incarcerated individuals as part of the pris-
10 on education program and the efficacy of
11 such services, if offered.

12 “(B) REPORT.—Beginning not later than
13 1 year after the Secretary awards the grant,
14 contract, or cooperative agreement described in
15 subparagraph (A) and annually thereafter, each
16 institution of higher education operating a pris-
17 on education program under this subsection
18 shall submit a report to the Secretary on activi-
19 ties assisted and students served under this
20 subsection, which shall include the information,
21 as applicable, contained in clauses (i) through
22 (iv) of subparagraph (A).

23 “(5) REPORT.—Not later than 1 year after the
24 date of enactment of the FAFSA Simplification Act
25 and on at least an annual basis thereafter, the Sec-

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1 retary shall submit to the authorizing committees,
2 and make publicly available on the website of the
3 Department, a report on the—

4 “(A) impact of this subsection which shall
5 include, at a minimum—

6 “(i) the names and types of institu-
7 tions of higher education offering prison
8 education programs at which confined or
9 incarcerated individuals are enrolled and
10 receiving Federal Pell Grants;

11 “(ii) the number of confined or incar-
12 cerated individuals receiving Federal Pell
13 Grants through each prison education pro-
14 gram;

15 “(iii) the amount of Federal Pell
16 Grant expenditures for each prison edu-
17 cation program;

18 “(iv) the average amount of Federal
19 Pell Grant expenditures per full-time
20 equivalent students in a prison education
21 program compared to the average amount
22 of Federal Pell Grant expenditures per
23 full-time equivalent students not in prison
24 education programs;

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1 “(v) the demographics of confined or
2 incarcerated individuals receiving Federal
3 Pell Grants;

4 “(vi) the cost of attendance for such
5 individuals;

6 “(vii) the mode of instruction (such as
7 distance education, in-person instruction,
8 or a combination of such modes) for each
9 prison education program;

10 “(viii) information on the academic
11 outcomes of such individuals (such as cred-
12 its attempted and earned, and credential
13 and degree completion) and any informa-
14 tion available from student satisfaction
15 surveys conducted by the applicable insti-
16 tution or correctional facility;

17 “(ix) information on post-release out-
18 comes of such individuals, including, to the
19 extent practicable, continued postsecondary
20 enrollment, earnings, credit transfer, and
21 job placement;

22 “(x) rates of recidivism for confined
23 or incarcerated individuals receiving Fed-
24 eral Pell Grants;

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1 “(xi) information on transfers of con-
2 fined or incarcerated individuals between
3 prison education programs;

4 “(xii) the most common programs and
5 courses offered in prison education pro-
6 grams; and

7 “(xiii) rates of instructor turnover or
8 departure for courses offered in prison
9 education programs;

10 “(B) results of each prison education pro-
11 gram at each institution of higher education, in-
12 cluding the information described in clauses (ii)
13 through (xiii) of subparagraph (A); and

14 “(C) findings regarding best practices with
15 respect to prison education programs.”.

16 (B) CONFORMING AMENDMENT.—Section
17 428B(f)(2) of the Higher Education Act of
18 1965 (20 U.S.C. 1078–2(f)(2)) is amended by
19 striking “section 484(p)” and inserting “section
20 484(o)”.

21 (C) INSTITUTIONAL AND FINANCIAL AS-
22 SISTANCE INFORMATION FOR STUDENTS.—Sec-
23 tion 485 of the Higher Education Act of 1965
24 (20 U.S.C. 1092) is amended by repealing sub-
25 section (k).

1 (2) EARLY EFFECTIVE DATE PERMITTED.—
2 Notwithstanding section 701(b) of this Act, sections
3 401(b)(6) and 484(r) of the Higher Education Act
4 of 1965 (20 U.S.C. 1070a(b)(6); 1091(r)) as in ef-
5 fect on the date of enactment of this Act, and sec-
6 tion 12(f) of the Military Selective Service Act (50
7 U.S.C. 3811(f)), the Secretary of Education may im-
8 plement the amendments made by paragraph (1) of
9 this subsection before (but not later than) July 1,
10 2023. The Secretary shall specify in a designation
11 on what date, under what conditions, and for which
12 award years the Secretary will implement such
13 amendments prior to July 1, 2023. The Secretary
14 shall publish any designation under this paragraph
15 in the Federal Register at least 60 days before im-
16 plementation.

17 (o) EARLY AWARENESS OF FINANCIAL AID ELIGI-
18 BILITY.—Section 485E of the Higher Education Act of
19 1965 (20 U.S.C. 1092f) is amended to read as follows:
20 “**SEC. 485E. EARLY AWARENESS AND OUTREACH OF FINAN-**
21 **CIAL AID ELIGIBILITY.**

22 “(a) IN GENERAL.—The Secretary shall implement
23 early outreach activities in order to provide prospective
24 students and their families with information about finan-
25 cial aid and estimates of financial aid. Such early outreach

1 activities shall include the activities described in sub-
2 sections (b), (c), and (d).

3 “(b) PELL GRANT EARLY AWARENESS ESTI-
4 MATES.—

5 “(1) IN GENERAL.—The Secretary shall
6 produce a consumer-tested method of estimating stu-
7 dent eligibility for Federal Pell Grants under section
8 401(b) utilizing the variables of family size and ad-
9 justed gross income, presented in electronic format.
10 There shall be a method for students to indicate
11 whether they are, or will be in—

12 “(A) a single-parent household;

13 “(B) a household with two parents; or

14 “(C) a household with no children or de-
15 pendants.

16 “(2) CONSUMER TESTING.—

17 “(A) IN GENERAL.—The method of esti-
18 mating eligibility described in paragraph (1)
19 shall be consumer tested with prospective first-
20 generation students and families as well as low-
21 income individuals and families.

22 “(B) UPDATES.—For award year 2023–
23 2024 and each fourth succeeding award year
24 thereafter, the design of the method of esti-
25 mating eligibility shall be updated based on ad-

1 ditional consumer testing with the populations
2 described in subparagraph (A).

3 “(3) DISTRIBUTION.—The method of esti-
4 mating eligibility described in paragraph (1) shall
5 be—

6 “(A) made publicly and prominently avail-
7 able on the Department’s website; and

8 “(B) actively shared by the Secretary
9 with—

10 “(i) institutions of higher education
11 participating in programs under this title;

12 “(ii) all middle and secondary schools
13 eligible for funds under part A of title I of
14 the Elementary and Secondary Education
15 Act of 1965;

16 “(iii) local educational agencies and
17 middle schools and high schools that serve
18 students not less than 25 percent of whom
19 meet a measure of poverty as described in
20 section 1113(a)(5) of the Elementary and
21 Secondary Education Act of 1965; and

22 “(iv) agencies responsible for admin-
23 istering means-tested Federal benefit pro-
24 grams, as defined in section 479(b)(4)(H).

1 “(4) ELECTRONIC ESTIMATOR ON FAFSA.—In
2 accordance with subsection (d)(5) of section 483, the
3 Secretary shall maintain an electronic method for
4 applicants to enter income and family size, and level
5 of education sought information to calculate a non-
6 binding estimate (which may include a range, ceil-
7 ing, or minimum) of the applicant’s Federal finan-
8 cial aid available under this title and shall place such
9 calculator on a prominent location on the FAFSA
10 website and in a manner that encourages students to
11 fill out the FAFSA.

12 “(c) EARLY AWARENESS PLANS.—The Secretary
13 shall establish and implement early awareness and out-
14 reach plans to provide early information about the avail-
15 ability of Federal financial aid and estimates of prospec-
16 tive students’ eligibility for Federal financial aid as well
17 as to promote the attainment of postsecondary education
18 specifically among prospective first-generation students
19 and families as well as low-income individuals and fami-
20 lies, as follows:

21 “(1) OUTREACH PLANS FOR LOW-INCOME FAMI-
22 LIES.—

23 “(A) IN GENERAL.—The Secretary shall
24 develop plans for each population described in
25 this subparagraph to disseminate information

1 about the availability of Federal financial aid
2 under this title, in addition to and in coordina-
3 tion with the distribution of the method of esti-
4 mating eligibility under subsection (b), to—

5 “(i) all middle schools and secondary
6 schools eligible for funds under part A of
7 title I of the Elementary and Secondary
8 Education Act of 1965;

9 “(ii) local educational agencies and
10 middle schools and high schools that serve
11 students not less than 25 percent of whom
12 meet a measure of poverty as described in
13 section 1113(a)(5) of the Elementary and
14 Secondary Education Act;

15 “(iii) households receiving assistance
16 under the supplemental nutrition assist-
17 ance program established under the Food
18 and Nutrition Act of 2008 (7 U.S.C. 2011
19 et seq.); and

20 “(iv) agencies responsible for admin-
21 istering means-tested Federal benefit pro-
22 grams, as defined in section 479(b)(4)(H).

23 “(B) CONTENT OF PLANS.—The plans de-
24 scribed in paragraph (A) shall—

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1 “(i) provide students and their fami-
2 lies with information on—

3 “(I) the availability of the College
4 Scorecard or any similar successor
5 website;

6 “(II) the electronic estimates of
7 financial aid available under sub-
8 section (b);

9 “(III) Federal financial aid avail-
10 able to students, including eligibility
11 criteria for the Federal financial aid
12 and an explanation of the Federal fi-
13 nancial aid programs (including appli-
14 cable Federal educational tax credits);
15 and

16 “(IV) resources that can inform
17 students of financial aid that may be
18 available from state-based financial
19 aid, state-based college savings pro-
20 grams, and scholarships and other
21 non-governmental sources;

22 “(ii) describe how the dissemination of
23 information will be conducted by the Sec-
24 retary.

1 “(C) REPORTING AND UPDATES.—The
2 Secretary shall post the information about the
3 plans under subparagraph (A) and associated
4 goals publicly on the Department’s website. On
5 an annual basis, the Secretary shall report
6 qualitative and quantitative outcomes regarding
7 the implementation of the plans under subpara-
8 graph (A). The Secretary shall review and up-
9 date such plans not less often than every 4
10 award years with the goal of progressively in-
11 creasing the impact of the activities under this
12 paragraph.

13 “(D) PARTNERSHIP.—The Secretary may
14 partner with States, State systems of higher
15 education, institutions of higher education, or
16 college access organizations to carry out this
17 paragraph.

18 “(2) INTERAGENCY COORDINATION PLANS.—

19 “(A) IN GENERAL.—The Secretary shall
20 develop interagency coordination plans in order
21 to inform more students and families, including
22 low-income individuals or families and recipi-
23 ents of means-tested Federal benefits, about the
24 availability of Federal financial aid under this
25 title through participation in existing Federal

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1 programs or tax benefits that serve low-income
2 individuals or families, in coordination with the
3 following Secretaries:

4 “(i) The Secretary of the Treasury.

5 “(ii) The Secretary of Labor.

6 “(iii) The Secretary of Health and
7 Human Services.

8 “(iv) The Secretary of Agriculture.

9 “(v) The Secretary of Housing and
10 Urban Development.

11 “(vi) The Secretary of Commerce.

12 “(vii) The Secretary of Veterans Af-
13 fairs.

14 “(viii) The Secretary of the Interior.

15 “(B) PROCESS, ACTIVITIES, AND GOALS.—
16 Each interagency coordination plan under sub-
17 paragraph (A) shall—

18 “(i) identify opportunities in which
19 low-income individuals and families could
20 be informed of the availability of Federal
21 financial aid under this title through ac-
22 cess to other Federal programs that serve
23 low-income individuals and families;

24 “(ii) identify methods to effectively in-
25 form low-income individuals and families of

1 the availability of Federal financial aid for
2 postsecondary education under this title
3 and assist such individuals in completing
4 the Free Application for Federal Student
5 Aid;

6 “(iii) develop early awareness and
7 FAFSA completion activities that align
8 with the opportunities and methods identi-
9 fied under clauses (i) and (ii);

10 “(iv) establish goals regarding the ef-
11 fects of the activities to be implemented
12 under clause (iii); and

13 “(v) provide information on how stu-
14 dents and families can maintain access to
15 Federal programs that serve low-income
16 individuals and families operated by the
17 agencies identified under subsection (A)
18 while attending an institution of higher
19 education.

20 “(C) PLAN WITH SECRETARY OF THE
21 TREASURY.—The interagency coordination plan
22 under subparagraph (A)(i) between the Sec-
23 retary and the Secretary of the Treasury shall
24 further include specific methods to increase the
25 application for Federal financial aid under this

1 title from individuals who file Federal tax re-
2 turns, including collaboration with tax prepara-
3 tion entities or other third parties, as appro-
4 priate.

5 “(D) REPORTING AND UPDATES.—The
6 Secretary shall post the information about the
7 interagency coordination plans under this para-
8 graph and associated goals publicly on the De-
9 partment’s website. The plans shall have the
10 goal of progressively increasing the impact of
11 the activities under this paragraph by increas-
12 ing the number of low-income applicants for,
13 and recipients of, Federal financial aid. The
14 plans shall be updated not less than once every
15 4 years.

16 “(3) NATIONWIDE PARTICIPATION IN EARLY
17 AWARENESS PLANS.—

18 “(A) IN GENERAL.—The Secretary shall
19 solicit voluntary public commitments from enti-
20 ties, such as States, State systems of higher
21 education, institutions of higher education, and
22 other interested organizations, to carry out
23 early awareness plans, which shall include
24 goals, to—

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1 “(i) notify prospective and existing
2 students who are low-income individuals
3 and families about their eligibility for Fed-
4 eral aid under this title, as well as State-
5 based financial aid, if applicable, on an an-
6 nual basis;

7 “(ii) increase the number of prospec-
8 tive and current students who are low-in-
9 come individuals and families filing the
10 Free Application for Federal Student Aid;
11 and

12 “(iii) increase the number of prospec-
13 tive and current students who are low-in-
14 come individuals and families enrolling in
15 postsecondary education.

16 “(B) REPORTING AND UPDATES.—Each
17 entity that makes a voluntary public commit-
18 ment to carry out an early awareness plan may
19 submit quantitative and qualitative data based
20 on the entity’s progress toward the goals of the
21 plan annually prior to a date selected by the
22 Secretary.

23 “(C) EARLY AWARENESS CHAMPIONS.—
24 Based on data submitted by entities, the Sec-
25 retary shall select and designate entities sub-

1 mitting public commitments, plans, and goals,
2 as Early Awareness Champions on an annual
3 basis. Those entities designated as Early
4 Awareness Champions shall provide one or
5 more case studies regarding the activities the
6 entity undertook under this paragraph which
7 shall be made public by the Secretary on the
8 Department of Education website to promote
9 best practices.

10 “(d) PUBLIC AWARENESS CAMPAIGN.—

11 “(1) IN GENERAL.—The Secretary shall develop
12 and implement a public awareness campaign de-
13 signed using current and relevant independent re-
14 search regarding strategies and media platforms
15 found to be most effective in communicating with
16 low-income populations in order to increase national
17 awareness regarding the availability of Federal Pell
18 Grants and financial aid under this title and, at the
19 option of the Secretary, potential availability of state
20 need-based financial aid.

21 “(2) COORDINATION.—The public awareness
22 campaign described in paragraph (1) shall leverage
23 the activities in subsections (b) and (c) to highlight
24 eligibility among low-income populations. In devel-
25 oping and implementing the campaign, the Secretary

1 may work in coordination with States, institutions of
2 higher education, early intervention and outreach
3 programs under this title, other Federal agencies,
4 agencies responsible for administering means-tested
5 Federal benefit programs (as defined in section
6 479(b)(4)(H)), organizations involved in college ac-
7 cess and student financial aid, secondary schools,
8 local educational agencies, public libraries, commu-
9 nity centers, businesses, employers, workforce invest-
10 ment boards, and organizations that provide services
11 to individuals who are or were homeless, in foster
12 care, or are disconnected youth.

13 “(3) REPORTING.—The Secretary shall report
14 on the success of the public awareness campaign de-
15 scribed in paragraph (1) annually regarding the ex-
16 tent to which the public and target populations were
17 reached using data commonly used to evaluate ad-
18 vertising and outreach campaigns and data regard-
19 ing whether the campaign produced any increase in
20 applicants for Federal aid under this title publicly
21 on the Department of Education website.”.

22 (p) PROCEDURE AND REQUIREMENTS FOR REQUEST-
23 ING TAX RETURN INFORMATION FROM THE INTERNAL
24 REVENUE SERVICE.—Section 494(a)(1) of the Higher

1 Education Act of 1965 (20 U.S.C. 1098h(a)(1)) is amend-
2 ed—

3 (1) in subparagraph (A)(ii), by striking “and”
4 after the semicolon;

5 (2) in subparagraph (B), by striking the period
6 at the end and inserting “; and”; and

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

8 “(C) if an individual is pursuing provi-
9 sional independent student status due to an un-
10 usual circumstance, as described in section
11 479A and provided for in section 479D, require
12 such individual to provide an affirmative ap-
13 proval under subparagraph (B), but not require
14 a parent of such individual to provide an af-
15 firmative approval under subparagraph (B).”.

16 **SEC. 703. FEDERAL PELL GRANTS: AMOUNT AND DETER-**
17 **MINATIONS; APPLICATIONS.**

18 Section 401 of the Higher Education Act of 1965 (20
19 U.S.C. 1070a) is amended to read as follows:

20 **“SEC. 401. FEDERAL PELL GRANTS: AMOUNT AND DETER-**
21 **MINATIONS; APPLICATIONS.**

22 **“(a) PURPOSE; DEFINITIONS.—**

23 **“(1) PURPOSE.—**The purpose of this subpart is
24 to provide a Federal Pell Grant to low-income stu-
25 dents.

1 “(2) DEFINITIONS.—In this section—
2 “(A) the term ‘adjusted gross income’
3 means—
4 “(i) in the case of a dependent stu-
5 dent, the adjusted gross income (as defined
6 in section 62 of the Internal Revenue Code
7 of 1986) of the student’s parents in the
8 second tax year preceding the academic
9 year; and
10 “(ii) in the case of an independent
11 student, the adjusted gross income (as de-
12 fined in section 62 of the Internal Revenue
13 Code of 1986) of the student (and the stu-
14 dent’s spouse, if applicable) in the second
15 tax year preceding the academic year;
16 “(B) the term ‘family size’ has the mean-
17 ing given the term in section 480(k);
18 “(C) the term ‘poverty line’ means the pov-
19 erty line (as determined under the poverty
20 guidelines updated periodically in the Federal
21 Register by the Department of Health and
22 Human Services under the authority of section
23 673(2) of the Community Services Block Grant
24 Act (42 U.S.C. 9902(2))) applicable to the stu-

1 dent’s family size and applicable to the second
2 tax year preceding the academic year;

3 “(D) the term ‘single parent’ means—

4 “(i) a parent of a dependent student
5 who was a head of household (as defined
6 in section 2(b) of the Internal Revenue
7 Code of 1986) or a surviving spouse (as
8 defined in section 2(a) of the Internal Rev-
9 enue Code of 1986) or was an eligible indi-
10 vidual for purposes of the credit under sec-
11 tion 32 of such Code, in the second tax
12 year preceding the academic year; or

13 “(ii) an independent student who is a
14 parent and was a head of household (as
15 defined in section 2(b) of the Internal Rev-
16 enue Code of 1986) or a surviving spouse
17 (as defined in section 2(a) of the Internal
18 Revenue Code of 1986) or was an eligible
19 individual for purposes of the credit under
20 section 32 of such Code, in the second tax
21 year preceding the academic year;

22 “(E) the term ‘total maximum Federal
23 Pell Grant’ means the total maximum Federal
24 Pell Grant award per student for any academic
25 year described under subsection (b)(5); and

1 “(F) the term ‘minimum Federal Pell
2 Grant’ means the minimum amount of a Fed-
3 eral Pell Grant that shall be awarded to a stu-
4 dent for any academic year in which that stu-
5 dent is attending full time, which shall be equal
6 to 10 percent of the total maximum Federal
7 Pell Grant for such academic year.

8 “(b) AMOUNT AND DISTRIBUTION OF GRANTS.—

9 “(1) DETERMINATION OF AMOUNT OF A FED-
10 ERAL PELL GRANT.—Subject to paragraphs (2) and
11 (3), the amount of a Federal Pell Grant for a stu-
12 dent shall be determined in accordance with the fol-
13 lowing:

14 “(A) A student shall be eligible for a total
15 maximum Federal Pell Grant for an academic
16 year in which the student is enrolled in an eligi-
17 ble program full time—

18 “(i) if the student (and the student’s
19 spouse, if applicable), or, in the case of a
20 dependent student, the dependent student’s
21 parents (or single parent), is not required
22 to file a Federal income tax return in the
23 second year preceding the academic year;

24 “(ii) if the student or, in the case of
25 a dependent student, the dependent stu-

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1 dent’s parent, is a single parent, and the
2 adjusted gross income is greater than zero
3 and equal to or less than 225 percent of
4 the poverty line; or

5 “(iii) if the student or, in the case of
6 a dependent student, the dependent stu-
7 dent’s parent, is not a single parent, and
8 the adjusted gross income is greater than
9 zero and equal to or less than 175 percent
10 of the poverty line.

11 “(B) A student who is not eligible for a
12 total maximum Federal Pell Grant under sub-
13 paragraph (A) for an academic year, shall be el-
14 igible for a Federal Pell Grant for an academic
15 year in which the student is enrolled in an eligi-
16 ble program full time if such student’s student
17 aid index in such award year is less than the
18 total maximum Federal Pell Grant for that
19 award year. The amount of the Federal Pell
20 Grant for a student eligible under this subpara-
21 graph shall be—

22 “(i) the total maximum Federal Pell
23 Grant as calculated under paragraph
24 (5)(A) for that year, less

1 “(ii) an amount equal to the amount
2 determined to be the student aid index
3 with respect to that student for that year,
4 except that a student aid index of less than
5 zero shall be considered to be zero for the
6 purposes of this clause,
7 rounded to the nearest \$5, except that a stu-
8 dent eligible for less than the minimum Federal
9 Pell Grant as defined in section (a)(2)(F) shall
10 not be eligible for an award.

11 “(C) A student who is not eligible for a
12 Federal Pell Grant under subparagraph (A) or
13 (B) shall be eligible for the minimum Federal
14 Pell Grant for an academic year in which the
15 student is enrolled in an eligible program full
16 time—

17 “(i) in the case of a dependent stu-
18 dent—

19 “(I) if the student’s parent is a
20 single parent, and the adjusted gross
21 income is equal to or less than 325
22 percent of the poverty line; or

23 “(II) if the student’s parent is
24 not a single parent, and the adjusted

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1 gross income is equal to or less than
2 275 percent of the poverty line; or

3 “(ii) in the case of an independent
4 student—

5 “(I) if the student is a single
6 parent, and the adjusted gross income
7 is equal to or less than 400 percent of
8 the poverty line;

9 “(II) if the student is a parent
10 and is not a single parent, and the ad-
11 justed gross income is equal to or less
12 than 350 percent of the poverty line;
13 or

14 “(III) if the student is not a par-
15 ent, and the adjusted gross income is
16 equal to or less than 275 percent of
17 the poverty line.

18 “(D) A student eligible for the total max-
19 imum Federal Pell Grant under subparagraph
20 (A) who has (or whose spouse or parent, as ap-
21 plicable based on whose information is used
22 under such subparagraph, has) foreign income
23 that would, if added to adjusted gross income,
24 result in the student no longer being eligible for
25 such total maximum Federal Pell Grant, shall

1 not be provided a Federal Pell Grant until the
2 student aid administrator evaluates the stu-
3 dent's FAFSA and makes a determination re-
4 garding whether it is appropriate to make an
5 adjustment under section 479A(b)(1)(B)(v) to
6 account for such foreign income when deter-
7 mining the student's eligibility for such total
8 maximum Federal Pell Grant.

9 “(E) With respect to a student who is not
10 eligible for the total maximum Federal Pell
11 Grant under subparagraph (A) or a minimum
12 Federal Pell Grant under subparagraph (C),
13 the Secretary shall subtract from the student or
14 parents' adjusted gross income, as applicable
15 based on whose income is used for the Federal
16 Pell Grant calculation, the sum of the following
17 for the individual whose income is so used, and
18 consider such difference the adjusted gross in-
19 come for purposes of determining the student's
20 eligibility for such Federal Pell Grant award
21 under such subparagraph:

22 “(i) If the applicant, or, if applicable,
23 the parents or spouse of the applicant,
24 elects to report receiving college grant and
25 scholarship aid included in gross income on

1 a Federal tax return described in section
2 480(e)(2), the amount of such aid.

3 “(ii) Income earned from work under
4 part C of this title.

5 “(2) LESS THAN FULL-TIME ENROLLMENT.—In
6 any case where a student is enrolled in an eligible
7 program of an institution of higher education on less
8 than a full-time basis (including a student who at-
9 tends an institution of higher education on less than
10 a half-time basis) during any academic year, the
11 amount of the Federal Pell Grant to which that stu-
12 dent is entitled shall be reduced in direct proportion
13 to the degree to which that student is not so enrolled
14 on a full-time basis, rounded to the nearest whole
15 percentage point, as provided in a schedule of reduc-
16 tions published by the Secretary computed in accord-
17 ance with this subpart. Such schedule of reductions
18 shall be published in the Federal Register in accord-
19 ance with section 482. Such reduced Federal Pell
20 Grant for a student enrolled on a less than full-time
21 basis shall also apply proportionally to students who
22 are otherwise eligible to receive the minimum Fed-
23 eral Pell Grant, if enrolled full-time.

24 “(3) AWARD MAY NOT EXCEED COST OF AT-
25 TENDANCE.—No Federal Pell Grant under this sub-

1 part shall exceed the cost of attendance (as defined
2 in section 472) at the institution at which that stu-
3 dent is in attendance. If, with respect to any stu-
4 dent, it is determined that the amount of a Federal
5 Pell Grant for that student exceeds the cost of at-
6 tendance for that year, the amount of the Federal
7 Pell Grant shall be reduced until the Federal Pell
8 Grant does not exceed the cost of attendance at such
9 institution.

10 “(4) STUDY ABROAD.—Notwithstanding any
11 other provision of this subpart, the Secretary shall
12 allow the amount of the Federal Pell Grant to be ex-
13 ceeded for students participating in a program of
14 study abroad approved for credit by the institution
15 at which the student is enrolled when the reasonable
16 costs of such program are greater than the cost of
17 attendance at the student’s home institution, except
18 that the amount of such Federal Pell Grant in any
19 fiscal year shall not exceed the maximum amount of
20 a Federal Pell Grant for which a student is eligible
21 under paragraph (1) or (2) during such award year.
22 If the preceding sentence applies, the financial aid
23 administrator at the home institution may use the
24 cost of the study abroad program, rather than the

1 home institution's cost, to determine the cost of at-
2 tendance of the student.

3 “(5) TOTAL MAXIMUM FEDERAL PELL
4 GRANT.—

5 “(A) IN GENERAL.—For award year 2023–
6 2024, and each subsequent award year, the
7 total maximum Federal Pell Grant award per
8 student shall be equal to the sum of—

9 “(i) \$1,060; and

10 “(ii) the amount specified as the max-
11 imum Federal Pell Grant in the last en-
12 acted appropriation Act applicable to that
13 award year.

14 “(B) ROUNDING.—The total maximum
15 Federal Pell Grant for any award year shall be
16 rounded to the nearest \$5.

17 “(6) FUNDS BY FISCAL YEAR.—

18 “(A) IN GENERAL.—To carry out this sec-
19 tion—

20 “(i) there are authorized to be appro-
21 priated and are appropriated (in addition
22 to any other amounts appropriated to
23 carry out this section and out of any
24 money in the Treasury not otherwise ap-
25 propriated) such sums as are necessary to

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1 carry out paragraph (5)(A)(i) for fiscal
2 year 2023 and each subsequent fiscal year;
3 and

4 “(ii) such sums as may be necessary
5 are authorized to be appropriated to carry
6 out paragraph (5)(A)(ii) for each of the
7 fiscal years 2023 through 2033.

8 “(B) AVAILABILITY OF FUNDS.—The
9 amounts made available by subparagraph (A)
10 for any fiscal year shall be available beginning
11 on October 1 of that fiscal year, and shall re-
12 main available through September 30 of the
13 succeeding fiscal year.

14 “(7) APPROPRIATION.—

15 “(A) IN GENERAL.—In addition to any
16 funds appropriated under paragraph (6) and
17 any funds made available for this section under
18 any appropriations Act, there are authorized to
19 be appropriated, and there are appropriated
20 (out of any money in the Treasury not other-
21 wise appropriated) to carry out this section,
22 \$1,170,000,000 for fiscal year 2023 and each
23 subsequent award year.

24 “(B) NO EFFECT ON PREVIOUS APPRO-
25 PRIATIONS.—The amendments made to this

1 section by the FAFSA Simplification Act shall
2 not—

3 “(i) increase or decrease the amounts
4 that have been appropriated or are avail-
5 able to carry out this section for fiscal year
6 2017, 2018, 2019, 2020, 2021, or 2022 as
7 of the day before the effective date of such
8 Act; or

9 “(ii) extend the period of availability
10 for obligation that applied to any such
11 amount, as of the day before such effective
12 date.

13 “(C) AVAILABILITY OF FUNDS.—The
14 amounts made available by this paragraph for
15 any fiscal year shall be available beginning on
16 October 1 of that fiscal year, and shall remain
17 available through September 30 of the suc-
18 ceeding fiscal year.

19 “(8) METHOD OF DISTRIBUTION.—

20 “(A) IN GENERAL.—For each fiscal year
21 through fiscal year 2033, the Secretary shall
22 pay to each eligible institution such sums as
23 may be necessary to pay each eligible student
24 for each academic year during which that stu-
25 dent is in attendance at an institution of higher

1 education as an undergraduate, a Federal Pell
2 Grant in the amount for which that student is
3 eligible.

4 “(B) ALTERNATIVE DISBURSEMENT.—
5 Nothing in this section shall be interpreted to
6 prohibit the Secretary from paying directly to
7 students, in advance of the beginning of the
8 academic term, an amount for which they are
9 eligible, in the cases where an eligible institu-
10 tion does not participate in the disbursement
11 system under subparagraph (A).

12 “(9) ADDITIONAL PAYMENT PERIODS IN SAME
13 AWARD YEAR.—

14 “(A) Effective in the 2017–2018 award
15 year and thereafter, the Secretary shall award
16 an eligible student not more than one and one-
17 half Federal Pell Grants during a single award
18 year to permit such student to work toward
19 completion of an eligible program if, during
20 that single award year, the student has received
21 a Federal Pell Grant for an award year and is
22 enrolled in an eligible program for one or more
23 additional payment periods during the same
24 award year that are not otherwise fully covered
25 by the student’s Federal Pell Grant.

1 “(B) In the case of a student receiving
2 more than one Federal Pell Grant in a single
3 award year under subparagraph (A), the total
4 amount of Federal Pell Grants awarded to such
5 student for the award year may exceed the total
6 maximum Federal Pell Grant available for an
7 award year.

8 “(C) Any period of study covered by a
9 Federal Pell Grant awarded under subpara-
10 graph (A) shall be included in determining a
11 student’s duration limit under subsection
12 (d)(5).

13 “(D) In any case where an eligible student
14 is receiving a Federal Pell Grant for a payment
15 period that spans 2 award years, the Secretary
16 shall allow the eligible institution in which the
17 student is enrolled to determine the award year
18 to which the additional period shall be assigned,
19 as it determines is most beneficial to students.

20 “(c) SPECIAL RULE.—

21 “(1) IN GENERAL.—A student described in
22 paragraph (2) shall be eligible for the total max-
23 imum Federal Pell Grant.

24 “(2) APPLICABILITY.—Paragraph (1) shall
25 apply to any dependent or independent student—

1 “(A) who is eligible to receive a Federal
2 Pell Grant according to subsection (b)(1) for
3 the award year for which the determination is
4 made;

5 “(B) whose parent or guardian was—

6 “(i) an individual who, on or after
7 September 11, 2001, died in the line of
8 duty while serving on active duty as a
9 member of the Armed Forces; or

10 “(ii) actively serving as a public safety
11 officer and died in the line of duty while
12 performing as a public safety officer; and

13 “(C) who is less than 33 years of age.

14 “(3) INFORMATION.—Notwithstanding any
15 other provision of law—

16 “(A) the Secretary shall establish the nec-
17 essary data-sharing agreements with the Sec-
18 retary of Veterans Affairs and the Secretary of
19 Defense, as applicable, to provide the informa-
20 tion necessary to determine which students
21 meet the requirements of paragraph (2)(B)(i);
22 and

23 “(B) the financial aid administrator shall
24 verify with the student that the student is eligi-

1 ble for the adjustment and notify the Secretary
2 of the adjustment of the student’s eligibility.

3 “(4) TREATMENT OF PELL AMOUNT.—Notwith-
4 standing section 1212 of the Omnibus Crime Control
5 and Safe Streets Act of 1968 (34 U.S.C. 10302), in
6 the case of a student who receives an increased Fed-
7 eral Pell Grant amount under this section, the total
8 amount of such Federal Pell Grant, including the in-
9 crease under this subsection, shall not be considered
10 in calculating that student’s educational assistance
11 benefits under the Public Safety Officers’ Benefits
12 program under subpart 2 of part L of title I of such
13 Act.

14 “(5) DEFINITION OF PUBLIC SAFETY OFFI-
15 CER.—For purposes of this subsection, the term
16 ‘public safety officer’ means—

17 “(A) a public safety officer, as defined in
18 section 1204 of title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968 (34
20 U.S.C. 10284); or

21 “(B) a fire police officer, defined as an in-
22 dividual who—

23 “(i) is serving in accordance with
24 State or local law as an officially recog-

1 nized or designated member of a legally or-
2 ganized public safety agency;

3 “(ii) is not a law enforcement officer,
4 a firefighter, a chaplain, or a member of a
5 rescue squad or ambulance crew; and

6 “(iii) provides scene security or di-
7 rects traffic—

8 “(I) in response to any fire drill,
9 fire call, or other fire, rescue, or police
10 emergency; or

11 “(II) at a planned special event.

12 “(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

13 “(1) IN GENERAL.—The period during which a
14 student may receive Federal Pell Grants shall be the
15 period required for the completion of the first under-
16 graduate baccalaureate course of study being pur-
17 sued by that student at the institution at which the
18 student is in attendance, except that any period dur-
19 ing which the student is enrolled in a noncredit or
20 remedial course of study, as described in paragraph
21 (2), shall not be counted for the purpose of this
22 paragraph.

23 “(2) NONCREDIT OR REMEDIAL COURSES;
24 STUDY ABROAD.—Nothing in this section shall ex-
25 clude from eligibility courses of study which are non-

1 credit or remedial in nature (including courses in
2 English language instruction) which are determined
3 by the institution to be necessary to help the student
4 be prepared for the pursuit of a first undergraduate
5 baccalaureate degree or certificate or, in the case of
6 courses in English language instruction, to be nec-
7 essary to enable the student to use already existing
8 knowledge, training, or skills. Nothing in this section
9 shall exclude from eligibility programs of study
10 abroad that are approved for credit by the home in-
11 stitution at which the student is enrolled.

12 “(3) NO CONCURRENT PAYMENTS.—No student
13 is entitled to receive Pell Grant payments concu-
14 rrently from more than one institution or from both
15 the Secretary and an institution.

16 “(4) POSTBACCALAUREATE PROGRAM.—Not-
17 withstanding paragraph (1), the Secretary may
18 allow, on a case-by-case basis, a student to receive
19 a Federal Pell Grant if the student—

20 “(A) is carrying at least one-half the nor-
21 mal full-time work load for the course of study
22 the student is pursuing, as determined by the
23 institution of higher education; and

24 “(B) is enrolled or accepted for enrollment
25 in a postbaccalaureate program that does not

1 lead to a graduate degree, and in courses re-
2 quired by a State in order for the student to re-
3 ceive a professional certification or licensing
4 credential that is required for employment as a
5 teacher in an elementary school or secondary
6 school in that State,

7 except that this paragraph shall not apply to a stu-
8 dent who is enrolled in an institution of higher edu-
9 cation that offers a baccalaureate degree in edu-
10 cation.

11 “(5) MAXIMUM PERIOD.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the period during which a
14 student may receive Federal Pell Grants shall
15 not exceed 12 semesters, or the equivalent of 12
16 semesters, as determined by the Secretary by
17 regulation. Such regulations shall provide, with
18 respect to a student who received a Federal Pell
19 Grant for a term but was enrolled at a fraction
20 of full time, that only that same fraction of
21 such semester or equivalent shall count towards
22 such duration limits.

23 “(B) EXCEPTION.—

24 “(i) IN GENERAL.—Any Federal Pell
25 Grant that a student received during a pe-

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1 riod described in subclause (I) or (II) of
2 clause (ii) shall not count towards the stu-
3 dent’s duration limits under this para-
4 graph.

5 “(ii) APPLICABLE PERIODS.—Clause
6 (i) shall apply with respect to any Federal
7 Pell Grant awarded to a student to enroll
8 in an eligible program at an institution—

9 “(I) during a period of a stu-
10 dent’s attendance at an institution—

11 “(aa) at which the student
12 was unable to complete a course
13 of study due to the closing of the
14 institution; or

15 “(bb) for which the student
16 was falsely certified as eligible for
17 Federal aid under this title; or

18 “(II) during a period—

19 “(aa) for which the student
20 received a loan under this title;
21 and

22 “(bb) for which the loan de-
23 scribed in item (aa) is discharged
24 under—

1 “(AA) section 437(c)(1)
2 or section 464(g)(1);
3 “(BB) section
4 432(a)(6); or
5 “(CC) section 455(h)
6 due to the student’s success-
7 ful assertion of a defense to
8 repayment of the loan, in-
9 cluding defenses provided to
10 any applicable groups of stu-
11 dents.

12 “(e) APPLICATIONS FOR GRANTS.—

13 “(1) DEADLINES.—The Secretary shall from
14 time to time set dates by which students shall file
15 the Free Application for Federal Student Aid under
16 section 483.

17 “(2) APPLICATION.—Each student desiring a
18 Federal Pell Grant for any year shall file the Free
19 Application for Federal Student Aid containing the
20 information necessary to enable the Secretary to
21 carry out the functions and responsibilities of this
22 subpart.

23 “(f) DISTRIBUTION OF GRANTS TO STUDENTS.—

24 Payments under this section shall be made in accordance
25 with regulations promulgated by the Secretary for such

1 purpose, in such manner as will best accomplish the pur-
2 pose of this section. Any disbursement allowed to be made
3 by crediting the student's account shall be limited to tui-
4 tion and fees, and food and housing if that food and hous-
5 ing is institutionally owned or operated. The student may
6 elect to have the institution provide other such goods and
7 services by crediting the student's account.

8 “(g) INSUFFICIENT APPROPRIATIONS.—If, for any
9 fiscal year, the funds appropriated for payments under
10 this subpart are insufficient to satisfy fully all entitle-
11 ments, as calculated under subsections (b) and (c) (but
12 at the maximum grant level specified in such appropria-
13 tion), the Secretary shall promptly transmit a notice of
14 such insufficiency to each House of the Congress, and
15 identify in such notice the additional amount that would
16 be required to be appropriated to satisfy fully all entitle-
17 ments (as so calculated at such maximum grant level).

18 “(h) USE OF EXCESS FUNDS.—

19 “(1) 15 PERCENT OR LESS.—If, at the end of
20 a fiscal year, the funds available for making pay-
21 ments under this subpart exceed the amount nec-
22 essary to make the payments required under this
23 subpart to eligible students by 15 percent or less,
24 then all of the excess funds shall remain available

1 for making payments under this subpart during the
2 next succeeding fiscal year.

3 “(2) MORE THAN 15 PERCENT.—If, at the end
4 of a fiscal year, the funds available for making pay-
5 ments under this subpart exceed the amount nec-
6 essary to make the payments required under this
7 subpart to eligible students by more than 15 per-
8 cent, then all of such funds shall remain available
9 for making such payments but payments may be
10 made under this paragraph only with respect to enti-
11 tlements for that fiscal year.

12 “(i) TREATMENT OF INSTITUTIONS AND STUDENTS
13 UNDER OTHER LAWS.—Any institution of higher edu-
14 cation which enters into an agreement with the Secretary
15 to disburse to students attending that institution the
16 amounts those students are eligible to receive under this
17 subpart shall not be deemed, by virtue of such agreement,
18 a contractor maintaining a system of records to accom-
19 plish a function of the Secretary. Recipients of Pell Grants
20 shall not be considered to be individual grantees for pur-
21 poses of chapter 81 of title 41, United States Code.

22 “(j) INSTITUTIONAL INELIGIBILITY BASED ON DE-
23 FAULT RATES.—

24 “(1) IN GENERAL.—No institution of higher
25 education shall be an eligible institution for purposes

1 of this subpart if such institution of higher edu-
2 cation is ineligible to participate in a loan program
3 under part B or D as a result of a final default rate
4 determination made by the Secretary under part B
5 or D after the final publication of cohort default
6 rates for fiscal year 1996 or a succeeding fiscal year.

7 “(2) SANCTIONS SUBJECT TO APPEAL OPPOR-
8 TUNITY.—No institution may be subject to the
9 terms of this subsection unless the institution has
10 had the opportunity to appeal the institution’s de-
11 fault rate determination under regulations issued by
12 the Secretary for the loan program authorized under
13 part B or D, as applicable. This subsection shall not
14 apply to an institution that was not participating in
15 the loan program authorized under part B or D on
16 October 7, 1998, unless the institution subsequently
17 participates in the loan programs.”.

18 **SEC. 704. CONFORMING AMENDMENTS.**

19 The Higher Education Act of 1965 (20 U.S.C. 1001
20 et seq.) is amended—

21 (1) by striking “the expected family contribu-
22 tion” each place the term appears and inserting “the
23 student aid index”;

1 (2) by striking “expected family contributions”
2 each place the term appears and inserting “student
3 aid indexes”;

4 (3) by striking “an expected family contribu-
5 tion” each place the term appears and inserting “a
6 student aid index”;

7 (4) by striking “average expected family con-
8 tribution” each place the term appears and inserting
9 “average student aid index”;

10 (5) in section 415E(c)(1)(B)(vii), by striking
11 “automatic zero expected family contribution” and
12 inserting “automatic zero student aid index”; and

13 (6) in section 428(a)(2)(B), by striking “ex-
14 pected family contribution” and inserting “student
15 aid index”.

16 **SEC. 705. REPEAL OF THE SUBSIDIZED USAGE LIMIT AP-**
17 **PLIES (SULA) RESTRICTION.**

18 (a) REPEAL.—Section 455(q) of the Higher Edu-
19 cation Act of 1965 (20 U.S.C. 1087e(q)) is repealed.

20 (b) EARLY EFFECTIVE DATE PERMITTED.—Not-
21 withstanding section 701(b) of this Act and section 455(q)
22 of the Higher Education Act of 1965 (20 U.S.C.
23 1087e(q)) as in effect on the date of enactment of this
24 Act, the Secretary of Education may implement the repeal
25 authorized under subsection (a) before (but not later than)

1 July 1, 2023. The Secretary shall specify in a designation
2 on what date and for which award years the implementa-
3 tion of such repeal will be effective prior to July 1, 2023.
4 The Secretary shall publish any designation under this
5 paragraph in the Federal Register at least 60 days before
6 implementation.

7 **SEC. 706. FORGIVENESS OF HBCU CAPITAL FINANCING**
8 **LOANS.**

9 (a) FORGIVENESS.—Not later than 90 days after the
10 effective date of this section, the Secretary of Education
11 shall repay each institution of higher education’s out-
12 standing balance of principal, interest, fees, and costs on
13 the disbursed loan amounts (as of such effective date)
14 under each applicable closed loan agreement, including
15 paying any reimbursement (including reimbursements of
16 escrow and return of fees and deposits) relating to the
17 applicable closed loan agreement that are usual and cus-
18 tomary when the loan is paid off by the institution.

19 (b) APPLICABLE CLOSED LOAN AGREEMENT.—In
20 this section, the term “applicable closed loan agreement”
21 means each of the following:

22 (1) A closed loan agreement executed before the
23 date of enactment of this Act and made under part
24 D of title III of the Higher Education Act of 1965
25 (20 U.S.C. 1066 et seq.).

1 (2) A closed loan agreement executed before the
2 date of enactment of this Act and made for
3 deferment balances authorized under—

4 (A) section 3512 of the CARES Act (20
5 U.S.C. 1001 note);

6 (B) title III of division A of the Further
7 Consolidated Appropriations Act, 2020 (Public
8 Law 116–94; 133 Stat. 2586);

9 (C) title III of division B of the Depart-
10 ment of Defense and Labor, Health and
11 Human Services, and Education Appropriations
12 Act, 2019 and Continuing Appropriations Act,
13 2019 (Public Law 115–245; 132 Stat. 3097);
14 or

15 (D) title III of division H of the Consoli-
16 dated Appropriations Act, 2018 (Public Law
17 115–141; 132 Stat. 741).

18 (c) AUTHORIZATION AND APPROPRIATION.—There
19 are authorized to be appropriated, and there are appro-
20 priated, out of any amounts in the Treasury not otherwise
21 appropriated, such sums as may be necessary to carry out
22 subsection (a).

23 (d) EFFECTIVE DATE.—Notwithstanding section
24 701(b), this section shall take effect on the date of enact-
25 ment of this Act.

1 **TITLE VIII—ACCESS TO DEATH**
2 **INFORMATION FURNISHED**
3 **TO OR MAINTAINED BY THE**
4 **SOCIAL SECURITY ADMINIS-**
5 **TRATION**

6 **SEC. 801. ACCESS TO DEATH INFORMATION FURNISHED TO**
7 **OR MAINTAINED BY THE SOCIAL SECURITY**
8 **ADMINISTRATION.**

9 (a) IN GENERAL.—Section 205(r) of the Social Secu-
10 rity Act (42 U.S.C. 405(r)) is amended—

11 (1) in paragraph (2)—

12 (A) by striking “Each State” and inserting
13 “(A) Each State”;

14 (B) by striking “may” and inserting
15 “shall”;

16 (C) by striking “from amounts available
17 for administration of this Act the reasonable
18 costs (established by the Commissioner of So-
19 cial Security in consultations with the States)
20 for transcribing and transmitting such informa-
21 tion to the Commissioner of Social Security.”

22 and inserting “for the following:

23 “(i) A fee, to be established pursuant
24 to subparagraph (B), for the use of such
25 information by—

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1 “(I) the Commissioner; and

2 “(II) any other agency that re-
3 ceives such information from the
4 Commissioner and is subject to the re-
5 quirements of subparagraph (3)(A).

6 “(ii) The full documented cost to the
7 State of transmitting such information to
8 the Commissioner, including the costs of
9 maintaining, enhancing, and operating any
10 electronic system used solely for transmit-
11 ting such information to the Commis-
12 sioner.

13 “(B) The fee for the use of such informa-
14 tion shall be established by the Commissioner of
15 Social Security in consultations with the States,
16 and shall include—

17 “(i) a share of the costs to the State
18 associated with collecting and maintaining
19 such information; ensuring the complete-
20 ness, timeliness, and accuracy of such in-
21 formation; and maintaining, enhancing,
22 and operating the electronic systems that
23 allow for the transmission of such informa-
24 tion; and

1 “(ii) a fee for the right to use such in-
2 formation.

3 “(C) The Commissioner of Social Security
4 shall not use amounts provided for a fiscal year
5 in an appropriation Act under the heading
6 ‘Limitation on Administrative Expenses’ for the
7 Social Security Administration for the amounts
8 under paragraph (3)(A), except as the Commis-
9 sioner determines is necessary on a temporary
10 basis and subject to reimbursement under such
11 paragraph.”;

12 (2) in paragraph (3)(A), by striking “for the
13 reasonable cost of carrying out such arrangement,
14 and” and inserting “for—

15 “(i) the agency’s proportional share
16 (as determined by the Commissioner in
17 consultation with the head of the agency)
18 of—

19 “(I) the payments to States re-
20 quired under paragraph (2)(A);

21 “(II) the costs to the Commis-
22 sioner of developing the contracts de-
23 scribed in paragraph (1); and

24 “(III) the costs to the Commis-
25 sioner of carrying out the study re-

1 quired under section 802 of division
2 FF of the Consolidated Appropria-
3 tions Act, 2021; and

4 “(ii) the full documented cost to the
5 Commissioner of developing such arrange-
6 ment and transmitting such information to
7 the agency; and”;

8 (3) in paragraph (5)—

9 (A) by striking “such records as may be
10 corrected under this section” and inserting “all
11 information regarding deceased individuals fur-
12 nished to or maintained by the Commissioner
13 under this subsection”; and

14 (B) by striking “by Federal and State
15 agencies” and inserting “by a Federal or State
16 agency, provided that the requirements of sub-
17 paragraphs (A) and (B) of paragraph (3) are
18 met”;

19 (4) by redesignating paragraphs (7) through
20 (9) as paragraphs (8) through (10), respectively,
21 and inserting after paragraph (6) the following new
22 paragraph:

23 “(7) In the event an individual is incorrectly
24 identified as deceased in the records furnished by a
25 State to the Commissioner of Social Security under

1 this subsection and the individual provides the Com-
2 missioner with the necessary documentation to cor-
3 rect such identification, the Commissioner may—

4 “(A) notify the State of the error in the
5 records so furnished; and

6 “(B) inform the individual of the source of
7 the incorrect death data.”;

8 (5) in paragraph (9)(F), as so redesignated, by
9 striking “the Commission” and inserting “the Com-
10 missioner”;

11 (6) in paragraph (10), as so redesignated—

12 (A) by adjusting the left margin so as to
13 align with the left margin of paragraph (9); and

14 (B) in subparagraph (A)(i), by inserting “,
15 provided that the requirements of subpara-
16 graphs (A) and (B) of paragraph (3) are met
17 with respect to such agreement” before the
18 semicolon; and

19 (7) by adding at the end the following new
20 paragraph:

21 “(11) During the 3-year period that begins on
22 the effective date of this paragraph, the Commis-
23 sioner of Social Security shall, to the extent feasible,
24 provide information furnished to the Commissioner
25 under paragraph (1) to the agency operating the Do

1 Not Pay working system described in section
2 3354(e) of title 31, United States Code, to prevent
3 improper payments to deceased individuals through
4 a cooperative arrangement with such agency, pro-
5 vided that the requirements of subparagraphs (A)
6 and (B) of paragraph (3) are met with respect to
7 such arrangement with such agency.”.

8 (b) EFFECTIVE DATES.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the amendments made by this section shall take ef-
11 fect on the date of enactment of this Act.

12 (2) DELAY.—The amendment made by para-
13 graph (7) of subsection (a) shall take effect on the
14 date that is 3 years after the date of enactment of
15 this Act.

16 **SEC. 802. STUDY AND REPORT TO CONGRESS ON SOURCES**
17 **AND ACCESS TO DEATH DATA.**

18 (a) STUDY.—Not later than 180 days after the date
19 of enactment of this Act, the Commissioner of Social Secu-
20 rity shall enter into an agreement with the National Acad-
21 emy of Public Administration to conduct an independent
22 study of the current and potential sources for, and provi-
23 sion of access to, State-owned death data for limited use
24 by Federal agencies and programs for purposes of pro-
25 gram administration and payment integrity. Such study

1 shall be performed in consultation with State vital records
2 agencies, the National Association for Public Health Sta-
3 tistics and Information Systems (NAPHSIS), the Com-
4 missioner of Social Security, the agency operating the Do
5 Not Pay working system described in section 3354(e) of
6 title 31, United States Code, and other Federal agencies
7 using such death data, as appropriate, and shall include
8 the following:

9 (1) Analysis of the following:

10 (A) The sources and owners of the death
11 data.

12 (B) The timeliness, accuracy, and com-
13 pleteness of State-owned death data, including
14 the process for correcting inaccuracies .

15 (C) Federal and State laws that may affect
16 legal access to, and protections for, State-owned
17 death data.

18 (D) Federalism and the appropriate roles
19 of the relevant Federal and State entities, in-
20 cluding States' role in recording vital records
21 and the core mission and responsibility of any
22 Federal agency involved.

23 (E) The costs incurred for each step of the
24 death data collection, management, protection
25 (legal and otherwise), and transmission proc-

1 esses, and the challenges to adequate funding of
2 State vital records programs.

3 (F) Unmet needs (if any) for these data
4 among Federal agencies or programs.

5 (G) Options for providing Federal agencies
6 with limited access to State-owned death data,
7 including Federal agencies contracting directly
8 with States for access to such data or distribu-
9 tion of such data via the Commissioner of So-
10 cial Security or another Federal agency or pro-
11 gram, and corresponding options for appro-
12 priate reimbursement structures.

13 (2) An assessment of the strengths and limita-
14 tions of the options for distribution and reimburse-
15 ment identified in paragraph (1)(G).

16 (b) REPORT.—Upon completion of the study required
17 under subsection (a), the Commissioner of Social Security
18 shall transmit the study to the Committees on Ways and
19 Means and Oversight and Reform of the House of Rep-
20 resentatives, and the Committees on Finance and Home-
21 land Security and Governmental Affairs of the Senate.

1 **TITLE IX—TELECOMMUNI-**
2 **CATIONS AND CONSUMER**
3 **PROTECTION**

4 **SEC. 901. PERFORMANCE STANDARDS TO PROTECT**
5 **AGAINST PORTABLE FUEL CONTAINER EX-**
6 **PLOSIONS NEAR OPEN FLAMES OR OTHER IG-**
7 **NITION SOURCES.**

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “Portable Fuel Container Safety Act of 2020”.

10 (b) **STANDARDS.**—

11 (1) **RULE ON SAFETY PERFORMANCE STAND-**
12 **ARDS REQUIRED.**—Not later than 30 months after
13 the date of enactment of this Act, the Consumer
14 Product Safety Commission (referred to in this Act
15 as the “Commission”) shall promulgate a final rule
16 to require flame mitigation devices in portable fuel
17 containers that impede the propagation of flame into
18 the container, except as provided in paragraph (3).

19 (2) **RULEMAKING; CONSUMER PRODUCT SAFETY**
20 **STANDARD.**—A rule under paragraph (1)—

21 (A) shall be promulgated in accordance
22 with section 553 of title 5, United States Code;
23 and

24 (B) shall be treated as a consumer product
25 safety rule promulgated under section 9 of the

1 Consumer Product Safety Act (15 U.S.C.
2 2058).

3 (3) EXCEPTION.—

4 (A) VOLUNTARY STANDARD.—Paragraph
5 (1) shall not apply for a class of portable fuel
6 containers in the scope of this Act if the Com-
7 mission determines at any time that—

8 (i) there is a voluntary standard for
9 flame mitigation devices for those con-
10 tainers that impedes the propagation of
11 flame into the container;

12 (ii) the voluntary standard described
13 in clause (i) is or will be in effect not later
14 than 18 months after the date of enact-
15 ment of this Act; and

16 (iii) the voluntary standard described
17 in clause (i) is developed by ASTM Inter-
18 national or such other standard develop-
19 ment organization that the Commission de-
20 termines to have met the intent of this
21 Act.

22 (B) DETERMINATION REQUIRED TO BE
23 PUBLISHED IN THE FEDERAL REGISTER.—Any
24 determination made by the Commission under

1 this subsection shall be published in the Federal
2 Register.

3 (4) TREATMENT OF VOLUNTARY STANDARD
4 FOR PURPOSE OF ENFORCEMENT.—If the Commis-
5 sion determines that a voluntary standard meets the
6 conditions described in paragraph (3)(A), the re-
7 quirements of such voluntary standard shall be
8 treated as a consumer product safety rule promul-
9 gated under section 9 of the Consumer Product
10 Safety Act (15 U.S.C. 2058) beginning on the date
11 which is the later of—

12 (A) 180 days after publication of the Com-
13 mission’s determination under paragraph (3);
14 or

15 (B) the effective date contained in the vol-
16 untary standard.

17 (5) REVISION OF VOLUNTARY STANDARD.—

18 (A) NOTICE TO COMMISSION.—If the re-
19 quirements of a voluntary standard that meet
20 the conditions of paragraph (3) are subse-
21 quently revised, the organization that revised
22 the standard shall notify the Commission after
23 the final approval of the revision.

24 (B) EFFECTIVE DATE OF REVISION.—Not
25 later than 180 days after the Commission is no-

1 tified of a revised voluntary standard described
2 in subparagraph (A) (or such later date as the
3 Commission determines appropriate), such re-
4 vised voluntary standard shall become enforce-
5 able as a consumer product safety rule promul-
6 gated under section 9 of the Consumer Product
7 Safety Act (15 U.S.C. 2058), in place of the
8 prior version, unless within 90 days after re-
9 ceiving the notice the Commission determines
10 that the revised voluntary standard does not
11 meet the requirements described in paragraph
12 (3).

13 (6) FUTURE RULEMAKING.—The Commission,
14 at any time after publication of the consumer prod-
15 uct safety rule required by paragraph (1), a vol-
16 untary standard is treated as a consumer product
17 safety rule under paragraph (4), or a revision is en-
18 forceable as a consumer product safety rule under
19 paragraph (5) may initiate a rulemaking in accord-
20 ance with section 553 of title 5, United States Code,
21 to modify the requirements or to include any addi-
22 tional provision that the Commission determines is
23 reasonably necessary to protect the public against
24 flame jetting from a portable fuel container. Any
25 rule promulgated under this subsection shall be

1 treated as a consumer product safety rule promul-
2 gated under section 9 of the Consumer Product
3 Safety Act (15 U.S.C. 2058).

4 (7) ACTION REQUIRED.—

5 (A) EDUCATION CAMPAIGN.—Not later
6 than 1 year after the date of enactment of this
7 Act, the Commission shall undertake a cam-
8 paign to educate consumers about the dangers
9 associated with using or storing portable fuel
10 containers for flammable liquids near an open
11 flame or any other source of ignition.

12 (B) SUMMARY OF ACTIONS.—Not later
13 than 2 years after the date of enactment of this
14 Act, the Commission shall submit to Congress
15 a summary of actions taken by the Commission
16 in such campaign.

17 (8) PORTABLE FUEL CONTAINER DEFINED.—In
18 this Act, the term “portable fuel container” means
19 any container or vessel (including any spout, cap,
20 and other closure mechanism or component of such
21 container or vessel or any retrofit or aftermarket
22 spout or component intended or reasonably antici-
23 pated to be for use with such container)—

24 (A) intended for flammable liquid fuels
25 with a flash point less than 140 degrees Fahr-

1 enheit, including gasoline, kerosene, diesel, eth-
2 anol, methanol, denatured alcohol, or biofuels;

3 (B) that is a consumer product with a ca-
4 pacity of 5 gallons or less; and

5 (C) that the manufacturer knows or rea-
6 sonably should know is used by consumers for
7 transporting, storing, and dispensing flammable
8 liquid fuels.

9 (9) RULE OF CONSTRUCTION.—This Act may
10 not be interpreted to conflict with the Children’s
11 Gasoline Burn Prevention Act (Public Law 110–
12 278; 122 Stat. 2602).

13 (c) CHILDREN’S GASOLINE BURN PREVENTION
14 ACT.—

15 (1) AMENDMENT.—Section 2(c) of the Chil-
16 dren’s Gasoline Burn Prevention Act (15 U.S.C.
17 2056 note; Public Law 110–278) is amended by in-
18 serting after “for use by consumers” the following:
19 “and any receptacle for gasoline, kerosene, or diesel
20 fuel, including any spout, cap, and other closure
21 mechanism and component of such receptacle or any
22 retrofit or aftermarket spout or component intended
23 or reasonably anticipated to be for use with such re-
24 ceptacle, produced or distributed for sale to or use
25 by consumers for transport of, or refueling of inter-

1 nal combustion engines with, gasoline, kerosene, or
2 diesel fuel”.

3 (2) APPLICABILITY.—The amendment made by
4 paragraph (1) shall take effect 6 months after the
5 date of enactment of this Act.

6 **SEC. 902. DON'T BREAK UP THE T-BAND.**

7 (a) SHORT TITLE.—This section may be cited as the
8 “Don’t Break Up the T-Band Act of 2020”.

9 (b) REPEAL OF REQUIREMENT TO REALLOCATE AND
10 AUCTION T-BAND SPECTRUM.—

11 (1) REPEAL.—Section 6103 of the Middle Class
12 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
13 1413) is repealed.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents in section 1(b) of such Act is amended by
16 striking the item relating to section 6103.

17 (c) CLARIFYING ACCEPTABLE 9–1–1 OBLIGATIONS
18 OR EXPENDITURES.—Section 6 of the Wireless Commu-
19 nications and Public Safety Act of 1999 (47 U.S.C. 615a–
20 1) is amended—

21 (1) in subsection (f)—

22 (A) in paragraph (1), by striking “as spec-
23 ified in the provision of State or local law
24 adopting the fee or charge” and inserting “con-
25 sistent with the purposes and functions des-

1 ignated in the final rules issued under para-
2 graph (3) as purposes and functions for which
3 the obligation or expenditure of such a fee or
4 charge is acceptable”;

5 (B) in paragraph (2), by striking “any
6 purpose other than the purpose for which any
7 such fees or charges are specified” and insert-
8 ing “any purpose or function other than the
9 purposes and functions designated in the final
10 rules issued under paragraph (3) as purposes
11 and functions for which the obligation or ex-
12 penditure of any such fees or charges is accept-
13 able”; and

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

15 “(3) ACCEPTABLE OBLIGATIONS OR EXPENDI-
16 TURES.—

17 “(A) RULES REQUIRED.—In order to pre-
18 vent diversion of 9–1–1 fees or charges, the
19 Commission shall, not later than 180 days after
20 the date of the enactment of this paragraph,
21 issue final rules designating purposes and func-
22 tions for which the obligation or expenditure of
23 9–1–1 fees or charges, by any State or taxing
24 jurisdiction authorized to impose such a fee or
25 charge, is acceptable.

1 “(B) PURPOSES AND FUNCTIONS.—The
2 purposes and functions designated under sub-
3 paragraph (A) shall be limited to the support
4 and implementation of 9–1–1 services provided
5 by or in the State or taxing jurisdiction impos-
6 ing the fee or charge and operational expenses
7 of public safety answering points within such
8 State or taxing jurisdiction. In designating such
9 purposes and functions, the Commission shall
10 consider the purposes and functions that States
11 and taxing jurisdictions specify as the intended
12 purposes and functions for the 9–1–1 fees or
13 charges of such States and taxing jurisdictions,
14 and determine whether such purposes and func-
15 tions directly support providing 9–1–1 services.

16 “(C) CONSULTATION REQUIRED.—The
17 Commission shall consult with public safety or-
18 ganizations and States and taxing jurisdictions
19 as part of any proceeding under this paragraph.

20 “(D) DEFINITIONS.—In this paragraph:

21 “(i) 9–1–1 FEE OR CHARGE.—The
22 term ‘9–1–1 fee or charge’ means a fee or
23 charge applicable to commercial mobile
24 services or IP-enabled voice services spe-
25 cifically designated by a State or taxing ju-

1 jurisdiction for the support or implementa-
2 tion of 9–1–1 services.

3 “(ii) 9–1–1 SERVICES.—The term ‘9–
4 1–1 services’ has the meaning given such
5 term in section 158(e) of the National
6 Telecommunications and Information Ad-
7 ministration Organization Act (47 U.S.C.
8 942(e)).

9 “(iii) STATE OR TAXING JURISDIC-
10 TION.—The term ‘State or taxing jurisdic-
11 tion’ means a State, political subdivision
12 thereof, Indian Tribe, or village or regional
13 corporation serving a region established
14 pursuant to the Alaska Native Claims Set-
15 tlement Act (43 U.S.C. 1601 et seq.).

16 “(4) PARTICIPATION.—If a State or taxing ju-
17 risdiction (as defined in paragraph (3)(D)) receives
18 a grant under section 158 of the National Tele-
19 communications and Information Administration Or-
20 ganization Act (47 U.S.C. 942) after the date of the
21 enactment of this paragraph, such State or taxing
22 jurisdiction shall, as a condition of receiving such
23 grant, provide the information requested by the
24 Commission to prepare the report required by para-
25 graph (2).

1 “(5) PETITION REGARDING ADDITIONAL PUR-
2 POSES AND FUNCTIONS.—

3 “(A) IN GENERAL.—A State or taxing ju-
4 risdiction (as defined in paragraph (3)(D)) may
5 submit to the Commission a petition for a de-
6 termination that an obligation or expenditure of
7 a 9–1–1 fee or charge (as defined in such para-
8 graph) by such State or taxing jurisdiction for
9 a purpose or function other than a purpose or
10 function designated under paragraph (3)(A)
11 should be treated as such a purpose or function.
12 If the Commission finds that the State or tax-
13 ing jurisdiction has provided sufficient docu-
14 mentation to make the demonstration described
15 in subparagraph (B), the Commission shall
16 grant such petition.

17 “(B) DEMONSTRATION DESCRIBED.—The
18 demonstration described in this subparagraph is
19 a demonstration that the purpose or function—

20 “(i) supports public safety answering
21 point functions or operations; or

22 “(ii) has a direct impact on the ability
23 of a public safety answering point to—

24 “(I) receive or respond to 9–1–1
25 calls; or

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1 “(II) dispatch emergency re-
2 sponders.”; and

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

4 “(j) SEVERABILITY CLAUSE.—If any provision of this
5 section or the application thereof to any person or cir-
6 cumstance is held invalid, the remainder of this section
7 and the application of such provision to other persons or
8 circumstances shall not be affected thereby.”.

9 (d) PROHIBITION ON 9–1–1 FEE OR CHARGE DIVER-
10 SION.—

11 (1) IN GENERAL.—If the Commission obtains
12 evidence that suggests the diversion by a State or
13 taxing jurisdiction of 9–1–1 fees or charges, the
14 Commission shall submit such information, including
15 any information regarding the impact of any under-
16 funding of 9–1–1 services in the State or taxing ju-
17 risdiction, to the interagency strike force established
18 under paragraph (3).

19 (2) REPORT TO CONGRESS.—Beginning with
20 the first report under section 6(f)(2) of the Wireless
21 Communications and Public Safety Act of 1999 (47
22 U.S.C. 615a–1(f)(2)) that is required to be sub-
23 mitted after the date that is 1 year after the date
24 of the enactment of this Act, the Commission shall
25 include in each report required under such section

1 all evidence that suggests the diversion by a State
2 or taxing jurisdiction of 9–1–1 fees or charges, in-
3 cluding any information regarding the impact of any
4 underfunding of 9–1–1 services in the State or tax-
5 ing jurisdiction.

6 (3) INTERAGENCY STRIKE FORCE TO END 9–1–
7 1 FEE OR CHARGE DIVERSION.—

8 (A) ESTABLISHMENT.—Not later than 180
9 days after the date of the enactment of this
10 Act, the Commission shall establish an inter-
11 agency strike force to study how the Federal
12 Government can most expeditiously end diver-
13 sion by a State or taxing jurisdiction of 9–1–
14 1 fees or charges. Such interagency strike force
15 shall be known as the “Ending 9–1–1 Fee Di-
16 version Now Strike Force” (in this subsection
17 referred to as the “Strike Force”).

18 (B) DUTIES.—In carrying out the study
19 under subparagraph (A), the Strike Force
20 shall—

21 (i) determine the effectiveness of any
22 Federal laws, including regulations, poli-
23 cies, and practices, or budgetary or juris-
24 dictional constraints regarding how the
25 Federal Government can most expedi-

1 tiously end diversion by a State or taxing
2 jurisdiction of 9–1–1 fees or charges;

3 (ii) consider whether criminal pen-
4 alties would further prevent diversion by a
5 State or taxing jurisdiction of 9–1–1 fees
6 or charges; and

7 (iii) determine the impacts of diver-
8 sion by a State or taxing jurisdiction of 9–
9 1–1 fees or charges.

10 (C) MEMBERS.—The Strike Force shall be
11 composed of such representatives of Federal de-
12 partments and agencies as the Commission con-
13 siders appropriate, in addition to—

14 (i) State attorneys general;

15 (ii) States or taxing jurisdictions
16 found not to be engaging in diversion of 9–
17 1–1 fees or charges;

18 (iii) States or taxing jurisdictions try-
19 ing to stop the diversion of 9–1–1 fees or
20 charges;

21 (iv) State 9–1–1 administrators;

22 (v) public safety organizations;

23 (vi) groups representing the public
24 and consumers; and

1 (vii) groups representing public safety
2 answering point professionals.

3 (D) REPORT TO CONGRESS.—Not later
4 than 270 days after the date of the enactment
5 of this Act, the Strike Force shall publish on
6 the website of the Commission and submit to
7 the Committee on Energy and Commerce of the
8 House of Representatives and the Committee
9 on Commerce, Science, and Transportation of
10 the Senate a report on the findings of the study
11 under this paragraph, including—

12 (i) any recommendations regarding
13 how to most expeditiously end the diver-
14 sion by a State or taxing jurisdiction of 9–
15 1–1 fees or charges, including actions that
16 can be taken by Federal departments and
17 agencies and appropriate changes to law or
18 regulations; and

19 (ii) a description of what progress, if
20 any, relevant Federal departments and
21 agencies have made in implementing the
22 recommendations under clause (i).

23 (4) FAILURE TO COMPLY.—Notwithstanding
24 any other provision of law, any State or taxing juris-
25 diction identified by the Commission in the report

1 required under section 6(f)(2) of the Wireless Com-
2 munications and Public Safety Act of 1999 (47
3 U.S.C. 615a-1(f)(2)) as engaging in diversion of 9-
4 1-1 fees or charges shall be ineligible to participate
5 or send a representative to serve on any committee,
6 panel, or council established under section 6205(a)
7 of the Middle Class Tax Relief and Job Creation Act
8 of 2012 (47 U.S.C. 1425(a)) or any advisory com-
9 mittee established by the Commission.

10 (e) RULE OF CONSTRUCTION.—Nothing in this Act,
11 the Wireless Communications and Public Safety Act of
12 1999 (Public Law 106-81), or the Communications Act
13 of 1934 (47 U.S.C. 151 et seq.) shall be construed to pre-
14 vent a State or taxing jurisdiction from requiring an an-
15 nual audit of the books and records of a provider of 9-
16 1-1 services concerning the collection and remittance of
17 a 9-1-1 fee or charge.

18 (f) DEFINITIONS.—In this Act:

19 (1) 9-1-1 FEE OR CHARGE.—The term “9-1-
20 1 fee or charge” has the meaning given such term
21 in subparagraph (D) of paragraph (3) of section 6(f)
22 of the Wireless Communications and Public Safety
23 Act of 1999, as added by this Act.

24 (2) 9-1-1 SERVICES.—The term “9-1-1 serv-
25 ices” has the meaning given such term in section

1 158(e) of the National Telecommunications and In-
2 formation Administration Organization Act (47
3 U.S.C. 942(e)).

4 (3) COMMISSION.—The term “Commission”
5 means the Federal Communications Commission.

6 (4) DIVERSION.—The term “diversion” means,
7 with respect to a 9–1–1 fee or charge, the obligation
8 or expenditure of such fee or charge for a purpose
9 or function other than the purposes and functions
10 designated in the final rules issued under paragraph
11 (3) of section 6(f) of the Wireless Communications
12 and Public Safety Act of 1999, as added by this Act,
13 as purposes and functions for which the obligation
14 or expenditure of such a fee or charge is acceptable.

15 (5) STATE OR TAXING JURISDICTION.—The
16 term “State or taxing jurisdiction” has the meaning
17 given such term in subparagraph (D) of paragraph
18 (3) of section 6(f) of the Wireless Communications
19 and Public Safety Act of 1999, as added by this Act.

20 **SEC. 903. OFFICE OF INTERNET CONNECTIVITY AND**
21 **GROWTH.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Advancing Critical Connectivity Expands Service, Small
24 Business Resources, Opportunities, Access, and Data

1 Based on Assessed Need and Demand Act” or the “AC-
2 CESS BROADBAND Act”.

3 (b) ESTABLISHMENT.—Not later than 180 days after
4 the date of the enactment of this Act, the Assistant Sec-
5 retary shall establish the Office of Internet Connectivity
6 and Growth within the National Telecommunications and
7 Information Administration.

8 (c) DUTIES.—

9 (1) OUTREACH.—The Office shall—

10 (A) connect with communities that need
11 access to high-speed internet and improved dig-
12 ital inclusion efforts through various forms of
13 outreach and communication techniques;

14 (B) hold regional workshops across the
15 country to share best practices and effective
16 strategies for promoting broadband access and
17 adoption;

18 (C) develop targeted broadband training
19 and presentations for various demographic com-
20 munities through various media;

21 (D) develop and distribute publications (in-
22 cluding toolkits, primers, manuals, and white
23 papers) providing guidance, strategies, and in-
24 sights to communities as the communities de-

1 velop strategies to expand broadband access
2 and adoption; and

3 (E) as applicable in carrying out subpara-
4 graphs (A) through (D), coordinate with State
5 agencies that provide similar broadband invest-
6 ments, outreach, and coordination through Fed-
7 eral programs.

8 (2) TRACKING OF FEDERAL DOLLARS.—

9 (A) BROADBAND INFRASTRUCTURE.—The
10 Office shall track the construction and use of
11 and access to any broadband infrastructure
12 built using any Federal support in a central
13 database.

14 (B) ACCOUNTING MECHANISM.—The Of-
15 fice shall develop a streamlined accounting
16 mechanism by which any agency offering a Fed-
17 eral broadband support program and the Com-
18 mission for any Universal Service Fund Pro-
19 gram shall provide the information described in
20 subparagraph (A) in a standardized and effi-
21 cient fashion.

22 (C) REPORT.—Not later than 1 year after
23 the date of the enactment of this Act, and every
24 year thereafter, the Office shall make public on
25 the website of the Office and submit to the

1 Committee on Energy and Commerce of the
2 House of Representatives and the Committee
3 on Commerce, Science, and Transportation of
4 the Senate a report on the following:

5 (i) A description of the work of the
6 Office for the previous year and the num-
7 ber of residents of the United States that
8 received broadband as result of Federal
9 broadband support programs and the Uni-
10 versal Service Fund Programs.

11 (ii) A description of how many resi-
12 dents of the United States were provided
13 broadband by which universal service
14 mechanism or which Federal broadband
15 support program.

16 (iii) An estimate of the economic im-
17 pact of such broadband deployment efforts
18 on local economies, including any effect on
19 small businesses or jobs.

20 (d) RELATION TO CURRENT BROADBAND ACTIVITIES
21 OF NTIA.—The Assistant Secretary shall assign to the
22 Office all activities performed by the National Tele-
23 communications and Information Administration as of the
24 date of the enactment of this Act that are similar to the

1 activities required to be conducted by the Office under this
2 Act.

3 (e) STREAMLINED APPLICATIONS FOR SUPPORT.—

4 (1) AGENCY CONSULTATION.—The Office shall
5 consult with any agency offering a Federal
6 broadband support program to streamline and
7 standardize the applications process for financial as-
8 sistance or grants for such program.

9 (2) AGENCY STREAMLINING.—Any agency of-
10 fering a Federal broadband support program shall
11 amend the applications of the agency for broadband
12 support, to the extent practicable and as necessary,
13 to streamline and standardize applications for Fed-
14 eral broadband support programs across the Govern-
15 ment.

16 (3) SINGLE APPLICATION.—To the greatest ex-
17 tent practicable, the Office shall seek to create one
18 application that may be submitted to apply for all,
19 or substantially all, Federal broadband support pro-
20 grams.

21 (4) WEBSITE REQUIRED.—Not later than 180
22 days after the date of the enactment of this Act, the
23 Office shall create a central website through which
24 potential applicants can learn about and apply for

1 support through any Federal broadband support
2 program.

3 (f) COORDINATION OF SUPPORT.—

4 (1) IN GENERAL.—To ensure that Federal sup-
5 port for broadband deployment is being distributed
6 in an efficient, technology-neutral, and financially
7 sustainable manner, and that a program does not
8 duplicate any other Federal broadband support pro-
9 gram or any Universal Service Fund high-cost pro-
10 gram—

11 (A) any agency that offers a Federal
12 broadband support program shall coordinate
13 with the Office consistent with the goals de-
14 scribed in paragraph (2); and

15 (B) the Office, with respect to Federal
16 broadband support programs, and the Commis-
17 sion, with respect to the Universal Service Fund
18 high-cost programs, shall coordinate with each
19 other consistent with the goals described in
20 paragraph (2).

21 (2) GOALS.—The goals of any coordination con-
22 ducted pursuant to this subsection are the following:

23 (A) Serving the largest number of
24 unserved locations in the United States and en-

1 suring all residents of the United States have
2 access to high-speed broadband.

3 (B) Promoting the most job and economic
4 growth for all residents of the United States.

5 (3) BROADBAND AVAILABILITY MAPS.—The Of-
6 fice and the Commission shall consult the broadband
7 availability maps produced by the Commission when
8 coordinating under paragraph (1).

9 (g) DEFINITIONS.—In this Act:

10 (1) AGENCY.—The term “agency” has the
11 meaning given that term in section 551 of title 5,
12 United States Code.

13 (2) ASSISTANT SECRETARY.—The term “Assist-
14 ant Secretary” means the Assistant Secretary of
15 Commerce for Communications and Information.

16 (3) COMMISSION.—The term “Commission”
17 means the Federal Communications Commission.

18 (4) FEDERAL BROADBAND SUPPORT PRO-
19 GRAM.—The term “Federal broadband support pro-
20 gram” does not include any Universal Service Fund
21 Program and means any of the following programs
22 (or any other similar Federal program) to the extent
23 the program offers broadband internet service, sup-
24 port for broadband deployment, or programs for pro-
25 moting broadband access and adoption for various

1 demographic communities through various media for
2 residential, commercial, community providers, or
3 academic establishments:

4 (A) The Telecommunications and Tech-
5 nology Program of the Appalachian Regional
6 Commission.

7 (B) The Telecommunications Infrastruc-
8 ture Loan and Loan Guarantee Program estab-
9 lished under the Rural Electrification Act of
10 1936, the rural broadband access program es-
11 tablished under title VI of that Act (7 U.S.C.
12 950bb et seq.), the initiative under section
13 306F of that Act (7 U.S.C. 936f), the Commu-
14 nity Connect Grant Program established under
15 section 604 of that Act (7 U.S.C. 950bb-3), the
16 broadband loan and grant pilot program au-
17 thorized under section 779 of division A of the
18 Consolidated Appropriations Act, 2018 (Public
19 Law 115-141; 132 Stat. 399) (commonly
20 known as the “Rural eConnectivity Pilot Pro-
21 gram” or the “ReConnect Program”), and the
22 Distance Learning and Telemedicine Program
23 under chapter 1 of subtitle D of title XXIII of
24 the Food, Agriculture, Conservation, and Trade
25 Act of 1990 (7 U.S.C. 950aaa et seq.).

1 (C) Community facility direct and guaran-
2 teed loans under section 306(a) of the Consoli-
3 dated Farm and Rural Development Act (7
4 U.S.C. 1926(a)), community facility grants
5 under paragraph (19), (20), or (21) of section
6 306(a) of the Consolidated Farm and Rural
7 Development Act (7 U.S.C. 1926(a)), and the
8 Rural Community Development Initiative au-
9 thorized under the heading “Rural Housing
10 Service—Rural Community Facilities Program
11 Account” under title III of division B of the
12 Further Consolidated Appropriations Act, 2020
13 (Public Law 116–94; 133 Stat. 2629).

14 (D) The Public Works and Economic Ad-
15 justment Assistance Programs and the Plan-
16 ning and Local Technical Assistance Programs
17 of the Economic Development Administration of
18 the Department of Commerce.

19 (E) The Community Development Block
20 Grants and Section 108 Loan Guarantees Pro-
21 grams, the Funds for Public Housing Authori-
22 ties: Capital Fund and Operating Fund, the
23 Multifamily Housing Programs, the Indian
24 Community Development Block Grant Pro-
25 gram, the Indian Housing Block Grant Pro-

1 gram, the Title VI Loan Guarantee Program,
2 the Choice Neighborhoods Program, the HOME
3 Investment Partnerships Program, the Housing
4 Trust Fund, and the Housing Opportunities for
5 Persons with AIDS Program of the Department
6 of Housing and Urban Development.

7 (F) The American Job Centers of the Em-
8 ployment and Training Administration of the
9 Department of Labor.

10 (G) The Library Services and Technology
11 Grant Programs of the Institute of Museum
12 and Library Services.

13 (5) OFFICE.—The term “Office” means the Of-
14 fice of Internet Connectivity and Growth established
15 pursuant to subsection (b).

16 (6) UNIVERSAL SERVICE FUND HIGH-COST PRO-
17 GRAMS.—The term “Universal Service Fund high-
18 cost programs” means—

19 (A) the program for Universal Service
20 Support for High-Cost Areas set forth under
21 subpart D of part 54 of title 47, Code of Fed-
22 eral Regulations, or any successor thereto;

23 (B) the Rural Digital Opportunity Fund
24 set forth under subpart J of part 54 of title 47,

1 Code of Federal Regulations, or any successor
2 thereto;

3 (C) the Interstate Common Line Support
4 Mechanism for Rate-of-Return Carriers set
5 forth under subpart K of part 54 of title 47,
6 Code of Federal Regulations, or any successor
7 thereto;

8 (D) the Mobility Fund and 5G Fund set
9 forth under subpart L of part 54 of title 47,
10 Code of Federal Regulations, or any successor
11 thereto; and

12 (E) the High Cost Loop Support for Rate-
13 of-Return Carriers program set forth under
14 subpart M of part 54 of title 47, Code of Fed-
15 eral Regulations, or any successor thereto.

16 (7) UNIVERSAL SERVICE FUND PROGRAM.—The
17 term “Universal Service Fund Program” means any
18 program authorized under section 254 of the Com-
19 munications Act of 1934 (47 U.S.C. 254) to help de-
20 ploy broadband.

21 (8) UNIVERSAL SERVICE MECHANISM.—The
22 term “universal service mechanism” means any
23 funding stream provided by a Universal Service
24 Fund Program to support broadband access.

1 (h) RULE OF CONSTRUCTION.—Nothing in this Act
2 is intended to alter or amend any provision of section 254
3 of the Communications Act of 1934 (47 U.S.C. 254).

4 **SEC. 904. INTERAGENCY AGREEMENT.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Broadband Interagency Coordination Act of 2020”.

7 (b) INTERAGENCY AGREEMENT.—

8 (1) DEFINITIONS.—In this Act—

9 (A) the term “covered agency” means—

10 (i) the Federal Communications Com-
11 mission;

12 (ii) the Department of Agriculture;

13 and

14 (iii) the National Telecommunications
15 and Information Administration; and

16 (B) the term “high-cost programs”
17 means—

18 (i) the program for Universal Service
19 Support for High-Cost Areas set forth
20 under subpart D of part 54 of title 47,
21 Code of Federal Regulations, or any suc-
22 cessor thereto;

23 (ii) the Rural Digital Opportunity
24 Fund set forth under subpart J of part 54

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1 of title 47, Code of Federal Regulations, or
2 any successor thereto;

3 (iii) the Interstate Common Line Sup-
4 port Mechanism for Rate-of-Return Car-
5 riers set forth under subpart K of part 54
6 of title 47, Code of Federal Regulations, or
7 any successor thereto;

8 (iv) the Mobility Fund and 5G Fund
9 set forth under subpart L of part 54 of
10 title 47, Code of Federal Regulations, or
11 any successor thereto; and

12 (v) the High Cost Loop Support for
13 Rate-of-Return Carriers program set forth
14 under subpart M of part 54 of title 47,
15 Code of Federal Regulations, or any suc-
16 cessor thereto.

17 (2) INTERAGENCY AGREEMENT.—Not later
18 than 180 days after the date of enactment of this
19 Act, the heads of the covered agencies shall enter
20 into an interagency agreement requiring coordina-
21 tion between the covered agencies for the distribu-
22 tion of funds for broadband deployment under—

23 (A) the high-cost programs;

24 (B) the programs administered by the
25 Rural Utilities Service of the Department of

1 Agriculture and the Department of Agriculture;
2 and

3 (C) the programs administered by or co-
4 ordinated through the National Telecommuni-
5 cations and Information Administration.

6 (3) REQUIREMENTS.—In entering into an inter-
7 agency agreement with respect to the programs de-
8 scribed in paragraph (2), the heads of the covered
9 agencies shall—

10 (A) require that the covered agencies share
11 information with each other about existing or
12 planned projects that have received or will re-
13 ceive funds under the programs described in
14 paragraph (2) for new broadband deployment;

15 (B) provide that—

16 (i) subject to clause (ii), upon request
17 from another covered agency with author-
18 ity to award or authorize any funds for
19 new broadband deployment in a project
20 area, a covered agency shall provide the
21 other covered agency with any information
22 the covered agency possesses regarding,
23 with respect to the project area—

24 (I) each entity that provides
25 broadband service in the area;

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1 (II) levels of broadband service
2 provided in the area, including the
3 speed of broadband service and the
4 technology provided;

5 (III) the geographic scope of
6 broadband service coverage in the
7 area; and

8 (IV) each entity that has received
9 or will receive funds under the pro-
10 grams described in paragraph (2) to
11 provide broadband service in the area;
12 and

13 (ii) if a covered agency designates any
14 information provided to another covered
15 agency under clause (i) as confidential, the
16 other covered agency shall protect the con-
17 fidentiality of that information;

18 (C) consider basing the distribution of
19 funds for broadband deployment under the pro-
20 grams described in paragraph (2) on standard-
21 ized data regarding broadband coverage; and

22 (D) provide that the interagency agree-
23 ment shall be updated periodically, except that
24 the scope of the agreement with respect to the

1 Federal Communications Commission may not
2 expand beyond the high-cost programs.

3 (4) ASSESSMENT OF AGREEMENT.—

4 (A) PUBLIC COMMENT.—Not later than 1
5 year after entering into the interagency agree-
6 ment required under paragraph (2), the Federal
7 Communications Commission shall seek public
8 comment on—

9 (i) the effectiveness of the interagency
10 agreement in facilitating efficient use of
11 funds for broadband deployment;

12 (ii) the availability of Tribal, State,
13 and local data regarding broadband deploy-
14 ment and the inclusion of that data in
15 interagency coordination; and

16 (iii) modifications to the interagency
17 agreement that would improve the efficacy
18 of interagency coordination.

19 (B) ASSESSMENT; REPORT.—Not later
20 than 18 months after the date of enactment of
21 this Act, the Federal Communications Commis-
22 sion shall—

23 (i) review and assess the comments
24 received under subparagraph (A); and

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1 (ii) submit to the Committee on Com-
2 merce, Science, and Transportation of the
3 Senate and the Committee on Energy and
4 Commerce of the House of Representatives
5 a report detailing any findings and rec-
6 ommendations from the assessment con-
7 ducted under clause (i).

8 **SEC. 905. REALLOCATION AND AUCTION OF 3450–3550 MHZ**
9 **SPECTRUM BAND.**

10 (a) **SHORT TITLE.**—This section may be cited as the
11 “Beat China by Harnessing Important, National Airwaves
12 for 5G Act of 2020” or the “Beat CHINA for 5G Act
13 of 2020”.

14 (b) **DEFINITIONS.**—In this Act—

15 (1) the term “Commission” means the Federal
16 Communications Commission; and

17 (2) the term “covered band” means the band of
18 electromagnetic spectrum between the frequencies of
19 3450 megahertz and 3550 megahertz, inclusive.

20 (c) **WITHDRAWAL OR MODIFICATION OF FEDERAL**
21 **GOVERNMENT ASSIGNMENTS.**—The President, acting
22 through the Assistant Secretary of Commerce for Commu-
23 nications and Information, shall—

24 (1) not later than 180 days after the date of
25 enactment of this Act, in coordination with relevant

1 Federal users, begin the process of withdrawing or
2 modifying the assignments to Federal Government
3 stations of the covered band as necessary for the
4 Commission to comply with subsection (d); and

5 (2) not later than 30 days after completing any
6 necessary withdrawal or modification under para-
7 graph (1), notify the Commission that the with-
8 drawal or modification is complete.

9 (d) REALLOCATION AND AUCTION.—

10 (1) IN GENERAL.—The Commission shall—

11 (A) revise the non-Federal allocation for
12 the covered band to permit flexible-use services;
13 and

14 (B) notwithstanding paragraph (15)(A) of
15 section 309(j) of the Communications Act of
16 1934 (47 U.S.C. 309(j)), not later than Decem-
17 ber 31, 2021, begin a system of competitive
18 bidding under that section to grant new initial
19 licenses for the use of a portion or all of the
20 covered band, subject to flexible-use service
21 rules.

22 (2) EXEMPTION FROM NOTIFICATION REQUIRE-
23 MENT.—The first sentence of section 113(g)(4)(A)
24 of the National Telecommunications and Informa-
25 tion Administration Organization Act (47 U.S.C.

1 923(g)(4)(A)) shall not apply with respect to the
2 system of competitive bidding required under para-
3 graph (1)(B) of this subsection.

4 (3) PROCEEDS TO COVER 110 PERCENT OF FED-
5 ERAL RELOCATION OR SHARING COSTS.—Nothing in
6 paragraph (1) shall be construed to relieve the Com-
7 mission from the requirements of section
8 309(j)(16)(B) of the Communications Act of 1934
9 (47 U.S.C. 309(j)(16)(B)).

10 **TITLE X—BANKRUPTCY RELIEF**

11 **SEC. 1001. BANKRUPTCY RELIEF.**

12 (a) PROPERTY OF THE ESTATE.—

13 (1) IN GENERAL.—Section 541(b) of title 11,
14 United States Code, is amended—

15 (A) in paragraph (9), in the matter fol-
16 lowing subparagraph (B), by striking “or”;

17 (B) in paragraph (10)(C), by striking the
18 period at the end and inserting “; or”; and

19 (C) by inserting after paragraph (10) the
20 following:

21 “(11) recovery rebates made under section
22 6428 of the Internal Revenue Code of 1986.”.

23 (2) SUNSET.—Effective on the date that is 1
24 year after the date of enactment of this Act, section

1 541(b) of title 11, United States Code, is amend-
2 ed—

3 (A) in paragraph (9), in the matter fol-
4 lowing subparagraph (B), by adding “or” at the
5 end;

6 (B) in paragraph (10)(C), by striking “;
7 or” and inserting a period; and

8 (C) by striking paragraph (11).

9 (b) DISCHARGE.—

10 (1) IN GENERAL.—Section 1328 of title 11,
11 United States Code, is amended by adding at the
12 end the following:

13 “(i) Subject to subsection (d), after notice and a
14 hearing, the court may grant a discharge of debts dis-
15 chargeable under subsection (a) to a debtor who has not
16 completed payments to the trustee or a creditor holding
17 a security interest in the principal residence of the debtor
18 if—

19 “(1) the debtor defaults on not more than 3
20 monthly payments due on a residential mortgage
21 under section 1322(b)(5) on or after March 13,
22 2020, to the trustee or creditor caused by a material
23 financial hardship due, directly or indirectly, by the
24 coronavirus disease 2019 (COVID–19) pandemic; or

1 “(2)(A) the plan provides for the curing of a
2 default and maintenance of payments on a residen-
3 tial mortgage under section 1322(b)(5); and

4 “(B) the debtor has entered into a forbearance
5 agreement or loan modification agreement with the
6 holder or servicer (as defined in section 6(i) of the
7 Real Estate Settlement Procedures Act of 1974 (12
8 U.S.C. 2605(i)) of the mortgage described in sub-
9 paragraph (A).”.

10 (2) SUNSET.—Effective on the date that is 1
11 year after the date of enactment of this Act, section
12 1328 of title 11, United States Code, is amended by
13 striking subsection (i).

14 (c) PROTECTION AGAINST DISCRIMINATORY TREAT-
15 MENT.—

16 (1) IN GENERAL.—Section 525 of title 11,
17 United States Code, is amended by adding at the
18 end the following:

19 “(d) A person may not be denied relief under sections
20 4022 through 4024 of the CARES Act (15 U.S.C. 9056,
21 9057, 9058) because the person is or has been a debtor
22 under this title.”.

23 (2) SUNSET.—Effective on the date that is 1
24 year after the date of enactment of this Act, section

1 525 of title 11, United States Code, is amended by
2 striking subsection (d).

3 (d) CARES FORBEARANCE CLAIMS.—

4 (1) FILING OF PROOFS OF CLAIMS OR INTER-
5 ESTS.—Section 501 of title 11, United States Code,
6 is amended by adding at the end the following:

7 “(f)(1) In this subsection—

8 “(A) the term ‘CARES forbearance claim’
9 means a supplemental claim for the amount of a
10 Federally backed mortgage loan or a Federally
11 backed multifamily mortgage loan that was not re-
12 ceived by an eligible creditor during the forbearance
13 period of a loan granted forbearance under section
14 4022 or 4023 of the CARES Act (15 U.S.C. 9056,
15 9057);

16 “(B) the term ‘eligible creditor’ means a
17 servicer (as defined in section 6(i) of the Real Estate
18 Settlement Procedures Act of 1974 (12 U.S.C.
19 2605(i)) with a claim for a Federally backed mort-
20 gage loan or a Federally backed multifamily mort-
21 gage loan of the debtor that is provided for by a
22 plan under section 1322(b)(5);

23 “(C) the term ‘Federally backed mortgage loan’
24 has the meaning given the term in section 4022(a)
25 of the CARES Act (15 U.S.C. 9056(a)); and

1 “(D) the term ‘Federally backed multifamily
2 mortgage loan’ has the meaning given the term in
3 section 4023(f) of the CARES Act (15 U.S.C.
4 9057(f)).

5 “(2)(A) Only an eligible creditor may file a supple-
6 mental proof of claim for a CARES forbearance claim.

7 “(B) If an underlying mortgage loan obligation has
8 been modified or deferred by an agreement of the debtor
9 and an eligible creditor of the mortgage loan in connection
10 with a mortgage forbearance granted under section 4022
11 or 4023 of the CARES Act (15 U.S.C. 9056, 9057) in
12 order to cure mortgage payments forborne under the for-
13 bearance, the proof of claim filed under subparagraph (A)
14 shall include—

15 “(i) the relevant terms of the modification or
16 deferral;

17 “(ii) for a modification or deferral that is in
18 writing, a copy of the modification or deferral; and

19 “(iii) a description of the payments to be de-
20 ferred until the date on which the mortgage loan
21 matures.”.

22 (2) ALLOWANCE OF CLAIMS OR INTERESTS.—
23 Section 502(b)(9) of title 11, United States Code, is
24 amended to read as follows:

1 “(9) proof of such claim is not timely filed, ex-
2 cept to the extent tardily filed as permitted under
3 paragraph (1), (2), or (3) of section 726(a) or under
4 the Federal Rules of Bankruptcy Procedure, except
5 that—

6 “(A) a claim of a governmental unit shall
7 be timely filed if it is filed before 180 days after
8 the date of the order for relief or such later
9 time as the Federal Rules of Bankruptcy Proce-
10 dure may provide;

11 “(B) in a case under chapter 13, a claim
12 of a governmental unit for a tax with respect to
13 a return filed under section 1308 shall be time-
14 ly if the claim is filed on or before the date that
15 is 60 days after the date on which such return
16 was filed as required; and

17 “(C) a CARES forbearance claim (as de-
18 fined in section 501(f)(1)) shall be timely filed
19 if the claim is filed before the date that is 120
20 days after the expiration of the forbearance pe-
21 riod of a loan granted forbearance under sec-
22 tion 4022 or 4023 of the CARES Act (15
23 U.S.C. 9056, 9057).”.

24 (3) SUNSET.—Effective on the date that is 1
25 year after the date of enactment of this Act—

1 (A) section 501 of title 11, United States
2 Code, is amended by striking subsection (f);
3 and

4 (B) section 502(b)(9) of title 11, United
5 States Code, is amended—

6 (i) in subparagraph (A), by adding
7 “and” at the end;

8 (ii) in subparagraph (B), by striking
9 “; and” and inserting a period; and

10 (iii) by striking subparagraph (C).

11 (e) MODIFICATION OF PLAN AFTER CONFIRMA-
12 TION.—

13 (1) IN GENERAL.—Section 1329 of title 11,
14 United States Code, is amended by adding at the
15 end the following:

16 “(e)(1) A debtor of a case for which a creditor files
17 a proof of claim under section 501(f) may file a request
18 for a modification of the plan to provide for the proof of
19 claim.

20 “(2) If the debtor does not file a request for a modi-
21 fication of the plan under paragraph (1) on or before the
22 date that is 30 days after the date on which a creditor
23 files a claim under section 501(f), after notice, the court,
24 on a motion of the court or on a motion of the United
25 States trustee, the trustee, a bankruptcy administrator,

1 or any party in interest, may request a modification of
2 the plan to provide for the proof of claim.”.

3 (2) SUNSET.—Effective on the date that is 1
4 year after the date of enactment of this Act, section
5 1329 of title 11, United States Code, is amended by
6 striking subsection (e).

7 (f) EXECUTORY CONTRACTS AND UNEXPIRED
8 LEASES.—

9 (1) IN GENERAL.—Section 365(d) of title 11,
10 United States Code, is amended—

11 (A) in paragraph (3)—

12 (i) by inserting “(A)” after “(3)”;

13 (ii) by inserting “, except as provided
14 in subparagraph (B)” after “such 60-day
15 period”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(B) In a case under subchapter V of chapter 11,
19 the time for performance of an obligation described in sub-
20 paragraph (A) arising under any unexpired lease of non-
21 residential real property may be extended by the court if
22 the debtor is experiencing or has experienced a material
23 financial hardship due, directly or indirectly, to the
24 coronavirus disease 2019 (COVID–19) pandemic until the
25 earlier of—

1 “(i) the date that is 60 days after the date of
2 the order for relief, which may be extended by the
3 court for an additional period of 60 days if the court
4 determines that the debtor is continuing to experi-
5 ence a material financial hardship due, directly or
6 indirectly, to the coronavirus disease 2019 (COVID-
7 19) pandemic; or

8 “(ii) the date on which the lease is assumed or
9 rejected under this section.

10 “(C) An obligation described in subparagraph (A) for
11 which an extension is granted under subparagraph (B)
12 shall be treated as an administrative expense described in
13 section 507(a)(2) for the purpose of section 1191(e).”;
14 and

15 (B) in paragraph (4), by striking “120”
16 each place it appears and inserting “210”.

17 (2) SUNSET.—

18 (A) IN GENERAL.—Effective on the date
19 that is 2 years after the date of enactment of
20 this Act, section 365(d) of title 11, United
21 States Code, is amended—

22 (i) in paragraph (3)—

23 (I) by striking “(A)” after “(3)”;

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1 (II) by striking “, except as pro-
2 vided in subparagraph (B)” after
3 “such 60-day period”; and

4 (III) by striking subparagraphs
5 (B) and (C); and

6 (ii) in paragraph (4), by striking
7 “210” each place it appears and inserting
8 “120”.

9 (B) SUBCHAPTER V CASES FILED BEFORE
10 SUNSET.—Notwithstanding the amendments
11 made by subparagraph (A), the amendments
12 made by paragraph (1) shall apply in any case
13 commenced under subchapter V of chapter 11
14 of title 11, United States Code, before the date
15 that is 2 years after the date of enactment of
16 this Act.

17 (g) PREFERENCES.—

18 (1) IN GENERAL.—Section 547 of title 11,
19 United States Code, is amended—

20 (A) in subsection (b), in the matter pre-
21 ceding paragraph (1), by striking “and (i)” and
22 inserting “, (i), and (j)”; and

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

24 “(j)(1) In this subsection:

1 “(A) The term ‘covered payment of rental ar-
2 rearages’ means a payment of arrearages that—

3 “(i) is made in connection with an agree-
4 ment or arrangement—

5 “(I) between the debtor and a lessor
6 to defer or postpone the payment of rent
7 and other periodic charges under a lease of
8 nonresidential real property; and

9 “(II) made or entered into on or after
10 March 13, 2020;

11 “(ii) does not exceed the amount of rental
12 and other periodic charges agreed to under the
13 lease of nonresidential real property described
14 in clause (i)(I) before March 13, 2020; and

15 “(iii) does not include fees, penalties, or in-
16 terest in an amount greater than the amount of
17 fees, penalties, or interest—

18 “(I) scheduled to be paid under the
19 lease of nonresidential real property de-
20 scribed in clause (i)(I); or

21 “(II) that the debtor would owe if the
22 debtor had made every payment due under
23 the lease of nonresidential real property
24 described in clause (i)(I) on time and in
25 full before March 13, 2020.

1 “(B) The term ‘covered payment of supplier ar-
2 rearages’ means a payment of arrearages that—

3 “(i) is made in connection with an agree-
4 ment or arrangement—

5 “(I) between the debtor and a supplier
6 of goods or services to defer or postpone
7 the payment of amounts due under an ex-
8 ecutory contract for goods or services; and

9 “(II) made or entered into on or after
10 March 13, 2020;

11 “(ii) does not exceed the amount due
12 under the executory contract described in clause
13 (i)(I) before March 13, 2020; and

14 “(iii) does not include fees, penalties, or in-
15 terest in an amount greater than the amount of
16 fees, penalties, or interest—

17 “(I) scheduled to be paid under the
18 executory contract described in clause
19 (i)(I); or

20 “(II) that the debtor would owe if the
21 debtor had made every payment due under
22 the executory contract described in clause
23 (i)(I) on time and in full before March 13,
24 2020.

1 “(2) The trustee may not avoid a transfer under this
2 section for—

3 “(A) a covered payment of rental arrearages; or

4 “(B) a covered payment of supplier arrear-
5 ages.”.

6 (2) SUNSET.—

7 (A) IN GENERAL.—Effective on the date
8 that is 2 years after the date of enactment of
9 this Act, section 547 of title 11, United States
10 Code, is amended—

11 (i) in subsection (b), in the matter
12 preceding paragraph (1), by striking “, (i),
13 and (j)” and inserting “and (i)”; and

14 (ii) by striking subsection (j).

15 (B) CASES FILED BEFORE SUNSET.—Not-
16 withstanding the amendments made by sub-
17 paragraph (A), the amendments made by para-
18 graph (1) shall apply in any case commenced
19 under title 11, United States Code, before the
20 date that is 2 years after the date of enactment
21 of this Act.

22 (h) TERMINATION OF UTILITY SERVICES.—

23 (1) IN GENERAL.—Section 366 of title 11,
24 United States Code, is amended by adding at the
25 end the following:

1 “(d) Notwithstanding any other provision of this sec-
2 tion, a utility may not alter, refuse, or discontinue service
3 to a debtor who does not furnish adequate assurance of
4 payment under this section if the debtor—

5 “(1) is an individual;

6 “(2) makes a payment to the utility for any
7 debt owed to the utility for service provided during
8 the 20-day period beginning on the date of the order
9 for relief; and

10 “(3) after the date on which the 20-day period
11 beginning on the date of the order for relief ends,
12 makes a payment to the utility for services provided
13 during the pendency of case when such a payment
14 becomes due.”.

15 (2) SUNSET.—Effective on the date that is 1
16 year after the date of enactment of this Act, section
17 366 of title 11, United States Code, is amended by
18 striking subsection (d).

19 (i) CUSTOMS DUTIES.—

20 (1) IN GENERAL.—Section 507(d) of title 11,
21 United States Code, is amended—

22 (A) by striking “, (a)(8)”;

23 (B) by inserting “or subparagraphs (A)
24 through (E) and (G) of subsection (a)(8)” after
25 “(a)(9)”;

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1 (C) inserting “or subparagraph” after
2 “such subsection”.

3 (2) SUNSET.—Effective on the date that is 1
4 year after the date of enactment of this Act, section
5 507(d) of title 11, United States Code, is amend-
6 ed—

7 (A) by inserting “, (a)(8)” before “, or
8 (a)(9)”;

9 (B) by striking “or subparagraphs (A)
10 through (E) and (G) of subsection (a)(8)”;

11 (C) by striking “or subparagraph” after
12 “such subsection”.

13 **TITLE XI—WESTERN WATER AND** 14 **INDIAN AFFAIRS**

15 **SEC. 1101. AGING INFRASTRUCTURE ACCOUNT.**

16 Section 9603 of the Omnibus Public Land Manage-
17 ment Act of 2009 (43 U.S.C. 510b) is amended by adding
18 at the end the following:

19 “(d) AGING INFRASTRUCTURE ACCOUNT.—

20 “(1) ESTABLISHMENT.—There is established in
21 the general fund of the Treasury a special account,
22 to be known as the ‘Aging Infrastructure Account’
23 (referred to in this subsection as the ‘Account’), to
24 provide funds to, and provide for the extended re-
25 payment of the funds by, a transferred works oper-

1 ating entity or project beneficiary responsible for re-
2 payment of reimbursable costs for the conduct of ex-
3 traordinary operation and maintenance work at a
4 project facility, which shall consist of—

5 “(A) any amounts that are specifically ap-
6 propriated to the Account under section 9605;
7 and

8 “(B) any amounts deposited in the Ac-
9 count under paragraph (3)(B).

10 “(2) EXPENDITURES.—Subject to paragraphs
11 (3) and (6), the Secretary may expend amounts in
12 the Account to fund and provide for extended repay-
13 ment of the funds for eligible projects identified in
14 a report submitted under paragraph (5)(B).

15 “(3) REPAYMENT CONTRACT.—

16 “(A) IN GENERAL.—The Secretary may
17 not expend amounts under paragraph (2) with
18 respect to an eligible project described in that
19 paragraph unless the transferred works oper-
20 ating entity or project beneficiary responsible
21 for repayment of reimbursable costs has entered
22 into a contract to repay the amounts under sub-
23 section (b)(2).

24 “(B) DEPOSIT OF REPAID FUNDS.—
25 Amounts repaid by a transferred works oper-

1 ating entity or project beneficiary responsible
2 for repayment of reimbursable costs receiving
3 funds under a repayment contract entered into
4 under this subsection shall be deposited in the
5 Account and shall be available to the Secretary
6 for expenditure, subject to paragraph (6), in ac-
7 cordance with this subsection, and without fur-
8 ther appropriation.

9 “(4) APPLICATION FOR FUNDING.—

10 “(A) IN GENERAL.—Beginning with fiscal
11 year 2022, not less than once per fiscal year,
12 the Secretary shall accept, during an applica-
13 tion period established by the Secretary, appli-
14 cations from transferred works operating enti-
15 ties or project beneficiaries responsible for pay-
16 ment of reimbursable costs for funds and ex-
17 tended repayment for eligible projects.

18 “(B) ELIGIBLE PROJECT.—A project eligi-
19 ble for funding and extended repayment under
20 this subsection is a project that—

21 “(i) qualifies as an extraordinary op-
22 eration and maintenance work under this
23 section;

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1 “(ii) is for the major, non-recurring
2 maintenance of a mission-critical asset;
3 and

4 “(iii) is not eligible to be carried out
5 or funded under the repayment provisions
6 of section 4(c) of the Reclamation Safety
7 of Dams Act of 1978 (43 U.S.C. 508(c)).

8 “(C) GUIDELINES FOR APPLICATIONS.—
9 Not later than 60 days after the date of enact-
10 ment of this subsection, the Secretary shall
11 issue guidelines describing the information re-
12 quired to be provided in an application for
13 funds and extended repayment under this sub-
14 section that require, at a minimum—

15 “(i) a description of the project for
16 which the funds are requested;

17 “(ii) the amount of funds requested;

18 “(iii) the repayment period requested
19 by the transferred works operating entity
20 or project beneficiary responsible for re-
21 payment of reimbursable costs;

22 “(iv) alternative non-Federal funding
23 options that have been evaluated;

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1 “(v) the financial justification for re-
2 questing an extended repayment period;
3 and

4 “(vi) the financial records of the
5 transferred works operating entity or
6 project beneficiary responsible for repay-
7 ment of reimbursable costs.

8 “(D) REVIEW BY THE SECRETARY.—The
9 Secretary shall review each application sub-
10 mitted under subparagraph (A)—

11 “(i) to determine whether the project
12 is eligible for funds and an extended repay-
13 ment period under this subsection;

14 “(ii) to determine if the project has
15 been identified by the Bureau of Reclama-
16 tion as part of the major rehabilitation and
17 replacement of a project facility; and

18 “(iii) to conduct a financial analysis
19 of—

20 “(I) the project; and

21 “(II) repayment capability of the
22 transferred works operating entity or
23 project beneficiary responsible for re-
24 payment of reimbursable costs.

1 “(5) REPORT.—Not later than 90 days after
2 the date on which an application period closes under
3 paragraph (4)(A), the Secretary shall submit to the
4 Committees on Energy and Natural Resources and
5 Appropriations of the Senate and the Committees on
6 Natural Resources and Appropriations of the House
7 of Representatives a report that—

8 “(A) describes the results of the Sec-
9 retary’s review of each application under para-
10 graph (4)(D), including a determination of
11 whether the project is eligible;

12 “(B) identifies each project eligible for
13 funds and extended repayment under this sub-
14 section;

15 “(C) with respect to each eligible project
16 identified under subparagraph (B), includes—

17 “(i) a description of—

18 “(I) the eligible project;

19 “(II) the anticipated cost and du-
20 ration of the eligible project;

21 “(III) any remaining engineering
22 or environmental compliance that is
23 required before the eligible project
24 commences;

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1 “(IV) any recommendations the
2 Secretary may have concerning the
3 plan or design of the project; and

4 “(V) any conditions the Secretary
5 may require for construction of the
6 project;

7 “(ii) an analysis of—

8 “(I) the repayment period pro-
9 posed in the application; and

10 “(II) if the Secretary rec-
11 ommends a minimum necessary repay-
12 ment period that is different than the
13 repayment period proposed in the ap-
14 plication, the minimum necessary re-
15 payment period recommended by the
16 Secretary; and

17 “(iii) an analysis of alternative non-
18 Federal funding options;

19 “(D) describes the allocation of funds from
20 deposits into the Account under paragraph
21 (3)(B); and

22 “(E) describes the balance of funds in the
23 Account as of the date of the report.

24 “(6) ALTERNATIVE ALLOCATION.—

1 “(A) IN GENERAL.—Appropriations Acts
2 may provide for alternate allocation of amounts
3 reported pursuant to paragraph (5)(D) that are
4 made available under this subsection.

5 “(B) ALLOCATION BY SECRETARY.—

6 “(i) NO ALTERNATE ALLOCATIONS.—
7 If Congress has not enacted legislation es-
8 tablishing alternate allocations by the date
9 on which the Act making full-year appro-
10 priations for energy and water development
11 and related agencies for the applicable fis-
12 cal year is enacted into law, amounts made
13 available under paragraph (1) shall be allo-
14 cated by the Secretary.

15 “(ii) INSUFFICIENT ALTERNATE AL-
16 LOCATIONS.—If Congress enacts legislation
17 establishing alternate allocations for
18 amounts made available under paragraph
19 (1) that are less than the full amount ap-
20 propriated under that paragraph, the dif-
21 ference between the amount appropriated
22 and the alternate allocation shall be allo-
23 cated by the Secretary.

24 “(7) EFFECT OF SUBSECTION.—Nothing in this
25 subsection affects—

1 “(A) any funding provided, or contracts
2 entered into, under subsection (a) before the
3 date of enactment of this subsection; or

4 “(B) the use of funds otherwise made
5 available to the Secretary to carry out sub-
6 section (a).”.

7 **SEC. 1102. NAVAJO-UTAH WATER RIGHTS SETTLEMENT.**

8 (a) PURPOSES.—The purposes of this section are—

9 (1) to achieve a fair, equitable, and final settle-
10 ment of all claims to water rights in the State of
11 Utah for—

12 (A) the Navajo Nation; and

13 (B) the United States, for the benefit of
14 the Nation;

15 (2) to authorize, ratify, and confirm the agree-
16 ment entered into by the Nation and the State, to
17 the extent that the agreement is consistent with this
18 section;

19 (3) to authorize and direct the Secretary—

20 (A) to execute the agreement; and

21 (B) to take any actions necessary to carry
22 out the agreement in accordance with this sec-
23 tion; and

24 (4) to authorize funds necessary for the imple-
25 mentation of the agreement and this section.

1 (b) DEFINITIONS.—In this section:

2 (1) AGREEMENT.—The term “agreement”
3 means—

4 (A) the document entitled “Navajo Utah
5 Water Rights Settlement Agreement” dated De-
6 cember 14, 2015, and the exhibits attached
7 thereto; and

8 (B) any amendment or exhibit to the docu-
9 ment or exhibits referenced in subparagraph
10 (A) to make the document or exhibits consistent
11 with this section.

12 (2) ALLOTMENT.—The term “allotment” means
13 a parcel of land—

14 (A) granted out of the public domain that
15 is—

16 (i) located within the exterior bound-
17 aries of the Reservation; or

18 (ii) Bureau of Indian Affairs parcel
19 number 792 634511 in San Juan County,
20 Utah, consisting of 160 acres located in
21 Township 41S, Range 20E, sections 11,
22 12, and 14, originally set aside by the
23 United States for the benefit of an indi-
24 vidual identified in the allotting document
25 as a Navajo Indian; and

1 (B) held in trust by the United States—

2 (i) for the benefit of an individual, in-
3 dividuals, or an Indian Tribe other than
4 the Navajo Nation; or

5 (ii) in part for the benefit of the Nav-
6 ajo Nation as of the enforceability date.

7 (3) ALLOTTEE.—The term “allottee” means an
8 individual or Indian Tribe with a beneficial interest
9 in an allotment held in trust by the United States.

10 (4) ENFORCEABILITY DATE.—The term “en-
11 forceability date” means the date on which the Sec-
12 retary publishes in the Federal Register the state-
13 ment of findings described in subsection (g)(1).

14 (5) GENERAL STREAM ADJUDICATION.—The
15 term “general stream adjudication” means the adju-
16 dication pending, as of the date of enactment of this
17 Act, in the Seventh Judicial District in and for
18 Grand County, State of Utah, commonly known as
19 the “Southeastern Colorado River General Adjudica-
20 tion”, Civil No. 810704477, conducted pursuant to
21 State law.

22 (6) INJURY TO WATER RIGHTS.—The term “in-
23 jury to water rights” means an interference with,
24 diminution of, or deprivation of water rights under

1 Federal or State law, excluding injuries to water
2 quality.

3 (7) MEMBER.—The term “member” means any
4 person who is a duly enrolled member of the Navajo
5 Nation.

6 (8) NAVAJO NATION OR NATION.—The term
7 “Navajo Nation” or “Nation” means a body politic
8 and federally recognized Indian nation, as published
9 on the list established under section 104(a) of the
10 Federally Recognized Indian Tribe List Act of 1994
11 (25 U.S.C. 5131(a)), also known variously as the
12 “Navajo Nation”, the “Navajo Nation of Arizona,
13 New Mexico, & Utah”, and the “Navajo Nation of
14 Indians” and other similar names, and includes all
15 bands of Navajo Indians and chapters of the Navajo
16 Nation and all divisions, agencies, officers, and
17 agents thereof.

18 (9) NAVAJO WATER DEVELOPMENT
19 PROJECTS.—The term “Navajo water development
20 projects” means projects for domestic municipal
21 water supply, including distribution infrastructure,
22 and agricultural water conservation, to be con-
23 structed, in whole or in part, using monies from the
24 Navajo Water Development Projects Account.

1 (10) NAVAJO WATER RIGHTS.—The term “Nav-
2 ajo water rights” means the Nation’s water rights in
3 Utah described in the agreement and this section.

4 (11) OM&R.—The term “OM&R” means oper-
5 ation, maintenance, and replacement.

6 (12) PARTIES.—The term “parties” means the
7 Navajo Nation, the State, and the United States.

8 (13) RESERVATION.—The term “Reservation”
9 means, for purposes of the agreement and this sec-
10 tion, the Reservation of the Navajo Nation in Utah
11 as in existence on the date of enactment of this Act
12 and depicted on the map attached to the agreement
13 as Exhibit A, including any parcel of land granted
14 out of the public domain and held in trust by the
15 United States entirely for the benefit of the Navajo
16 Nation as of the enforceability date.

17 (14) SECRETARY.—The term “Secretary”
18 means the Secretary of the Interior or a duly au-
19 thorized representative thereof.

20 (15) STATE.—The term “State” means the
21 State of Utah and all officers, agents, departments,
22 and political subdivisions thereof.

23 (16) UNITED STATES.—The term “United
24 States” means the United States of America and all

1 departments, agencies, bureaus, officers, and agents
2 thereof.

3 (17) UNITED STATES ACTING IN ITS TRUST CA-
4 PACITY.—The term “United States acting in its
5 trust capacity” means the United States acting for
6 the benefit of the Navajo Nation or for the benefit
7 of allottees.

8 (c) RATIFICATION OF AGREEMENT.—

9 (1) APPROVAL BY CONGRESS.—Except to the
10 extent that any provision of the agreement conflicts
11 with this section, Congress approves, ratifies, and
12 confirms the agreement (including any amendments
13 to the agreement that are executed to make the
14 agreement consistent with this section).

15 (2) EXECUTION BY SECRETARY.—The Sec-
16 retary is authorized and directed to promptly exe-
17 cute the agreement to the extent that the agreement
18 does not conflict with this section, including—

19 (A) any exhibits to the agreement requir-
20 ing the signature of the Secretary; and

21 (B) any amendments to the agreement
22 necessary to make the agreement consistent
23 with this section.

24 (3) ENVIRONMENTAL COMPLIANCE.—

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1 (A) IN GENERAL.—In implementing the
2 agreement and this section, the Secretary shall
3 comply with all applicable provisions of—

4 (i) the Endangered Species Act of
5 1973 (16 U.S.C. 1531 et seq.);

6 (ii) the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.); and

8 (iii) all other applicable environmental
9 laws and regulations.

10 (B) EXECUTION OF THE AGREEMENT.—
11 Execution of the agreement by the Secretary as
12 provided for in this section shall not constitute
13 a major Federal action under the National En-
14 vironmental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.).

16 (d) NAVAJO WATER RIGHTS.—

17 (1) CONFIRMATION OF NAVAJO WATER
18 RIGHTS.—

19 (A) QUANTIFICATION.—The Navajo Na-
20 tion shall have the right to use water from
21 water sources located within Utah and adjacent
22 to or encompassed within the boundaries of the
23 Reservation resulting in depletions not to ex-
24 ceed 81,500 acre-feet annually as described in
25 the agreement and as confirmed in the decree

1 entered by the general stream adjudication
2 court.

3 (B) SATISFACTION OF ALLOTTEE
4 RIGHTS.—Depletions resulting from the use of
5 water on an allotment shall be accounted for as
6 a depletion by the Navajo Nation for purposes
7 of depletion accounting under the agreement,
8 including recognition of—

9 (i) any water use existing on an allot-
10 ment as of the date of enactment of this
11 Act and as subsequently reflected in the
12 hydrographic survey report referenced in
13 subsection (f)(2);

14 (ii) reasonable domestic and stock
15 water uses put into use on an allotment;
16 and

17 (iii) any allotment water rights that
18 may be decreed in the general stream adju-
19 dication or other appropriate forum.

20 (C) SATISFACTION OF ON-RESERVATION
21 STATE LAW-BASED WATER RIGHTS.—Depletions
22 resulting from the use of water on the Reserva-
23 tion pursuant to State law-based water rights
24 existing as of the date of enactment of this Act
25 shall be accounted for as depletions by the Nav-

1 ajo Nation for purposes of depletion accounting
2 under the agreement.

3 (D) IN GENERAL.—The Navajo water
4 rights are ratified, confirmed, and declared to
5 be valid.

6 (E) USE.—Any use of the Navajo water
7 rights shall be subject to the terms and condi-
8 tions of the agreement and this section.

9 (F) CONFLICT.—In the event of a conflict
10 between the agreement and this section, the
11 provisions of this section shall control.

12 (2) TRUST STATUS OF NAVAJO WATER
13 RIGHTS.—The Navajo water rights—

14 (A) shall be held in trust by the United
15 States for the use and benefit of the Nation in
16 accordance with the agreement and this section;
17 and

18 (B) shall not be subject to forfeiture or
19 abandonment.

20 (3) AUTHORITY OF THE NATION.—

21 (A) IN GENERAL.—The Nation shall have
22 the authority to allocate, distribute, and lease
23 the Navajo water rights for any use on the Res-
24 ervation in accordance with the agreement, this
25 section, and applicable Tribal and Federal law.

1 (B) OFF-RESERVATION USE.—The Nation
2 may allocate, distribute, and lease the Navajo
3 water rights for off-Reservation use in accord-
4 ance with the agreement, subject to the ap-
5 proval of the Secretary.

6 (C) ALLOTTEE WATER RIGHTS.—The Na-
7 tion shall not object in the general stream adju-
8 dication or other applicable forum to the quan-
9 tification of reasonable domestic and stock
10 water uses on an allotment, and shall admin-
11 ister any water use on the Reservation in ac-
12 cordance with applicable Federal law, including
13 recognition of—

14 (i) any water use existing on an allot-
15 ment as of the date of enactment of this
16 Act and as subsequently reflected in the
17 hydrographic survey report referenced in
18 subsection (f)(2);

19 (ii) reasonable domestic and stock
20 water uses on an allotment; and

21 (iii) any allotment water rights de-
22 creed in the general stream adjudication or
23 other appropriate forum.

24 (4) EFFECT.—Except as otherwise expressly
25 provided in this subsection, nothing in this section—

1 (A) authorizes any action by the Nation
2 against the United States under Federal, State,
3 Tribal, or local law; or

4 (B) alters or affects the status of any ac-
5 tion brought pursuant to section 1491(a) of
6 title 28, United States Code.

7 (e) NAVAJO TRUST ACCOUNTS.—

8 (1) ESTABLISHMENT.—The Secretary shall es-
9 tablish a trust fund, to be known as the “Navajo
10 Utah Settlement Trust Fund” (referred to in this
11 section as the “Trust Fund”), to be managed, in-
12 vested, and distributed by the Secretary and to re-
13 main available until expended, consisting of the
14 amounts deposited in the Trust Fund under para-
15 graph (3), together with any interest earned on
16 those amounts, for the purpose of carrying out this
17 section.

18 (2) ACCOUNTS.—The Secretary shall establish
19 in the Trust Fund the following Accounts (referred
20 to in this subsection as the “Trust Fund Ac-
21 counts”):

22 (A) The Navajo Water Development
23 Projects Account.

24 (B) The Navajo OM&R Account.

1 (3) DEPOSITS.—The Secretary shall deposit in
2 the Trust Fund Accounts—

3 (A) in the Navajo Water Development
4 Projects Account, the amounts made available
5 pursuant to subsection (f)(1)(A); and

6 (B) in the Navajo OM&R Account, the
7 amount made available pursuant to subsection
8 (f)(1)(B).

9 (4) MANAGEMENT AND INTEREST.—

10 (A) MANAGEMENT.—Upon receipt and de-
11 posit of the funds into the Trust Fund Ac-
12 counts, the Secretary shall manage, invest, and
13 distribute all amounts in the Trust Fund in a
14 manner that is consistent with the investment
15 authority of the Secretary under—

16 (i) the first section of the Act of June
17 24, 1938 (25 U.S.C. 162a);

18 (ii) the American Indian Trust Fund
19 Management Reform Act of 1994 (25
20 U.S.C. 4001 et seq.); and

21 (iii) this subsection.

22 (B) INVESTMENT EARNINGS.—In addition
23 to the deposits under paragraph (3), any invest-
24 ment earnings, including interest, credited to
25 amounts held in the Trust Fund are authorized

1 to be appropriated to be used in accordance
2 with the uses described in paragraph (8).

3 (5) AVAILABILITY OF AMOUNTS.—Amounts ap-
4 propriated to, and deposited in, the Trust Fund, in-
5 cluding any investment earnings, shall be made
6 available to the Nation by the Secretary beginning
7 on the enforceability date and subject to the uses
8 and restrictions set forth in this subsection.

9 (6) WITHDRAWALS.—

10 (A) WITHDRAWALS UNDER THE AMERICAN
11 INDIAN TRUST FUND MANAGEMENT REFORM
12 ACT OF 1994.—The Nation may withdraw any
13 portion of the funds in the Trust Fund on ap-
14 proval by the Secretary of a tribal management
15 plan submitted by the Nation in accordance
16 with the American Indian Trust Fund Manage-
17 ment Reform Act of 1994 (25 U.S.C. 4001 et
18 seq.).

19 (i) REQUIREMENTS.—In addition to
20 the requirements under the American In-
21 dian Trust Fund Management Reform Act
22 of 1994 (25 U.S.C. 4001 et seq.), the trib-
23 al management plan under this subpara-
24 graph shall require that the Nation shall
25 spend all amounts withdrawn from the

1 Trust Fund and any investment earnings
2 accrued through the investments under the
3 Tribal management plan in accordance
4 with this section.

5 (ii) ENFORCEMENT.—The Secretary
6 may carry out such judicial and adminis-
7 trative actions as the Secretary determines
8 to be necessary to enforce the Tribal man-
9 agement plan to ensure that amounts with-
10 drawn by the Nation from the Trust Fund
11 under this subparagraph are used in ac-
12 cordance with this section.

13 (B) WITHDRAWALS UNDER EXPENDITURE
14 PLAN.—The Nation may submit to the Sec-
15 retary a request to withdraw funds from the
16 Trust Fund pursuant to an approved expendi-
17 ture plan.

18 (i) REQUIREMENTS.—To be eligible to
19 withdraw funds under an expenditure plan
20 under this subparagraph, the Nation shall
21 submit to the Secretary for approval an ex-
22 penditure plan for any portion of the Trust
23 Fund that the Nation elects to withdraw
24 pursuant to this subparagraph, subject to

1 the condition that the funds shall be used
2 for the purposes described in this section.

3 (ii) INCLUSIONS.—An expenditure
4 plan under this subparagraph shall include
5 a description of the manner and purpose
6 for which the amounts proposed to be
7 withdrawn from the Trust Fund will be
8 used by the Nation, in accordance with
9 paragraphs (3) and (8).

10 (iii) APPROVAL.—On receipt of an ex-
11 penditure plan under this subparagraph,
12 the Secretary shall approve the plan, if the
13 Secretary determines that the plan—

14 (I) is reasonable;

15 (II) is consistent with, and will
16 be used for, the purposes of this sec-
17 tion; and

18 (III) contains a schedule which
19 describes that tasks will be completed
20 within 18 months of receipt of with-
21 drawn amounts.

22 (iv) ENFORCEMENT.—The Secretary
23 may carry out such judicial and adminis-
24 trative actions as the Secretary determines
25 to be necessary to enforce an expenditure

1 plan to ensure that amounts disbursed
2 under this subparagraph are used in ac-
3 cordance with this section.

4 (7) EFFECT OF TITLE.—Nothing in this section
5 gives the Nation the right to judicial review of a de-
6 termination of the Secretary regarding whether to
7 approve a Tribal management plan or an expendi-
8 ture plan except under subchapter II of chapter 5,
9 and chapter 7, of title 5, United States Code (com-
10 monly known as the “Administrative Procedure
11 Act”).

12 (8) USES.—Amounts from the Trust Fund
13 shall be used by the Nation for the following pur-
14 poses:

15 (A) The Navajo Water Development
16 Projects Account shall be used to plan, design,
17 and construct the Navajo water development
18 projects and for the conduct of related activi-
19 ties, including to comply with Federal environ-
20 mental laws.

21 (B) The Navajo OM&R Account shall be
22 used for the operation, maintenance, and re-
23 placement of the Navajo water development
24 projects.

1 (9) LIABILITY.—The Secretary and the Sec-
2 retary of the Treasury shall not be liable for the ex-
3 penditure or investment of any amounts withdrawn
4 from the Trust Fund by the Nation under para-
5 graph (6).

6 (10) NO PER CAPITA DISTRIBUTIONS.—No por-
7 tion of the Trust Fund shall be distributed on a per
8 capita basis to any member of the Nation.

9 (11) EXPENDITURE REPORTS.—The Navajo
10 Nation shall submit to the Secretary annually an ex-
11 penditure report describing accomplishments and
12 amounts spent from use of withdrawals under a
13 Tribal management plan or an expenditure plan as
14 described in this section.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) AUTHORIZATION.—There are authorized to
17 be appropriated to the Secretary—

18 (A) for deposit in the Navajo Water Devel-
19 opment Projects Account of the Trust Fund es-
20 tablished under subsection (e)(2)(A),
21 \$198,300,000, which funds shall be retained
22 until expended, withdrawn, or reverted to the
23 general fund of the Treasury; and

24 (B) for deposit in the Navajo OM&R Ac-
25 count of the Trust Fund established under sub-

1 section (e)(2)(B), \$11,100,000, which funds
2 shall be retained until expended, withdrawn, or
3 reverted to the general fund of the Treasury.

4 (2) IMPLEMENTATION COSTS.—There is author-
5 ized to be appropriated non-trust funds in the
6 amount of \$1,000,000 to assist the United States
7 with costs associated with the implementation of this
8 section, including the preparation of a hydrographic
9 survey of historic and existing water uses on the
10 Reservation and on allotments.

11 (3) STATE COST SHARE.—The State shall con-
12 tribute \$8,000,000 payable to the Secretary for de-
13 posit into the Navajo Water Development Projects
14 Account of the Trust Fund established under sub-
15 section (e)(2)(A) in installments in each of the 3
16 years following the execution of the agreement by
17 the Secretary as provided for in subsection (c)(2).

18 (4) FLUCTUATION IN COSTS.—The amount au-
19 thorized to be appropriated under paragraph (1)
20 shall be increased or decreased, as appropriate, by
21 such amounts as may be justified by reason of ordi-
22 nary fluctuations in costs occurring after the date of
23 enactment of this Act as indicated by the Bureau of
24 Reclamation Construction Cost Index—Composite
25 Trend.

1 (A) REPETITION.—The adjustment process
2 under this paragraph shall be repeated for each
3 subsequent amount appropriated until the
4 amount authorized, as adjusted, has been ap-
5 propriated.

6 (B) PERIOD OF INDEXING.—The period of
7 indexing adjustment for any increment of fund-
8 ing shall end on the date on which funds are
9 deposited into the Trust Fund.

10 (g) CONDITIONS PRECEDENT.—

11 (1) IN GENERAL.—The waivers and releases
12 contained in subsection (h) shall become effective as
13 of the date the Secretary causes to be published in
14 the Federal Register a statement of findings that—

15 (A) to the extent that the agreement con-
16 flicts with this section, the agreement has been
17 revised to conform with this section;

18 (B) the agreement, so revised, including
19 waivers and releases of claims set forth in sub-
20 section (h), has been executed by the parties,
21 including the United States;

22 (C) Congress has fully appropriated, or the
23 Secretary has provided from other authorized
24 sources, all funds authorized under subsection
25 (f)(1);

1 (D) the State has enacted any necessary
2 legislation and provided the funding required
3 under the agreement and subsection (f)(3); and

4 (E) the court has entered a final or inter-
5 locutory decree that—

6 (i) confirms the Navajo water rights
7 consistent with the agreement and this sec-
8 tion; and

9 (ii) with respect to the Navajo water
10 rights, is final and nonappealable.

11 (2) EXPIRATION DATE.—If all the conditions
12 precedent described in paragraph (1) have not been
13 fulfilled to allow the Secretary’s statement of find-
14 ings to be published in the Federal Register by Oc-
15 tober 31, 2030—

16 (A) the agreement and this section, includ-
17 ing waivers and releases of claims described in
18 those documents, shall no longer be effective;

19 (B) any funds that have been appropriated
20 pursuant to subsection (f) but not expended, in-
21 cluding any investment earnings on funds that
22 have been appropriated pursuant to such sub-
23 section, shall immediately revert to the general
24 fund of the Treasury; and

1 (C) any funds contributed by the State
2 pursuant to subsection (f)(3) but not expended
3 shall be returned immediately to the State.

4 (3) EXTENSION.—The expiration date set forth
5 in paragraph (2) may be extended if the Navajo Na-
6 tion, the State, and the United States (acting
7 through the Secretary) agree that an extension is
8 reasonably necessary.

9 (h) WAIVERS AND RELEASES.—

10 (1) IN GENERAL.—

11 (A) WAIVER AND RELEASE OF CLAIMS BY
12 THE NATION AND THE UNITED STATES ACTING
13 IN ITS CAPACITY AS TRUSTEE FOR THE NA-
14 TION.—Subject to the retention of rights set
15 forth in paragraph (3), in return for confirma-
16 tion of the Navajo water rights and other bene-
17 fits set forth in the agreement and this section,
18 the Nation, on behalf of itself and the members
19 of the Nation (other than members in their ca-
20 pacity as allottees), and the United States, act-
21 ing as trustee for the Nation and members of
22 the Nation (other than members in their capac-
23 ity as allottees), are authorized and directed to
24 execute a waiver and release of—

1 (i) all claims for water rights within
2 Utah based on any and all legal theories
3 that the Navajo Nation or the United
4 States acting in its trust capacity for the
5 Nation, asserted, or could have asserted, at
6 any time in any proceeding, including to
7 the general stream adjudication, up to and
8 including the enforceability date, except to
9 the extent that such rights are recognized
10 in the agreement and this section; and

11 (ii) all claims for damages, losses, or
12 injuries to water rights or claims of inter-
13 ference with, diversion, or taking of water
14 rights (including claims for injury to lands
15 resulting from such damages, losses, inju-
16 ries, interference with, diversion, or taking
17 of water rights) within Utah against the
18 State, or any person, entity, corporation,
19 or municipality, that accrued at any time
20 up to and including the enforceability date.

21 (2) CLAIMS BY THE NAVAJO NATION AGAINST
22 THE UNITED STATES.—The Navajo Nation, on be-
23 half of itself (including in its capacity as allottee)
24 and its members (other than members in their ca-

1 capacity as allottees), shall execute a waiver and re-
2 lease of—

3 (A) all claims the Navajo Nation may have
4 against the United States relating in any man-
5 ner to claims for water rights in, or water of,
6 Utah that the United States acting in its trust
7 capacity for the Nation asserted, or could have
8 asserted, in any proceeding, including the gen-
9 eral stream adjudication;

10 (B) all claims the Navajo Nation may have
11 against the United States relating in any man-
12 ner to damages, losses, or injuries to water,
13 water rights, land, or other resources due to
14 loss of water or water rights (including dam-
15 ages, losses, or injuries to hunting, fishing,
16 gathering, or cultural rights due to loss of
17 water or water rights; claims relating to inter-
18 ference with, diversion, or taking of water; or
19 claims relating to failure to protect, acquire, re-
20 place, or develop water or water rights) within
21 Utah that first accrued at any time up to and
22 including the enforceability date;

23 (C) all claims the Nation may have against
24 the United States relating in any manner to the

1 litigation of claims relating to the Nation's
2 water rights in proceedings in Utah; and

3 (D) all claims the Nation may have against
4 the United States relating in any manner to the
5 negotiation, execution, or adoption of the agree-
6 ment or this section.

7 (3) RESERVATION OF RIGHTS AND RETENTION
8 OF CLAIMS BY THE NAVAJO NATION AND THE
9 UNITED STATES.—Notwithstanding the waivers and
10 releases authorized in this section, the Navajo Na-
11 tion, and the United States acting in its trust capac-
12 ity for the Nation, retain—

13 (A) all claims for injuries to and the en-
14 forcement of the agreement and the final or in-
15 terlocutory decree entered in the general stream
16 adjudication, through such legal and equitable
17 remedies as may be available in the decree
18 court or the Federal District Court for the Dis-
19 trict of Utah;

20 (B) all rights to use and protect water
21 rights acquired after the enforceability date;

22 (C) all claims relating to activities affect-
23 ing the quality of water, including any claims
24 under the Comprehensive Environmental Re-
25 sponse, Compensation, and Liability Act of

1 1980 (42 U.S.C. 9601 et seq.) (including claims
2 for damages to natural resources), the Safe
3 Drinking Water Act (42 U.S.C. 300f et seq.),
4 and the Federal Water Pollution Control Act
5 (33 U.S.C. 1251 et seq.), the regulations imple-
6 menting those Acts, and the common law;

7 (D) all claims for water rights, and claims
8 for injury to water rights, in States other than
9 the State of Utah;

10 (E) all claims, including environmental
11 claims, under any laws (including regulations
12 and common law) relating to human health,
13 safety, or the environment; and

14 (F) all rights, remedies, privileges, immu-
15 nities, and powers not specifically waived and
16 released pursuant to the agreement and this
17 section.

18 (4) EFFECT.—Nothing in the agreement or this
19 section—

20 (A) affects the ability of the United States
21 acting in its sovereign capacity to take actions
22 authorized by law, including any laws relating
23 to health, safety, or the environment, including
24 the Comprehensive Environmental Response,
25 Compensation, and Liability Act of 1980 (42

1 U.S.C. 9601 et seq.), the Safe Drinking Water
2 Act (42 U.S.C. 300f et seq.), the Federal Water
3 Pollution Control Act (33 U.S.C. 1251 et seq.),
4 the Solid Waste Disposal Act (42 U.S.C. 6901
5 et seq.), and the regulations implementing those
6 laws;

7 (B) affects the ability of the United States
8 to take actions in its capacity as trustee for any
9 other Indian Tribe or allottee;

10 (C) confers jurisdiction on any State court
11 to—

12 (i) interpret Federal law regarding
13 health, safety, or the environment or deter-
14 mine the duties of the United States or
15 other parties pursuant to such Federal
16 law; and

17 (ii) conduct judicial review of Federal
18 agency action; or

19 (D) modifies, conflicts with, preempts, or
20 otherwise affects—

21 (i) the Boulder Canyon Project Act
22 (43 U.S.C. 617 et seq.);

23 (ii) the Boulder Canyon Project Ad-
24 justment Act (43 U.S.C. 618 et seq.);

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1 (iii) the Act of April 11, 1956 (com-
2 monly known as the “Colorado River Stor-
3 age Project Act”) (43 U.S.C. 620 et seq.);

4 (iv) the Colorado River Basin Project
5 Act (43 U.S.C. 1501 et seq.);

6 (v) the Treaty between the United
7 States of America and Mexico respecting
8 utilization of waters of the Colorado and
9 Tijuana Rivers and of the Rio Grande,
10 signed at Washington February 3, 1944
11 (59 Stat. 1219);

12 (vi) the Colorado River Compact of
13 1922, as approved by the Presidential
14 Proclamation of June 25, 1929 (46 Stat.
15 3000); and

16 (vii) the Upper Colorado River Basin
17 Compact as consented to by the Act of
18 April 6, 1949 (63 Stat. 31, chapter 48).

19 (5) TOLLING OF CLAIMS.—

20 (A) IN GENERAL.—Each applicable period
21 of limitation and time-based equitable defense
22 relating to a claim waived by the Navajo Nation
23 described in this subsection shall be tolled for
24 the period beginning on the date of enactment

1 of this Act and ending on the enforceability
2 date.

3 (B) EFFECT OF PARAGRAPH.—Nothing in
4 this paragraph revives any claim or tolls any
5 period of limitation or time-based equitable de-
6 fense that expired before the date of enactment
7 of this Act.

8 (C) LIMITATION.—Nothing in this sub-
9 section precludes the tolling of any period of
10 limitations or any time-based equitable defense
11 under any other applicable law.

12 (i) MISCELLANEOUS PROVISIONS.—

13 (1) PRECEDENT.—Nothing in this section es-
14 tablishes any standard for the quantification or liti-
15 gation of Federal reserved water rights or any other
16 Indian water claims of any other Indian Tribe in
17 any other judicial or administrative proceeding.

18 (2) OTHER INDIAN TRIBES.—Nothing in the
19 agreement or this section shall be construed in any
20 way to quantify or otherwise adversely affect the
21 water rights, claims, or entitlements to water of any
22 Indian Tribe, band, or community, other than the
23 Navajo Nation.

24 (j) RELATION TO ALLOTTEES.—

1 (1) NO EFFECT ON CLAIMS OF ALLOTTEES.—
2 Nothing in this section or the agreement shall affect
3 the rights or claims of allottees, or the United
4 States, acting in its capacity as trustee for or on be-
5 half of allottees, for water rights or damages related
6 to lands allotted by the United States to allottees,
7 except as provided in subsection (d)(1)(B).

8 (2) RELATIONSHIP OF DECREE TO
9 ALLOTTEES.—Allottees, or the United States, acting
10 in its capacity as trustee for allottees, are not bound
11 by any decree entered in the general stream adju-
12 dication confirming the Navajo water rights and
13 shall not be precluded from making claims to water
14 rights in the general stream adjudication. Allottees,
15 or the United States, acting in its capacity as trust-
16 ee for allottees, may make claims and such claims
17 may be adjudicated as individual water rights in the
18 general stream adjudication.

19 (k) ANTIDEFICIENCY.—The United States shall not
20 be liable for any failure to carry out any obligation or ac-
21 tivity authorized by this section (including any obligation
22 or activity under the agreement) if adequate appropria-
23 tions are not provided expressly by Congress to carry out
24 the purposes of this section.

1 **SEC. 1103. AAMODT LITIGATION SETTLEMENT COMPLE-**
2 **TION.**

3 (a) DEFINITION OF 611(g) AGREEMENT.—Section
4 602 of the Aamodt Litigation Settlement Act (Public Law
5 111–291; 124 Stat. 3134) is amended—

6 (1) by redesignating paragraphs (1) through
7 (23) as paragraphs (2) through (24), respectively;
8 and

9 (2) by inserting before paragraph (2) (as so re-
10 designated) the following:

11 “(1) 611(g) AGREEMENT.—The term ‘611(g)
12 Agreement’ means the agreement dated September
13 17, 2019, executed by the United States, the State,
14 the Pueblos, the County, and the City pursuant to
15 section 611(g).”.

16 (b) FINAL PROJECT DESIGN.—Section 611(b) of the
17 Aamodt Litigation Settlement Act (Public Law 111–291;
18 124 Stat. 3137) is amended, in the matter preceding para-
19 graph (1), by striking “within 90 days of” and inserting
20 “as soon as feasible after”.

21 (c) CONSTRUCTION COSTS FOR PUEBLO WATER FA-
22 CILITIES.—Section 611(f) of the Aamodt Litigation Set-
23 tlement Act (Public Law 111–291; 124 Stat. 3138) is
24 amended—

25 (1) in paragraph (1)—

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1 (A) in subparagraph (A), by striking “
2 \$106,400,000” and inserting “ \$243,400,000”;
3 and

4 (B) by striking subparagraph (B) and in-
5 serting the following:

6 “(B) EXCEPTION.—Of the amount de-
7 scribed in subparagraph (A)—

8 “(i) the initial \$106,400,000 shall be
9 increased or decreased, as appropriate,
10 based on ordinary fluctuations in construc-
11 tion costs since October 1, 2006, as deter-
12 mined using applicable engineering cost in-
13 dices; and

14 “(ii) any amounts made available in
15 excess of the amount described in clause
16 (i) shall be increased or decreased, as ap-
17 propriate, based on ordinary fluctuations
18 in construction costs since October 1,
19 2018, as determined using applicable engi-
20 neering cost indices.”; and

21 (2) in paragraph (3), by inserting “and the
22 611(g) Agreement” after “the Cost-Sharing and
23 System Integration Agreement”.

1 (d) FUNDING FOR REGIONAL WATER SYSTEM.—Sec-
2 tion 617(a)(1)(B) of the Aamodt Litigation Settlement
3 Act (Public Law 111–291; 124 Stat. 3147) is amended—

4 (1) by striking the period at the end and insert-
5 ing “; and”;

6 (2) by striking “section 616 \$50,000,000” and
7 inserting the following: “section 616—

8 “(i) \$50,000,000”; and

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

10 “(ii) subject to the availability of ap-
11 propriations and in addition to the
12 amounts made available under clause (i),
13 \$137,000,000, as adjusted under para-
14 graph (4), for the period of fiscal years
15 2021 through 2028.”.

16 (e) ADJUSTMENT.—Section 617(a)(4) of the Aamodt
17 Litigation Settlement Act (Public Law 111–291; 124 Stat.
18 3147) is amended by striking “since October 1, 2006, as
19 determined using applicable engineering cost indices” and
20 inserting “pursuant to section 611(f)(1)(B)”.

21 (f) EXECUTION OF AGREEMENT UNDER SECTION
22 611(g).—Section 621 of the Aamodt Litigation Settle-
23 ment Act (Public Law 111–291; 124 Stat. 3149) is
24 amended by striking subsections (a) and (b) and inserting
25 the following:

1 “(a) APPROVAL.—To the extent the Settlement
2 Agreement, the Cost-Sharing and System Integration
3 Agreement, and the 611(g) Agreement do not conflict with
4 this title, the Settlement Agreement, the Cost-Sharing and
5 System Integration Agreement, and the 611(g) Agreement
6 (including any amendments to the Settlement Agreement,
7 the Cost-Sharing and System Integration Agreement, and
8 the 611(g) Agreement that are executed to make the Set-
9 tlement Agreement, the Cost-Sharing and System Integra-
10 tion Agreement, or the 611(g) Agreement consistent with
11 this title) are authorized, ratified, and confirmed.

12 “(b) EXECUTION.—To the extent the Settlement
13 Agreement, the Cost-Sharing and System Integration
14 Agreement, and the 611(g) Agreement do not conflict with
15 this title, the Secretary shall execute the Settlement
16 Agreement, the Cost-Sharing and System Integration
17 Agreement, and the 611(g) Agreement (including any
18 amendments that are necessary to make the Settlement
19 Agreement, the Cost-Sharing and System Integration
20 Agreement, or the 611(g) Agreement consistent with this
21 title).”.

22 (g) REQUIREMENTS FOR DETERMINATION OF SUB-
23 STANTIAL COMPLETION OF THE REGIONAL WATER SYS-
24 TEM.—Section 623(e) of the Aamodt Litigation Settle-

1 ment Act (Public Law 111–291; 124 Stat. 3151) is
2 amended—

3 (1) by striking paragraph (1) and inserting the
4 following:

5 “(1) CRITERIA FOR SUBSTANTIAL COMPLETION
6 OF REGIONAL WATER SYSTEM.—Subject to the pro-
7 visions of section 611(d) concerning the extent, size,
8 and capacity of the County Distribution System, the
9 Regional Water System shall be determined to be
10 substantially completed if—

11 “(A) the infrastructure has been con-
12 structed capable of—

13 “(i) diverting, treating, transmitting,
14 and distributing a supply of 2,500 acre-
15 feet of water to the Pueblos consistent with
16 the Engineering Report (as amended by
17 the 611(g) Agreement and the Operating
18 Agreement); and

19 “(ii) diverting, treating, and transmit-
20 ting the quantity of water specified in the
21 Engineering Report to the County Dis-
22 tribution System and consistent with the
23 Engineering Report (as amended by the
24 611(g) Agreement and the Operating
25 Agreement); or

1 “(B) the Secretary—

2 “(i) issues a notice to proceed author-
3 izing the commencement of Phase I con-
4 struction of the Regional Water System by
5 December 31, 2019, and subsequently
6 commences construction of the Regional
7 Water System;

8 “(ii) diligently proceeds to construct
9 the Regional Water System in accordance
10 with the Engineering Report (as amended
11 by the 611(g) Agreement), on a schedule
12 for completion by June 30, 2028;

13 “(iii) expends all of the available
14 funding provided to construct the Regional
15 Water System under section 611(f)(1)(A),
16 in the Cost-Sharing and System Integra-
17 tion Agreement, and in the 611(g) Agree-
18 ment;

19 “(iv) complies with the terms of the
20 611(g) Agreement; and

21 “(v) despite diligent efforts cannot
22 complete construction of the Regional
23 Water System as described in the final En-
24 gineering Report (as amended by the

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1 611(g) Agreement), due solely to the lack
2 of additional authorized funding.”;

3 (2) in paragraph (2)—

4 (A) by striking “2021” and inserting
5 “2025”; and

6 (B) by striking “2024” and inserting
7 “2028”;

8 (3) in paragraph (3), in the matter preceding
9 subparagraph (A), by striking “2021” and inserting
10 “2025”;

11 (4) in paragraph (4)(B)(ii)(II), by striking
12 “2023” and inserting “2027”; and

13 (5) in paragraph (5)(A), by striking “2024”
14 and inserting “2028”.

15 **SEC. 1104. KICKAPOO TRIBE.**

16 (a) DEFINITION OF UPPER DELAWARE AND TRIBU-
17 TARIES WATERSHED PLAN.—In this section, the term
18 “Upper Delaware and Tributaries Watershed Plan”
19 means the plan described in the document entitled “Wa-
20 tershed Plan and Environmental Impact Statement Upper
21 Delaware and Tributaries Watershed Atchison, Brown,
22 Jackson, and Nemaha Counties, Kansas”, dated January
23 1994, and supplemented in June 1994—

1 (1) developed, pursuant to the Watershed Pro-
2 tection and Flood Prevention Act (16 U.S.C. 1001
3 et seq.)—

4 (A) by the Kickapoo Tribe, certain water-
5 shed and conservation districts in the State of
6 Kansas, and the Department of Wildlife and
7 Parks of the State of Kansas; and

8 (B) with the cooperation and technical as-
9 sistance of the Natural Resources Conservation
10 Service; and

11 (2) described in the report of the Committee on
12 Environment and Public Works of the Senate (Sen-
13 ate Report 105–13; April 22, 1997).

14 (b) **STUDY; RECOMMENDATIONS.**—To support the
15 purposes of achieving a fair, equitable, and final settle-
16 ment of claims to water rights for the Kickapoo Tribe in
17 the State of Kansas, the Secretary of Agriculture (acting
18 through the Chief of the Natural Resources Conservation
19 Service), in consultation with the Secretary of the Interior
20 (acting through the Director of the Secretary’s Indian
21 Water Rights Office), shall—

22 (1) commence a study of the multipurpose dam
23 described in the Upper Delaware and Tributaries
24 Watershed Plan; and

1 (2) not later than 2 years after the date of en-
2 actment of this Act, make recommendations to Con-
3 gress with respect to the material alterations or
4 changes to the Upper Delaware and Tributaries Wa-
5 tershed Plan that are necessary to effectuate, in
6 part, the Tribal water rights agreed to by the Kick-
7 apoo Tribe and the State of Kansas on September
8 9, 2016, in the Kickapoo Tribe Water Rights Settle-
9 ment Agreement, which otherwise remains subject to
10 approval and authorization by Congress.

11 **SEC. 1105. AQUIFER RECHARGE FLEXIBILITY.**

12 (a) **SHORT TITLE.**—This section may be cited as the
13 “Aquifer Recharge Flexibility Act”.

14 (b) **DEFINITIONS.**—In this Act:

15 (1) **BUREAU.**—The term “Bureau” means the
16 Bureau of Reclamation.

17 (2) **COMMISSIONER.**—The term “Commis-
18 sioner” means the Commissioner of Reclamation.

19 (3) **ELIGIBLE LAND.**—The term “eligible land”,
20 with respect to a Reclamation project, means land
21 that—

22 (A) is authorized to receive water under
23 State law; and

24 (B) shares an aquifer with land located in
25 the service area of the Reclamation project.

1 (4) NET WATER STORAGE BENEFIT.—The term
2 “net water storage benefit” means an increase in the
3 volume of water that is—

4 (A) stored in 1 or more aquifers; and

5 (B)(i) available for use within the author-
6 ized service area of a Reclamation project; or

7 (ii) stored on a long-term basis to avoid or
8 reduce groundwater overdraft.

9 (5) RECLAMATION FACILITY.—The term “Rec-
10 lamation facility” means each of the infrastructure
11 assets that are owned by the Bureau at a Reclama-
12 tion project.

13 (6) RECLAMATION PROJECT.—The term “Rec-
14 lamation project” means any reclamation or irriga-
15 tion project, including incidental features thereof,
16 authorized by Federal reclamation law or the Act of
17 August 11, 1939 (commonly known as the “Water
18 Conservation and Utilization Act”) (53 Stat. 1418,
19 chapter 717; 16 U.S.C. 590y et seq.), or constructed
20 by the United States pursuant to such law, or in
21 connection with which there is a repayment or water
22 service contract executed by the United States pur-
23 suant to such law, or any project constructed by the
24 Secretary through the Bureau for the reclamation of
25 land.

1 (c) FLEXIBILITY TO ALLOW GREATER AQUIFER RE-
2 CHARGE IN WESTERN STATES.—

3 (1) USE OF RECLAMATION FACILITIES.—

4 (A) IN GENERAL.—The Commissioner may
5 allow the use of excess capacity in Reclamation
6 facilities for aquifer recharge of non-Reclama-
7 tion project water, subject to applicable rates,
8 charges, and public participation requirements,
9 on the condition that—

10 (i) the use—

11 (I) shall not be implemented in a
12 manner that is detrimental to—

13 (aa) any power service or
14 water contract for the Reclama-
15 tion project; or

16 (bb) any obligations for fish,
17 wildlife, or water quality protec-
18 tion applicable to the Reclama-
19 tion project;

20 (II) shall be consistent with
21 water quality guidelines for the Rec-
22 lamation project;

23 (III) shall comply with all appli-
24 cable—

25 (aa) Federal laws; and

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1 (bb) policies of the Bureau;

2 and

3 (IV) shall comply with all appli-
4 cable State laws and policies; and

5 (ii) the non-Federal party to an exist-
6 ing contract for water or water capacity in
7 a Reclamation facility consents to the use
8 of the Reclamation facility under this sub-
9 section.

10 (B) EFFECT ON EXISTING CONTRACTS.—

11 Nothing in this subsection affects a contract—

12 (i) in effect on the date of enactment
13 of this Act; and

14 (ii) under which the use of excess ca-
15 pacity in a Bureau conveyance facility for
16 carriage of non-Reclamation project water
17 for aquifer recharge is allowed.

18 (2) AQUIFER RECHARGE ON ELIGIBLE LAND.—

19 (A) IN GENERAL.—Subject to subpara-
20 graphs (C) and (D), the Secretary may contract
21 with a holder of a water service or repayment
22 contract for a Reclamation project to allow the
23 contractor, in accordance with applicable State
24 laws and policies—

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1 (i) to directly use water available
2 under the contract for aquifer recharge on
3 eligible land; or

4 (ii) to enter into an agreement with
5 an individual or entity to transfer water
6 available under the contract for aquifer re-
7 charge on eligible land.

8 (B) AUTHORIZED PROJECT USE.—The use
9 of a Reclamation facility for aquifer recharge
10 under subparagraph (A) shall be considered an
11 authorized use for the Reclamation project if
12 requested by a holder of a water service or re-
13 payment contract for the Reclamation facility.

14 (C) MODIFICATIONS TO CONTRACTS.—The
15 Secretary may contract with a holder of a water
16 service or repayment contract for a Reclamation
17 project under subparagraph (A) if the Secretary
18 determines that a new contract or contract
19 amendment described in that subparagraph is—

20 (i) necessary to allow for the use of
21 water available under the contract for aquifer
22 recharge under this subsection;

23 (ii) in the best interest of the Reclamation
24 project and the United States;
25 and

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1 (iii) approved by the contractor that is
2 responsible for repaying the cost of con-
3 struction, operations, and maintenance of
4 the facility that delivers the water under
5 the contract.

6 (D) REQUIREMENTS.—The use of Rec-
7 lamation facilities for the use or transfer of
8 water for aquifer recharge under this subsection
9 shall be subject to the requirements that—

10 (i) the use or transfer shall not be im-
11 plemented in a manner that materially im-
12 pacts any power service or water contract
13 for the Reclamation project; and

14 (ii) before the use or transfer, the
15 Secretary shall determine that the use or
16 transfer—

17 (I) results in a net water storage
18 benefit for the Reclamation project; or

19 (II) contributes to the recharge
20 of an aquifer on eligible land; and

21 (iii) the use or transfer complies with
22 all applicable—

23 (I) Federal laws and policies; and

24 (II) interstate water compacts.

1 (3) CONVEYANCE FOR AQUIFER RECHARGE
2 PURPOSES.—The holder of a right-of-way, easement,
3 permit, or other authorization to transport water
4 across public land administered by the Bureau of
5 Land Management may transport water for aquifer
6 recharge purposes without requiring additional au-
7 thorization from the Secretary where the use does
8 not expand or modify the operation of the right-of-
9 way, easement, permit, or other authorization across
10 public land.

11 (4) EFFECT.—Nothing in this Act creates, im-
12 pairs, alters, or supersedes a Federal or State water
13 right.

14 (5) EXEMPTION.—This Act shall not apply to
15 the State of California.

16 (6) ADVISORY GROUP.—The Secretary may par-
17 ticipate in any State-led collaborative, multi-stake-
18 holder advisory group created in any watershed the
19 purpose of which is to monitor, review, and assess
20 aquifer recharge activities.

21 **SEC. 1106. WATERSMART EXTENSION AND EXPANSION.**

22 (a) DEFINITION OF ELIGIBLE APPLICANT.—Section
23 9502 of the Omnibus Public Land Management Act of
24 2009 (42 U.S.C. 10362) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “section” and inserting “subtitle”;

3 (2) by striking paragraph (7) and inserting the
4 following:

5 “(7) ELIGIBLE APPLICANT.—The term ‘eligible
6 applicant’ means—

7 “(A) any State, Indian tribe, irrigation dis-
8 trict, or water district;

9 “(B) any State, regional, or local author-
10 ity, the members of which include 1 or more or-
11 ganizations with water or power delivery au-
12 thority;

13 “(C) any other organization with water or
14 power delivery authority; and

15 “(D) any nonprofit conservation organiza-
16 tion, if—

17 “(i) the nonprofit conservation organi-
18 zation is acting in partnership with and
19 with the agreement of an entity described
20 in subparagraph (A), (B), or (C); or

21 “(ii) in the case of an application for
22 a project to improve the condition of a nat-
23 ural feature or nature-based feature on
24 Federal land, the entities described in sub-
25 paragraph (A), (B), or (C) from the appli-

1 cable service area have been notified of the
2 project application and there is no written
3 objection to the project.”;

4 (3) in paragraph (10), by striking “450b” and
5 inserting “5304”;

6 (4) by redesignating paragraphs (13) through
7 (17) as paragraphs (15) through (19), respectively;
8 and

9 (5) by inserting after paragraph (12) the fol-
10 lowing:

11 “(13) NATURAL FEATURE.—The term ‘natural
12 feature’ means a feature that is created through the
13 action of physical, geological, biological, and chem-
14 ical processes over time.

15 “(14) NATURE-BASED FEATURE.—The term
16 ‘nature-based feature’ means a feature that is cre-
17 ated by human design, engineering, and construction
18 to provide a means to reduce water supply and de-
19 mand imbalances or drought or flood risk by acting
20 in concert with natural processes.”.

21 (b) GRANTS AND COOPERATIVE AGREEMENTS.—Sec-
22 tion 9504(a) of the Omnibus Public Land Management
23 Act of 2009 (42 U.S.C. 10364(a)) is amended—

24 (1) in paragraph (1)—

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1 (A) in the matter preceding subparagraph
2 (A), by inserting “or carrying out any activity”
3 after “any improvement”;

4 (B) by redesignating subparagraphs (F),
5 (G), and (H) as subparagraphs (G), (H), and
6 (J), respectively;

7 (C) by inserting after subparagraph (E)
8 the following:

9 “(F) to assist States and water users in
10 complying with interstate compacts or reducing
11 basin water supply-demand imbalances;”;

12 (D) in subparagraph (G) (as so redesign-
13 ated), by striking “to prevent” and inserting
14 “to achieve the prevention of”;

15 (E) in subparagraph (H) (as so redesign-
16 ated)—

17 (i) by striking “to accelerate” and in-
18 serting “to achieve the acceleration of”;

19 and

20 (ii) by striking “or” at the end;

21 (F) by inserting after subparagraph (H)
22 (as so redesignated) the following:

23 “(I) to improve the condition of a natural
24 feature; or”; and

1 (G) in subparagraph (J) (as so redesignated)—
2

3 (i) in clause (i), by striking “or” at
4 the end;

5 (ii) in clause (ii), by striking the period at the end and inserting “; or”; and
6

7 (iii) by adding at the end the following:
8

9 “(iii) to plan for or address the impacts of drought.”;
10

11 (2) in paragraph (2)—

12 (A) in subparagraph (A)—

13 (i) in clause (ii), by striking “or”;

14 (ii) in clause (iii), by striking “and”
15 and inserting “or”; and

16 (iii) by adding at the end the following:
17

18 “(iv) the Commonwealth of Puerto
19 Rico; and”; and

20 (B) by striking subparagraph (B) and inserting the following:
21

22 “(B) submit to the Secretary an application that includes—
23

24 “(i) a proposal of the improvement or
25 activity to be planned, designed, con-

1 structured, or implemented by the eligible ap-
2 plicant; and

3 “(ii) for a project that is intended to
4 have a quantifiable water savings and
5 would receive a grant of \$500,000 or
6 more—

7 “(I) a proposal for a monitoring
8 plan of at least 5 years that would
9 demonstrate ways in which the pro-
10 posed improvement or activity would
11 result in improved streamflows or
12 aquatic habitat; or

13 “(II) for a project that does not
14 anticipate improved streamflows or
15 aquatic habitat, an analysis of ways in
16 which the proposed improvement or
17 activity would contribute to 1 or more
18 of the other objectives described in
19 paragraph (1).”;

20 (3) in paragraph (3)(E), by striking clause (i)
21 and inserting the following:

22 “(i) FEDERAL SHARE.—

23 “(I) IN GENERAL.—Except as
24 provided in subclause (II), the Federal
25 share of the cost of any infrastructure

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1 improvement or activity that is the
2 subject of a grant or other agreement
3 entered into between the Secretary
4 and an eligible applicant under para-
5 graph (1) shall not exceed 50 percent
6 of the cost of the infrastructure im-
7 provement or activity.

8 “(II) INCREASED FEDERAL
9 SHARE FOR CERTAIN INFRASTRUC-
10 TURE IMPROVEMENTS AND ACTIVI-
11 TIES.—The Federal share of the cost
12 of an infrastructure improvement or
13 activity shall not exceed 75 percent of
14 the cost of the infrastructure improve-
15 ment or activity, if—

16 “(aa) the infrastructure im-
17 provement or activity was devel-
18 oped as part of a collaborative
19 process by—

20 “(AA) a watershed
21 group (as defined in section
22 6001); or

23 “(BB) a water user and
24 1 or more stakeholders with
25 diverse interests; and

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1 “(bb) the majority of the
2 benefits of the infrastructure im-
3 provement or activity, as deter-
4 mined by the Secretary, are for
5 the purpose of advancing 1 or
6 more components of an estab-
7 lished strategy or plan to in-
8 crease the reliability of water
9 supply for consumptive and non-
10 consumptive ecological values.”;
11 and

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

13 “(4) PRIORITY.—In providing grants to, and
14 entering into agreements for, projects intended to
15 have a quantifiable water savings under this sub-
16 section, the Secretary shall give priority to projects
17 that enhance drought resilience by benefitting the
18 water supply and ecosystem.”.

19 (c) RESEARCH AGREEMENTS.—Section 9504(b)(1) of
20 the Omnibus Public Land Management Act of 2009 (42
21 U.S.C. 10364(b)(1)) is amended—

22 (1) in the matter preceding subparagraph (A),
23 by striking “or organization with water or power de-
24 livery authority” and inserting “or eligible appli-
25 cant”;

1 (2) in subparagraph (B), by striking “or” at
2 the end;

3 (3) by redesignating subparagraph (C) as sub-
4 paragraph (D); and

5 (4) by inserting after subparagraph (B) the fol-
6 lowing:

7 “(C) to restore a natural feature or use a
8 nature-based feature to reduce water supply
9 and demand imbalances or the risk of drought
10 or flood; or”.

11 (d) **AUTHORIZATION OF APPROPRIATIONS.**—Section
12 9504(e) of the Omnibus Public Land Management Act of
13 2009 (42 U.S.C. 10364(e)) is amended by striking “
14 \$530,000,000” and inserting “ \$700,000,000, subject to
15 the condition that \$50,000,000 of that amount shall be
16 used to carry out section 206 of the Energy and Water
17 Development and Related Agencies Appropriations Act,
18 2015 (43 U.S.C. 620 note; Public Law 113–235)”.

19 (e) **CONFORMING AMENDMENT.**—Section 4009(d) of
20 Public Law 114–322 (42 U.S.C. 10364 note) is amended
21 by striking “on the condition that of that amount,
22 \$50,000,000 of it is used to carry out section 206 of the
23 Energy and Water Development and Related Agencies Ap-
24 propriations Act, 2015 (43 U.S.C. 620 note; Public Law
25 113–235)”.

1 **SEC. 1107. COOPERATIVE WATERSHED MANAGEMENT PRO-**
2 **GRAM.**

3 (a) DEFINITIONS.—Section 6001 of the Omnibus
4 Public Land Management Act of 2009 (16 U.S.C. 1015)
5 is amended—

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

8 (2) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) DISADVANTAGED COMMUNITY.—The term
11 ‘disadvantaged community’ means a community (in-
12 cluding a city, town, county, or reasonably isolated
13 and divisible segment of a larger municipality) with
14 an annual median household income that is less than
15 100 percent of the statewide annual median house-
16 hold income for the State in which the community
17 is located, according to the most recent decennial
18 census.”;

19 (3) in paragraph (6)(B)(i) (as so redesign-
20 nated)—

21 (A) in subclause (VIII), by striking “and”
22 at the end;

23 (B) in subclause (IX), by adding “and”
24 after the semicolon at the end; and

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

26 “(X) disadvantaged communities;”; and

1 (4) in paragraph (7)(C) (as so redesignated), by
2 inserting “, including benefits to fisheries, wildlife,
3 or habitat” after “river or stream”.

4 (b) APPLICATION.—Section 6002 of the Omnibus
5 Public Lands Management Act (16 U.S.C. 1015a) is
6 amended—

7 (1) by striking subsection (b) and inserting the
8 following:

9 “(b) ESTABLISHMENT OF APPLICATION PROCESS;
10 CRITERIA.—Not later than September 30, 2021, the Sec-
11 retary shall update—

12 “(1) the application process for the program;
13 and

14 “(2) in consultation with the States, the
15 prioritization and eligibility criteria for considering
16 applications submitted in accordance with the appli-
17 cation process.”; and

18 (2) in subsection (g), by striking “2020” and
19 inserting “2026”.

20 **SEC. 1108. MODIFICATION OF JACKSON GULCH REHABILI-**
21 **TATION PROJECT, COLORADO.**

22 Section 9105(b) of the Omnibus Public Land Man-
23 agement Act of 2009 (Public Law 111–11; 123 Stat.
24 1303) is amended—

25 (1) in paragraph (1)—

1 (A) by striking “requirement” and insert-
2 ing “and cost-sharing requirements”; and

3 (B) by inserting “, which shall be not more
4 than 65 percent of that total cost” before the
5 period at the end;

6 (2) in paragraph (3)—

7 (A) in the paragraph heading, by striking
8 “REQUIREMENT” and inserting “AND COST-
9 SHARING REQUIREMENTS”;

10 (B) in subparagraph (A), in the matter
11 preceding clause (i), by striking “The Secretary
12 shall recover from the District as reimbursable
13 expenses” and inserting “Subject to subpara-
14 graph (C), the District shall be liable under this
15 subsection for an amount equal to”;

16 (C) in subparagraph (B), in the matter
17 preceding clause (i), by striking “Secretary
18 shall recover reimbursable expenses” and insert-
19 ing “District shall pay the Project costs for
20 which the District is liable”; and

21 (D) by striking subparagraph (C) and in-
22 serting the following:

23 “(C) CREDIT.—In determining the exact
24 amount for which the District is liable under
25 this paragraph, the Secretary shall—

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1 “(i) review and approve all final costs
2 associated with the completion of the
3 Project; and

4 “(ii) credit the district for all amounts
5 paid by the District for engineering work
6 and improvements directly associated with
7 the Project, whether before, on, or after
8 the date of enactment of this Act.”; and

9 (3) in paragraph (7), by striking “
10 \$8,250,000.” and inserting the following: “the lesser
11 of—

12 “(A) not more than 65 percent of the total
13 cost of carrying out the Project; and

14 “(B) \$5,350,000.”.

15 **SEC. 1109. AQUATIC ECOSYSTEM RESTORATION.**

16 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
17 tion, the term “eligible entity” means—

18 (1) any State, Indian Tribe, irrigation district,
19 or water district;

20 (2) any State, regional, or local authority, the
21 members of which include 1 or more organizations
22 with water or power delivery authority;

23 (3) any other entity or organization that owns
24 a facility that is eligible for upgrade, modification or
25 removal under this section;

1 (4) any nonprofit conservation organization,
2 acting in partnership with any entity listed in para-
3 graphs (1) through (3), with respect to a project in-
4 volving land or infrastructure owned by the entity;
5 and

6 (5) an agency established under State law for
7 the joint exercise of powers or a combination of enti-
8 ties described in paragraphs (1) through (4).

9 (b) GENERAL AUTHORITY.—

10 (1) IN GENERAL.—Subject to the requirements
11 of this section and paragraph (2), on request of any
12 eligible entity the Secretary may negotiate and enter
13 into an agreement on behalf of the United States to
14 fund the design, study, and construction of an
15 aquatic ecosystem restoration and protection project
16 in a Reclamation State if the Secretary determines
17 that the project is likely to improve the health of
18 fisheries, wildlife or aquatic habitat, including
19 through habitat restoration and improved fish pas-
20 sage via the removal or bypass of barriers to fish
21 passage.

22 (2) EXCEPTION.—With respect to an aquatic
23 ecosystem restoration and protection project under
24 this section that removes a dam or modifies a dam
25 in a manner that reduces storage or diversion capaci-

1 ity, the Secretary may only negotiate and enter into
2 an agreement to fund—

3 (A) the design or study of such project if
4 the Secretary has received consent from the
5 owner of the applicable dam; or

6 (B) the construction of such project if the
7 Secretary—

8 (i) identifies any eligible entity that
9 receives water or power from the facility
10 that is under consideration for removal or
11 modification at the time of the request;

12 (ii) notifies each eligible entity identi-
13 fied in clause (i) that the dam removal or
14 modification project has been requested;
15 and

16 (iii) does not receive, by the date that
17 is 120 days after the date on which all eli-
18 gible entities have been notified under
19 clause (ii), written objection from 1 or
20 more eligible entities that collectively re-
21 ceive $\frac{1}{3}$ or more of the water or power de-
22 livered from the facility that is under con-
23 sideration for removal or modification at
24 the time of the request.

25 (c) REQUIREMENTS.—

1 (1) IN GENERAL.—The Secretary shall accept
2 and consider public comment prior to initiating de-
3 sign, study or development of a project under this
4 section.

5 (2) PRECONDITIONS.—Construction of a project
6 under this section shall be a voluntary project initi-
7 ated only after—

8 (A) an eligible entity has entered into an
9 agreement with the Secretary to pay no less
10 than 35 percent of the costs of project construc-
11 tion;

12 (B) an eligible entity has entered an agree-
13 ment to pay 100 percent of any operation,
14 maintenance, and replacement and rehabilita-
15 tion costs with respect to the project;

16 (C) the Secretary determines the proposed
17 project—

18 (i) will not result in an unmitigated
19 adverse impact on fulfillment of existing
20 water delivery obligations consistent with
21 historical operations and applicable con-
22 tracts;

23 (ii) will not result in an unmitigated
24 adverse effect on the environment;

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1 (iii) is consistent with the responsibil-
2 ities of the Secretary—

3 (I) in the role as trustee for fed-
4 erally recognized Indian Tribes; and

5 (II) to ensure compliance with
6 any applicable international and Trib-
7 al treaties and agreements and inter-
8 state compacts and agreements;

9 (iv) is in the financial interest of the
10 United States based on a determination
11 that the project advances Federal objec-
12 tives including environmental enhancement
13 objectives in a Reclamation State; and

14 (v) complies with all applicable Fed-
15 eral and State law, including environ-
16 mental laws; and

17 (D) the Secretary has complied with all ap-
18 plicable environmental laws, including—

19 (i) the National Environmental Policy
20 Act of 1969 (42 U.S.C. 4321 et seq.);

21 (ii) the Endangered Species Act of
22 1973 (16 U.S.C. 1531 et seq.); and

23 (iii) subtitle III of title 54, United
24 States Code.

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1 (d) FUNDING.—There is authorized to be appro-
2 priated to carry out this section \$15,000,000 for each of
3 fiscal years 2022 through 2026, to remain available until
4 expended.

5 (e) EFFECTS.—

6 (1) IN GENERAL.—Nothing in this section su-
7 persedes or limits any existing authority provided, or
8 responsibility conferred, by any provision of law.

9 (2) EFFECT ON STATE WATER LAW.—Nothing
10 in this section preempts or affects any—

11 (A) State water law; or

12 (B) interstate compact governing water.

13 (f) COMPLIANCE REQUIRED.—The Secretary shall
14 comply with applicable State water laws in carrying out
15 this section.

16 (g) PRIORITY FOR PROJECTS PROVIDING REGIONAL
17 BENEFITS AND ASSISTANCE FOR AGING ASSETS.—When
18 funding projects under this section, the Secretary shall
19 prioritize projects that—

20 (1) are jointly developed and supported by a di-
21 verse array of stakeholders including representatives
22 of irrigated agricultural production, hydroelectric
23 production, potable water purveyors and industrial
24 water users, Indian Tribes, commercial fishing inter-
25 ests, and nonprofit conservation organizations;

1 (2) affect water resources management in 2 or
2 more river basins while providing regional benefits
3 not limited to fisheries restoration;

4 (3) are a component of a broader strategy or
5 plan to replace aging facilities with 1 or more alter-
6 nate facilities providing similar benefits; and

7 (4) contribute to the restoration of anadromous
8 fish species listed under the Endangered Species Act
9 of 1973 (16 U.S.C. 1531 et seq.).

10 **SEC. 1110. CLEAN WATER FOR RURAL COMMUNITIES.**

11 (a) **SHORT TITLE.**—This section may be cited as the
12 “Clean Water for Rural Communities Act”.

13 (b) **PURPOSE.**—The purpose of this Act is to ensure
14 a safe and adequate municipal, rural, and industrial water
15 supply for the citizens of—

16 (1) Dawson, Garfield, McCone, Prairie, Rich-
17 land, Judith Basin, Wheatland, Golden Valley, Fer-
18 gus, Yellowstone, and Musselshell Counties in the
19 State of Montana; and

20 (2) McKenzie County, North Dakota.

21 (c) **DEFINITIONS.**—In this Act:

22 (1) **AUTHORITY.**—The term “Authority”
23 means—

24 (A) the Central Montana Regional Water
25 Authority, a publicly owned nonprofit water au-

1 thority formed in accordance with Mont. Code
2 Ann. Sec. 75–6–302 (2007); and

3 (B) any nonprofit successor entity to the
4 Authority described in subparagraph (A).

5 (2) MUSSELSHELL-JUDITH RURAL WATER SYS-
6 TEM.—The term “Musselshell-Judith Rural Water
7 System” means the Musselshell-Judith Rural Water
8 System authorized under subsection (d)(1), with a
9 project service area that includes—

10 (A) Judith Basin, Wheatland, Golden Val-
11 ley, and Musselshell Counties in the State;

12 (B) the portion of Yellowstone County in
13 the State within 2 miles of State Highway 3
14 and within 4 miles of the county line between
15 Golden Valley and Yellowstone Counties in the
16 State, inclusive of the Town of Broadview,
17 Montana; and

18 (C) the portion of Fergus County in the
19 State within 2 miles of U.S. Highway 87 and
20 within 4 miles of the county line between Fer-
21 ergus and Judith Basin Counties in the State, in-
22 clusive of the Town of Moore, Montana.

23 (3) STATE.—The term “State” means the State
24 of Montana.

1 (d) MUSSELSHELL-JUDITH RURAL WATER SYS-
2 TEM.—

3 (1) AUTHORIZATION.—The Secretary may carry
4 out the planning, design, and construction of the
5 Musselshell-Judith Rural Water System in a manner
6 that is substantially in accordance with the feasi-
7 bility report entitled “Musselshell-Judith Rural
8 Water System Feasibility Report” (including any
9 and all revisions of the report).

10 (2) COOPERATIVE AGREEMENT.—The Secretary
11 shall enter into a cooperative agreement with the
12 Authority to provide Federal assistance for the plan-
13 ning, design, and construction of the Musselshell-Ju-
14 dith Rural Water System.

15 (3) COST-SHARING REQUIREMENT.—

16 (A) FEDERAL SHARE.—

17 (i) IN GENERAL.—The Federal share
18 of the costs relating to the planning, de-
19 sign, and construction of the Musselshell-
20 Judith Rural Water System shall not ex-
21 ceed 65 percent of the total cost of the
22 Musselshell-Judith Rural Water System.

23 (ii) LIMITATION.—Amounts made
24 available under clause (i) shall not be re-

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1 turnable or reimbursable under the rec-
2 lamation laws.

3 (B) USE OF FEDERAL FUNDS.—

4 (i) GENERAL USES.—Subject to clause
5 (ii), the Musselshell-Judith Rural Water
6 System may use Federal funds made avail-
7 able to carry out this subsection for—

8 (I) facilities relating to—

9 (aa) water pumping;

10 (bb) water treatment;

11 (cc) water storage;

12 (dd) water supply wells;

13 (ee) distribution pipelines;

14 and

15 (ff) control systems;

16 (II) transmission pipelines;

17 (III) pumping stations;

18 (IV) appurtenant buildings,

19 maintenance equipment, and access

20 roads;

21 (V) any interconnection facility

22 that connects a pipeline of the

23 Musselshell-Judith Rural Water Sys-

24 tem to a pipeline of a public water

25 system;

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1 (VI) electrical power trans-
2 mission and distribution facilities re-
3 quired for the operation and mainte-
4 nance of the Musselshell-Judith Rural
5 Water System;

6 (VII) any other facility or service
7 required for the development of a
8 rural water distribution system, as de-
9 termined by the Secretary; and

10 (VIII) any property or property
11 right required for the construction or
12 operation of a facility described in this
13 subsection.

14 (ii) LIMITATION.—Federal funds
15 made available to carry out this subsection
16 shall not be used for the operation, mainte-
17 nance, or replacement of the Musselshell-
18 Judith Rural Water System.

19 (iii) TITLE.—Title to the Musselshell-
20 Judith Rural Water System shall be held
21 by the Authority.

22 (e) DRY-REDWATER FEASIBILITY STUDY.—

23 (1) DEFINITIONS.—In this subsection:

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1 (A) DRY-REDWATER REGIONAL WATER AU-
2 THORITY.—The term “Dry-Redwater Regional
3 Water Authority” means—

- 4 (i) the Dry-Redwater Regional Water
5 Authority, a publicly owned nonprofit
6 water authority formed in accordance with
7 Mont. Code Ann. § 75–6–302 (2007); and
8 (ii) any nonprofit successor entity to
9 the Authority described in clause (i).

10 (B) DRY-REDWATER REGIONAL WATER AU-
11 THORITY SYSTEM.—The term “Dry-Redwater
12 Regional Water Authority System” means the
13 project entitled the “Dry-Redwater Regional
14 Water Authority System”, with a project serv-
15 ice area that includes—

16 (i) Garfield and McCone Counties in
17 the State;

18 (ii) the area west of the Yellowstone
19 River in Dawson and Richland Counties in
20 the State;

21 (iii) T. 15 N. (including the area
22 north of the Township) in Prairie County
23 in the State; and

24 (iv) the portion of McKenzie County,
25 North Dakota, that includes all land that

1 is located west of the Yellowstone River in
2 the State of North Dakota.

3 (C) RECLAMATION FEASIBILITY STAND-
4 ARDS.—The term “reclamation feasibility
5 standards” means the eligibility criteria and
6 feasibility study requirements described in sec-
7 tion 106 of the Reclamation Rural Water Sup-
8 ply Act of 2006 (43 U.S.C. 2405) (as in effect
9 on September 29, 2016).

10 (D) SUBMITTED FEASIBILITY STUDY.—
11 The term “submitted feasibility study” means
12 the feasibility study entitled “Dry-Redwater Re-
13 gional Water System Feasibility Study” (includ-
14 ing revisions of the study), which received fund-
15 ing from the Bureau of Reclamation on Sep-
16 tember 1, 2010.

17 (2) STUDY.—

18 (A) IN GENERAL.—The Secretary, in con-
19 sultation with the Dry-Redwater Regional
20 Water Authority, may undertake a study, in-
21 cluding a review of the submitted feasibility
22 study, to determine the feasibility of con-
23 structing the Dry-Redwater Regional Water
24 System.

1 (B) REQUIREMENT.—The study under
2 subparagraph (A) shall comply with the rec-
3 lamation feasibility standards.

4 (3) COOPERATIVE AGREEMENT.—If the Sec-
5 retary determines that the study under paragraph
6 (2) does not comply with the reclamation feasibility
7 standards, the Secretary may enter into a coopera-
8 tive agreement with the Dry-Redwater Regional
9 Water Authority to complete additional work to en-
10 sure that the study complies with the reclamation
11 feasibility standards.

12 (4) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to the Sec-
14 retary \$5,000,000 to carry out this subsection.

15 (5) TERMINATION.—The authority provided by
16 this subsection shall expire on the date that is 5
17 years after the date of enactment of this Act.

18 (f) WATER RIGHTS.—Nothing in this Act—

19 (1) preempts or affects any State water law; or

20 (2) affects any authority of a State, as in effect
21 on the date of enactment of this Act, to manage
22 water resources within that State.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) AUTHORIZATION.—There is authorized to
25 be appropriated to carry out the planning, design,

1 and construction of the Musselshell-Judith Rural
2 Water System, substantially in accordance with the
3 cost estimate set forth in the feasibility report de-
4 scribed in subsection (d)(1), \$56,650,000.

5 (2) COST INDEXING.—The amount authorized
6 to be appropriated under paragraph (1) may be in-
7 creased or decreased in accordance with ordinary
8 fluctuations in development costs incurred after No-
9 vember 1, 2014, as indicated by any available engi-
10 neering cost indices applicable to construction activi-
11 ties that are similar to the construction of the
12 Musselshell-Judith Rural Water System.

13 **SEC. 1111. SNOW WATER SUPPLY FORECASTING.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “Snow Water Supply Forecasting Program Authorization
16 Act”.

17 (b) DEFINITION OF PROGRAM.—In this Act, the term
18 “program” means the Snow Water Supply Forecasting
19 Program established by subsection (c).

20 (c) SNOW WATER SUPPLY FORECASTING PRO-
21 GRAM.—

22 (1) PROGRAM ESTABLISHMENT.—The Snow
23 Water Supply Forecasting Program is hereby estab-
24 lished within the Department of the Interior.

1 (2) PROGRAM IMPLEMENTATION.—To imple-
2 ment the program, the Secretary shall—

3 (A) develop the program framework in co-
4 ordination with other Federal agencies pursuant
5 to subsection (d), culminating in the report re-
6 quired under subsection (d)(3); and

7 (B) after submitting the report required by
8 subsection (d)(3), implement activities to im-
9 prove snowpack measurement in particular wa-
10 tersheds pursuant to subsection (e).

11 (d) DEVELOPMENT OF PROGRAM FRAMEWORK IN
12 COORDINATION WITH OTHER FEDERAL AGENCIES.—

13 (1) SNOWPACK MEASUREMENT DATA.—When
14 determining water supply forecasts or allocations to
15 Federal water contractors, the Secretary, acting
16 through the Commissioner of the Bureau of Rec-
17 lamation, shall incorporate, to the greatest extent
18 practicable, information from emerging technologies
19 for snowpack measurement, such as—

20 (A) synthetic aperture radar;

21 (B) laser altimetry; and

22 (C) other emerging technologies that the
23 Secretary determines are likely to provide more
24 accurate or timely snowpack measurement data.

1 (2) COORDINATION.—In carrying out para-
2 graph (1), the Secretary shall coordinate data use
3 and collection efforts with other Federal agencies
4 that use or may benefit from the use of emerging
5 technologies for snowpack measurement.

6 (3) EMERGING TECHNOLOGIES REPORT.—Not
7 later than October 1, 2021, the Secretary shall sub-
8 mit to Congress a report that—

9 (A) summarizes the use of emerging tech-
10 nologies pursuant to this Act;

11 (B) describes benefits derived from the use
12 of technologies summarized under subpara-
13 graph (A) related to the environment and in-
14 creased water supply reliability; and

15 (C) describes how Federal agencies will co-
16 ordinate to implement emerging technologies.

17 (e) PROGRAM IMPLEMENTATION.—

18 (1) ACTIVITIES IMPLEMENTING FRAMEWORK.—
19 After submitting the report required under sub-
20 section (d)(3), the Secretary shall participate with
21 program partners in implementing activities to im-
22 prove snowpack measurement in particular water-
23 sheds.

24 (2) FOCUS.—The program shall focus on activi-
25 ties that will maintain, establish, expand, or advance

1 snowpack measurement consistent with the report
2 required by subsection (d)(3), with an emphasis
3 on—

4 (A) enhancing activities in river basins to
5 achieve improved snow and water supply fore-
6 casting results;

7 (B) activities in river basins where snow
8 water supply forecasting related activities de-
9 scribed in this Act are not occurring on the
10 date of the enactment of this Act; and

11 (C) demonstrating or testing new, or im-
12 proving existing, snow and water supply fore-
13 casting technology.

14 (3) INFORMATION SHARING.—The Secretary
15 may provide information collected and analyzed
16 under this Act to program partners through appro-
17 priate mechanisms, including interagency agree-
18 ments with Federal agencies, States, State agencies,
19 or a combination thereof, leases, contracts, coopera-
20 tive agreements, grants, loans, and memoranda of
21 understanding.

22 (4) PROGRAM PARTNERS.—Program partners
23 with whom the Secretary enters into cooperative
24 agreements pursuant to paragraph (5) may include
25 water districts, irrigation districts, water associa-

1 tions, universities, State agencies, other Federal
2 agencies, private sector entities, non-governmental
3 organizations, and other entities, as determined by
4 the Secretary.

5 (5) COOPERATIVE AGREEMENTS.—The Sec-
6 retary may—

7 (A) enter into cooperative agreements with
8 program partners to allow the program to be
9 administered efficiently and cost effectively
10 through cost-sharing or by providing additional
11 in-kind resources necessary for program imple-
12 mentation; and

13 (B) provide nonreimbursable matching
14 funding for programmatic and operational ac-
15 tivities under this Act in consultation with pro-
16 gram partners.

17 (6) ENVIRONMENTAL LAWS.—Nothing in this
18 Act shall modify any obligation of the Secretary to
19 comply with applicable Federal and State environ-
20 mental laws in carrying out this Act.

21 (f) PROGRAM IMPLEMENTATION REPORT.—Not later
22 than 4 years after the date of the enactment of this Act,
23 the Secretary shall submit a report to the Committee on
24 Natural Resources and the Committee on Appropriations
25 of the House of Representatives and the Committee on

1 Energy and Natural Resources and the Committee on Ap-
2 propriations of the Senate, that includes—

3 (1) a list of basins and sub-basins for which
4 snowpack measurement technologies are being used
5 under the program, including a description of each
6 technology used; and

7 (2) a list of Federal agencies and program part-
8 ners participating in each basin or sub-basin listed
9 in paragraph (1).

10 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary to carry
12 out this Act \$15,000,000, in the aggregate, for fiscal years
13 2022 through 2026.

14 **SEC. 1112. WATER TECHNOLOGY INVESTMENT.**

15 The Water Desalination Act of 1996 (Public Law
16 104–298; 42 U.S.C. 10301 note) is amended—

17 (1) in section 4(a)(1), by inserting “, including
18 modules specifically designed for brine management”
19 after “and concepts”; and

20 (2) in section 8(b)—

21 (A) by striking “3,000,000” and inserting
22 “20,000,000”; and

23 (B) by striking “2017 through 2021” and
24 inserting “2022 through 2026, in addition to

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1 the authorization of appropriations for projects
2 in section 4(a)(2)(F)’’.

3 **SEC. 1113. SHARING ARRANGEMENTS WITH FEDERAL**
4 **AGENCIES.**

5 Section 405 of the Indian Health Care Improvement
6 Act (25 U.S.C. 1645) is amended—

7 (1) in subsection (a)(1), by inserting ‘‘urban In-
8 dian organizations,’’ before ‘‘and tribal organiza-
9 tions’’; and

10 (2) in subsection (c)—

11 (A) by inserting ‘‘urban Indian organiza-
12 tion,’’ before ‘‘or tribal organization’’; and

13 (B) by inserting ‘‘an urban Indian organi-
14 zation,’’ before ‘‘or a tribal organization’’.

15 **SEC. 1114. AMENDMENT TO THE INDIAN HEALTH CARE IM-**
16 **PROVEMENT ACT.**

17 Section 409 of the Indian Health Care Improvement
18 Act (25 U.S.C. 1647b) is amended by striking ‘‘(25
19 U.S.C. 450 et seq.)’’ and inserting ‘‘(25 U.S.C. 5301 et
20 seq.) or the Tribally Controlled Schools Act of 1988 (25
21 U.S.C. 2501 et seq.)’’.

22 **SEC. 1115. DEFINITIONS.**

23 In this title:

24 (1) INDIAN TRIBE.—The term ‘‘Indian Tribe’’
25 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (2) RECLAMATION STATE.—The term “Rec-
4 lamation State” means a State or territory described
5 in the first section of the Act of June 17, 1902 (32
6 Stat. 388, chapter 1093; 43 U.S.C. 391).

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 **TITLE XII—HORSERACING**
10 **INTEGRITY AND SAFETY**

11 **SEC. 1201. SHORT TITLE.**

12 This title may be cited as the “Horseracing Integrity
13 and Safety Act of 2020”.

14 **SEC. 1202. DEFINITIONS.**

15 In this Act the following definitions apply:

16 (1) AUTHORITY.—The term “Authority” means
17 the Horseracing Integrity and Safety Authority des-
18 ignated by section 1203(a).

19 (2) BREEDER.—The term “breeder” means a
20 person who is in the business of breeding covered
21 horses.

22 (3) COMMISSION.—The term “Commission”
23 means the Federal Trade Commission.

24 (4) COVERED HORSE.—The term “covered
25 horse” means any Thoroughbred horse, or any other

1 horse made subject to this Act by election of the ap-
2 plicable State racing commission or the breed gov-
3 erning organization for such horse under section
4 1205(k), during the period—

5 (A) beginning on the date of the horse’s
6 first timed and reported workout at a racetrack
7 that participates in covered horseraces or at a
8 training facility; and

9 (B) ending on the date on which the Au-
10 thority receives written notice that the horse
11 has been retired.

12 (5) COVERED HORSERACE.—The term “covered
13 horserace” means any horserace involving covered
14 horses that has a substantial relation to interstate
15 commerce, including any Thoroughbred horserace
16 that is the subject of interstate off-track or advance
17 deposit wagers.

18 (6) COVERED PERSONS.—The term “covered
19 persons” means all trainers, owners, breeders, jock-
20 eys, racetracks, veterinarians, persons (legal and
21 natural) licensed by a State racing commission and
22 the agents, assigns, and employees of such persons
23 and other horse support personnel who are engaged
24 in the care, training, or racing of covered horses.

1 (7) EQUINE CONSTITUENCIES.—The term
2 “equine constituencies” means, collectively, owners,
3 breeders, trainers, racetracks, veterinarians, State
4 racing commissions, and jockeys who are engaged in
5 the care, training, or racing of covered horses.

6 (8) EQUINE INDUSTRY REPRESENTATIVE.—The
7 term “equine industry representative” means an or-
8 ganization regularly and significantly engaged in the
9 equine industry, including organizations that rep-
10 resent the interests of, and whose membership con-
11 sists of, owners, breeders, trainers, racetracks, vet-
12 erinarians, State racing commissions, and jockeys.

13 (9) HORSERACING ANTI-DOPING AND MEDICA-
14 TION CONTROL PROGRAM.—The term “horseracing
15 anti-doping and medication control program” means
16 the anti-doping and medication program established
17 under section 1206(a).

18 (10) IMMEDIATE FAMILY MEMBER.—The term
19 “immediate family member” shall include a spouse,
20 domestic partner, mother, father, aunt, uncle, sib-
21 ling, or child.

22 (11) INTERSTATE OFF-TRACK WAGER.—The
23 term “interstate off-track wager” has the meaning
24 given such term in section 3 of the Interstate Horse-
25 racing Act of 1978 (15 U.S.C. 3002).

1 (12) JOCKEY.—The term “jockey” means a
2 rider or driver of a covered horse in covered
3 horseraces.

4 (13) OWNER.—The term “owner” means a per-
5 son who holds an ownership interest in one or more
6 covered horses.

7 (14) PROGRAM EFFECTIVE DATE.—The term
8 “program effective date” means July 1, 2022.

9 (15) RACETRACK.—The term “racetrack”
10 means an organization licensed by a State racing
11 commission to conduct covered horseraces.

12 (16) RACETRACK SAFETY PROGRAM.—The term
13 “racetrack safety program” means the program es-
14 tablished under section 1207(a).

15 (17) STAKES RACE.—The term “stakes race”
16 means any race so designated by the racetrack at
17 which such race is run, including, without limitation,
18 the races comprising the Breeders’ Cup World
19 Championships and the races designated as graded
20 stakes by the American Graded Stakes Committee of
21 the Thoroughbred Owners and Breeders Association.

22 (18) STATE RACING COMMISSION.—The term
23 “State racing commission” means an entity des-
24 ignated by State law or regulation that has jurisdic-

1 tion over the conduct of horseracing within the ap-
2 plicable State.

3 (19) **TRAINER.**—The term “trainer” means an
4 individual engaged in the training of covered horses.

5 (20) **TRAINING FACILITY.**—The term “training
6 facility” means a location that is not a racetrack li-
7 censed by a State racing commission that operates
8 primarily to house covered horses and conduct offi-
9 cial timed workouts.

10 (21) **VETERINARIAN.**—The term “veterinarian”
11 means a licensed veterinarian who provides veteri-
12 nary services to covered horses.

13 (22) **WORKOUT.**—The term “workout” means a
14 timed running of a horse over a predetermined dis-
15 tance not associated with a race or its first quali-
16 fying race, if such race is made subject to this Act
17 by election under section 1205(k) of the horse’s
18 breed governing organization or the applicable State
19 racing commission.

20 **SEC. 1203. RECOGNITION OF THE HORSERACING INTEG-**
21 **RITY AND SAFETY AUTHORITY.**

22 (a) **IN GENERAL.**—The private, independent, self-
23 regulatory, nonprofit corporation, to be known as the
24 “Horseracing Integrity and Safety Authority”, is recog-
25 nized for purposes of developing and implementing a

1 horseracing anti-doping and medication control program
2 and a racetrack safety program for covered horses, cov-
3 ered persons, and covered horseraces.

4 (b) BOARD OF DIRECTORS.—

5 (1) MEMBERSHIP.—The Authority shall be gov-
6 erned by a board of directors (in this section re-
7 ferred to as the “Board”) comprised of nine mem-
8 bers as follows:

9 (A) INDEPENDENT MEMBERS.—Five mem-
10 bers of the Board shall be independent mem-
11 bers selected from outside the equine industry.

12 (B) INDUSTRY MEMBERS.—

13 (i) IN GENERAL.—Four members of
14 the Board shall be industry members se-
15 lected from among the various equine con-
16 stituencies.

17 (ii) REPRESENTATION OF EQUINE
18 CONSTITUENCIES.—The industry members
19 shall be representative of the various
20 equine constituencies, and shall include not
21 more than one industry member from any
22 one equine constituency.

23 (2) CHAIR.—The chair of the Board shall be an
24 independent member described in paragraph (1)(A).

1 (3) BYLAWS.—The Board of the Authority shall
2 be governed by bylaws for the operation of the Au-
3 thority with respect to—

4 (A) the administrative structure and em-
5 ployees of the Authority;

6 (B) the establishment of standing commit-
7 tees;

8 (C) the procedures for filling vacancies on
9 the Board and the standing committees;

10 (D) term limits for members and termi-
11 nation of membership; and

12 (E) any other matter the Board considers
13 necessary.

14 (c) STANDING COMMITTEES.—

15 (1) ANTI-DOPING AND MEDICATION CONTROL
16 STANDING COMMITTEE.—

17 (A) IN GENERAL.—The Authority shall es-
18 tablish an anti-doping and medication control
19 standing committee, which shall provide advice
20 and guidance to the Board on the development
21 and maintenance of the horseracing anti-doping
22 and medication control program.

23 (B) MEMBERSHIP.—The anti-doping and
24 medication control standing committee shall be
25 comprised of seven members as follows:

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1 (i) INDEPENDENT MEMBERS.—A ma-
2 jority of the members shall be independent
3 members selected from outside the equine
4 industry.

5 (ii) INDUSTRY MEMBERS.—A minority
6 of the members shall be industry members
7 selected to represent the various equine
8 constituencies, and shall include not more
9 than one industry member from any one
10 equine constituency.

11 (iii) QUALIFICATION.—A majority of
12 individuals selected to serve on the anti-
13 doping and medication control standing
14 committee shall have significant, recent ex-
15 perience in anti-doping and medication
16 control rules.

17 (C) CHAIR.—The chair of the anti-doping
18 and medication control standing committee
19 shall be an independent member of the Board
20 described in subsection (b)(1)(A).

21 (2) RACETRACK SAFETY STANDING COM-
22 MITTEE.—

23 (A) IN GENERAL.—The Authority shall es-
24 tablish a racetrack safety standing committee,
25 which shall provide advice and guidance to the

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1 Board on the development and maintenance of
2 the racetrack safety program.

3 (B) MEMBERSHIP.—The racetrack safety
4 standing committee shall be comprised of seven
5 members as follows:

6 (i) INDEPENDENT MEMBERS.—A ma-
7 jority of the members shall be independent
8 members selected from outside the equine
9 industry.

10 (ii) INDUSTRY MEMBERS.—A minority
11 of the members shall be industry members
12 selected to represent the various equine
13 constituencies.

14 (C) CHAIR.—The chair of the racetrack
15 safety standing committee shall be an industry
16 member of the Board described in subsection
17 (b)(1)(B).

18 (d) NOMINATING COMMITTEE.—

19 (1) MEMBERSHIP.—

20 (A) IN GENERAL.—The nominating com-
21 mittee of the Authority shall be comprised of
22 seven independent members selected from busi-
23 ness, sports, and academia.

24 (B) INITIAL MEMBERSHIP.—The initial
25 nominating committee members shall be set

1 forth in the governing corporate documents of
2 the Authority.

3 (C) VACANCIES.—After the initial com-
4 mittee members are appointed in accordance
5 with subparagraph (B), vacancies shall be filled
6 by the Board pursuant to rules established by
7 the Authority.

8 (2) CHAIR.—The chair of the nominating com-
9 mittee shall be selected by the nominating committee
10 from among the members of the nominating com-
11 mittee.

12 (3) SELECTION OF MEMBERS OF THE BOARD
13 AND STANDING COMMITTEES.—

14 (A) INITIAL MEMBERS.—The nominating
15 committee shall select the initial members of
16 the Board and the standing committees de-
17 scribed in subsection (c).

18 (B) SUBSEQUENT MEMBERS.— The nomi-
19 nating committee shall recommend individuals
20 to fill any vacancy on the Board or on such
21 standing committees.

22 (e) CONFLICTS OF INTEREST.—To avoid conflicts of
23 interest, the following individuals may not be selected as
24 a member of the Board or as an independent member of
25 a nominating or standing committee under this section:

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1 (1) An individual who has a financial interest
2 in, or provides goods or services to, covered horses.

3 (2) An official or officer—

4 (A) of an equine industry representative;
5 or

6 (B) who serves in a governance or policy-
7 making capacity for an equine industry rep-
8 resentative.

9 (3) An employee of, or an individual who has a
10 business or commercial relationship with, an indi-
11 vidual described in paragraph (1) or (2).

12 (4) An immediate family member of an indi-
13 vidual described in paragraph (1) or (2).

14 (f) FUNDING.—

15 (1) INITIAL FUNDING.—

16 (A) IN GENERAL.—Initial funding to es-
17 tablish the Authority and underwrite its oper-
18 ations before the program effective date shall be
19 provided by loans obtained by the Authority.

20 (B) BORROWING.—The Authority may bor-
21 row funds toward the funding of its operations.

22 (C) ANNUAL CALCULATION OF AMOUNTS
23 REQUIRED.—

24 (i) IN GENERAL.—Not later than the
25 date that is 90 days before the program ef-

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1 fective date, and not later than November
2 1 each year thereafter, the Authority shall
3 determine and provide to each State racing
4 commission the estimated amount required
5 from the State—

6 (I) to fund the State’s propor-
7 tionate share of the horseracing anti-
8 doping and medication control pro-
9 gram and the racetrack safety pro-
10 gram for the next calendar year; and

11 (II) to liquidate the State’s pro-
12 portionate share of any loan or fund-
13 ing shortfall in the current calendar
14 year and any previous calendar year.

15 (ii) BASIS OF CALCULATION.—The
16 amounts calculated under clause (i) shall—

17 (I) be based on—

18 (aa) the annual budget of
19 the Authority for the following
20 calendar year, as approved by the
21 Board; and

22 (bb) the projected amount of
23 covered racing starts for the year
24 in each State; and

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1 (II) take into account other
2 sources of Authority revenue.

3 (iii) REQUIREMENTS REGARDING
4 BUDGETS OF AUTHORITY.—

5 (I) INITIAL BUDGET.—The initial
6 budget of the Authority shall require
7 the approval of $\frac{2}{3}$ of the Board.

8 (II) SUBSEQUENT BUDGETS.—
9 Any subsequent budget that exceeds
10 the budget of the preceding calendar
11 year by more than 5 percent shall re-
12 quire the approval of $\frac{2}{3}$ of the Board.

13 (iv) RATE INCREASES.—

14 (I) IN GENERAL.—A proposed in-
15 crease in the amount required under
16 this subparagraph shall be reported to
17 the Commission.

18 (II) NOTICE AND COMMENT.—
19 The Commission shall publish in the
20 Federal Register such a proposed in-
21 crease and provide an opportunity for
22 public comment.

23 (2) ASSESSMENT AND COLLECTION OF FEES BY
24 STATES.—

1 (A) NOTICE OF ELECTION.—Any State
2 racing commission that elects to remit fees pur-
3 suant to this subsection shall notify the Author-
4 ity of such election not later than 60 days be-
5 fore the program effective date.

6 (B) REQUIREMENT TO REMIT FEES.—
7 After a State racing commission makes a notifi-
8 cation under subparagraph (A), the election
9 shall remain in effect and the State racing com-
10 mission shall be required to remit fees pursuant
11 to this subsection according to a schedule estab-
12 lished in rule developed by the Authority and
13 approved by the Commission.

14 (C) WITHDRAWAL OF ELECTION.—A State
15 racing commission may cease remitting fees
16 under this subsection not earlier than one year
17 after notifying the Authority of the intent of
18 the State racing commission to do so.

19 (D) DETERMINATION OF METHODS.—Each
20 State racing commission shall determine, sub-
21 ject to the applicable laws, regulations, and con-
22 tracts of the State, the method by which the
23 requisite amount of fees, such as foal registra-
24 tion fees, sales contributions, starter fees, and

1 track fees, and other fees on covered persons,
2 shall be allocated, assessed, and collected.

3 (3) ASSESSMENT AND COLLECTION OF FEES BY
4 THE AUTHORITY.—

5 (A) CALCULATION.—If a State racing com-
6 mission does not elect to remit fees pursuant to
7 paragraph (2) or withdraws its election under
8 such paragraph, the Authority shall, not less
9 frequently than monthly, calculate the applica-
10 ble fee per racing start multiplied by the num-
11 ber of racing starts in the State during the pre-
12 ceding month.

13 (B) ALLOCATION.—The Authority shall al-
14 locate equitably the amount calculated under
15 subparagraph (A) collected among covered per-
16 sons involved with covered horseraces pursuant
17 to such rules as the Authority may promulgate.

18 (C) ASSESSMENT AND COLLECTION.—

19 (i) IN GENERAL.—The Authority shall
20 assess a fee equal to the allocation made
21 under subparagraph (B) and shall collect
22 such fee according to such rules as the Au-
23 thority may promulgate.

24 (ii) REMITTANCE OF FEES.—Covered
25 persons described in subparagraph (B)

1 shall be required to remit such fees to the
2 Authority.

3 (D) LIMITATION.—A State racing commis-
4 sion that does not elect to remit fees pursuant
5 to paragraph (2) or that withdraws its election
6 under such paragraph shall not impose or col-
7 lect from any person a fee or tax relating to
8 anti-doping and medication control or racetrack
9 safety matters for covered horseraces.

10 (4) FEES AND FINES.—Fees and fines imposed
11 by the Authority shall be allocated toward funding
12 of the Authority and its activities.

13 (5) RULE OF CONSTRUCTION.—Nothing in this
14 Act shall be construed to require—

15 (A) the appropriation of any amount to the
16 Authority; or

17 (B) the Federal Government to guarantee
18 the debts of the Authority.

19 (g) QUORUM.—For all items where Board approval
20 is required, the Authority shall have present a majority
21 of independent members.

22 **SEC. 1204. FEDERAL TRADE COMMISSION OVERSIGHT.**

23 (a) IN GENERAL.—The Authority shall submit to the
24 Commission, in accordance with such rules as the Com-
25 mission may prescribe under section 553 of title 5, United

1 States Code, any proposed rule, or proposed modification
2 to a rule, of the Authority relating to—

3 (1) the bylaws of the Authority;

4 (2) a list of permitted and prohibited medica-
5 tions, substances, and methods, including allowable
6 limits of permitted medications, substances, and
7 methods;

8 (3) laboratory standards for accreditation and
9 protocols;

10 (4) standards for racing surface quality mainte-
11 nance;

12 (5) racetrack safety standards and protocols;

13 (6) a program for injury and fatality data anal-
14 ysis;

15 (7) a program of research and education on
16 safety, performance, and anti-doping and medication
17 control;

18 (8) a description of safety, performance, and
19 anti-doping and medication control rule violations
20 applicable to covered horses and covered persons;

21 (9) a schedule of civil sanctions for violations;

22 (10) a process or procedures for disciplinary
23 hearings; and

24 (11) a formula or methodology for determining
25 assessments described in section 1203(f).

1 (b) PUBLICATION AND COMMENT.—

2 (1) IN GENERAL.—The Commission shall—

3 (A) publish in the Federal Register each
4 proposed rule or modification submitted under
5 subsection (a); and

6 (B) provide an opportunity for public com-
7 ment.

8 (2) APPROVAL REQUIRED.—A proposed rule, or
9 a proposed modification to a rule, of the Authority
10 shall not take effect unless the proposed rule or
11 modification has been approved by the Commission.

12 (c) DECISION ON PROPOSED RULE OR MODIFICA-
13 TION TO A RULE.—

14 (1) IN GENERAL.—Not later than 60 days after
15 the date on which a proposed rule or modification is
16 published in the Federal Register, the Commission
17 shall approve or disapprove the proposed rule or
18 modification.

19 (2) CONDITIONS.—The Commission shall ap-
20 prove a proposed rule or modification if the Commis-
21 sion finds that the proposed rule or modification is
22 consistent with—

23 (A) this Act; and

24 (B) applicable rules approved by the Com-
25 mission.

1 (3) REVISION OF PROPOSED RULE OR MODI-
2 FICATION.—

3 (A) IN GENERAL.—In the case of dis-
4 approval of a proposed rule or modification
5 under this subsection, not later than 30 days
6 after the issuance of the disapproval, the Com-
7 mission shall make recommendations to the Au-
8 thority to modify the proposed rule or modifica-
9 tion.

10 (B) RESUBMISSION.—The Authority may
11 resubmit for approval by the Commission a pro-
12 posed rule or modification that incorporates the
13 modifications recommended under subpara-
14 graph (A).

15 (d) PROPOSED STANDARDS AND PROCEDURES.—

16 (1) IN GENERAL.—The Authority shall submit
17 to the Commission any proposed rule, standard, or
18 procedure developed by the Authority to carry out
19 the horseracing anti-doping and medication control
20 program or the racetrack safety program.

21 (2) NOTICE AND COMMENT.—The Commission
22 shall publish in the Federal Register any such pro-
23 posed rule, standard, or procedure and provide an
24 opportunity for public comment.

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1 (e) INTERIM FINAL RULES.—The Commission may
2 adopt an interim final rule, to take effect immediately,
3 under conditions specified in section 553(b)(B) of title 5,
4 United States Code, if the Commission finds that such a
5 rule is necessary to protect—

6 (1) the health and safety of covered horses; or

7 (2) the integrity of covered horseraces and wa-
8 gering on those horseraces.

9 **SEC. 1205. JURISDICTION OF THE COMMISSION AND THE**
10 **HORSERACING INTEGRITY AND SAFETY AU-**
11 **THORITY.**

12 (a) IN GENERAL.—Beginning on the program effec-
13 tive date, the Commission, the Authority, and the anti-
14 doping and medication control enforcement agency, each
15 within the scope of their powers and responsibilities under
16 this Act, as limited by subsection (j), shall—

17 (1) implement and enforce the horseracing anti-
18 doping and medication control program and the
19 racetrack safety program;

20 (2) exercise independent and exclusive national
21 authority over—

22 (A) the safety, welfare, and integrity of
23 covered horses, covered persons, and covered
24 horseraces; and

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1 (B) all horseracing safety, performance,
2 and anti-doping and medication control matters
3 for covered horses, covered persons, and covered
4 horseraces; and

5 (3) have safety, performance, and anti-doping
6 and medication control authority over covered per-
7 sons similar to such authority of the State racing
8 commissions before the program effective date.

9 (b) PREEMPTION.—The rules of the Authority pro-
10 mulgated in accordance with this Act shall preempt any
11 provision of State law or regulation with respect to mat-
12 ters within the jurisdiction of the Authority under this
13 Act, as limited by subsection (j). Nothing contained in this
14 Act shall be construed to limit the authority of the Com-
15 mission under any other provision of law.

16 (c) DUTIES.—

17 (1) IN GENERAL.—The Authority—

18 (A) shall develop uniform procedures and
19 rules authorizing—

20 (i) access to offices, racetrack facili-
21 ties, other places of business, books,
22 records, and personal property of covered
23 persons that are used in the care, treat-
24 ment, training, and racing of covered
25 horses;

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1 (ii) issuance and enforcement of sub-
2 poenas and subpoenas duces tecum; and

3 (iii) other investigatory powers of the
4 nature and scope exercised by State racing
5 commissions before the program effective
6 date; and

7 (B) with respect to an unfair or deceptive
8 act or practice described in section 1210, may
9 recommend that the Commission commence an
10 enforcement action.

11 (2) APPROVAL OF COMMISSION.—The proce-
12 dures and rules developed under paragraph (1)(A)
13 shall be subject to approval by the Commission in
14 accordance with section 1204.

15 (d) REGISTRATION OF COVERED PERSONS WITH AU-
16 THORITY.—

17 (1) IN GENERAL.—As a condition of partici-
18 pating in covered races and in the care, ownership,
19 treatment, and training of covered horses, a covered
20 person shall register with the Authority in accord-
21 ance with rules promulgated by the Authority and
22 approved by the Commission in accordance with sec-
23 tion 1204.

24 (2) AGREEMENT WITH RESPECT TO AUTHORITY
25 RULES, STANDARDS, AND PROCEDURES.—Registra-

1 tion under this subsection shall include an agree-
2 ment by the covered person to be subject to and
3 comply with the rules, standards, and procedures de-
4 veloped and approved under subsection (c).

5 (3) COOPERATION.—A covered person reg-
6 istered under this subsection shall, at all times—

7 (A) cooperate with the Commission, the
8 Authority, the anti-doping and medication con-
9 trol enforcement agency, and any respective
10 designee, during any civil investigation; and

11 (B) respond truthfully and completely to
12 the best of the knowledge of the covered person
13 if questioned by the Commission, the Authority,
14 the anti-doping and medication control enforce-
15 ment agency, or any respective designee.

16 (4) FAILURE TO COMPLY.—Any failure of a
17 covered person to comply with this subsection shall
18 be a violation of section 1208(a)(2)(G).

19 (e) ENFORCEMENT OF PROGRAMS.—

20 (1) ANTI-DOPING AND MEDICATION CONTROL
21 ENFORCEMENT AGENCY.—

22 (A) AGREEMENT WITH USADA.—The Au-
23 thority shall seek to enter into an agreement
24 with the United States Anti-Doping Agency
25 under which the Agency acts as the anti-doping

1 and medication control enforcement agency
2 under this Act for services consistent with the
3 horseracing anti-doping and medication control
4 program.

5 (B) AGREEMENT WITH OTHER ENTITY.—If
6 the Authority and the United States Anti-
7 Doping Agency are unable to enter into the
8 agreement described in subparagraph (A), the
9 Authority shall enter into an agreement with an
10 entity that is nationally recognized as being a
11 medication regulation agency equal in qualifica-
12 tion to the United States Anti-Doping Agency
13 to act as the anti-doping and medication control
14 enforcement agency under this Act for services
15 consistent with the horseracing anti-doping and
16 medication control program.

17 (C) NEGOTIATIONS.—Any negotiations
18 under this paragraph shall be conducted in
19 good faith and designed to achieve efficient, ef-
20 fective best practices for anti-doping and medi-
21 cation control and enforcement on commercially
22 reasonable terms.

23 (D) ELEMENTS OF AGREEMENT.—Any
24 agreement under this paragraph shall include a
25 description of the scope of work, performance

1 metrics, reporting obligations, and budgets of
2 the United States Anti-Doping Agency while
3 acting as the anti-doping and medication con-
4 trol enforcement agency under this Act, as well
5 as a provision for the revision of the agreement
6 to increase in the scope of work as provided for
7 in subsection (k), and any other matter the Au-
8 thority considers appropriate.

9 (E) DUTIES AND POWERS OF ENFORCE-
10 MENT AGENCY.—The anti-doping and medica-
11 tion control enforcement agency under an
12 agreement under this paragraph shall—

13 (i) serve as the independent anti-
14 doping and medication control enforcement
15 organization for covered horses, covered
16 persons, and covered horseraces, imple-
17 menting the anti-doping and medication
18 control program on behalf of the Author-
19 ity;

20 (ii) ensure that covered horses and
21 covered persons are deterred from using or
22 administering medications, substances, and
23 methods in violation of the rules estab-
24 lished in accordance with this Act;

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1 (iii) implement anti-doping education,
2 research, testing, compliance and adjudica-
3 tion programs designed to prevent covered
4 persons and covered horses from using or
5 administering medications, substances, and
6 methods in violation of the rules estab-
7 lished in accordance with this Act;

8 (iv) exercise the powers specified in
9 section 1206(c)(4) in accordance with that
10 section; and

11 (v) implement and undertake any
12 other responsibilities specified in the agree-
13 ment.

14 (F) TERM AND EXTENSION.—

15 (i) TERM OF INITIAL AGREEMENT.—
16 The initial agreement entered into by the
17 Authority under this paragraph shall be in
18 effect for the 5-year period beginning on
19 the program effective date.

20 (ii) EXTENSION.—At the end of the 5-
21 year period described in clause (i), the Au-
22 thority may—

23 (I) extend the term of the initial
24 agreement under this paragraph for
25 such additional term as is provided by

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1 the rules of the Authority and con-
2 sistent with this Act; or

3 (II) enter into an agreement
4 meeting the requirements of this para-
5 graph with an entity described by sub-
6 paragraph (B) for such term as is
7 provided by such rules and consistent
8 with this Act.

9 (2) AGREEMENTS FOR ENFORCEMENT BY
10 STATE RACING COMMISSIONS.—

11 (A) STATE RACING COMMISSIONS.—

12 (i) RACETRACK SAFETY PROGRAM.—

13 The Authority may enter into agreements
14 with State racing commissions for services
15 consistent with the enforcement of the
16 racetrack safety program.

17 (ii) ANTI-DOPING AND MEDICATION

18 CONTROL PROGRAM.—The anti-doping and
19 medication control enforcement agency
20 may enter into agreements with State rac-
21 ing commissions for services consistent
22 with the enforcement of the anti-doping
23 and medication control program.

24 (B) ELEMENTS OF AGREEMENTS.—Any
25 agreement under this paragraph shall include a

1 description of the scope of work, performance
2 metrics, reporting obligations, budgets, and any
3 other matter the Authority considers appro-
4 priate.

5 (3) ENFORCEMENT OF STANDARDS.—The Au-
6 thority may coordinate with State racing commis-
7 sions and other State regulatory agencies to monitor
8 and enforce racetrack compliance with the standards
9 developed under paragraphs (1) and (2) of section
10 1207(e).

11 (f) PROCEDURES WITH RESPECT TO RULES OF AU-
12 THORITY.—

13 (1) ANTI-DOPING AND MEDICATION CON-
14 TROL.—

15 (A) IN GENERAL.—Recommendations for
16 rules regarding anti-doping and medication con-
17 trol shall be developed in accordance with sec-
18 tion 1206.

19 (B) CONSULTATION.—The anti-doping and
20 medication control enforcement agency shall
21 consult with the anti-doping and medication
22 control standing committee and the Board of
23 the Authority on all anti-doping and medication
24 control rules of the Authority.

1 (2) RACETRACK SAFETY.—Recommendations
2 for rules regarding racetrack safety shall be devel-
3 oped by the racetrack safety standing committee of
4 the Authority.

5 (g) ISSUANCE OF GUIDANCE.—

6 (1) The Authority may issue guidance that—

7 (A) sets forth—

8 (i) an interpretation of an existing
9 rule, standard, or procedure of the Author-
10 ity; or

11 (ii) a policy or practice with respect to
12 the administration or enforcement of such
13 an existing rule, standard, or procedure;
14 and

15 (B) relates solely to—

16 (i) the administration of the Author-
17 ity; or

18 (ii) any other matter, as specified by
19 the Commission, by rule, consistent with
20 the public interest and the purposes of this
21 subsection.

22 (2) SUBMITTAL TO COMMISSION.—The Author-
23 ity shall submit to the Commission any guidance
24 issued under paragraph (1).

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1 (3) IMMEDIATE EFFECT.—Guidance issued
2 under paragraph (1) shall take effect on the date on
3 which the guidance is submitted to the Commission
4 under paragraph (2).

5 (h) SUBPOENA AND INVESTIGATORY AUTHORITY.—
6 The Authority shall have subpoena and investigatory au-
7 thority with respect to civil violations committed under its
8 jurisdiction.

9 (i) CIVIL PENALTIES.—The Authority shall develop
10 a list of civil penalties with respect to the enforcement of
11 rules for covered persons and covered horseraces under its
12 jurisdiction.

13 (j) CIVIL ACTIONS.—

14 (1) IN GENERAL.—In addition to civil sanctions
15 imposed under section 1208, the Authority may
16 commence a civil action against a covered person or
17 racetrack that has engaged, is engaged, or is about
18 to engage, in acts or practices constituting a viola-
19 tion of this Act or any rule established under this
20 Act in the proper district court of the United States,
21 the United States District Court for the District of
22 Columbia, or the United States courts of any terri-
23 tory or other place subject to the jurisdiction of the
24 United States, to enjoin such acts or practices, to
25 enforce any civil sanctions imposed under that sec-

1 tion, and for all other relief to which the Authority
2 may be entitled.

3 (2) INJUNCTIONS AND RESTRAINING ORDERS.—

4 With respect to a civil action commenced under
5 paragraph (1), upon a proper showing, a permanent
6 or temporary injunction or restraining order shall be
7 granted without bond.

8 (k) LIMITATIONS ON AUTHORITY.—

9 (1) PROSPECTIVE APPLICATION.—The jurisdic-
10 tion and authority of the Authority and the Commis-
11 sion with respect to the horseracing anti-doping and
12 medication control program and the racetrack safety
13 program shall be prospective only.

14 (2) PREVIOUS MATTERS.—

15 (A) IN GENERAL.—The Authority and the
16 Commission may not investigate, prosecute, ad-
17 judicate, or penalize conduct in violation of the
18 horseracing anti-doping and medication control
19 program and the racetrack safety program that
20 occurs before the program effective date.

21 (B) STATE RACING COMMISSION.—With re-
22 spect to conduct described in subparagraph (A),
23 the applicable State racing commission shall re-
24 tain authority until the final resolution of the
25 matter.

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1 (3) OTHER LAWS UNAFFECTED.—This Act
2 shall not be construed to modify, impair or restrict
3 the operation of the general laws or regulations, as
4 may be amended from time to time, of the United
5 States, the States and their political subdivisions re-
6 lating to criminal conduct, cruelty to animals, mat-
7 ters unrelated to antidoping, medication control and
8 racetrack and racing safety of covered horses and
9 covered races, and the use of medication in human
10 participants in covered races.

11 (1) ELECTION FOR OTHER BREED COVERAGE UNDER
12 ACT.—

13 (1) IN GENERAL.—A State racing commission
14 or a breed governing organization for a breed of
15 horses other than Thoroughbred horses may elect to
16 have such breed be covered by this Act by the filing
17 of a designated election form and subsequent ap-
18 proval by the Authority. A State racing commission
19 may elect to have a breed covered by this Act for the
20 applicable State only.

21 (2) ELECTION CONDITIONAL ON FUNDING
22 MECHANISM.—A commission or organization may
23 not make an election under paragraph (1) unless the
24 commission or organization has in place a mecha-
25 nism to provide sufficient funds to cover the costs of

1 the administration of this Act with respect to the
2 horses that will be covered by this Act as a result
3 of the election.

4 (3) APPORTIONMENT.—The Authority shall ap-
5 portion costs described in paragraph (2) in connec-
6 tion with an election under paragraph (1) fairly
7 among all impacted segments of the horseracing in-
8 dustry, subject to approval by the Commission in ac-
9 cordance with section 1204. Such apportionment
10 may not provide for the allocation of costs or funds
11 among breeds of horses.

12 **SEC. 1206. HORSERACING ANTI-DOPING AND MEDICATION**
13 **CONTROL PROGRAM.**

14 (a) PROGRAM REQUIRED.—

15 (1) IN GENERAL.—Not later than the program
16 effective date, and after notice and an opportunity
17 for public comment in accordance with section 1204,
18 the Authority shall establish a horseracing anti-
19 doping and medication control program applicable to
20 all covered horses, covered persons, and covered
21 horseraces in accordance with the registration of
22 covered persons under section 1205(d).

23 (2) CONSIDERATION OF OTHER BREEDS.—In
24 developing the horseracing anti-doping and medica-
25 tion control program with respect to a breed of horse

1 that is made subject to this Act by election of a
2 State racing commission or the breed governing or-
3 ganization for such horse under section 1205(k), the
4 Authority shall consider the unique characteristics of
5 such breed.

6 (b) CONSIDERATIONS IN DEVELOPMENT OF PRO-
7 GRAM.—In developing the horseracing anti-doping and
8 medication control program, the Authority shall take into
9 consideration the following:

10 (1) Covered horses should compete only when
11 they are free from the influence of medications,
12 other foreign substances, and methods that affect
13 their performance.

14 (2) Covered horses that are injured or unsound
15 should not train or participate in covered races, and
16 the use of medications, other foreign substances, and
17 treatment methods that mask or deaden pain in
18 order to allow injured or unsound horses to train or
19 race should be prohibited.

20 (3) Rules, standards, procedures, and protocols
21 regulating medication and treatment methods for
22 covered horses and covered races should be uniform
23 and uniformly administered nationally.

24 (4) To the extent consistent with this Act, con-
25 sideration should be given to international anti-

1 doping and medication control standards of the
2 International Federation of Horseracing Authorities
3 and the Principles of Veterinary Medical Ethics of
4 the American Veterinary Medical Association.

5 (5) The administration of medications and
6 treatment methods to covered horses should be
7 based upon an examination and diagnosis that iden-
8 tifies an issue requiring treatment for which the
9 medication or method represents an appropriate
10 component of treatment.

11 (6) The amount of therapeutic medication that
12 a covered horse receives should be the minimum nec-
13 essary to address the diagnosed health concerns
14 identified during the examination and diagnostic
15 process.

16 (7) The welfare of covered horses, the integrity
17 of the sport, and the confidence of the betting public
18 require full disclosure to regulatory authorities re-
19 garding the administration of medications and treat-
20 ments to covered horses.

21 (c) ACTIVITIES.—The following activities shall be car-
22 ried out under the horseracing anti-doping and medication
23 control program:

24 (1) STANDARDS FOR ANTI-DOPING AND MEDI-
25 CATION CONTROL.—Not later than 120 days before

1 the program effective date, the Authority shall issue,
2 by rule—

3 (A) uniform standards for—

4 (i) the administration of medication to
5 covered horses by covered persons; and

6 (ii) laboratory testing accreditation
7 and protocols; and

8 (B) a list of permitted and prohibited
9 medications, substances, and methods, including
10 allowable limits of permitted medications, sub-
11 stances, and methods.

12 (2) REVIEW PROCESS FOR ADMINISTRATION OF
13 MEDICATION.—The development of a review process
14 for the administration of any medication to a cov-
15 ered horse during the 48-hour period preceding the
16 next racing start of the covered horse.

17 (3) AGREEMENT REQUIREMENTS.—The devel-
18 opment of requirements with respect to agreements
19 under section 1205(e).

20 (4) ANTI-DOPING AND MEDICATION CONTROL
21 ENFORCEMENT AGENCY.—

22 (A) CONTROL RULES, PROTOCOLS, ETC.—

23 Except as provided in paragraph (5), the anti-
24 doping and medication control program enforce-
25 ment agency under section 1205(e) shall, in

1 consultation with the anti-doping and medica-
2 tion control standing committee of the Author-
3 ity and consistent with international best prac-
4 tices, develop and recommend anti-doping and
5 medication control rules, protocols, policies, and
6 guidelines for approval by the Authority.

7 (B) RESULTS MANAGEMENT.—The anti-
8 doping and medication control enforcement
9 agency shall conduct and oversee anti-doping
10 and medication control results management, in-
11 cluding independent investigations, charging
12 and adjudication of potential medication control
13 rule violations, and the enforcement of any civil
14 sanctions for such violations. Any final decision
15 or civil sanction of the anti-doping and medica-
16 tion control enforcement agency under this sub-
17 paragraph shall be the final decision or civil
18 sanction of the Authority, subject to review in
19 accordance with section 1209.

20 (C) TESTING.—The anti-doping enforce-
21 ment agency shall perform and manage test dis-
22 tribution planning (including intelligence-based
23 testing), the sample collection process, and in-
24 competition and out-of-competition testing (in-
25 cluding no-advance-notice testing).

1 (D) TESTING LABORATORIES.—The anti-
2 doping and medication control enforcement
3 agency shall accredit testing laboratories based
4 upon the standards established under this Act,
5 and shall monitor, test, and audit accredited
6 laboratories to ensure continuing compliance
7 with accreditation standards.

8 (5) ANTI-DOPING AND MEDICATION CONTROL
9 STANDING COMMITTEE.—The anti-doping and medi-
10 cation control standing committee shall, in consulta-
11 tion with the anti-doping and medication control en-
12 forcement agency, develop lists of permitted and pro-
13 hibited medications, methods, and substances for
14 recommendation to, and approval by, the Authority.
15 Any such list may prohibit the administration of any
16 substance or method to a horse at any time after
17 such horse becomes a covered horse if the Authority
18 determines such substance or method has a long-
19 term degrading effect on the soundness of a horse.

20 (d) PROHIBITION.—Except as provided in sub-
21 sections (e) and (f), the horseracing anti-doping and medi-
22 cation control program shall prohibit the administration
23 of any prohibited or otherwise permitted substance to a
24 covered horse within 48 hours of its next racing start, ef-
25 fective as of the program effective date.

1 (e) ADVISORY COMMITTEE STUDY AND REPORT.—

2 (1) IN GENERAL.—Not later than the program
3 effective date, the Authority shall convene an advi-
4 sory committee comprised of horseracing anti-doping
5 and medication control industry experts, including a
6 member designated by the anti-doping and medica-
7 tion control enforcement agency, to conduct a study
8 on the use of furosemide on horses during the 48-
9 hour period before the start of a race, including the
10 effect of furosemide on equine health and the integ-
11 rity of competition and any other matter the Author-
12 ity considers appropriate.

13 (2) REPORT.—Not later than three years after
14 the program effective date, the Authority shall direct
15 the advisory committee convened under paragraph
16 (1) to submit to the Authority a written report on
17 the study conducted under that paragraph that in-
18 cludes recommended changes, if any, to the prohibi-
19 tion in subsection (d).

20 (3) MODIFICATION OF PROHIBITION.—

21 (A) IN GENERAL.—After receipt of the re-
22 port required by paragraph (2), the Authority
23 may, by unanimous vote of the Board of the
24 Authority, modify the prohibition in subsection
25 (d) and, notwithstanding subsection (f), any

1 such modification shall apply to all States be-
2 ginning on the date that is three years after the
3 program effective date.

4 (B) CONDITION.—In order for a unani-
5 mous vote described in subparagraph (A) to ef-
6 fect a modification of the prohibition in sub-
7 section (d), the vote must include unanimous
8 adoption of each of the following findings:

9 (i) That the modification is war-
10 ranted.

11 (ii) That the modification is in the
12 best interests of horse racing.

13 (iii) That furosemide has no perform-
14 ance enhancing effect on individual horses.

15 (iv) That public confidence in the in-
16 tegrity and safety of racing would not be
17 adversely affected by the modification.

18 (f) EXEMPTION.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), only during the three-year period begin-
21 ning on the program effective date, a State racing
22 commission may submit to the Authority, at such
23 time and in such manner as the Authority may re-
24 quire, a request for an exemption from the prohibi-

1 tion in subsection (d) with respect to the use of
2 furosemide on covered horses during such period.

3 (2) EXCEPTIONS.—An exemption under para-
4 graph (1) may not be requested for—

5 (A) two-year-old covered horses; or

6 (B) covered horses competing in stakes
7 races.

8 (3) CONTENTS OF REQUEST.—A request under
9 paragraph (1) shall specify the applicable State rac-
10 ing commission's requested limitations on the use of
11 furosemide that would apply to the State under the
12 horseracing anti-doping and medication control pro-
13 gram during such period. Such limitations shall be
14 no less restrictive on the use and administration of
15 furosemide than the restrictions set forth in State's
16 laws and regulations in effect as of September 1,
17 2020.

18 (4) GRANT OF EXEMPTION.—Subject to sub-
19 section (e)(3), the Authority shall grant an exemp-
20 tion requested under paragraph (1) for the remain-
21 der of such period and shall allow the use of
22 furosemide on covered horses in the applicable State,
23 in accordance with the requested limitations.

24 (g) BASELINE ANTI-DOPING AND MEDICATION CON-
25 TROL RULES.—

1 (1) IN GENERAL.—Subject to paragraph (3),
2 the baseline anti-doping and medication control rules
3 described in paragraph (2) shall—

4 (A) constitute the initial rules of the horse-
5 racing anti-doping and medication control pro-
6 gram; and

7 (B) except as exempted pursuant to sub-
8 sections (e) and (f), remain in effect at all
9 times after the program effective date.

10 (2) BASELINE ANTI-DOPING MEDICATION CON-
11 TROL RULES DESCRIBED.—

12 (A) IN GENERAL.—The baseline anti-
13 doping and medication control rules described
14 in this paragraph are the following:

15 (i) The lists of permitted and prohib-
16 ited substances (including drugs, medica-
17 tions, and naturally occurring substances
18 and synthetically occurring substances) in
19 effect for the International Federation of
20 Horseracing Authorities, including the
21 International Federation of Horseracing
22 Authorities International Screening Limits
23 for urine, dated May 2019, and the Inter-
24 national Federation of Horseracing Au-

1 thorities International Screening Limits for
2 plasma, dated May 2019.

3 (ii) The World Anti-Doping Agency
4 International Standard for Laboratories
5 (version 10.0), dated November 12, 2019.

6 (iii) The Association of Racing Com-
7 missioners International out-of-competition
8 testing standards, Model Rules of Racing
9 (version 9.2).

10 (iv) The Association of Racing Com-
11 missioners International penalty and mul-
12 tiple medication violation rules, Model
13 Rules of Racing (version 6.2).

14 (B) CONFLICT OF RULES.—In the case of
15 a conflict among the rules described in subpara-
16 graph (A), the most stringent rule shall apply.

17 (3) MODIFICATIONS TO BASELINE RULES.—

18 (A) DEVELOPMENT BY ANTI-DOPING AND
19 MEDICATION CONTROL STANDING COM-
20 MITTEE.—The anti-doping and medication con-
21 trol standing committee, in consultation with
22 the anti-doping and medication control enforce-
23 ment agency, may develop and submit to the
24 Authority for approval by the Authority pro-

1 posed modifications to the baseline anti-doping
2 and medication control rules.

3 (B) **AUTHORITY APPROVAL.**—If the Au-
4 thority approves a proposed modification under
5 this paragraph, the proposed modification shall
6 be submitted to and considered by the Commis-
7 sion in accordance with section 1204.

8 (C) **ANTI-DOPING AND MEDICATION CON-**
9 **TROL ENFORCEMENT AGENCY VETO AUTHOR-**
10 **ITY.**—The Authority shall not approve any pro-
11 posed modification that renders an anti-doping
12 and medication control rule less stringent than
13 the baseline anti-doping and medication control
14 rules described in paragraph (2) (including by
15 increasing permitted medication thresholds,
16 adding permitted medications, removing prohib-
17 ited medications, or weakening enforcement
18 mechanisms) without the approval of the anti-
19 doping and medication control enforcement
20 agency.

21 **SEC. 1207. RACETRACK SAFETY PROGRAM.**

22 (a) **ESTABLISHMENT AND CONSIDERATIONS.**—

23 (1) **IN GENERAL.**—Not later than the program
24 effective date, and after notice and an opportunity
25 for public comment in accordance with section 1204,

1 the Authority shall establish a racetrack safety pro-
2 gram applicable to all covered horses, covered per-
3 sons, and covered horseraces in accordance with the
4 registration of covered persons under section
5 1205(d).

6 (2) CONSIDERATIONS IN DEVELOPMENT OF
7 SAFETY PROGRAM.—In the development of the
8 horseracing safety program for covered horses, cov-
9 ered persons, and covered horseraces, the Authority
10 and the Commission shall take into consideration ex-
11 isting safety standards including the National Thor-
12 oughbred Racing Association Safety and Integrity
13 Alliance Code of Standards, the International Fed-
14 eration of Horseracing Authority’s International
15 Agreement on Breeding, Racing, and Wagering, and
16 the British Horseracing Authority’s Equine Health
17 and Welfare program.

18 (b) ELEMENTS OF HORSERACING SAFETY PRO-
19 GRAM.—The horseracing safety program shall include the
20 following:

21 (1) A set of training and racing safety stand-
22 ards and protocols taking into account regional dif-
23 ferences and the character of differing racing facili-
24 ties.

1 (2) A uniform set of training and racing safety
2 standards and protocols consistent with the humane
3 treatment of covered horses, which may include lists
4 of permitted and prohibited practices or methods
5 (such as crop use).

6 (3) A racing surface quality maintenance sys-
7 tem that—

8 (A) takes into account regional differences
9 and the character of differing racing facilities;
10 and

11 (B) may include requirements for track
12 surface design and consistency and established
13 standard operating procedures related to track
14 surface, monitoring, and maintenance (such as
15 standardized seasonal assessment, daily track-
16 ing, and measurement).

17 (4) A uniform set of track safety standards and
18 protocols, that may include rules governing oversight
19 and movement of covered horses and human and
20 equine injury reporting and prevention.

21 (5) Programs for injury and fatality data anal-
22 ysis, that may include pre- and post-training and
23 race inspections, use of a veterinarian's list, and
24 concussion protocols.

1 (6) The undertaking of investigations at race-
2 track and non-racetrack facilities related to safety
3 violations.

4 (7) Procedures for investigating, charging, and
5 adjudicating violations and for the enforcement of
6 civil sanctions for violations.

7 (8) A schedule of civil sanctions for violations.

8 (9) Disciplinary hearings, which may include
9 binding arbitration, civil sanctions, and research.

10 (10) Management of violation results.

11 (11) Programs relating to safety and perform-
12 ance research and education.

13 (12) An evaluation and accreditation program
14 that ensures that racetracks in the United States
15 meet the standards described in the elements of the
16 Horseracing Safety Program.

17 (c) ACTIVITIES.—The following activities shall be car-
18 ried out under the racetrack safety program:

19 (1) STANDARDS FOR RACETRACK SAFETY.—
20 The development, by the racetrack safety standing
21 committee of the Authority in section 1203(c)(2) of
22 uniform standards for racetrack and horseracing
23 safety.

24 (2) STANDARDS FOR SAFETY AND PERFORM-
25 ANCE ACCREDITATION.—

1 (A) IN GENERAL.—Not later than 120
2 days before the program effective date, the Au-
3 thority, in consultation with the racetrack safe-
4 ty standing committee, shall issue, by rule in
5 accordance with section 1204—

6 (i) safety and performance standards
7 of accreditation for racetracks; and

8 (ii) the process by which a racetrack
9 may achieve and maintain accreditation by
10 the Authority.

11 (B) MODIFICATIONS.—

12 (i) IN GENERAL.—The Authority may
13 modify rules establishing the standards
14 issued under subparagraph (A), as the Au-
15 thority considers appropriate.

16 (ii) NOTICE AND COMMENT.—The
17 Commission shall publish in the Federal
18 Register any proposed rule of the Author-
19 ity, and provide an opportunity for public
20 comment with respect to, any modification
21 under clause (i) in accordance with section
22 1204.

23 (C) EXTENSION OF PROVISIONAL OR IN-
24 TERIM ACCREDITATION.—The Authority may,
25 by rule in accordance with section 1204, extend

1 provisional or interim accreditation to a race-
2 track accredited by the National Thoroughbred
3 Racing Association Safety and Integrity Alli-
4 ance on a date before the program effective
5 date.

6 (3) NATIONWIDE SAFETY AND PERFORMANCE
7 DATABASE.—

8 (A) IN GENERAL.—Not later than one year
9 after the program effective date, and after no-
10 tice and an opportunity for public comment in
11 accordance with section 1204, the Authority, in
12 consultation with the Commission, shall develop
13 and maintain a nationwide database of race-
14 horse safety, performance, health, and injury
15 information for the purpose of conducting an
16 epidemiological study.

17 (B) COLLECTION OF INFORMATION.—In
18 accordance with the registration of covered per-
19 sons under section 1205(d), the Authority may
20 require covered persons to collect and submit to
21 the database described in subparagraph (A)
22 such information as the Authority may require
23 to further the goal of increased racehorse wel-
24 fare.

1 **SEC. 1208. RULE VIOLATIONS AND CIVIL SANCTIONS.**

2 (a) DESCRIPTION OF RULE VIOLATIONS.—

3 (1) IN GENERAL.—The Authority shall issue, by
4 rule in accordance with section 1204, a description
5 of safety, performance, and anti-doping and medica-
6 tion control rule violations applicable to covered
7 horses and covered persons.

8 (2) ELEMENTS.—The description of rule viola-
9 tions established under paragraph (1) may include
10 the following:

11 (A) With respect to a covered horse, strict
12 liability for covered trainers for—

13 (i) the presence of a prohibited sub-
14 stance or method in a sample or the use of
15 a prohibited substance or method;

16 (ii) the presence of a permitted sub-
17 stance in a sample in excess of the amount
18 allowed by the horseracing anti-doping and
19 medication control program; and

20 (iii) the use of a permitted method in
21 violation of the applicable limitations es-
22 tablished under the horseracing anti-
23 doping and medication control program.

24 (B) Attempted use of a prohibited sub-
25 stance or method on a covered horse.

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1 (C) Possession of any prohibited substance
2 or method.

3 (D) Attempted possession of any prohib-
4 ited substance or method.

5 (E) Administration or attempted adminis-
6 tration of any prohibited substance or method
7 on a covered horse.

8 (F) Refusal or failure, without compelling
9 justification, to submit a covered horse for sam-
10 ple collection.

11 (G) Failure to cooperate with the Author-
12 ity or an agent of the Authority during any in-
13 vestigation.

14 (H) Failure to respond truthfully, to the
15 best of a covered person's knowledge, to a ques-
16 tion of the Authority or an agent of the Author-
17 ity with respect to any matter under the juris-
18 diction of the Authority.

19 (I) Tampering or attempted tampering
20 with the application of the safety, performance,
21 or anti-doping and medication control rules or
22 process adopted by the Authority, including—

23 (i) the intentional interference, or an
24 attempt to interfere, with an official or
25 agent of the Authority;

1 (ii) the procurement or the provision
2 of fraudulent information to the Authority
3 or agent; and

4 (iii) the intimidation of, or an attempt
5 to intimidate, a potential witness.

6 (J) Trafficking or attempted trafficking in
7 any prohibited substance or method.

8 (K) Assisting, encouraging, aiding, abet-
9 ting, conspiring, covering up, or any other type
10 of intentional complicity involving a safety, per-
11 formance, or anti-doping and medication control
12 rule violation or the violation of a period of sus-
13 pension or eligibility.

14 (L) Threatening or seeking to intimidate a
15 person with the intent of discouraging the per-
16 son from the good faith reporting to the Au-
17 thority, an agent of the Authority or the Com-
18 mission, or the anti-doping and medication con-
19 trol enforcement agency under section 1205(e),
20 of information that relates to—

21 (i) an alleged safety, performance, or
22 anti-doping and medication control rule
23 violation; or

1 (ii) alleged noncompliance with a safe-
2 ty, performance, or anti-doping and medi-
3 cation control rule.

4 (b) TESTING LABORATORIES.—

5 (1) ACCREDITATION AND STANDARDS.—Not
6 later than 120 days before the program effective
7 date, the Authority shall, in consultation with the
8 anti-doping and medication control enforcement
9 agency, establish, by rule in accordance with section
10 1204—

11 (A) standards of accreditation for labora-
12 tories involved in testing samples from covered
13 horses;

14 (B) the process for achieving and main-
15 taining accreditation; and

16 (C) the standards and protocols for testing
17 such samples.

18 (2) ADMINISTRATION.—The accreditation of
19 laboratories and the conduct of audits of accredited
20 laboratories to ensure compliance with Authority
21 rules shall be administered by the anti-doping and
22 medication control enforcement agency. The anti-
23 doping and medication control enforcement agency
24 shall have the authority to require specific test sam-

1 ples to be directed to and tested by laboratories hav-
2 ing special expertise in the required tests.

3 (3) EXTENSION OF PROVISIONAL OR INTERIM
4 ACCREDITATION.—The Authority may, by rule in ac-
5 cordance with section 1204, extend provisional or in-
6 terim accreditation to a laboratory accredited by the
7 Racing Medication and Testing Consortium, Inc., on
8 a date before the program effective date.

9 (4) SELECTION OF LABORATORIES.—

10 (A) IN GENERAL.—Except as provided in
11 paragraph (2), a State racing commission may
12 select a laboratory accredited in accordance
13 with the standards established under paragraph
14 (1) to test samples taken in the applicable
15 State.

16 (B) SELECTION BY THE AUTHORITY.—If a
17 State racing commission does not select an ac-
18 credited laboratory under subparagraph (A),
19 the Authority shall select such a laboratory to
20 test samples taken in the State concerned.

21 (c) RESULTS MANAGEMENT AND DISCIPLINARY
22 PROCESS.—

23 (1) IN GENERAL.—Not later than 120 days be-
24 fore the program effective date, the Authority shall
25 establish in accordance with section 1204—

1 (A) rules for safety, performance, and anti-
2 doping and medication control results manage-
3 ment; and

4 (B) the disciplinary process for safety, per-
5 formance, and anti-doping and medication con-
6 trol rule violations.

7 (2) ELEMENTS.—The rules and process estab-
8 lished under paragraph (1) shall include the fol-
9 lowing:

10 (A) Provisions for notification of safety,
11 performance, and anti-doping and medication
12 control rule violations.

13 (B) Hearing procedures.

14 (C) Standards for burden of proof.

15 (D) Presumptions.

16 (E) Evidentiary rules.

17 (F) Appeals.

18 (G) Guidelines for confidentiality and pub-
19 lic reporting of decisions.

20 (3) DUE PROCESS.—The rules established
21 under paragraph (1) shall provide for adequate due
22 process, including impartial hearing officers or tribu-
23 nals commensurate with the seriousness of the al-
24 leged safety, performance, or anti-doping and medi-

1 cation control rule violation and the possible civil
2 sanctions for such violation.

3 (d) CIVIL SANCTIONS.—

4 (1) IN GENERAL.—The Authority shall estab-
5 lish uniform rules, in accordance with section 1204,
6 imposing civil sanctions against covered persons or
7 covered horses for safety, performance, and anti-
8 doping and medication control rule violations.

9 (2) REQUIREMENTS.—The rules established
10 under paragraph (1) shall—

11 (A) take into account the unique aspects of
12 horseracing;

13 (B) be designed to ensure fair and trans-
14 parent horseraces; and

15 (C) deter safety, performance, and anti-
16 doping and medication control rule violations.

17 (3) SEVERITY.—The civil sanctions under para-
18 graph (1) may include—

19 (A) lifetime bans from horseracing,
20 disgorgement of purses, monetary fines and
21 penalties, and changes to the order of finish in
22 covered races; and

23 (B) with respect to anti-doping and medi-
24 cation control rule violators, an opportunity to
25 reduce the applicable civil sanctions that is

1 comparable to the opportunity provided by the
2 Protocol for Olympic Movement Testing of the
3 United States Anti-Doping Agency.

4 (e) MODIFICATIONS.—The Authority may propose a
5 modification to any rule established under this section as
6 the Authority considers appropriate, and the proposed
7 modification shall be submitted to and considered by the
8 Commission in accordance with section 1204.

9 **SEC. 1209. REVIEW OF FINAL DECISIONS OF THE AUTHOR-**
10 **ITY.**

11 (a) NOTICE OF CIVIL SANCTIONS.— If the Authority
12 imposes a final civil sanction for a violation committed by
13 a covered person pursuant to the rules or standards of
14 the Authority, the Authority shall promptly submit to the
15 Commission notice of the civil sanction in such form as
16 the Commission may require.

17 (b) REVIEW BY ADMINISTRATIVE LAW JUDGE.—

18 (1) IN GENERAL.—With respect to a final civil
19 sanction imposed by the Authority, on application by
20 the Commission or a person aggrieved by the civil
21 sanction filed not later than 30 days after the date
22 on which notice under subsection (a) is submitted,
23 the civil sanction shall be subject to de novo review
24 by an administrative law judge.

25 (2) NATURE OF REVIEW.—

1 (A) IN GENERAL.—In matters reviewed
2 under this subsection, the administrative law
3 judge shall determine whether—

4 (i) a person has engaged in such acts
5 or practices, or has omitted such acts or
6 practices, as the Authority has found the
7 person to have engaged in or omitted;

8 (ii) such acts, practices, or omissions
9 are in violation of this Act or the anti-
10 doping and medication control or racetrack
11 safety rules approved by the Commission;
12 or

13 (iii) the final civil sanction of the Au-
14 thority was arbitrary, capricious, an abuse
15 of discretion, or otherwise not in accord-
16 ance with law.

17 (B) CONDUCT OF HEARING.—An adminis-
18 trative law judge shall conduct a hearing under
19 this subsection in such a manner as the Com-
20 mission may specify by rule, which shall con-
21 form to section 556 of title 5, United States
22 Code.

23 (3) DECISION BY ADMINISTRATIVE LAW
24 JUDGE.—

1 (A) IN GENERAL.—With respect to a mat-
2 ter reviewed under this subsection, an adminis-
3 trative law judge—

4 (i) shall render a decision not later
5 than 60 days after the conclusion of the
6 hearing;

7 (ii) may affirm, reverse, modify, set
8 aside, or remand for further proceedings,
9 in whole or in part, the final civil sanction
10 of the Authority; and

11 (iii) may make any finding or conclu-
12 sion that, in the judgment of the adminis-
13 trative law judge, is proper and based on
14 the record.

15 (B) FINAL DECISION.—A decision under
16 this paragraph shall constitute the decision of
17 the Commission without further proceedings
18 unless a notice or an application for review is
19 timely filed under subsection (c).

20 (c) REVIEW BY COMMISSION.—

21 (1) NOTICE OF REVIEW BY COMMISSION.—The
22 Commission may, on its own motion, review any de-
23 cision of an administrative law judge issued under
24 subsection (b)(3) by providing written notice to the
25 Authority and any interested party not later than 30

1 days after the date on which the administrative law
2 judge issues the decision.

3 (2) APPLICATION FOR REVIEW.—

4 (A) IN GENERAL.—The Authority or a per-
5 son aggrieved by a decision issued under sub-
6 section (b)(3) may petition the Commission for
7 review of such decision by filing an application
8 for review not later than 30 days after the date
9 on which the administrative law judge issues
10 the decision.

11 (B) EFFECT OF DENIAL OF APPLICATION
12 FOR REVIEW.—If an application for review
13 under subparagraph (A) is denied, the decision
14 of the administrative law judge shall constitute
15 the decision of the Commission without further
16 proceedings.

17 (C) DISCRETION OF COMMISSION.—

18 (i) IN GENERAL.—A decision with re-
19 spect to whether to grant an application
20 for review under subparagraph (A) is sub-
21 ject to the discretion of the Commission.

22 (ii) MATTERS TO BE CONSIDERED.—
23 In determining whether to grant such an
24 application for review, the Commission

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1 shall consider whether the application
2 makes a reasonable showing that—

3 (I) a prejudicial error was com-
4 mitted in the conduct of the pro-
5 ceeding; or

6 (II) the decision involved—

7 (aa) an erroneous applica-
8 tion of the anti-doping and medi-
9 cation control or racetrack safety
10 rules approved by the Commis-
11 sion; or

12 (bb) an exercise of discretion
13 or a decision of law or policy that
14 warrants review by the Commis-
15 sion.

16 (3) NATURE OF REVIEW.—

17 (A) IN GENERAL.—In matters reviewed
18 under this subsection, the Commission may—

19 (i) affirm, reverse, modify, set aside,
20 or remand for further proceedings, in
21 whole or in part, the decision of the admin-
22 istrative law judge; and

23 (ii) make any finding or conclusion
24 that, in the judgement of the Commission,
25 is proper and based on the record.

1 (B) DE NOVO REVIEW.—The Commission
2 shall review de novo the factual findings and
3 conclusions of law made by the administrative
4 law judge.

5 (C) CONSIDERATION OF ADDITIONAL EVI-
6 DENCE.—

7 (i) MOTION BY COMMISSION.—The
8 Commission may, on its own motion, allow
9 the consideration of additional evidence.

10 (ii) MOTION BY A PARTY.—

11 (I) IN GENERAL.—A party may
12 file a motion to consider additional
13 evidence at any time before the
14 issuance of a decision by the Commis-
15 sion, which shall show, with particu-
16 larity, that—

17 (aa) such additional evidence
18 is material; and

19 (bb) there were reasonable
20 grounds for failure to submit the
21 evidence previously.

22 (II) PROCEDURE.—The Commis-
23 sion may—

24 (aa) accept or hear addi-
25 tional evidence; or

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1 (bb) remand the proceeding
2 to the administrative law judge
3 for the consideration of addi-
4 tional evidence.

5 (d) STAY OF PROCEEDINGS.—Review by an adminis-
6 trative law judge or the Commission under this section
7 shall not operate as a stay of a final civil sanction of the
8 Authority unless the administrative law judge or Commis-
9 sion orders such a stay.

10 **SEC. 1210. UNFAIR OR DECEPTIVE ACTS OR PRACTICES.**

11 The sale of a covered horse, or of any other horse
12 in anticipation of its future participation in a covered race,
13 shall be considered an unfair or deceptive act or practice
14 in or affecting commerce under section 5(a) of the Federal
15 Trade Commission Act (15 U.S.C. 45(a)) if the seller—

16 (1) knows or has reason to know the horse has
17 been administered—

18 (A) a bisphosphonate prior to the horse's
19 fourth birthday; or

20 (B) any other substance or method the Au-
21 thority determines has a long-term degrading
22 effect on the soundness of the covered horse;
23 and

1 (2) fails to disclose to the buyer the administra-
2 tion of the bisphosphonate or other substance or
3 method described in paragraph (1)(B).

4 **SEC. 1211. STATE DELEGATION; COOPERATION.**

5 (a) STATE DELEGATION.—

6 (1) IN GENERAL.—The Authority may enter
7 into an agreement with a State racing commission to
8 implement, within the jurisdiction of the State rac-
9 ing commission, a component of the racetrack safety
10 program or, with the concurrence of the anti-doping
11 and medication control enforcement agency under
12 section 1205(e), a component of the horseracing
13 anti-doping and medication control program, if the
14 Authority determines that the State racing commis-
15 sion has the ability to implement such component in
16 accordance with the rules, standards, and require-
17 ments established by the Authority.

18 (2) IMPLEMENTATION BY STATE RACING COM-
19 MISSION.—A State racing commission or other ap-
20 propriate regulatory body of a State may not imple-
21 ment such a component in a manner less restrictive
22 than the rule, standard, or requirement established
23 by the Authority.

24 (b) COOPERATION.—To avoid duplication of func-
25 tions, facilities, and personnel, and to attain closer coordi-

1 nation and greater effectiveness and economy in adminis-
2 tration of Federal and State law, where conduct by any
3 person subject to the horseracing medication control pro-
4 gram or the racetrack safety program may involve both
5 a medication control or racetrack safety rule violation and
6 violation of Federal or State law, the Authority and Fed-
7 eral or State law enforcement authorities shall cooperate
8 and share information.

9 **SEC. 1212. DETERMINATION OF BUDGETARY EFFECTS.**

10 The budgetary effects of this Act, for the purpose of
11 complying with the Statutory Pay-As-You-Go Act of 2010,
12 shall be determined by reference to the latest statement
13 titled “Budgetary Effects of PAYGO Legislation” for this
14 Act, submitted for printing in the Congressional Record
15 by the Chairman of the House Budget Committee, pro-
16 vided that such statement has been submitted prior to the
17 vote on passage.

18 **TITLE XIII—COMMUNITY**
19 **DEVELOPMENT BLOCK GRANTS**

20 **SEC. 1301. COMMUNITY DEVELOPMENT BLOCK GRANTS.**

21 (a) IN GENERAL.—Funds previously made available
22 in chapter 9 of title X of the Disaster Relief Appropria-
23 tions Act, 2013 (Public Law 113–2, division A; 127 Stat.
24 36) under the heading “DEPARTMENT OF HOUSING
25 AND URBAN DEVELOPMENT—Community Planning

1 and Development—Community Development Fund” that
2 were available for obligation through fiscal year 2017 are
3 to remain available through fiscal year 2023 for the liq-
4 uidation of valid obligations incurred in fiscal years 2013
5 through 2017.

6 (b) EMERGENCY.—Amounts repurposed pursuant to
7 this section that were previously designated by the Con-
8 gress as an emergency requirement pursuant to the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985
10 are designated by the Congress as an emergency require-
11 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985.

13 **TITLE XIV—COVID-19**
14 **CONSUMER PROTECTION ACT**

15 **SEC. 1401. PROHIBITING DECEPTIVE ACTS OR PRACTICES**
16 **IN CONNECTION WITH THE NOVEL**
17 **CORONAVIRUS.**

18 (a) SHORT TITLE.—This section may be cited as the
19 “COVID-19 Consumer Protection Act”.

20 (b) IN GENERAL.—For the duration of a public
21 health emergency declared pursuant to section 319 of the
22 Public Health Service Act (42 U.S.C. 247d) as a result
23 of confirmed cases of the 2019 novel coronavirus
24 (COVID-19), including any renewal thereof, it shall be
25 unlawful for any person, partnership, or corporation to en-

1 gage in a deceptive act or practice in or affecting com-
2 merce in violation of section 5(a) of the Federal Trade
3 Commission Act (15 U.S.C. 45(a)) that is associated
4 with—

5 (1) the treatment, cure, prevention, mitigation,
6 or diagnosis of COVID–19; or

7 (2) a government benefit related to COVID–19.

8 (c) ENFORCEMENT BY THE FEDERAL TRADE COM-
9 MISSION.—

10 (1) VIOLATION.—A violation of subsection (b)
11 shall be treated as a violation of a rule defining an
12 unfair or deceptive act or practice prescribed under
13 section 18(a)(1)(B) of the Federal Trade Commis-
14 sion Act (15 U.S.C. 57a(a)(1)(B)).

15 (2) POWERS OF THE FEDERAL TRADE COMMIS-
16 SION.—

17 (A) IN GENERAL.—The Federal Trade
18 Commission shall enforce subsection (b) in the
19 same manner, by the same means, and with the
20 same jurisdiction, powers, and duties as though
21 all applicable terms and provisions of the Fed-
22 eral Trade Commission Act (15 U.S.C. 41 et
23 seq.) were incorporated into and made a part of
24 this Act.

1 (B) PRIVILEGES AND IMMUNITIES.—Any
2 person who violates this Act shall be subject to
3 the penalties and entitled to the privileges and
4 immunities provided in the Federal Trade Com-
5 mission Act.

6 (3) EFFECT ON OTHER LAWS.—Nothing in this
7 Act shall be construed to limit the authority of the
8 Federal Trade Commission under any other provi-
9 sion of law.

10 (d) SEVERABILITY.—If any provision of this Act, or
11 the application thereof to any person or circumstance, is
12 held invalid, the remainder of this Act and the application
13 of such provision to other persons not similarly situated
14 or to other circumstances shall not be affected by the in-
15 validation.

16 **TITLE XV—AMERICAN COMPETE**
17 **ACT**

18 **SEC. 1501. AMERICAN COMPETITIVENESS OF A MORE PRO-**
19 **DUCTIVE EMERGING TECH ECONOMY.**

20 (a) SHORT TITLE.—This title may be cited as the
21 “American Competitiveness Of a More Productive Emerg-
22 ing Tech Economy Act” or the “American COMPETE
23 Act”.

24 (b) STUDY TO ADVANCE ARTIFICIAL INTEL-
25 LIGENCE.—

1 (1) IN GENERAL.—

2 (A) STUDY REQUIRED.—Not later than 1
3 year after the date of enactment of this Act, the
4 Secretary of Commerce and the Federal Trade
5 Commission shall complete a study on the state
6 of the artificial intelligence industry and the im-
7 pact of such industry on the United States
8 economy.

9 (B) REQUIREMENTS FOR STUDY.—In con-
10 ducting the study, the Secretary and the Com-
11 mission shall—

12 (i) develop and conduct a survey of
13 the artificial intelligence industry through
14 outreach to participating entities as appro-
15 priate to—

16 (I) establish a list of industry
17 sectors that implement and promote
18 the use of artificial intelligence;

19 (II) establish a list of public-pri-
20 vate partnerships focused on pro-
21 moting the adoption and use of artifi-
22 cial intelligence, as well as industry-
23 based bodies, including international
24 bodies, which have developed, or are

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1 developing, mandatory or voluntary
2 standards for artificial intelligence;

3 (III) the status of such industry-
4 based mandatory or voluntary stand-
5 ards; and

6 (IV) provide a description of the
7 ways entities or industry sectors im-
8 plement and promote the use of artifi-
9 cial intelligence;

10 (ii) develop a comprehensive list of
11 Federal agencies with jurisdiction over the
12 entities and industry sectors identified
13 under clause (i);

14 (iii) identify which Federal agency or
15 agencies listed under clause (ii) each entity
16 or industry sector interacts with;

17 (iv) identify all interagency activities
18 that are taking place among the Federal
19 agencies listed under clause (ii), such as
20 working groups or other coordinated ef-
21 forts;

22 (v) develop a brief description of the
23 jurisdiction and expertise of the Federal
24 agencies listed under clause (ii) with re-
25 gard to such entities and industry sectors;

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1 (vi) identify all regulations, guidelines,
2 mandatory standards, voluntary standards,
3 and other policies implemented by each of
4 the Federal agencies identified under
5 clause (ii), as well as all guidelines, manda-
6 tory standards, voluntary standards, and
7 other policies implemented by industry-
8 based bodies;

9 (vii) identify Federal Government re-
10 sources that exist for consumers and small
11 businesses to evaluate the use of artificial
12 intelligence; and

13 (viii) consult with the Office of
14 Science and Technology Policy and inter-
15 agency efforts on artificial intelligence to
16 minimize duplication of activities among
17 the Federal agencies identified under
18 clause (ii).

19 (2) MARKETPLACE AND SUPPLY CHAIN SUR-
20 VEY.—The Secretary and Commission shall conduct
21 a survey of the marketplace and supply chain of ar-
22 tificial intelligence to—

23 (A) identify and assess risks posed to such
24 marketplace and supply chain;

1 (B) review the ability of foreign govern-
2 ments or third parties to exploit the supply
3 chain in a manner that raises risks to the eco-
4 nomic and national security of the United
5 States; and

6 (C) identify emerging risks and long-term
7 trends in such marketplace and supply chain.

8 (3) REPORT TO CONGRESS.—Not later than 6
9 months after the completion of the study required
10 under paragraph (1), the Secretary and the Commis-
11 sion shall submit to the Committee on Energy and
12 Commerce and the Committee on Science, Space,
13 and Technology of the House of Representatives,
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate, and make publicly
16 available on their respective websites, a report that
17 contains—

18 (A) the results of the study conducted pur-
19 suant to paragraph (1) and the survey con-
20 ducted pursuant to paragraph (2); and

21 (B) recommendations to—

22 (i) grow the United States economy
23 through the secure advancement of artifi-
24 cial intelligence;

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1 (ii) develop a national strategy to ad-
2 vance the United States business sectors'
3 position in the world on the adoption of ar-
4 tificial intelligence;

5 (iii) develop strategies to mitigate cur-
6 rent and emerging risks to the marketplace
7 and supply chain of artificial intelligence;
8 and

9 (iv) develop legislation that—

10 (I) advances the expeditious
11 adoption of artificial intelligence appli-
12 cations in interstate commerce that
13 takes into account findings from avail-
14 able Federal advisory committees that
15 produce recommendations on artificial
16 intelligence to the extent possible; and

17 (II) addresses societal priorities
18 related to the expeditious adoption of
19 artificial intelligence applications in
20 interstate commerce, including but
21 not limited to maintaining ethics, re-
22 ducing bias, and protecting privacy
23 and security.

24 (c) STUDY TO ADVANCE INTERNET OF THINGS IN
25 MANUFACTURING.—

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1 (1) IN GENERAL.—

2 (A) STUDY REQUIRED.—Not later than 1
3 year after the date of enactment of this Act, the
4 Secretary of Commerce, in coordination with
5 the head of any other appropriate Federal agen-
6 cy, shall complete a study on the use of inter-
7 net-connected devices and internet-connected
8 solutions in manufacturing in the United
9 States.

10 (B) REQUIREMENTS FOR STUDY.—In con-
11 ducting the study, the Secretary shall—

12 (i) develop and conduct a survey of
13 the manufacturing industry through out-
14 reach to participating entities as appro-
15 priate to—

16 (I) establish a list of the industry
17 sectors that implement and promote
18 the use of internet-connected devices
19 and internet-connected solutions in
20 manufacturing;

21 (II) establish a list of public-pri-
22 vate partnerships focused on pro-
23 moting the adoption and use of inter-
24 net-connected devices and internet-
25 connected solutions in manufacturing,

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1 as well as industry-based bodies, in-
2 cluding international bodies, that have
3 developed, or are developing, manda-
4 tory or voluntary standards for such
5 uses;

6 (III) the status of such industry-
7 based mandatory or voluntary stand-
8 ards;

9 (IV) provide a description of the
10 ways entities or industry sectors im-
11 plement and promote the use of inter-
12 net-connected devices and internet-
13 connected solutions in manufacturing;

14 (ii) develop a comprehensive list of
15 Federal agencies with jurisdiction over the
16 entities and industry sectors identified
17 under clause (i);

18 (iii) identify which Federal agency or
19 agencies listed under clause (ii) each entity
20 or industry sector interacts with;

21 (iv) identify all interagency activities
22 that are taking place among the Federal
23 agencies listed under clause (ii), such as
24 working groups or other coordinated ef-
25 forts;

1 (v) develop a brief description of the
2 jurisdiction and expertise of the Federal
3 agencies listed under clause (ii) with re-
4 gard to such entities and industry sectors;

5 (vi) identify all regulations, guidelines,
6 mandatory standards, voluntary standards,
7 and other policies implemented by each of
8 the Federal agencies identified under
9 clause (ii), as well as all guidelines, manda-
10 tory standards, voluntary standards, and
11 other policies implemented by industry-
12 based bodies; and

13 (vii) identify Federal Government re-
14 sources that exist for consumers and small
15 businesses to evaluate the use of internet-
16 connected devices and internet-connected
17 solutions in manufacturing.

18 (2) MARKETPLACE AND SUPPLY CHAIN SUR-
19 VEY.—The Secretary shall conduct a survey of the
20 marketplace and supply chain of internet-connected
21 devices and internet-connected solutions used in
22 manufacturing to—

23 (A) assess the severity of risks posed to
24 such marketplace and supply chain;

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1 (B) review the ability of foreign govern-
2 ments or third parties to exploit the supply
3 chain in a manner that raises risks to the eco-
4 nomic and national security of the United
5 States; and

6 (C) identify emerging risks and long-term
7 trends in such marketplace and supply chain.

8 (3) REPORT TO CONGRESS.—Not later than 6
9 months after the completion of the study required
10 pursuant to paragraph (1), the Secretary shall sub-
11 mit to the Committee on Energy and Commerce and
12 the Committee on Science, Space, and Technology of
13 the House of Representatives, and the Committee on
14 Commerce, Science, and Transportation of the Sen-
15 ate, and make publicly available on the website of
16 the Department of Commerce, a report that con-
17 tains—

18 (A) the results of the study conducted pur-
19 suant to paragraph (1) and the surveys con-
20 ducted pursuant to paragraph (2); and

21 (B) recommendations to—

22 (i) grow the United States economy
23 through the secure advancement of the use
24 of internet-connected devices and internet-
25 connected solutions in manufacturing;

1 (ii) develop a national strategy to ad-
2 vance the United States business sectors'
3 position in the world on the adoption of
4 internet-connected devices and internet-
5 connected solutions used in manufacturing;

6 (iii) develop strategies to mitigate cur-
7 rent and emerging risks to the marketplace
8 and supply chain of internet-connected de-
9 vices and internet-connected solutions used
10 in manufacturing;

11 (iv) develop policies that States can
12 adopt to encourage the growth of manufac-
13 turing, including the use of internet-con-
14 nected devices and internet-connected solu-
15 tions in manufacturing; and

16 (v) develop legislation that may ad-
17 vance the expeditious adoption of the use
18 of internet-connected devices and internet-
19 connected solutions in manufacturing.

20 (d) STUDY TO ADVANCE QUANTUM COMPUTING.—

21 (1) IN GENERAL.—

22 (A) STUDY REQUIRED.—Not later than 1
23 year after the date of enactment of this Act, the
24 Secretary of Commerce and the Federal Trade
25 Commission shall complete a study on the state

1 of the quantum computing industry and the im-
2 pact of such industry on the United States
3 economy.

4 (B) REQUIREMENTS FOR STUDY.—In con-
5 ducting the study, the Secretary and the Com-
6 mission shall—

7 (i) develop and conduct a survey of
8 the quantum computing industry through
9 outreach to participating entities as appro-
10 priate to—

11 (I) establish a list of industry
12 sectors that implement and promote
13 the use of quantum computing;

14 (II) establish a list of public-pri-
15 vate partnerships focused on pro-
16 moting the adoption and use of quan-
17 tum computing, as well as industry-
18 based bodies, including international
19 bodies, which have developed, or are
20 developing, mandatory or voluntary
21 standards for quantum computing;

22 (III) the status of such industry-
23 based mandatory or voluntary stand-
24 ards; and

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1 (IV) provide a description of the
2 ways entities or industry sectors im-
3 plement and promote the use of quan-
4 tum computing;

5 (ii) develop a comprehensive list of
6 Federal agencies with jurisdiction over the
7 entities and industry sectors identified
8 under clause (i);

9 (iii) identify which Federal agency or
10 agencies listed under clause (ii) each entity
11 or industry sector interacts with;

12 (iv) identify all interagency activities
13 that are taking place among the Federal
14 agencies listed under clause (ii), such as
15 working groups or other coordinated ef-
16 forts;

17 (v) develop a brief description of the
18 jurisdiction and expertise of the Federal
19 agencies listed under clause (ii) with re-
20 gard to such entities and industry sectors;

21 (vi) identify all regulations, guidelines,
22 mandatory standards, voluntary standards,
23 and other policies implemented by each of
24 the Federal agencies identified under
25 clause (ii), as well as all guidelines, manda-

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1 tory standards, voluntary standards, and
2 other policies implemented by industry-
3 based bodies;

4 (vii) identify Federal Government re-
5 sources that exist for consumers and small
6 businesses to evaluate the use of quantum
7 computing; and

8 (viii) consult with the Office of
9 Science and Technology Policy and inter-
10 agency efforts on quantum authorized by
11 sections 102 and 103 of the National
12 Quantum Initiative Act (Public Law 115-
13 368) to minimize duplication of activities
14 in this subparagraph among the Federal
15 agencies listed under clause (ii).

16 (2) MARKETPLACE AND SUPPLY CHAIN SUR-
17 VEY.—The Secretary and Commission shall conduct
18 a survey of the marketplace and supply chain of
19 quantum computing to—

20 (A) assess the severity of risks posed to
21 such marketplace and supply chain;

22 (B) review the ability of foreign govern-
23 ments or third parties to exploit the supply
24 chain in a manner that raises risks to the eco-

1 nomic and national security of the United
2 States; and

3 (C) identify emerging risks and long-term
4 trends in such marketplace and supply chain.

5 (3) REPORT TO CONGRESS.—Not later than 6
6 months after the completion of the study required
7 pursuant to paragraph (1), the Secretary and the
8 Commission shall submit to the Committee on En-
9 ergy and Commerce and the Committee on Science,
10 Space, and Technology of the House of Representa-
11 tives, and the Committee on Commerce, Science, and
12 Transportation of the Senate, and make publicly
13 available on their respective websites, a report that
14 contains—

15 (A) the results of the study conducted pur-
16 suant to paragraph (1) and the survey con-
17 ducted pursuant to paragraph (2); and

18 (B) recommendations to—

19 (i) grow the United States economy
20 through the secure advancement of quan-
21 tum computing;

22 (ii) develop a national strategy to ad-
23 vance the United States business sectors'
24 position in the world on the adoption of
25 quantum computing;

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1 (iii) develop strategies to mitigate cur-
2 rent and emerging risks to the marketplace
3 and supply chain of quantum computing;
4 and

5 (iv) develop legislation that may ad-
6 vance the expeditious adoption of quantum
7 computing.

8 (e) STUDY TO ADVANCE BLOCKCHAIN TECH-
9 NOLOGY.—

10 (1) IN GENERAL.—

11 (A) STUDY REQUIRED.—Not later than 1
12 year after the date of enactment of this Act, the
13 Secretary of Commerce and the Federal Trade
14 Commission shall complete a study on the state
15 of the blockchain technology industry and the
16 impact of such industry on the United States
17 economy.

18 (B) REQUIREMENTS FOR STUDY.—In con-
19 ducting the study, the Secretary and the Com-
20 mission shall—

21 (i) develop and conduct a survey of
22 the blockchain technology industry through
23 outreach to participating entities as appro-
24 priate to—

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1 (I) establish a list of industry
2 sectors that implement and promote
3 the use of blockchain technology;

4 (II) establish a list of public-pri-
5 vate partnerships focused on pro-
6 moting the adoption and use of
7 blockchain technology, as well as in-
8 dustry-based bodies, including inter-
9 national bodies, which have developed,
10 or are developing, mandatory or vol-
11 untary standards for blockchain tech-
12 nology;

13 (III) the status of such industry-
14 based mandatory or voluntary stand-
15 ards; and

16 (IV) provide a description of the
17 ways entities or industry sectors im-
18 plement and promote the use of
19 blockchain technology;

20 (ii) develop a comprehensive list of
21 Federal agencies with jurisdiction over the
22 entities and industry sectors identified
23 under clause (i);

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1 (iii) identify which Federal agency or
2 agencies listed under clause (ii) each entity
3 or industry sector interacts with;

4 (iv) identify all interagency activities
5 that are taking place among the Federal
6 agencies listed under clause (ii), such as
7 working groups or other coordinated ef-
8 forts;

9 (v) develop a brief description of the
10 jurisdiction and expertise of the Federal
11 agencies listed under clause (ii) with re-
12 gard to such entities and industry sectors;

13 (vi) identify all regulations, guidelines,
14 mandatory standards, voluntary standards,
15 and other policies implemented by each of
16 the Federal agencies identified under
17 clause (ii), as well as all guidelines, manda-
18 tory standards, voluntary standards, and
19 other policies implemented by industry-
20 based bodies; and

21 (vii) identify Federal Government re-
22 sources that exist for consumers and small
23 businesses to evaluate the use of
24 blockchain technology.

1 (2) MARKETPLACE AND SUPPLY CHAIN SUR-
2 VEY.—The Secretary and Commission shall conduct
3 a survey of the marketplace and supply chain of
4 blockchain technology to—

5 (A) assess the severity of risks posed to
6 such marketplace and supply chain;

7 (B) review the ability of foreign govern-
8 ments or third parties to exploit the supply
9 chain in a manner that raises risks to the eco-
10 nomic and national security of the United
11 States; and

12 (C) identify emerging risks and long-term
13 trends in such marketplace and supply chain.

14 (3) REPORT TO CONGRESS.—Not later than 6
15 months after the completion of the study required
16 pursuant to paragraph (1), the Secretary and the
17 Commission shall submit to the Committee on En-
18 ergy and Commerce and the Committee on Science,
19 Space, and Technology of the House of Representa-
20 tives, and the Committee on Commerce, Science, and
21 Transportation of the Senate, and make publicly
22 available on their respective websites, a report that
23 contains—

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1 (A) the results of the study conducted pur-
2 suant to paragraph (1) and the survey con-
3 ducted pursuant to paragraph (2); and

4 (B) recommendations to—

5 (i) grow the United States economy
6 through the secure advancement of
7 blockchain technology;

8 (ii) develop a national strategy to ad-
9 vance the United States business sectors'
10 position in the world on the adoption of
11 blockchain technology;

12 (iii) develop strategies to mitigate cur-
13 rent and emerging risks to the marketplace
14 and supply chain of blockchain technology;
15 and

16 (iv) develop legislation that may ad-
17 vance the expeditious adoption of
18 blockchain technology.

19 (f) STUDY TO ADVANCE NEW AND ADVANCED MATE-
20 RIALS.—

21 (1) IN GENERAL.—

22 (A) STUDY REQUIRED.—Not later than 1
23 year after the date of enactment of this Act, the
24 Secretary of Commerce and the Federal Trade
25 Commission, in coordination with the head of

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1 any other appropriate Federal agency, shall
2 complete a study on the state of new and ad-
3 vanced materials industry, including syn-
4 thetically derived or enhanced natural prop-
5 erties, and the impact of such industry on the
6 United States economy.

7 (B) REQUIREMENTS FOR STUDY.—In con-
8 ducting the study, the Secretary and the Com-
9 mission shall—

10 (i) develop and conduct a survey of
11 the new and advanced materials industry
12 through outreach to participating entities
13 as appropriate to—

14 (I) establish a list of industry
15 sectors that implement and promote
16 the use of new and advanced mate-
17 rials;

18 (II) establish a list of public-pri-
19 vate partnerships focused on pro-
20 moting the adoption and use of new
21 and advanced materials, as well as in-
22 dustry-based bodies, including inter-
23 national bodies, which have developed,
24 or are developing, mandatory or vol-

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1 untary standards for new and ad-
2 vanced materials;

3 (III) the status of such industry-
4 based mandatory or voluntary stand-
5 ards; and

6 (IV) provide a description of the
7 ways entities or industry sectors im-
8 plement and promote the use of new
9 and advanced materials;

10 (ii) develop a comprehensive list of
11 Federal agencies with jurisdiction over the
12 entities and industry sectors identified
13 under clause (i);

14 (iii) identify which Federal agency or
15 agencies listed under clause (ii) each entity
16 or industry sector interacts with;

17 (iv) identify all interagency activities
18 that are taking place among the Federal
19 agencies listed under clause (ii), such as
20 working groups or other coordinated ef-
21 forts;

22 (v) develop a brief description of the
23 jurisdiction and expertise of the Federal
24 agencies listed under clause (ii) with re-
25 gard to such entities and industry sectors;

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1 (vi) identify all regulations, guidelines,
2 mandatory standards, voluntary standards,
3 and other policies implemented by each of
4 the Federal agencies identified under
5 clause (ii), as well as all guidelines, manda-
6 tory standards, voluntary standards, and
7 other policies implemented by industry-
8 based bodies; and

9 (vii) identify Federal Government re-
10 sources that exist for consumers and small
11 businesses to evaluate the use of new and
12 advanced materials.

13 (2) MARKETPLACE AND SUPPLY CHAIN SUR-
14 VEY.—The Secretary and Commission shall conduct
15 a survey of the marketplace and supply chain of new
16 and advanced materials to—

17 (A) assess the severity of risks posed to
18 such marketplace and supply chain;

19 (B) review the ability of foreign govern-
20 ments or third parties to exploit the supply
21 chain in a manner that raises risks to the eco-
22 nomic and national security of the United
23 States; and

24 (C) identify emerging risks and long-term
25 trends in such marketplace and supply chain.

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1 (3) REPORT TO CONGRESS.—Not later than 6
2 months after the completion of the study required
3 pursuant to paragraph (1), the Secretary and the
4 Commission shall submit to the Committee on En-
5 ergy and Commerce and the Committee on Science,
6 Space, and Technology of the House of Representa-
7 tives, and the Committee on Commerce, Science, and
8 Transportation of the Senate, and make publicly
9 available on their respective websites, a report that
10 contains—

11 (A) the results of the study conducted pur-
12 suant to paragraph (1) and the survey con-
13 ducted pursuant to paragraph (2); and

14 (B) recommendations to—

15 (i) grow the United States economy
16 through the secure advancement of new
17 and advanced materials;

18 (ii) develop a national strategy to ad-
19 vance the United States business sectors'
20 position in the world on the adoption of
21 new and advanced materials;

22 (iii) develop strategies to mitigate cur-
23 rent and emerging risks to the marketplace
24 and supply chain of new and advanced ma-
25 terials; and

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1 (iv) develop legislation that may ad-
2 vance the expeditious adoption of new and
3 advanced materials.

4 (g) STUDY TO ADVANCE UNMANNED DELIVERY
5 SERVICES.—

6 (1) IN GENERAL.—

7 (A) STUDY REQUIRED.—Not later than 1
8 year after the date of enactment of this Act, the
9 Secretary of Commerce, in coordination with
10 the head of any other appropriate Federal agen-
11 cy, shall complete a study on the impact of un-
12 manned delivery services on United States busi-
13 nesses conducting interstate commerce.

14 (B) REQUIREMENTS FOR STUDY.—In con-
15 ducting the study, the Secretary shall do the
16 following:

17 (i) Conduct a survey through outreach
18 to participating entities to—

19 (I) establish a list of the industry
20 sectors that develop and use un-
21 manned delivery services, including
22 the use of autonomous vehicles,
23 drones, and robots;

24 (II) review how unmanned deliv-
25 ery services are currently being used

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1 and any potential future applications
2 of such services;

3 (III) identify any challenges to
4 the development and adoption of un-
5 manned delivery services;

6 (IV) review how such services
7 may be used to—

8 (aa) deliver groceries, meals,
9 medications, and other necessities
10 to senior citizens, people with
11 disabilities, and people without
12 access to traditional public trans-
13 portation;

14 (bb) address challenges pub-
15 lic health emergencies present,
16 including delivering groceries,
17 meals, medications, medical sup-
18 plies, and other necessities dur-
19 ing such emergencies; and

20 (cc) any other potential use
21 of such services;

22 (V) identify any safety risks asso-
23 ciated with the adoption of unmanned
24 delivery services on roads, in the air,
25 or other environments, including any

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1 dangers posed to pedestrians,
2 bicyclists, motorcycleists, motorists, or
3 property;

4 (VI) identify the effect of un-
5 manned delivery services on traffic
6 safety and congestion;

7 (VII) evaluate the extent to
8 which software, technology, and infra-
9 structure behind unmanned delivery
10 services are developed and manufac-
11 tured in the United States;

12 (VIII) identify the number and
13 types of jobs that may be lost or sub-
14 stantially changed due to the develop-
15 ment and adoption of unmanned deliv-
16 ery services;

17 (IX) identify the number and
18 types of jobs that may be created due
19 to the development and adoption of
20 unmanned delivery services; and

21 (X) evaluate the effect of the
22 adoption unmanned delivery services
23 on job quality for low, middle, and
24 high-skilled workers.

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1 (ii) Develop and conduct a survey of
2 Federal activity related to unmanned deliv-
3 ery services to—

4 (I) establish a list of Federal
5 agencies asserting jurisdiction over in-
6 dustry sectors identified under clause
7 (i)(II);

8 (II) develop a brief description of
9 the jurisdiction and expertise of the
10 Federal agencies regarding unmanned
11 delivery services; and

12 (III) identify all interagency ac-
13 tivities regarding unmanned delivery
14 services.

15 (iii) Conduct a survey of the market-
16 place and supply chain of unmanned deliv-
17 ery services to—

18 (I) assess the severity of risks
19 posed to such marketplace and supply
20 chain;

21 (II) review the ability of foreign
22 governments or third parties to exploit
23 such supply chain in a manner that
24 raises risks to the economic and na-

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1 tional security of the United States;
2 and

3 (III) identify emerging risks and
4 long-term trends in such marketplace
5 and supply chain.

6 (C) REPORT TO CONGRESS.—Not later
7 than 6 months after the completion of the study
8 required pursuant to paragraph (1), the Sec-
9 retary, in coordination with the head of any
10 other appropriate Federal agency, shall submit
11 to the Committee on Energy and Commerce
12 and the Committee on Science, Space, and
13 Technology of the House of Representatives,
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate, and make pub-
16 licly available on the website of the Department
17 of Commerce, a report that contains—

18 (i) the results of the study conducted
19 under paragraph (1); and

20 (ii) recommendations to—

21 (I) develop and implement a com-
22 prehensive plan to promote the devel-
23 opment and adoption of unmanned
24 delivery services in the United States;

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1 (II) develop policies that States
2 can adopt to encourage the develop-
3 ment and adoption of unmanned deliv-
4 ery services;

5 (III) develop a national strategy
6 to advance the United States position
7 in the world on the development and
8 adoption of unmanned delivery serv-
9 ices, and manufacture of technology
10 behind unmanned delivery services;

11 (IV) develop strategies to miti-
12 gate current and emerging risks to
13 the marketplace and supply chain of
14 unmanned delivery services; and

15 (V) develop legislation to accom-
16 plish such recommendations.

17 (h) STUDY TO ADVANCE INTERNET OF THINGS.—

18 (1) STUDY.—The Secretary of Commerce shall
19 conduct a study on the state of the internet-con-
20 nected devices industry (commonly known as the
21 “Internet of Things”) in the United States. In con-
22 ducting the study, the Secretary shall—

23 (A) develop and conduct a survey of the
24 internet-connected devices industry through

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1 outreach to participating entities as appro-
2 priate, including—

3 (i) a list of the industry sectors that
4 develop internet-connected devices;

5 (ii) a list of public-private partner-
6 ships focused on promoting the adoption
7 and use of internet-connected devices, as
8 well as industry-based bodies, including
9 international bodies, which have developed,
10 or are developing, mandatory or voluntary
11 standards for internet-connected devices;

12 (iii) the status of the industry-based
13 mandatory or voluntary standards identi-
14 fied in clause (ii); and

15 (iv) a description of the ways entities
16 or industry sectors develop, use, or pro-
17 mote the use of internet-connected devices;

18 (B) develop a comprehensive list of Federal
19 agencies with jurisdiction over the entities and
20 industry sectors identified under subparagraph
21 (A);

22 (C) identify which Federal agency or agen-
23 cies listed under subparagraph (B) each entity
24 or industry sector interacts with;

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1 (D) identify all interagency activities that
2 are taking place among the Federal agencies
3 listed under subparagraph (B), such as working
4 groups or other coordinated efforts;

5 (E) develop a brief description of the juris-
6 diction and expertise of the Federal agencies
7 listed under subparagraph (B) with regard to
8 such entities and industry sectors;

9 (F) identify all regulations, guidelines,
10 mandatory standards, voluntary standards, and
11 other policies implemented by each of the Fed-
12 eral agencies identified under subparagraph
13 (B), as well as all guidelines, mandatory stand-
14 ards, voluntary standards, and other policies
15 implemented by industry-based bodies; and

16 (G) identify Federal Government resources
17 that exist for consumers and small businesses
18 to evaluate internet-connected devices.

19 (2) REPORT TO CONGRESS.—Not later than 1
20 year after the date of enactment of this Act, the
21 Secretary shall submit to the Committee on Energy
22 and Commerce and the Committee on Science,
23 Space, and Technology of the House of Representa-
24 tives, and the Committee on Commerce, Science, and
25 Transportation of the Senate, and make publicly

1 available on the website of the Department of Com-
2 merce, a report that contains—

3 (A) the results of the study conducted
4 under paragraph (1); and

5 (B) recommendations of the Secretary for
6 growth of the United States economy through
7 the secure advancement of internet-connected
8 devices.

9 (3) DEFINITIONS.—In this subsection—

10 (A) the term “Federal agency” means an
11 agency, as defined in section 551 of title 5,
12 United States Code; and

13 (B) the term “internet-connected device”
14 means a physical object that—

15 (i) is capable of connecting to the
16 internet, either directly or indirectly
17 through a network, to communicate infor-
18 mation at the direction of an individual;
19 and

20 (ii) has computer processing capabili-
21 ties for collecting, sending, receiving, or
22 analyzing data.

23 (i) STUDY TO ADVANCE THREE-DIMENSIONAL
24 PRINTING.—

25 (1) IN GENERAL.—

1 (A) STUDY REQUIRED.—Not later than 1
2 year after the date of enactment of this Act, the
3 Secretary of Commerce, in coordination with
4 the head of any other appropriate Federal agen-
5 cy, shall complete a study on the state of the
6 three-dimensional printing industry and the im-
7 pact of such industry on the United States
8 economy.

9 (B) REQUIREMENTS FOR STUDY.—In con-
10 ducting the study, the Secretary shall—

11 (i) develop and conduct a survey of
12 the three-dimensional printing industry
13 through outreach to participating entities
14 as appropriate to—

15 (I) establish a list of industry
16 sectors that implement and promote
17 the use of three-dimensional printing;

18 (II) establish a list of public-pri-
19 vate partnerships focused on pro-
20 moting the adoption and use of three-
21 dimensional printing, as well as indus-
22 try-based bodies, including inter-
23 national bodies, which have developed,
24 or are developing, mandatory or vol-

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1 untary standards for three-dimen-
2 sional printing;

3 (III) the status of such industry-
4 based mandatory or voluntary stand-
5 ards; and

6 (IV) provide a description of the
7 ways entities or industry sectors im-
8 plement and promote the use of three-
9 dimensional printing;

10 (ii) develop a comprehensive list of
11 Federal agencies with jurisdiction over the
12 entities and industry sectors identified
13 under clause (i);

14 (iii) identify which Federal agency or
15 agencies listed under clause (ii) each entity
16 or industry sector interacts with;

17 (iv) identify all interagency activities
18 that are taking place among the Federal
19 agencies listed under clause (ii), such as
20 working groups or other coordinated ef-
21 forts;

22 (v) develop a brief description of the
23 jurisdiction and expertise of the Federal
24 agencies listed under clause (ii) with re-
25 gard to such entities and industry sectors;

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1 (vi) identify all regulations, guidelines,
2 mandatory standards, voluntary standards,
3 and other policies implemented by each of
4 the Federal agencies identified under
5 clause (ii), as well as all guidelines, manda-
6 tory standards, voluntary standards, and
7 other policies implemented by industry-
8 based bodies; and

9 (vii) identify Federal Government re-
10 sources that exist for consumers and small
11 businesses to evaluate the use of three-di-
12 mensional printing.

13 (2) MARKETPLACE AND SUPPLY CHAIN SUR-
14 VEY.—The Secretary shall conduct a survey of the
15 marketplace and supply chain of three-dimensional
16 printing to—

17 (A) assess the severity of risks posed to
18 such marketplace and supply chain;

19 (B) review the ability of foreign govern-
20 ments or third parties to exploit the supply
21 chain in a manner that raises risks to the eco-
22 nomic and national security of the United
23 States; and

24 (C) identify emerging risks and long-term
25 trends in such marketplace and supply chain.

1 (3) REPORT TO CONGRESS.—Not later than 6
2 months after the completion of the study required
3 pursuant to paragraph (1), the Secretary shall sub-
4 mit to the Committee on Energy and Commerce and
5 the Committee on Science, Space, and Technology of
6 the House of Representatives, and the Committee on
7 Commerce, Science, and Transportation of the Sen-
8 ate, and make publicly available on the website of
9 the Department of Commerce, a report that con-
10 tains—

11 (A) the results of the study conducted pur-
12 suant to paragraph (1) and the survey con-
13 ducted pursuant to paragraph (2); and

14 (B) recommendations to—

15 (i) grow the United States economy
16 through the secure advancement of three-
17 dimensional printing;

18 (ii) develop a national strategy to ad-
19 vance the United States business sectors'
20 position in the world on the adoption of
21 three-dimensional printing;

22 (iii) develop strategies to mitigate cur-
23 rent and emerging risks to the marketplace
24 and supply chain of three-dimensional
25 printing; and

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1 (iv) develop legislation that may ad-
2 vance the expeditious adoption of three-di-
3 mensional printing.

4 (j) STUDY TO COMBAT ONLINE HARMS THROUGH
5 INNOVATION.—

6 (1) IN GENERAL.—

7 (A) STUDY REQUIRED.—Not later than 1
8 year after the date of enactment of this Act, the
9 Federal Trade Commission shall conduct and
10 complete a study on how artificial intelligence
11 may be used to address the online harms de-
12 scribed in subparagraph (B).

13 (B) REQUIREMENTS FOR STUDY.—In con-
14 ducting the study, the Commission shall con-
15 sider whether and how artificial intelligence
16 may be used to identify, remove, or take any
17 other appropriate action necessary to address
18 the following online harms:

19 (i) Deceptive and fraudulent content
20 intended to scam or otherwise harm indi-
21 viduals, including such practices directed
22 at senior citizens.

23 (ii) Manipulated content intended to
24 mislead individuals, including deepfake vid-
25 eos and fake individual reviews.

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1 (iii) Website or mobile application
2 interfaces designed to intentionally mislead
3 or exploit individuals.

4 (iv) Illegal content online, including
5 the illegal sale of opioids, child sexual ex-
6 ploitation and abuse, revenge pornography,
7 harassment, cyberstalking, hate crimes, the
8 glorification of violence or gore, and incite-
9 ment of violence.

10 (v) Terrorist and violent extremists'
11 abuse of digital platforms, including the
12 use of such platforms to promote them-
13 selves, share propaganda, and glorify real-
14 world acts of violence.

15 (vi) Disinformation campaigns coordi-
16 nated by inauthentic accounts or individ-
17 uals to influence United States elections.

18 (vii) The sale of counterfeit products.

19 (2) REPORT TO CONGRESS.—Not later than 6
20 months after the completion of the study required
21 pursuant to paragraph (1), the Commission shall
22 submit to the Committee on Energy and Commerce
23 and the Committee on Science, Space, and Tech-
24 nology of the House of Representatives, and the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate, and make publicly available on
2 its website, a report that contains—

3 (A) the results of the study conducted
4 under paragraph (1);

5 (B) recommendations on how artificial in-
6 telligence may be used to address the online
7 harms described in paragraph (1)(B);

8 (C) recommendations on what reasonable
9 policies, practices, and procedures may be im-
10 plemented to utilize artificial intelligence to ad-
11 dress such online harms; and

12 (D) recommendations for any legislation
13 that may advance the adoption and use of arti-
14 ficial intelligence to address such online harms.

15 (k) COMBINATION OF STUDIES AUTHORIZED.—The
16 Secretary of Commerce and the Federal Trade Commis-
17 sion, after notifying the Committee on Energy and Com-
18 merce of the House of Representatives and the Committee
19 on Commerce, Science, and Transportation of the Senate,
20 may combine any of the studies required pursuant to this
21 Act.

22 (l) PROTECTION OF NATIONAL SECURITY.—

23 (1) INFORMATION EXEMPT FROM PUBLIC DIS-
24 CLOSURE.—Nothing in this Act shall be construed to
25 require the disclosure of information, records, or re-

1 ports that are exempt from public disclosure under
2 section 552 of title 5, United States Code, or that
3 may be withheld under section 552a of title 5,
4 United States Code.

5 (2) CLASSIFIED AND CERTAIN OTHER INFOR-
6 MATION.—Nothing in this Act shall be construed to
7 require the publication, on a website or otherwise, of
8 any report containing information that is classified,
9 or the public release of which could have a harmful
10 effect on national security.

11 (3) FORM OF REPORTS TO CONGRESS.—In the
12 case of each report that is required by this Act to
13 be submitted to a committee of Congress, such re-
14 port shall be submitted in unclassified form, but
15 may include a classified annex.

16 (4) SUBMISSION OF REPORTS TO CONGRES-
17 SIONAL INTELLIGENCE COMMITTEES.—In the case
18 of each report that is required by this Act to be sub-
19 mitted to a committee of Congress, such report shall
20 also be submitted to the Permanent Select Com-
21 mittee on Intelligence of the House of Representa-
22 tives and the Select Committee on Intelligence of the
23 Senate.

24 (m) APPROPRIATIONS REQUIRED.—This Act is sub-
25 ject to appropriations that may be available for the De-

1 partment of Commerce or the Federal Trade Commission,
2 as applicable.

3 **TITLE XVI—RECORDING OF CER-**
4 **TAIN OBLIGATIONS BY THE**
5 **DEPARTMENT OF VETERANS**
6 **AFFAIRS**

7 **SEC. 1601. RECORDING OF OBLIGATIONS.**

8 Hereafter, subject to the availability of appropria-
9 tions, the Secretary of Veterans Affairs shall record as an
10 obligation of the United States Government amounts owed
11 for hospital care or medical services furnished at non-De-
12 partment facilities under title 38, United States Code, or
13 Acts making appropriations for the Department of Vet-
14 erans Affairs, on the date on which the Secretary ap-
15 proves: (i) a claim by a health care provider for payment
16 or (ii) a voucher, invoice, or request for payment from a
17 vendor for services rendered under a contract: *Provided,*
18 That for any fiscal year in which an appropriation for the
19 payment of hospital care or medical services furnished at
20 non-Department facilities has been exhausted or has yet
21 to be enacted, this title shall not provide the Secretary
22 of Veterans Affairs with the authority to issue any new
23 authorizations or orders for such care or such services in
24 advance of such appropriation: *Provided further,* That this
25 title shall take effect as if enacted on October 1, 2018:

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1 *Provided further*, That not later than 30 days after the
2 date of enactment of this Act, the Department of Veterans
3 Affairs, in consultation with the Office of Management
4 and Budget, shall submit a report to the President and
5 the Congress, similar to the report required pursuant to
6 31 U.S.C. 1351, detailing how, in the absence of the en-
7 actment of this title, the expenditures or obligations would
8 have exceeded the amount available in fiscal year 2019
9 and fiscal year 2020 in the Medical Community Care ap-
10 propriation: *Provided further*, That the report required in
11 the preceding proviso shall also include an explanation as
12 to how the Department plans to avoid incurring obliga-
13 tions for the Medical Community Care appropriation in
14 excess of its available budgetary resources in fiscal year
15 2021 and future fiscal years pursuant to the recording of
16 obligations required by this title.

17 **TITLE XVII—SUDAN CLAIMS**
18 **RESOLUTION**

19 **SEC. 1701. SHORT TITLE.**

20 This title may be cited as the “Sudan Claims Resolu-
21 tion Act”.

22 **SEC. 1702. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

24 (1) the United States should support Sudan’s
25 democratic transition, particularly in light of the

1 country's dire economic situation, and this is a crit-
2 ical moment to address longstanding issues in the
3 relationship between the United States and Sudan;

4 (2) as part of the process of restoring normal
5 relations between Sudan and the United States,
6 Congress supports efforts to provide meaningful
7 compensation to individuals employed by or serving
8 as contractors for the United States Government, as
9 well as their family members, who personally have
10 been awarded by a United States District Court a
11 judgment for compensatory damages against Sudan;
12 and

13 (3) the terrorism-related claims of victims and
14 family members of the September 11, 2001, terrorist
15 attacks must be preserved and protected.

16 **SEC. 1703. DEFINITIONS.**

17 In this Act:

18 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
19 **TEES.**—The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Foreign Relations
22 and the Committee on the Judiciary of the Sen-
23 ate; and

1 (B) the Committee on Foreign Affairs and
2 the Committee on the Judiciary of the House of
3 Representatives.

4 (2) CLAIMS AGREEMENT.—The term “claims
5 agreement” means the Claims Settlement Agreement
6 Between the Government of the United States of
7 America and the Government of the Republic of the
8 Sudan, done at Washington, D.C., on October 30,
9 2020, including all annexes, appendices, side letters,
10 related agreements, and instruments for implemen-
11 tation, including the escrow agreement among the
12 Central Bank of Sudan, the Federal Reserve Bank
13 of New York, and the escrow agent appointed there-
14 by, as well as the escrow conditions release agree-
15 ment, set out in an exchange of diplomatic notes be-
16 tween the United States and Sudan on October 21,
17 2020, and subsequently amended on December 19,
18 2020.

19 (3) FOREIGN NATIONAL.—The term “foreign
20 national” means an individual who is not a citizen
21 of the United States.

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of State.

24 (5) STATE SPONSOR OF TERRORISM.—The term
25 “state sponsor of terrorism” means a country the

1 government of which the Secretary has determined
2 is a government that has repeatedly provided sup-
3 port for acts of international terrorism, for purposes
4 of—

5 (A) section 1754(c)(1)(A)(i) of the Export
6 Control Reform Act of 2018 (50 U.S.C.
7 4813(c)(1)(A)(i));

8 (B) section 620A of the Foreign Assistance
9 Act of 1961 (22 U.S.C. 2371);

10 (C) section 40(d) of the Arms Export Con-
11 trol Act (22 U.S.C. 2780(d)); or

12 (D) any other provision of law.

13 (6) SUDAN.—The term “Sudan” means the
14 Government of the Republic of the Sudan.

15 **SEC. 1704. RECEIPT OF ADEQUATE FUNDS; IMMUNITIES OF**
16 **SUDAN.**

17 (a) IMMUNITY.—

18 (1) IN GENERAL.—Subject to section 1706, and
19 notwithstanding any other provision of law, upon
20 submission of a certification described in paragraph

21 (2)—

22 (A) Sudan, an agency or instrumentality of
23 Sudan, and the property of Sudan or an agency
24 or instrumentality of Sudan, shall not be sub-
25 ject to the exceptions to immunity from juris-

1 diction, liens, attachment, and execution under
2 section 1605(a)(7) (as such section was in ef-
3 fect on January 27, 2008) or section 1605A or
4 1610 (insofar as section 1610 relates to a judg-
5 ment under such section 1605(a)(7) or 1605A)
6 of title 28, United States Code;

7 (B) section 1605A(c) of title 28, United
8 States Code, section 1083(c) of the National
9 Defense Authorization Act for Fiscal Year 2008
10 (Public Law 110–181; 28 U.S.C. 1605A note),
11 section 589 of the Foreign Operations, Export
12 Financing, and Related Programs Appropria-
13 tions Act, 1997 (Public Law 104–208; 28
14 U.S.C. 1605 note), and any other private right
15 of action relating to acts by a state sponsor of
16 terrorism arising under Federal, State, or for-
17 eign law shall not apply with respect to claims
18 against Sudan, or any of its agencies, instru-
19 mentalities, officials, employees, or agents in
20 any action in a Federal or State court; and

21 (C) any attachment, decree, lien, execution,
22 garnishment, or other judicial process brought
23 against property of Sudan, or property of any
24 agency, instrumentality, official, employee, or
25 agent of Sudan, in connection with an action

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1 that is precluded by subparagraph (A) or (B)
2 shall be void.

3 (2) CERTIFICATION.—A certification described
4 in this paragraph is a certification by the Secretary
5 to the appropriate congressional committees stating
6 that—

7 (A) the August 12, 1993, designation of
8 Sudan as a state sponsor of terrorism has been
9 formally rescinded;

10 (B) Sudan has made final payments with
11 respect to the private settlement of the claims
12 of victims of the U.S.S. Cole attack; and

13 (C) the United States Government has re-
14 ceived funds pursuant to the claims agreement
15 that are sufficient to ensure—

16 (i) payment of the agreed private set-
17 tlement amount for the death of a citizen
18 of the United States who was an employee
19 of the United States Agency for Inter-
20 national Development in Sudan on Janu-
21 ary 1, 2008;

22 (ii) meaningful compensation for
23 claims of citizens of the United States
24 (other than individuals described in section
25 1707(a)(1)) for wrongful death or physical

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1 injury in cases arising out of the August 7,
2 1998, bombings of the United States em-
3 bassies located in Nairobi, Kenya, and Dar
4 es Salaam, Tanzania; and

5 (iii) funds for compensation through a
6 fair process to address compensation for
7 terrorism-related claims of foreign nation-
8 als for wrongful death or physical injury
9 arising out of the events referred to in
10 clause (ii).

11 (b) SCOPE.—Subject to section 1706, subsection (a)
12 of this section shall apply to all conduct and any event
13 occurring before the date of the certification described in
14 subsection (a)(2), regardless of whether, or the extent to
15 which, application of that subsection affects any action
16 filed before, on, or after that date.

17 (c) AUTHORITY OF THE SECRETARY.—The certifi-
18 cation by the Secretary referred to in subsection (a)(2)
19 may not be delegated and may not be subject to judicial
20 review.

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1 **SEC. 1705. REAUTHORIZATION OF AND MODIFICATIONS TO**
2 **UNITED STATES VICTIMS OF STATE SPON-**
3 **SORED TERRORISM FUND.**

4 (a) IN GENERAL.—The Justice for United States
5 Victims of State Sponsored Terrorism Act (34 U.S.C.
6 20144) is amended—

7 (1) in subsection (c)(2)(A)(i), by striking “state
8 sponsor of terrorism” and inserting “foreign state
9 that was designated as a state sponsor of terrorism
10 at the time the acts described in clause (ii) occurred
11 or was so designated as a result of such acts”;

12 (2) in subsection (e)(6), by striking “January
13 2, 2030” each place it appears and inserting “Janu-
14 ary 2, 2039”; and

15 (3) in subsection (j)(6), in the first sentence, by
16 inserting after “final judgment” the following: “, ex-
17 cept that the term does not include payments re-
18 ceived in connection with an international claims
19 agreement to which the United States is a state
20 party or any other settlement of terrorism-related
21 claims against Sudan”.

22 (b) LUMP SUM CATCH-UP PAYMENTS FOR 9/11 VIC-
23 TIMS, 9/11 SPOUSES, AND 9/11 DEPENDENTS.—Sub-
24 section (d)(4) of the Justice for United States Victims of
25 State Sponsored Terrorism Act (34 U.S.C. 20144) is
26 amended—

1 (1) in subparagraph (A), by striking “subpara-
2 graph (B)” and inserting “subparagraphs (B) and
3 (C)”;

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

5 “(C) LUMP SUM CATCH-UP PAYMENTS FOR
6 9/11 VICTIMS, 9/11 SPOUSES, AND 9/11 DEPEND-
7 ENTS.—

8 “(i) IN GENERAL.—Not later than 90
9 days after the date of enactment of this
10 subparagraph, and in accordance with
11 clauses (i) and (ii) of subsection (d)(3)(A),
12 the Comptroller General of the United
13 States shall conduct an audit and publish
14 in the Federal Register a notice of pro-
15 posed lump sum catch-up payments to 9/
16 11 victims, 9/11 spouses, and 9/11 depend-
17 ents who have submitted applications in
18 accordance with subparagraph (B) in
19 amounts that, after receiving the lump
20 sum catch-up payments, would result in
21 the percentage of the claims of 9/11 vic-
22 tims, 9/11 spouses, and 9/11 dependents
23 received from the Fund being equal to the
24 percentage of the claims of 9/11 family

1 members received from the Fund, as of the
2 date of enactment of this subparagraph.

3 “(ii) PUBLIC COMMENT.—The Comp-
4 troller General shall provide an opportunity
5 for public comment for a 30-day period be-
6 ginning on the date on which the notice is
7 published under clause (i).

8 “(iii) REPORT.—Not later than 30
9 days after the expiration comment period
10 in clause (ii), the Comptroller General of
11 the United States shall submit to the Com-
12 mittee on the Judiciary and the Committee
13 on Appropriations of the Senate, the Com-
14 mittee on the Judiciary and the Committee
15 on Appropriations of the House of Rep-
16 resentatives, and the Special Master a re-
17 port that includes the determination of the
18 Comptroller General on—

19 “(I) the amount of the lump sum
20 catch-up payment for each 9/11 vic-
21 tim;

22 “(II) the amount of the lump
23 sum catch-up payment for each 9/11
24 spouse;

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1 “(III) the amount of the lump
2 sum catch-up payment for each 9/11
3 dependent; and

4 “(IV) the total amount of lump
5 sum catch-up payments described in
6 subclauses (I) through (III).”.

7 **SEC. 1706. PRESERVATION OF CERTAIN PENDING INTER-**
8 **NATIONAL TERRORISM CLAIMS AGAINST**
9 **SUDAN.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) It is the long-standing policy of the United
13 States that civil lawsuits against those who support,
14 aid and abet, and provide material support for inter-
15 national terrorism serve the national security inter-
16 ests of the United States by deterring the sponsor-
17 ship of terrorism and by advancing interests of jus-
18 tice, transparency, and accountability.

19 (2) Neither the claims agreement, nor any other
20 aspect of the effort to normalize relations with
21 Sudan—

22 (A) resolved claims against Sudan involv-
23 ing victims and family members of the Sep-
24 tember 11, 2001, terrorist attacks; or

1 (B) otherwise advanced the interests of the
2 victims and family members of the September
3 11, 2001, terrorist attacks.

4 (3) The claims referenced in paragraph (2)(A)
5 remain pending in the multidistrict proceeding 03–
6 MDL–1570 in the United States District Court for
7 the Southern District of New York, and subsection
8 (c) preserves and protects those claims.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the executive branch should not file a Statement
11 of Interest or any other submission, or intervene in any
12 other way, in the multidistrict proceeding 03–MDL–1570,
13 in connection to the rescission of the designation of Sudan
14 as a state sponsor of terrorism or the restoration of Su-
15 dan’s immunities from jurisdiction and execution in con-
16 formity with this Act, if such action would disadvantage
17 terrorism victims.

18 (c) IN GENERAL.—Nothing in this Act shall apply to,
19 be construed to apply to, or otherwise affect—

20 (1) any claim in any of the proceedings com-
21 prising the multidistrict proceeding 03-MDL-1570 in
22 the United States District Court for the Southern
23 District of New York brought by any person who, as
24 of the date of the enactment of this Act, has a claim
25 pending against Sudan (including as a member of a

1 class certified under Rule 23 of the Federal Rules
2 of Civil Procedure or as a putative member of such
3 a class pending certification); or

4 (2) the enforcement of any judgment in favor of
5 such person entered in such proceeding.

6 (d) APPLICABLE LAW.—Proceedings described in
7 subsection (c) shall be governed by applicable law in effect
8 before the date of the enactment of this Act, including—

9 (1) chapter 97 of title 28, United States Code
10 (commonly known as the “Foreign Sovereign Immu-
11 nities Act of 1976”), including 28 U.S.C. 1605A
12 note;

13 (2) section 201 of the Terrorism Risk Insur-
14 ance Act of 2002 (Public Law 107–297; 28 U.S.C.
15 1610 note), with respect to any asset that, on or
16 after the date of enactment of this Act, is designated
17 as a blocked asset (as defined in subsection (d)(2)
18 of that section);

19 (3) rules governing the rights of parties to
20 amend pleadings; and

21 (4) other relevant provisions of law.

22 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall alter, impact the interpretation of, or otherwise
24 affect—

1 (1) any section of chapter 97 of title 28, United
2 States Code; or

3 (2) any other provision of law.

4 **SEC. 1707. COMPENSATION FOR CERTAIN NATURALIZED**
5 **UNITED STATES CITIZENS AND FOREIGN NA-**
6 **TIONALS.**

7 (a) COMPENSATION.—

8 (1) IN GENERAL.—There is authorized to be
9 appropriated \$150,000,000 for payment of com-
10 pensation, notwithstanding any other provision of
11 law, to any individual who—

12 (A) has been awarded a judgment in any
13 of the cases set forth in section (c) of the
14 Annex to the claims agreement; and

15 (B) is—

16 (i) a United States employee or con-
17 tractor injured in connection with the
18 bombings of the United States embassies
19 located in Nairobi, Kenya, and Dar es Sa-
20 laam, Tanzania, who became a United
21 States citizen after August 7, 1998, and
22 before the date of the enactment of this
23 Act;

24 (ii) a family member—

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1 (I) of a United States employee
2 or contractor injured in connection
3 with the bombings of the United
4 States embassies located in Nairobi,
5 Kenya, and Dar es Salaam, Tanzania;
6 and

7 (II) who is a United States cit-
8 izen as of the date of the enactment
9 of this Act; or

10 (iii) a family member—

11 (I) of a foreign national United
12 States employee or contractor killed
13 during those bombings; and

14 (II) who is a United States cit-
15 izen as of the date of the enactment
16 of this Act.

17 (2) PAYMENTS.—With the requirement of
18 achieving parity in compensation between individuals
19 who became United States citizens after August 7,
20 1998, and individuals who were United States citi-
21 zens on or before August 7, 1998, payment of com-
22 pensation under paragraph (1) to—

23 (A) an individual described in paragraph
24 (1)(B)(i) shall be based on the same standards
25 used to determine the compensation for an em-

1 ployee or contractor injured in connection with
2 the bombings described in that paragraph who
3 was a United States citizen on or before August
4 7, 1998;

5 (B) an individual described in paragraph
6 (1)(B)(ii) shall be on an equal basis to com-
7 pensation provided to a family member of an
8 individual described in subparagraph (A); and

9 (C) an individual described in paragraph
10 (1)(B)(iii) shall be on an equal, or, where appli-
11 cable, a pro rata basis to compensation pro-
12 vided to a family member of a United States
13 employee or contractor who was a United
14 States citizen killed during such bombings.

15 (b) DISTRIBUTION AND REQUIREMENTS.—

16 (1) DISTRIBUTION.—The Secretary shall dis-
17 tribute payments from funds made available to carry
18 out subsection (a)(1) to individuals described in that
19 subsection.

20 (2) AUTHORIZATION LETTER.—Not later than
21 December 31, 2021, the Secretary shall send a letter
22 to each individual who will receive payment under
23 paragraph (1) informing the individual of the
24 amount of compensation the individual will receive
25 pending the execution of any writings under para-

1 graph (3), and the standards used to determine com-
2 pensation under subsection (a)(2), taking into ac-
3 count the individual's final judgment amount.

4 (3) REQUIREMENT BEFORE DISTRIBUTION.—

5 Before making a payment to an individual under
6 paragraph (1), and after the delivery of the author-
7 ization letter under paragraph (2), the Secretary
8 shall require the individual to execute a writing that
9 includes a waiver and release of all the individual's
10 rights to assert claims for compensatory or other re-
11 lief in any form or to enforce any judgment against
12 Sudan in connection with, and any claims against
13 the United States related to, any claim, suit, or ac-
14 tion specified in Article II of the claims agreement.

15 (c) FOREIGN NATIONALS.—Notwithstanding any
16 other provision of law or the claims agreement—

17 (1) individuals described in subsection (a)(1)
18 are not eligible to receive any compensation as pro-
19 vided by Sudan pursuant to Article III of the claims
20 agreement; and

21 (2) the funds provided by Sudan for distribu-
22 tion of compensation to such individuals pursuant to
23 the Annex of the claims agreement shall be redistrib-
24 uted—

1 (A) among all other individuals eligible for
2 compensation under section (c) of the Annex to
3 the claims agreement consistent with the prin-
4 ciples set out in that Annex; or

5 (B) if Sudan and the foreign nationals eli-
6 gible for compensation reach a private settle-
7 ment, then pursuant to the terms of that settle-
8 ment.

9 (d) DEPARTMENT OF STATE REPORTING REQUIRE-
10 MENTS.—

11 (1) INITIAL REPORT.—Not later than 90 days
12 after the date of the enactment of this Act, the Sec-
13 retary shall submit to the appropriate congressional
14 committees a report that includes a detailed descrip-
15 tion of the plan of the Department of State for the
16 distribution of payments to each category of indi-
17 vidual described in subsection (a)(1), including how
18 the Department is arriving at compensation levels
19 for each individual and the amount of compensation
20 each such individual will receive from funds made
21 available to carry out that subsection.

22 (2) UPDATED REPORT.—Not later than Decem-
23 ber 31, 2021, the Secretary shall submit to the ap-
24 propriate congressional committees a report describ-
25 ing—

1 (A) whether the distribution plan described
2 in paragraph (1) was carried out; and

3 (B) whether compensation levels were pro-
4 vided as described in the report required by
5 paragraph (1).

6 (e) **COMPTROLLER GENERAL REPORT.**—Not later
7 than December 31, 2022, the Comptroller General of the
8 United States shall submit to the appropriate congres-
9 sional committees a report assessing the implementation
10 of this section by the Department of State, including
11 whether—

12 (1) all distributions were made in accordance
13 with the requirements of subsections (a), (b), and
14 (c); and

15 (2) all individuals described in subsection (a)(1)
16 received compensation from amounts made available
17 to carry out that subsection in the manner described
18 in subsection (a)(2).

19 **SEC. 1708. TREATY AND EXECUTIVE AGREEMENT PRAC-**
20 **TICE.**

21 (a) **FINDINGS.**—Congress makes the following find-
22 ings:

23 (1) Congress and the executive branch share re-
24 sponsibility for the foreign relations of the United

1 States pursuant to Article I and Article II of the
2 Constitution of the United States.

3 (2) All legislative powers of the Federal Govern-
4 ment, including on matters of foreign relations, are
5 vested in the Congress of the United States pursu-
6 ant to section 1 of Article I of the Constitution.

7 (3) The executive branch may not direct Con-
8 gress to take any action, nor may it convey any leg-
9 islative or other power assigned to Congress under
10 the Constitution to any entity, domestic or foreign.

11 (4) The original escrow release conditions
12 agreement prescribed specific legislative text and
13 purported both to require enactment of such text
14 and provide a veto to Sudan over exceptions to that
15 text.

16 (5) Congress rejected the approach described in
17 paragraph (4).

18 (6) The executive branch and Sudan subse-
19 quently amended the escrow release conditions
20 agreement to eliminate the specific legislative text as
21 well as the purported requirement for enactment and
22 the purported veto over exceptions to that text.

23 (b) AMENDMENT TO CASE-ZABLOCKI ACT.—Section
24 112b of title 1, United States Code, is amended by adding
25 at the end the following:

1 “(g) It is the sense of Congress that the executive
2 branch should not prescribe or otherwise commit to or in-
3 clude specific legislative text in a treaty or executive agree-
4 ment unless Congress has authorized such action.”.

5 **TITLE XVIII—THEODORE ROO-**
6 **SEVELT PRESIDENTIAL LI-**
7 **BRARY CONVEYANCE ACT OF**
8 **2020**

9 **SEC. 1801. SHORT TITLE.**

10 This title may be cited as the “Theodore Roosevelt
11 Presidential Library Conveyance Act of 2020”.

12 **SEC. 1802. DEFINITIONS.**

13 In this Act:

14 (1) MAP.—The term “map” means the map en-
15 titled “Project Number P08122-2016-009”, depict-
16 ing a 93 acre site in sections 21 and 28, T. 140 N.,
17 R. 102 W., Billings County, North Dakota, and
18 dated December 8, 2020.

19 (2) PRESIDENTIAL LIBRARY.—The term “Presi-
20 dential Library” means the Theodore Roosevelt
21 Presidential Library Foundation, a North Dakota
22 nonprofit corporation.

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of Agriculture, acting through the
25 Chief of the Forest Service.

1 **SEC. 1803. CONVEYANCE OF CERTAIN NATIONAL FOREST**
2 **SYSTEM LAND TO THE PRESIDENTIAL LI-**
3 **BRARY.**

4 (a) CONVEYANCE.—Subject to this section, if the
5 Presidential Library submits to the Secretary not later
6 than 1 year after the date of enactment of this Act a writ-
7 ten request for the conveyance of the approximately 93
8 acres of National Forest System land, as generally de-
9 picted on the map, the Secretary shall, on the earliest date
10 practicable, convey to the Presidential Library by quit-
11 claim deed all right, title, and interest of the United States
12 in and to that land.

13 (b) CONSIDERATION.—As consideration for the con-
14 veyance of land under subsection (a), the Presidential Li-
15 brary shall pay to the Secretary an amount equal to the
16 market value of the land, as determined by the appraisal
17 conducted under subsection (d).

18 (c) TERMS AND CONDITIONS.—The conveyance
19 under subsection (a) shall be subject to—

20 (1) valid existing rights;

21 (2) the reservation of easements, as depicted on
22 the map, for public use on—

23 (A) the Maah Dah Hey National Trail;

24 and

25 (B) Forest Service Road #7471 and the
26 unnumbered Forest Service road; and

1 (3) any other terms and conditions that the
2 Secretary considers appropriate to protect the inter-
3 ests of the United States.

4 (d) APPRAISAL.—The Secretary shall conduct an ap-
5 praisal of the land to be conveyed under subsection (a)
6 in accordance with—

7 (1) the Uniform Appraisal Standards for Fed-
8 eral Land Acquisitions;

9 (2) the Uniform Standards of Professional Ap-
10 praisal Practice; and

11 (3) any other applicable law (including regula-
12 tions).

13 (e) COSTS OF CONVEYANCE.—As a condition for the
14 conveyance under subsection (a), and in addition to the
15 consideration paid under subsection (b), the Presidential
16 Library shall pay all costs associated with the conveyance,
17 including—

18 (1) the survey to Federal standards described
19 in subsection (f); and

20 (2) the appraisal conducted under subsection
21 (d).

22 (f) SURVEY.—The exact acreage and legal description
23 of the land to be conveyed under subsection (a) shall be
24 determined by a survey satisfactory to the Secretary.

1 (g) DEPOSIT AND USE OF PROCEEDS.—All funds re-
2 ceived under subsection (b) shall be—

3 (1) deposited in the fund established by Public
4 Law 90–171 (commonly known as the Sisk Act) (16
5 U.S.C. 484a); and

6 (2) available to the Secretary, until expended,
7 for the acquisition of land or interests in land for in-
8 clusion in the National Forest System in the State
9 of North Dakota.

10 **TITLE XIX—UNITED STATES-**
11 **MEXICO ECONOMIC PART-**
12 **nership Act**

13 **SEC. 1901. SHORT TITLE.**

14 This title may be cited as the “United States-Mexico
15 Economic Partnership Act”.

16 **SEC. 1902. FINDINGS.**

17 Congress finds the following:

18 (1) The United States and Mexico have bene-
19 fitted from a bilateral, mutually beneficial partner-
20 ship focused on advancing the economic interests of
21 both countries.

22 (2) In 2013, Mexico adopted major energy re-
23 forms that opened its energy sector to private invest-
24 ment, increasing energy cooperation between Mexico

1 and the United States and opening new opportuni-
2 ties for United States energy engagement.

3 (3) On January 18, 2018, the Principal Deputy
4 Assistant Secretary for Educational and Cultural Af-
5 fairs at the Department of State stated, “Our ex-
6 change programs build enduring relationships and
7 networks to advance U.S. national interests and for-
8 eign policy goals The role of our exchanges
9 . . . in advancing U.S. national security and eco-
10 nomic interests enjoys broad bipartisan support from
11 Congress and other stakeholders, and provides a
12 strong return on investment.”

13 (4) According to the Institute of International
14 Education, in the 2015–2016 academic year, more
15 than 56,000 United States students studied in other
16 countries in the Western Hemisphere region while
17 more than 84,000 non-United States students from
18 the region studied in the United States, but only
19 5,000 of those United States students studied in
20 Mexico and only 16,000 of those non-United States
21 students were from Mexico.

22 **SEC. 1903. STATEMENT OF POLICY.**

23 It is the policy of the United States—

24 (1) to continue deepening economic cooperation
25 between the United States and Mexico;

1 (2) to seek to prioritize and expand educational
2 and professional exchange programs with Mexico, in-
3 cluding through frameworks such as the 100,000
4 Strong in the Americas Initiative, the Young Lead-
5 ers of the Americas Initiative, Jóvenes en Acción
6 (Youth in Action), the Fulbright Foreign Student
7 Program, and the Fulbright Visiting Scholar Pro-
8 gram; and

9 (3) to promote positive cross-border relations as
10 a priority for advancing United States foreign policy
11 and programs.

12 **SEC. 1904. STRATEGY TO PRIORITIZE AND EXPAND EDU-**
13 **CATIONAL AND PROFESSIONAL EXCHANGE**
14 **PROGRAMS WITH MEXICO.**

15 (a) IN GENERAL.—The Secretary of State shall de-
16 velop a strategy to carry out the policy described in section
17 1903, to include prioritizing and expanding educational
18 and professional exchange programs with Mexico through
19 frameworks such as those referred to in section 1903(2).

20 (b) ELEMENTS.—The strategy required under sub-
21 section (a) shall—

22 (1) encourage more academic exchanges be-
23 tween the United States and Mexico at the sec-
24 ondary, post-secondary, and post-graduate levels;

1 (2) encourage United States and Mexican aca-
2 demic institutions and businesses to collaborate to
3 assist prospective and developing entrepreneurs in
4 strengthening their business skills and promoting co-
5 operation and joint business initiatives across the
6 United States and Mexico;

7 (3) promote energy infrastructure coordination
8 and cooperation through support of vocational-level
9 education, internships, and exchanges between the
10 United States and Mexico; and

11 (4) assess the feasibility of fostering partner-
12 ships between universities in the United States and
13 medical school and nursing programs in Mexico to
14 ensure that medical school and nursing programs in
15 Mexico have comparable accreditation standards as
16 medical school and nursing programs in the United
17 States by the Accreditation and Standards in For-
18 eign Medical Education, in addition to the Accredi-
19 tation Commission For Education in Nursing, so
20 that medical students can pass medical licensing
21 board exams, and nursing students can pass nursing
22 licensing exams, in the United States.

23 (c) BRIEFING.—Not later than 180 days after the
24 date of the enactment of this Act, the Secretary of State

1 shall brief the appropriate congressional committees re-
2 garding the strategy required under subsection (a).

3 **SEC. 1905. DEFINITIONS.**

4 In this Act, the term “appropriate congressional com-
5 mittees” means—

6 (1) the Committee on Foreign Relations of the
7 Senate; and

8 (2) the Committee on Foreign Affairs of the
9 House of Representatives.

10 **SEC. 1906. SUNSET PROVISION.**

11 This Act shall remain in effect until December 31,
12 2023.

13 **TITLE XX—PORT SURVEILLANCE**

14 **SEC. 2001. PORT SURVEILLANCE.**

15 (a) CPSC SURVEILLANCE PERSONNEL DURING THE
16 COVID-19 PANDEMIC.—For the duration of a public
17 health emergency declared pursuant to section 319 of the
18 Public Health Service Act (42 U.S.C. 247d) as a result
19 of confirmed cases of 2019 novel coronavirus (COVID–
20 19), including any renewal thereof, the Commission shall
21 ensure, to the maximum extent feasible, that investigators
22 are stationed at ports of entry to protect the public against
23 unreasonable risk of injury from consumer products, with
24 the goal of covering no fewer than 90 percent of all con-
25 sumer products entering the United States that are risk-

1 scored in the Risk Assessment Methodology system. The
2 Commission shall consult with United States Customs and
3 Border Protection, and other relevant agencies, including
4 health and safety agencies, on methods to safely staff
5 ports during the pandemic.

6 (b) ADDITIONAL CPSC SURVEILLANCE PERSONNEL
7 AT KEY PORTS OF ENTRY.—The Commission shall hire,
8 train, and assign not fewer than 16 additional full-time
9 equivalent personnel to be stationed at or supporting ef-
10 ferts at ports of entry, including ports of entry for de-
11 minimis shipments, for the purpose of identifying, assess-
12 ing, and addressing shipments of violative consumer prod-
13 ucts. Such hiring shall continue during each fiscal year
14 until the total number of full-time equivalent personnel
15 equals and sustains the staffing requirements identified in
16 the report to Congress required under subsection
17 (c)(2)(F).

18 (c) REPORT TO CONGRESS.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of enactment of this section, the Com-
21 mission shall transmit to Congress, and make pub-
22 licly available, a study and report assessing the risk
23 to consumers associated with the reduction in Com-
24 mission port inspection activity during the COVID-

1 19 pandemic and the targeting and screening of de
2 minimis shipments.

3 (2) REPORT REQUIREMENTS.—In the study and
4 report, the Commission shall—

5 (A) identify—

6 (i) the risks associated with the reduc-
7 tion in Commission port inspection activity
8 during the COVID-19 pandemic;

9 (ii) the extent to which the reduction
10 in port inspection activity is linked to inad-
11 equate Commission resources or due to
12 shortages of trained Commission staff due
13 to the COVID-19 pandemic; and

14 (iii) the steps the Commission has
15 taken and plans to take to mitigate those
16 risks, such as recalls, inspections of prod-
17 uct inventory, consumer warnings, and
18 other appropriate measures;

19 (B) examine a sampling of de minimis
20 shipments at a sufficient and representative
21 sample of all types of ports of entry where de
22 minimis shipments are processed, including ex-
23 press consignment carrier facilities, inter-
24 national mail facilities, and air cargo facilities

1 to assess the extent to which such shipments in-
2 clude violative consumer products;

3 (C) examine a sampling of shipments com-
4 ing from countries identified as high-risk for ex-
5 porting violative consumer products to identify
6 trends associated with the shipment of products
7 containing both intellectual property rights in-
8 fringements and consumer product safety viola-
9 tions;

10 (D) detail plans and timelines to effectively
11 address targeting and screening of de minimis
12 shipments to prevent the entry of violative con-
13 sumer products entering into the commerce of
14 the United States taking into consideration pro-
15 jected growth in e-commerce;

16 (E) establish metrics by which to evaluate
17 the effectiveness of the Commission efforts to
18 reduce the number of de minimis shipments
19 containing violative consumer products from en-
20 tering into the commerce of the United States;
21 and

22 (F) assess projected technology and re-
23 sources, including staffing requirements nec-
24 essary to implement such plans based on avail-
25 able and needed Commission resources.

1 (d) DEFINITIONS.—In this section—

2 (1) the term “Commission” means the Con-
3 sumer Product Safety Commission;

4 (2) the term “de minimis shipments” means ar-
5 ticles containing consumer products entering the
6 United States under the de minimis value exemption
7 in 19 U.S.C. 1321(a)(2)(C);

8 (3) the term “ports of entry for de minimis
9 shipments” means environments where de minimis
10 shipments are processed, including express consign-
11 ment carrier facilities, international mail facilities,
12 and air cargo facilities; and

13 (4) the term “violative consumer products”
14 means consumer products in violation of an applica-
15 ble consumer product safety rule under the Con-
16 sumer Product Safety Act or any similar rule, regu-
17 lation, standard, or ban under any other Act en-
18 forced by the Commission.

19 (e) SAVINGS CLAUSE.—Nothing in this section shall
20 be construed to limit, affect, or conflict with any other
21 authority of the Commission or any other statutory re-
22 quirements governing the Commission.

1 **TITLE XXI—COVID-19 REGU-**
2 **LATORY RELIEF AND WORK**
3 **FROM HOME SAFETY ACT**

4 **SEC. 2101. COVID-19 REGULATORY RELIEF AND WORK**
5 **FROM HOME SAFETY ACT.**

6 (a) **SHORT TITLE.**—This title may be cited as the
7 “COVID-19 Regulatory Relief and Work From Home
8 Safety Act”.

9 (b) **DEFINITIONS.**—In this Act—

10 (1) the term “bedding product” means—

11 (A) an item that is used for sleeping or
12 sleep-related purposes; or

13 (B) any component or accessory with re-
14 spect to an item described in subparagraph (A),
15 without regard to whether the component or ac-
16 cessory, as applicable, is used—

17 (i) alone; or

18 (ii) along with, or contained within,
19 that item;

20 (2) the term “California standard” means the
21 standard set forth by the Bureau of Electronic and
22 Appliance Repair, Home Furnishings and Thermal
23 Insulation of the Department of Consumer Affairs of
24 the State of California in Technical Bulletin 117–
25 2013, entitled “Requirements, Test Procedure and

1 Apparatus for Testing the Smolder Resistance of
2 Materials Used in Upholstered Furniture”, originally
3 published June 2013, as in effect on the date of en-
4 actment of this Act;

5 (3) the terms “foundation” and “mattress”
6 have the meanings given those terms in section
7 1633.2 of title 16, Code of Federal Regulations, as
8 in effect on the date of enactment of this Act; and

9 (4) the term “upholstered furniture”—

10 (A) means an article of seating furniture
11 that—

12 (i) is intended for indoor use;

13 (ii) is movable or stationary;

14 (iii) is constructed with an uphol-
15 stered seat, back, or arm;

16 (iv) is—

17 (I) made or sold with a cushion
18 or pillow, without regard to whether
19 that cushion or pillow, as applicable,
20 is attached or detached with respect
21 to the article of furniture; or

22 (II) stuffed or filled, or able to be
23 stuffed or filled, in whole or in part,
24 with any material, including a sub-
25 stance or material that is hidden or

1 concealed by fabric or another cov-
2 ering, including a cushion or pillow
3 belonging to, or forming a part of, the
4 article of furniture; and

5 (v) together with the structural units
6 of the article of furniture, any filling mate-
7 rial, and the container and covering with
8 respect to those structural units and that
9 filling material, can be used as a support
10 for the body of an individual, or the limbs
11 and feet of an individual, when the indi-
12 vidual sits in an upright or reclining posi-
13 tion;

14 (B) includes an article of furniture that is
15 intended for use by a child; and

16 (C) does not include—

17 (i) a mattress;

18 (ii) a foundation;

19 (iii) any bedding product; or

20 (iv) furniture that is used exclusively
21 for the purpose of physical fitness and ex-
22 ercise.

23 (c) ADOPTION OF STANDARD.—

24 (1) IN GENERAL.—Beginning on the date that
25 is 180 days after the date of enactment of this Act,

1 and except as provided in paragraph (2), the Cali-
2 fornia standard shall be considered to be a flamma-
3 bility standard promulgated by the Consumer Prod-
4 uct Safety Commission under section 4 of the Flam-
5 mable Fabrics Act (15 U.S.C. 1193).

6 (2) TESTING AND CERTIFICATION.—A fabric,
7 related material, or product to which the California
8 standard applies as a result of paragraph (1) shall
9 not be subject to section 14(a) of the Consumer
10 Product Safety Act (15 U.S.C. 2063(a)) with re-
11 spect to that standard.

12 (3) CERTIFICATION LABEL.—Each manufac-
13 turer of a product that is subject to the California
14 standard as a result of paragraph (1) shall include
15 the statement “Complies with U.S. CPSC require-
16 ments for upholstered furniture flammability” on a
17 permanent label located on the product, which shall
18 be considered to be a certification that the product
19 complies with that standard.

20 (d) PREEMPTION.—

21 (1) IN GENERAL.—Notwithstanding section 16
22 of the Flammable Fabrics Act (15 U.S.C. 1203) and
23 section 231 of the Consumer Product Safety Im-
24 provement Act of 2008 (15 U.S.C. 2051 note), and
25 except as provided in subparagraphs (B) and (C) of

1 paragraph (2), no State or any political subdivision
2 of a State may establish or continue in effect any
3 provision of a flammability law, regulation, code,
4 standard, or requirement that is designed to protect
5 against the risk of occurrence of fire, or to slow or
6 prevent the spread of fire, with respect to uphol-
7 stered furniture.

8 (2) PRESERVATION OF CERTAIN STATE LAW.—
9 Nothing in this Act or the Flammable Fabrics Act
10 (15 U.S.C. 1191 et seq.) may be construed to pre-
11 empt or otherwise affect—

12 (A) any State or local law, regulation,
13 code, standard, or requirement that—

14 (i) concerns health risks associated
15 with upholstered furniture; and

16 (ii) is not designed to protect against
17 the risk of occurrence of fire, or to slow or
18 prevent the spread of fire, with respect to
19 upholstered furniture;

20 (B) sections 1374 through 1374.3 of title
21 4, California Code of Regulations (except for
22 subsections (b) and (c) of section 1374 of that
23 title), as in effect on the date of enactment of
24 this Act; or

25 (C) the California standard.