

## Committee Print

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(Providing for reconciliation pursuant to S. Con. Res. 14, the  
Concurrent Resolution on the Budget for Fiscal Year 2022)

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1           **TITLE II—COMMITTEE ON**  
2           **EDUCATION AND LABOR**  
3           **Subtitle A—Education Matters**  
4           **PART 1—ELEMENTARY AND SECONDARY**  
5                           **EDUCATION**

6   **SEC. 20001. REBUILD AMERICA’S SCHOOLS GRANT PRO-**  
7                           **GRAM.**

8           (a) IN GENERAL.—In addition to amounts otherwise  
9   available, there is appropriated to the Department of Edu-  
10 cation—

11               (1) for fiscal year 2022, out of any money in  
12   the Treasury not otherwise appropriated,  
13   \$1,270,000,000, to remain available until September  
14   30, 2025, for carrying out this section; and

15               (2) for each of fiscal years 2023 through 2024,  
16   out of any money in the Treasury not otherwise ap-  
17   propriated, \$39,643,650,000, to remain available  
18   until September 30, 2026, for carrying out this sec-  
19   tion.

1 (b) REBUILD AMERICA’S SCHOOLS GRANTS AUTHOR-  
2 IZED.—From funds provided under paragraphs (1) and  
3 (2) of subsection (a), the Secretary shall award grants in  
4 fiscal years 2022 through 2024 to State educational agen-  
5 cies in accordance with subsection (c).

6 (c) REBUILD AMERICA’S SCHOOLS GRANTS.—

7 (1) ELIGIBILITY.—A State educational agency  
8 is eligible for an allocation under this section—

9 (A) with respect to fiscal year 2022, for  
10 the purpose of public school facilities inventory  
11 efforts in accordance with paragraph (3)(A);  
12 and

13 (B) with respect to fiscal years 2023 and  
14 2024, if such State educational agency has had  
15 approved by the Secretary a State facilities plan  
16 developed under paragraph (3)(A)(ii)(I), for the  
17 purpose of improving public school facilities in  
18 accordance with paragraph (3)(B).

19 (2) ALLOCATIONS TO STATES.—The amount al-  
20 located to each State educational agency under para-  
21 graph (1) shall be in the same proportion as the  
22 amounts distributed to the State under part A of  
23 title I of the Elementary and Secondary Education  
24 Act of 1965 (20 U.S.C. 6311) in the most recent fis-  
25 cal year, relative to the total amount received under

1       such part by all other States receiving an allocation  
2       under this section in such fiscal year.

3           (3) STATE USES OF FUNDS.—A State edu-  
4       cational agency that receives an allocation under  
5       paragraph (1)—

6           (A) with respect to fiscal year 2022, shall  
7       use—

8           (i) not less than 80 percent of such  
9       allocation to award subgrants to local edu-  
10      cational agencies (including public charter  
11      schools that are local educational agencies)  
12      in the State, in proportion to the amount  
13      of funds such local educational agencies  
14      and charter schools received under part A  
15      of title I of the Elementary and Secondary  
16      Education Act of 1965 (20 U.S.C. 6311)  
17      in the most recent fiscal year, to support  
18      each such local educational agency in—

19           (I) the development and publica-  
20      tion of a local facilities master plan to  
21      address the health, safety, education  
22      equity, enrollment diversity, environ-  
23      mental sustainability, and climate re-  
24      siliency of the public school facilities  
25      operated by such agency; and

1 (II) the collection and submission  
2 of data to the State educational agen-  
3 cy to support implementation of the  
4 State school facilities database; and  
5 (ii) not more than 20 percent of such  
6 allocation to—

7 (I) develop a State facilities plan  
8 that details—

9 (aa) how the State will use  
10 grant funds received under this  
11 section and State funds to make  
12 improvements to public school fa-  
13 cilities of eligible local edu-  
14 cational agencies to address dis-  
15 parities in both the financing and  
16 expenditures of school facilities  
17 capital outlay projects and in the  
18 conditions of public school facili-  
19 ties between eligible local edu-  
20 cational agencies and other local  
21 educational agencies in the State;

22 (bb) how the State will de-  
23 velop a competitive process to  
24 provide subgrants to eligible local  
25 educational agencies, including

1 the State's criteria for subgrant  
2 eligibility; and

3 (cc) how the State will, in  
4 carrying out the competitive  
5 process for subgrants described  
6 in item (bb), take into consider-  
7 ation the impact that such sub-  
8 grants may have on increasing  
9 student diversity and decreasing  
10 racial and socioeconomic isolation  
11 of students attending public ele-  
12 mentary or secondary schools im-  
13 proved by such subgrants;

14 (II) develop and operate (directly  
15 or through grants or contracts) the  
16 State school facilities database; and

17 (III) provide technical assistance  
18 to local educational agencies in car-  
19 rying out activities described in clause  
20 (i) and supports related to the re-  
21 quirements of paragraph (4) for eligi-  
22 ble local educational agencies; and

23 (B) with respect to each of fiscal years  
24 2023 and 2024, shall—

1 (i) use not less than 90 percent of  
2 such allocation to award subgrants on a  
3 competitive basis to eligible local edu-  
4 cational agencies with approved applica-  
5 tions described in paragraph (4)(A); and

6 (ii) use not more than 10 percent of  
7 such allocation to—

8 (I) maintain and update (directly  
9 or through grants or contracts) the  
10 State school facilities database;

11 (II) provide technical assistance  
12 to eligible local educational agencies in  
13 the State in carrying out school facili-  
14 ties capital outlay projects, including  
15 technical assistance regarding capital  
16 construction, energy efficiency, and  
17 climate resiliency;

18 (III) develop and implement  
19 State-level strategies for safe, healthy,  
20 energy efficient, and environmentally  
21 resilient public school facilities that  
22 address—

23 (aa) indoor air quality;

24 (bb) water quality;

1 (cc) energy and water effi-  
2 ciency;

3 (dd) renewable energy and  
4 decarbonization;

5 (ee) exposure to toxic sub-  
6 stances, including mercury,  
7 radon, polychlorinated biphenyls,  
8 lead, vapor intrusions, and asbes-  
9 tos;

10 (ff) climate resiliency;

11 (gg) emergency prepared-  
12 ness for natural or man-made  
13 disasters or emergencies; and

14 (hh) structural hazards cre-  
15 ated by pyrrhotite, as determined  
16 by an engineer's report and  
17 pyrrhotite testing;

18 (IV) provide professional develop-  
19 ment opportunities for State and local  
20 staff involved in maintenance and op-  
21 erations and school facilities capital  
22 outlay projects; and

23 (V) administer and monitor the  
24 implementation of subgrants provided  
25 under clause (i).

1 (4) REBUILD AMERICA'S SCHOOLS SUBGRANTS  
2 TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

3 (A) APPLICATION.—The State educational  
4 agency shall require an eligible local educational  
5 agency desiring a subgrant under paragraph  
6 (3)(B)(i) to submit an application to the State  
7 educational agency that, at a minimum, in-  
8 cludes—

9 (i) a certification that the eligible local  
10 educational agency shall use subgrant  
11 funds for school facilities capital outlay  
12 projects that prioritize the improvement of  
13 the public school facilities of such agency  
14 that serve the highest numbers or percent-  
15 ages of students who are eligible for a free  
16 or reduced price lunch under the Richard  
17 B. Russell National School Lunch Act (42  
18 U.S.C. 1751), under a method established  
19 by the Secretary; and

20 (ii) such agency's facilities master  
21 plan.

22 (B) REBUILD AMERICA'S SCHOOLS  
23 SUBGRANT USE OF FUNDS.—An eligible local  
24 educational agency that receives a subgrant  
25 under paragraph (3)(B)(i) shall use such funds

1 to carry out school facilities capital outlay  
2 projects, including 1 or more of the following:

3 (i) Assessing, planning, designing,  
4 constructing, modernizing, retrofitting, or  
5 decarbonizing public school facilities.

6 (ii) Carrying out major repairs of  
7 public school facilities, including repairs to  
8 extend the life of facilities systems and  
9 components by not less than 10 years.

10 (iii) Upgrading or replacing major fa-  
11 cilities systems, components, furniture, fix-  
12 tures, and equipment with a life of not less  
13 than 10 years.

14 (iv) Constructing new public school  
15 facilities, including when student enroll-  
16 ment exceeds the physical and instructional  
17 capacity of public school facilities.

18 (v) Purchasing and preparing sites on  
19 which public school facilities will be con-  
20 structed.

21 (vi) Improving energy and water effi-  
22 ciency in public school facilities, including  
23 improvements related to clean energy.

1 (vii) Reducing or eliminating the pres-  
2 ence of health and safety hazards in public  
3 school facilities, including—

4 (I) toxic substances, including  
5 mercury, radon, polychlorinated  
6 biphenyls, lead, and asbestos;

7 (II) mold or mildew;

8 (III) rodents and pests; and

9 (IV) structural hazards created  
10 by pyrrhotite.

11 (viii) Improving instructional or out-  
12 door public school facilities relating to  
13 early learning, special education, science,  
14 technology, career and technical education,  
15 physical education, the arts, literacy (in-  
16 cluding library programs), or community-  
17 based partnerships.

18 (ix) Improving the public school facili-  
19 ties of magnet schools, or other instruc-  
20 tional programs, designed to increase stu-  
21 dent diversity and decrease racial or socio-  
22 economic isolation.

23 (x) Supporting independent commis-  
24 sioning and certification of public school

1 facilities, public school facility systems,  
2 and school facilities capital outlay projects.

3 (d) CONDITIONS.—

4 (1) STATE MATCHING REQUIREMENT.—

5 (A) IN GENERAL.—As a condition of re-  
6 ceiving an allocation under subsection  
7 (c)(1)(B), a State shall contribute, from non-  
8 Federal sources, an amount equal to 10 percent  
9 of the amount of the allocation received under  
10 such subsection to carry out activities supported  
11 by such allocation.

12 (B) EXEMPTION.—States that contributed  
13 an average of 10 percent or greater toward  
14 total local educational agency capital outlay  
15 from non-Federal funds, within the most recent  
16 5-year fiscal period, are exempt from the State  
17 matching requirement under subparagraph (A).

18 (2) STATE MAINTENANCE OF EFFORT.—

19 (A) IN GENERAL.—The State shall provide  
20 an assurance to the Secretary that for each fis-  
21 cal year that the State receives an allocation  
22 under this section, the State's share of school  
23 facilities capital outlay will be not less than 90  
24 percent of the average of the State's share of

1 school facilities capital outlay for the 5 years  
2 preceding the 2020 fiscal year.

3 (B) WAIVER.—Notwithstanding subpara-  
4 graph (A), in response to a request from a  
5 State, the Secretary may modify or waive, in  
6 whole or in part, the requirement of subpara-  
7 graph (A) if the Secretary determines that such  
8 State demonstrates an exceptional or uncontrol-  
9 lable circumstance, such as a natural disaster,  
10 pandemic, or precipitous decline in revenue.

11 (3) SUPPLEMENT NOT SUPPLANT.—As a condi-  
12 tion of receiving an allocation under subsection  
13 (c)(1)(B), a State shall use funds received under  
14 this section only to supplement the level of State and  
15 local public funds that would, in the absence of the  
16 receipt of Federal funds under this section, be made  
17 available for the State’s contribution to school facili-  
18 ties capital outlays, and not to supplant those other  
19 funds.

20 (e) DEFINITIONS.—

21 (1) ESEA TERMS.—The terms “elementary  
22 school”, “local educational agency”, “secondary  
23 school”, and “State educational agency” have the  
24 meanings given the terms in section 8101 of the Ele-

1       mentary and Secondary Education Act of 1965 (20  
2       U.S.C. 7801).

3               (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—

4       The term “eligible local educational agency” means  
5       a local educational agency (including a public char-  
6       ter school that is a local educational agency under  
7       State law) in a State that—

8               (A) is identified by the State based on the  
9               criteria established under the State facilities  
10              plan as among the local educational agencies in  
11              such State with—

12               (i) the highest numbers or percent-  
13               ages of students counted under section  
14               1124(c) of the Elementary and Secondary  
15               Education Act of 1965 (20 U.S.C.  
16               6333(c)); or

17               (ii) the most limited capacity to raise  
18               funds for the long-term improvement of  
19               public school facilities, as determined by an  
20               assessment of factors determined by the  
21               Secretary;

22               (B) certifies that any funds received under  
23               this section shall be used to prioritize the im-  
24               provement of public school facilities of public el-  
25               ementary or secondary schools that serve the

1 highest percentages of students who are eligible  
2 for a free or reduced price lunch under the  
3 Richard B. Russell National School Lunch Act  
4 (42 U.S.C. 1751), under a method established  
5 by the Secretary; and

6 (C) certifies that any public school facili-  
7 ties improved by funds received under this sec-  
8 tion are—

9 (i) operated and managed by a public  
10 agency or a non-profit private entity; and

11 (ii)(I) owned or leased from a public  
12 agency; or

13 (II) owned or leased from a private  
14 entity, except that no individual associated  
15 with such private entity may have a finan-  
16 cial interest or management role in the  
17 local educational agency.

18 (3) LOCAL FACILITIES MASTER PLAN.—The  
19 term “local facilities master plan” means a plan of  
20 a local educational agency developed under sub-  
21 section (c)(3)(A)(i)(I) by the local educational agen-  
22 cy, in consultation with local stakeholders, which in-  
23 cludes an assessment of such agency’s public school  
24 facilities, financing of school capital project outlays,

1 and student enrollment levels, and other factors de-  
2 termined by the Secretary.

3 (4) OPERATIONS AND MAINTENANCE OF  
4 SCHOOL FACILITIES.—The term “operations and  
5 maintenance of school facilities” means the labor,  
6 contracts, and supplies and materials supported by  
7 a local educational agency’s annual operating budget  
8 related to—

9 (A) cleaning, groundskeeping, and preven-  
10 tive and routine maintenance of public school  
11 facilities and grounds;

12 (B) minor repairs and operations of build-  
13 ing systems and equipment for public school fa-  
14 cilities; and

15 (C) payments for utilities for public school  
16 facilities.

17 (5) PUBLIC SCHOOL FACILITY.—The term  
18 “public school facility” means a school facility oper-  
19 ated by a local educational agency that is primarily  
20 used to educate students, including outdoor facilities  
21 and grounds, but does not include—

22 (A) a facility that is primarily used for  
23 athletic contests or exhibitions or other events  
24 for which admission is charged to the general  
25 public;

1 (B) a vehicle; or

2 (C) a district central office, operation cen-  
3 ter, or other school facility if it is not primarily  
4 used to educate students.

5 (6) SCHOOL FACILITIES CAPITAL OUTLAY  
6 PROJECT.—The term “school facilities capital outlay  
7 project” means the assessment, planning, design,  
8 construction, renovation, repair, management, and  
9 financing of a public school facility project with a  
10 life expectancy of at least 10 years, but does not in-  
11 clude operations and maintenance of school facilities.

12 (7) SECRETARY.—The term “Secretary” means  
13 the Secretary of Education.

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

17 (9) STATE’S CONTRIBUTION TO SCHOOL FACILI-  
18 TIES CAPITAL OUTLAYS.—The term “State’s con-  
19 tribution to school facilities capital outlays” means  
20 the total amount of State appropriations on elemen-  
21 tary and secondary education capital expenditures in  
22 the State, including—

23 (A) State aid reimbursements for school  
24 facilities capital outlay projects;

1 (B) State payment of debt service for  
2 school facilities capital outlay projects;

3 (C) direct payment of school facilities cap-  
4 ital outlay projects; and

5 (D) grants or facilities allowances to char-  
6 ter schools for facilities capital projects.

7 (10) STATE FACILITIES PLAN.—The term  
8 “State facilities plan” means a State’s plan devel-  
9 oped by the State educational agency, in accordance  
10 with subsection (c)(3)(A)(ii)(I) and including plan  
11 elements determined by the Secretary, for the pur-  
12 pose of being eligible for an allocation described in  
13 subsection (c)(1)(B).

14 (11) STATE SCHOOL FACILITIES DATABASE.—  
15 The term “State school facilities database” means  
16 an electronic, publicly available database maintained  
17 by the State educational agency that contains an in-  
18 ventory of the infrastructure of all public school fa-  
19 cilities in the State, including the data elements de-  
20 termined by the Secretary.

21 **SEC. 20002. OUTLYING AREAS.**

22 In addition to amounts otherwise available, there is  
23 appropriated to the Department of Education for fiscal  
24 year 2022, out of any money in the Treasury not otherwise  
25 appropriated, \$410,900,000, to remain available until

1 September 30, 2026, for the Secretary of Education to  
2 allocate to each outlying area (as defined in section 8101  
3 of the Elementary and Secondary Education Act of 1965  
4 (20 U.S.C. 7801)) an amount in proportion to the amount  
5 received by the outlying area under part A of title I of  
6 the Elementary and Secondary Education Act of 1965 (20  
7 U.S.C. 6311) in the most recent fiscal year relative to the  
8 total amount received under such part for such fiscal year  
9 by all outlying areas, to carry out the activities described  
10 in section 20001(c) in the outlying areas.

11 **SEC. 20003. IMPACT AID CONSTRUCTION GRANTS.**

12 In addition to amounts otherwise available, there is  
13 appropriated to the Department of Education for fiscal  
14 year 2022, out of any money in the Treasury not otherwise  
15 appropriated, \$410,900,000, to remain available until  
16 September 30, 2026, for making payments to local edu-  
17 cational agencies in accordance with the same terms and  
18 conditions as the terms and conditions of section 7007 of  
19 the Elementary and Secondary Education Act of 1965 (20  
20 U.S.C. 7707), except that—

21 (1) subsection (a)(2)(A) of such section shall be  
22 applied by substituting “20 percent” for “50 per-  
23 cent”;

1 (2) subsection (a)(2)(B) of such section shall be  
2 applied by substituting “20 percent” for “50 per-  
3 cent”; and

4 (3) clauses (i) and (vi) of subsection (b)(5)(A)  
5 of such section shall not apply to funds provided or  
6 received under this section.

7 **SEC. 20004. BUREAU OF INDIAN EDUCATION.**

8 In addition to amounts otherwise available, there is  
9 appropriated to the Bureau of Indian Education for fiscal  
10 year 2022, out of any money in the Treasury not otherwise  
11 appropriated—

12 (1) \$369,810,000, to remain available until  
13 September 30, 2026, for necessary expenses related  
14 to construction, repair, improvement, and mainte-  
15 nance of buildings, utilities, and other facilities nec-  
16 essary for the operation of Indian education pro-  
17 grams, including architectural and engineering serv-  
18 ices by contract, acquisition of lands, and interests  
19 in lands, of which no more than 3 percent shall be  
20 used for administrative costs to carry out this sec-  
21 tion; and

22 (2) \$41,090,000, to remain available until Sep-  
23 tember 30, 2026, for digital infrastructure to im-  
24 prove access to high-speed broadband sufficient for  
25 digital learning and related digital infrastructure ac-

1       tivities or programs operated or funded by the Bu-  
2       reau of Indian Education, for Bureau-funded schools  
3       (as defined in section 1141(3) of the Education  
4       Amendments of 1978 (25 U.S.C. 2021(3))).

5   **SEC. 20005. GALLAUDET UNIVERSITY.**

6       In addition to amounts otherwise available, there is  
7       appropriated to the Department of Education for fiscal  
8       year 2022, out of any money in the Treasury not otherwise  
9       appropriated, \$150,000,000, to remain available until  
10      September 30, 2026, for the Kendall Demonstration Ele-  
11      mentary School and the Model Secondary School for the  
12      Deaf at Gallaudet University for construction, as defined  
13      in section 201(2) of the Education of the Deaf Act of 1986  
14      (20 U.S.C. 4351(2)).

15   **SEC. 20006. GROW YOUR OWN PROGRAMS.**

16      (a) APPROPRIATIONS.—In addition to amounts other-  
17      wise available, there is appropriated to the Department  
18      of Education for fiscal year 2022, out of any money in  
19      the Treasury not otherwise appropriated, \$197,000,000,  
20      to remain available through September 30, 2025, to award  
21      grants for the development and support of Grow Your  
22      Own Programs, as described in section 202(g) of the  
23      Higher Education Act of 1965 (20 U.S.C. 1022a(g)).

24      (b) IN GENERAL.—Section 202 of the Higher Edu-  
25      cation Act of 1965 (20 U.S.C. 1022a) is amended—

1 (1) in subsection (b)(6)(C), by striking “sub-  
2 section (f) or (g)” and inserting “subsection (f) or  
3 (h)”;

4 (2) in subsection (c)(1), by inserting “a Grow  
5 Your Own program under subsection (g),” after  
6 “subsection (e),”;

7 (3) by redesignating subsections (g), (h), (i),  
8 (j), and (k), as subsections (h), (i), (j), (k), and (l),  
9 respectively; and

10 (4) by inserting after subsection (f) the fol-  
11 lowing:

12 “(g) PARTNERSHIP GRANTS FOR THE ESTABLISH-  
13 MENT OF ‘GROW YOUR OWN’ PROGRAMS.—

14 “(1) IN GENERAL.—An eligible partnership that  
15 receives a grant under this section shall carry out an  
16 effective ‘Grow Your Own’ program to address  
17 shortages of teachers in high-need subjects, fields,  
18 schools, and geographic areas, or shortages of school  
19 leaders in high-need schools, and to increase the di-  
20 versity of qualified individuals entering into the  
21 teacher, principal, or other school leader workforce.

22 “(2) REQUIREMENTS OF A GROW YOUR OWN  
23 PROGRAM.—In addition to carrying out each of the  
24 activities described in paragraphs (1) through (6) of  
25 subsection (d), an eligible partnership carrying out a

1       Grow Your Own program under this subsection  
2       shall—

3               “(A) integrate career-focused courses on  
4               education topics with a year-long school-based  
5               clinical experience in which candidates teach or  
6               lead alongside an expert mentor teacher or  
7               school leader who is the teacher or school leader  
8               of record in the same local educational agencies  
9               in which the candidates expect to work;

10              “(B) provide opportunities for candidates  
11              to practice and develop teaching skills or school  
12              leadership skills;

13              “(C) support candidates as they complete  
14              their associate (in furtherance of their bacca-  
15              laureate), baccalaureate, or master’s degree or  
16              earn their teaching or school leadership creden-  
17              tial;

18              “(D) work to provide academic, counseling,  
19              and programmatic supports to candidates;

20              “(E) provide academic and nonacademic  
21              supports, including advising and financial as-  
22              sistance, to candidates to enter and complete  
23              teacher or school leadership preparation pro-  
24              grams and to access and complete State licen-  
25              sure exams;

1 “(F) include efforts to recruit individuals  
2 with experience in high-need subjects or fields  
3 who are not certified to teach or lead, with a  
4 specific focus on recruiting individuals—

5 “(i) from groups or populations that  
6 are underrepresented; and

7 “(ii) who live in and come from the  
8 communities the schools serve;

9 “(G) evaluate the effectiveness of the pro-  
10 gram, including, at a minimum, using the data  
11 required under section 204(a)(1);

12 “(H) require candidates to complete all  
13 State requirements to become fully certified;  
14 and

15 “(I) provide stipends for candidates to en-  
16 gage in school-based clinical placements.”.

17 **SEC. 20007. TEACHER RESIDENCIES.**

18 In addition to amounts otherwise available, there is  
19 appropriated to the Department of Education for fiscal  
20 year 2022, out of any money in the Treasury not otherwise  
21 appropriated, \$198,000,000, to remain available through  
22 September 30, 2025, to award grants for the development  
23 and support of high-quality teaching residency programs,  
24 as described in section 202(e) of the Higher Education  
25 Act of 1965 (20 U.S.C. 1022a(e)), except that amounts

1 available under this section shall be available for residency  
2 programs for prospective teachers in a bachelor's or mas-  
3 ter's degree program.

4 **SEC. 20008. SUPPORT SCHOOL PRINCIPALS.**

5 In addition to amounts otherwise available, there is  
6 appropriated to the Department of Education for fiscal  
7 year 2022, out of any money in the Treasury not otherwise  
8 appropriated, \$198,000,000, to remain available through  
9 September 30, 2025, to award grants for the development  
10 and support of school leadership programs, as described  
11 in section 2243 of the Elementary and Secondary Edu-  
12 cation Act of 1965 (20 U.S.C. 6673).

13 **SEC. 20009. HAWKINS.**

14 In addition to amounts otherwise available, there is  
15 appropriated to the Department of Education for fiscal  
16 year 2022, out of any money in the Treasury not otherwise  
17 appropriated, \$198,000,000, to remain available through  
18 September 30, 2025, to award grants for the Augustus  
19 F. Hawkins Centers of Excellence Program, as described  
20 in section 242 of the Higher Education Act of 1965 (20  
21 U.S.C. 1033a).

1 **SEC. 20010. FUNDING FOR THE INDIVIDUALS WITH DISABIL-**  
2 **ITIES EDUCATION PART D PERSONNEL DE-**  
3 **VELOPMENT.**

4 In addition to amounts otherwise available, there is  
5 appropriated to the Department of Education for fiscal  
6 year 2022, out of any money in the Treasury not otherwise  
7 appropriated, \$297,000,000, to remain available until  
8 September 30, 2025, for personnel development in section  
9 662 of the Individuals with Disabilities Education Act (20  
10 U.S.C. 1462).

11 **PART 2—HIGHER EDUCATION**

12 **Subpart A—America’s College Promise**

13 **SEC. 20021. GRANTS FOR TUITION-FREE COMMUNITY COL-**  
14 **LEGE.**

15 Title VII of the Higher Education Act of 1965 (20  
16 U.S.C. 1133 et seq.) is amended by adding at the end  
17 the following:

18 **“PART F—AMERICA’S COLLEGE PROMISE**

19 **“Subpart 1—Grants for Tuition-Free Community**  
20 **College**

21 **“SEC. 785. GRANT AWARDS.**

22 “(a) IN GENERAL.—Beginning with award year  
23 2023-2024, from amounts appropriated to carry out this  
24 subpart for any fiscal year, the Secretary shall award  
25 grants to States and eligible Tribal Colleges and Univer-  
26 sities to pay the Federal share of expenditures needed to

1 carry out the activities and services described in section  
2 789.

3 “(b) TIMING OF GRANT AWARDS.—The Secretary  
4 shall award grant funds under subsection (a) for an award  
5 year not less than 30 days before the first day of the  
6 award year.

7 **“SEC. 786. FEDERAL SHARE; STATE SHARE.**

8 “(a) FEDERAL SHARE.—

9 “(1) IN GENERAL.—

10 “(A) AMOUNT.—Subject to paragraph (2),  
11 the amount of the Federal share of a grant  
12 under this subpart shall be based on a formula  
13 that provides, for each eligible student enrolled  
14 in a community college operated or controlled  
15 by the State or in an eligible Tribal College or  
16 University, a per-student amount (based on  
17 full-time equivalent enrollment) that is equal to  
18 the applicable percent described in subpara-  
19 graph (B), or the percent described in para-  
20 graph (2) with respect to an eligible Tribal Col-  
21 lege or University, of—

22 “(i) for the 2023–2024 award year,  
23 the median resident community college tui-  
24 tion and fees per student in all States, not  
25 weighted for enrollment, for the most re-

1 cent award year for which data are avail-  
2 able; and

3 “(ii) for each subsequent award year,  
4 the amount determined under this para-  
5 graph for the preceding award year, in-  
6 creased by the lesser of—

7 “(I) a percentage equal to the es-  
8 timated percentage increase in the  
9 Consumer Price Index (as determined  
10 by the Secretary) since the date of  
11 such determination; or

12 “(II) 3 percent.

13 “(B) APPLICABLE PERCENT.—The appli-  
14 cable percent for a State receiving a grant  
15 under this subpart shall be—

16 “(i) for the 2023–2024 award year,  
17 100 percent;

18 “(ii) for the 2024–2025 award year,  
19 95 percent;

20 “(iii) for the 2025–2026 award year,  
21 90 percent;

22 “(iv) for the 2026–2027 award year,  
23 85 percent; and

24 “(v) for the 2027–2028 award year,  
25 80 percent.

1 “(2) TRIBAL COLLEGES AND UNIVERSITIES.—

2 The amount of the Federal share for an eligible  
3 Tribal College or University receiving a grant under  
4 this subpart shall be the greater of—

5 “(A) 100 percent of the per-student  
6 amount determined in accordance with clause  
7 (i) or (ii) of paragraph (1)(A), as applicable,  
8 with respect to eligible students enrolled in such  
9 eligible Tribal College or University (based on  
10 full-time equivalent enrollment); or

11 “(B) the amount that is 100 percent of the  
12 total amount needed to set tuition and fees to  
13 \$0 for all eligible students enrolled in such eligi-  
14 ble Tribal College or University for the 2021–  
15 2022 award year, increased by the percentage  
16 increase in the Consumer Price Index (as deter-  
17 mined by the Secretary) between July 1, 2021,  
18 and the applicable award year, and adjusted to  
19 reflect the enrollment in such eligible Tribal  
20 College or University for such applicable award  
21 year.

22 “(b) STATE SHARE.—

23 “(1) FORMULA.—

24 “(A) IN GENERAL.—The State share of a  
25 grant under this subpart for each award year

1           shall be the amount needed to pay the applica-  
2           ble percent described in subparagraph (B) of  
3           the median resident community college tuition  
4           and fees in all States, not weighted for enroll-  
5           ment, per student (based on full-time equivalent  
6           enrollment) determined in accordance with sub-  
7           section (a)(1)(A)(i) for all eligible students en-  
8           rolled in a community college operated or con-  
9           trolled by the State for such award year.

10           “(B) APPLICABLE PERCENT.—The appli-  
11           cable percent shall be—

12                   “(i) for the 2023–2024 award year, 0  
13                   percent;

14                   “(ii) for the 2024–2025 award year, 5  
15                   percent;

16                   “(iii) for the 2025–2026 award year,  
17                   10 percent;

18                   “(iv) for the 2026–2027 award year,  
19                   15 percent; and

20                   “(v) for the 2027–2028 award year,  
21                   20 percent.

22           “(C) OBLIGATION TO PROVIDE SHARE.—  
23           The State shall provide the State share even if  
24           the State is able to set tuition and fees charged  
25           to eligible students attending community col-

1           leges operated or controlled by the State to \$0  
2           as required by section 788(a) without such  
3           State share.

4           “(D) NO DOUBLE COUNTING FUNDS.—Ex-  
5           cept with respect to funding described in para-  
6           graph (2)(A), no funds that count toward the  
7           maintenance of effort requirement under sec-  
8           tion 788(c) may also count toward the State  
9           share under this subsection.

10           “(E) SPECIAL RULE FOR OUTLYING AREAS  
11           AND TERRITORIES.—

12           “(i) IN GENERAL.—If the Secretary  
13           determines that requiring an outlying area  
14           or territory to provide a State share in ac-  
15           cordance with this subsection would rep-  
16           resent a substantial hardship for the out-  
17           lying area or territory, the Secretary may  
18           reduce or waive the State share for such  
19           area or territory. If the Secretary so re-  
20           duces or waives the amount of the State  
21           share of an outlying area or territory, the  
22           Secretary shall increase the applicable per-  
23           cent used to calculate the Federal share  
24           for such area or territory, in proportion to

1 the reduction in the applicable percent  
2 used to calculate such State share.

3 “(ii) DEFINITION.—For the purposes  
4 of this subparagraph, the term ‘outlying  
5 area or territory’ means the Common-  
6 wealth of Puerto Rico, the District of Co-  
7 lumbia, Guam, American Samoa, the  
8 United States Virgin Islands, the Com-  
9 monwealth of the Northern Mariana Is-  
10 lands, and the Freely Associated States.

11 “(2) INCLUSION OF STATE FINANCIAL AID AND  
12 LOCAL FUNDS.—In the case of a State that dem-  
13 onstrates to the satisfaction of the Secretary that  
14 community colleges operated or controlled by such  
15 State will not experience a net reduction in total  
16 per-student revenue (including revenue derived from  
17 tuition and fees) as compared to the preceding fiscal  
18 year in such State, a State may include, as part of  
19 the State share—

20 “(A) any financial aid that is provided  
21 from State funds to an eligible student and  
22 that—

23 “(i)(I) is not awarded predominantly  
24 on the basis of merit, including programs

1 awarded on the basis of predicted or actual  
2 academic performance or assessments; and

3 “(II) may be used by such student to  
4 pay any component of cost of attendance,  
5 as defined under section 472; and

6 “(B) any funds provided to community col-  
7 leges by local governments in such State for the  
8 purpose of carrying out this subpart.

9 “(3) RELATIONSHIP TO MOE.—The inclusion of  
10 funds described in paragraph (2) as part of a State’s  
11 share shall modify the maintenance of effort require-  
12 ments under section 788(c) in accordance with the  
13 provisions of—

14 “(A) section 791(10)(B)(iii), with respect  
15 to funds included under paragraph (2)(A); and

16 “(B) section 791(10)(A)(ii), with respect  
17 to funds included under paragraph (2)(B).

18 “(4) NO IN-KIND CONTRIBUTIONS.—A State  
19 shall not include in-kind contributions for purposes  
20 of the State share described in paragraph (1).

21 “(c) DETERMINING NUMBER OF ELIGIBLE STU-  
22 DENTS.—

23 “(1) IN GENERAL.—For purposes of sub-  
24 sections (a) and (b), the Secretary shall, in consulta-  
25 tion with the State or eligible Tribal College or Uni-

1       versity concerned, determine the estimated number  
2       of eligible students enrolled in the community col-  
3       leges operated or controlled by such State or in such  
4       eligible Tribal College or University for the applica-  
5       ble award year.

6           “(2) ADJUSTMENT OF GRANT AMOUNT.—For  
7       each year for which a State or eligible Tribal College  
8       or University receives a grant under this subpart,  
9       the Secretary shall, once final enrollment data for  
10      such year are available—

11           “(A) in consultation with the State or eli-  
12      gible Tribal College or University concerned,  
13      determine the actual number of eligible stu-  
14      dents enrolled in the community colleges oper-  
15      ated or controlled by such State or in such eli-  
16      gible Tribal College or University for the year  
17      covered by the grant; and

18           “(B) adjust the Federal share of the grant  
19      amount received by the State or eligible Tribal  
20      College or University and the State share under  
21      subsection (b) to reflect the actual number of  
22      eligible students, which may include applying  
23      the relevant adjustment to such Federal share  
24      or the State share, or both, in the subsequent  
25      award year.

1       “(d) COMMUNITY COLLEGES OPERATED OR CON-  
2 TROLLED BY STATE TO INCLUDE COMMUNITY COLLEGES  
3 OPERATED OR CONTROLLED BY LOCAL GOVERNMENTS  
4 WITHIN THE STATE.—For purposes of this subpart, the  
5 term ‘community college operated or controlled by a State’  
6 shall include a community college operated or controlled  
7 by a local government within such State.

8       “(e) INAPPLICABILITY OF STATE REQUIREMENTS TO  
9 ELIGIBLE TCUS.—The Secretary may not apply any re-  
10 quirements applicable only to States under this subpart  
11 to an eligible Tribal College or University, including the  
12 requirements under subsection (b), section 788(b) and (c),  
13 and section 790.

14 **“SEC. 787. APPLICATIONS.**

15       “In order to receive a grant under this subpart, a  
16 State or eligible Tribal College or University shall submit  
17 an application to the Secretary that includes—

18               “(1) an estimate of the number of eligible stu-  
19 dents enrolled in the community colleges operated or  
20 controlled by the State or in the eligible Tribal Col-  
21 lege or University and the cost of waiving tuition  
22 and fees for all eligible students for each award year  
23 covered by the grant;

1           “(2) in the case of a State, a list of each of the  
2           community colleges operated or controlled by the  
3           State;

4           “(3) an assurance that each community college  
5           operated or controlled by the State, or the eligible  
6           Tribal College or University, as applicable, will set  
7           community college tuition and fees for eligible stu-  
8           dents to \$0 as required by section 788(a);

9           “(4) a description of how the State or eligible  
10          Tribal College or University will ensure that pro-  
11          grams leading to a recognized postsecondary creden-  
12          tial meet the quality criteria established by the State  
13          under section 122(b)(1) of the Workforce Innovation  
14          and Opportunity Act (29 U.S.C. 3152(b)(1)) or  
15          other quality criteria determined appropriate by the  
16          State or eligible Tribal College or University;

17          “(5) an assurance that each community college  
18          operated or controlled by the State or the eligible  
19          Tribal College or University, as applicable, has en-  
20          tered into a program participation agreement under  
21          section 487;

22          “(6) an assurance that the State or eligible  
23          Tribal College or University will assist eligible stu-  
24          dents in obtaining information about and accessing  
25          means-tested Federal benefit programs and similar

1 State, tribal, and local benefit programs that can  
2 provide financial assistance for any component of  
3 the student's cost of attendance, as defined under  
4 section 472, other than tuition and fees;

5 “(7) an assurance that, for each year of the  
6 grant, the State or eligible Tribal College or Univer-  
7 sity will notify each eligible student of the student's  
8 remaining eligibility for assistance under this sub-  
9 part;

10 “(8) if the application is submitted by a  
11 State—

12 “(A) an assurance that the State will meet  
13 the requirements of section 788(b)(1) relating  
14 to the alignment of secondary and postsec-  
15 ondary education; and

16 “(B) an assurance that the State will meet  
17 the requirements of section 788(b)(2) relating  
18 to the improvement of transfer pathways be-  
19 tween institutions of higher education; and

20 “(9) an assurance that the State or eligible  
21 Tribal College or University will clearly communicate  
22 to prospective students, including students with  
23 prior college experience who have not completed a  
24 postsecondary degree or credential, their families,  
25 and the general public—

1           “(A) plans to implement the program  
2           funded under this subpart; and

3           “(B) how eligible students can attend a  
4           community college operated or controlled by the  
5           State or an eligible Tribal College or University  
6           without paying tuition and fees.

7   **“SEC. 788. PROGRAM REQUIREMENTS.**

8           “(a) GENERAL REQUIREMENTS.—As a condition of  
9   receiving a grant under this subpart in each award year,  
10 a State or eligible Tribal College or University shall—

11           “(1) ensure that the total amount of tuition  
12   and fees charged to an eligible student attending a  
13   community college operated or controlled by the  
14   State or the eligible Tribal College or University, as  
15   applicable, is \$0;

16           “(2) not apply financial assistance for which an  
17   eligible student qualifies to tuition or fees; and

18           “(3) not use any funds provided under this sub-  
19   part for administrative purposes relating to such  
20   grant.

21           “(b) STATE REQUIREMENTS.—In addition to the re-  
22   quirements under subsection (a), as a condition of receiv-  
23   ing a grant under this subpart a State shall meet the fol-  
24   lowing requirements:

1           “(1) ALIGNMENT OF SECONDARY AND HIGHER  
2 EDUCATION.—The State shall—

3           “(A) submit and implement a plan to align  
4 the requirements for receiving a regular high  
5 school diploma from public schools in the State  
6 with the requirements for entering credit-bear-  
7 ing coursework at community colleges in such  
8 State; and

9           “(B) not later than 3 years after the date  
10 on which the State first receives a grant under  
11 this subpart, certify to the Secretary that such  
12 alignment has been achieved.

13           “(2) TRANSFER PATHWAYS.—The State shall—

14           “(A) submit a plan, developed in collabora-  
15 tion with faculty from institutions of higher  
16 education in the State, to improve transfer  
17 pathways among institutions of higher edu-  
18 cation in the State, including by—

19           “(i) ensuring that associate degrees  
20 awarded by community colleges in the  
21 State are fully transferable to, and credited  
22 as, the first 2 years of related bacca-  
23 laureate programs at public institutions of  
24 higher education in such State;

1 “(ii) increasing the transferability of  
2 individual courses within the certificate or  
3 associate programs offered by community  
4 colleges in the State to related bacca-  
5 laurate programs offered by institutions  
6 of higher education in such State to maxi-  
7 mize the transferability of credits for stu-  
8 dents who transfer before completing an  
9 associate degree;

10 “(iii) expanding the use of reverse  
11 transfer policies that allow institutions  
12 to—

13 “(I) implement the process of  
14 retroactively granting a certificate or  
15 associate degree to students who had  
16 not completed the requirements for  
17 such certificate or degree before they  
18 transferred; and

19 “(II) allow academic credits for  
20 coursework completed at a 4-year in-  
21 stitution to be applied to a previously-  
22 attended community college for the  
23 purpose of obtaining an associate de-  
24 gree or a certificate; and

1 “(iv) ensuring that students attending  
2 community colleges in the State have ac-  
3 cess to comprehensive counseling and sup-  
4 ports to facilitate the process of transfer-  
5 ring to a 4-year institution of higher edu-  
6 cation; and

7 “(B) not later than 3 years after the date  
8 on which the State first receives a grant under  
9 this subpart, certify to the Secretary that the  
10 State is carrying out the plan submitted in ac-  
11 cordance with subparagraph (A) and is meeting  
12 the requirements of clauses (i) through (iv) of  
13 such subparagraph.

14 “(c) STATE MAINTENANCE OF EFFORT.—A State re-  
15 ceiving a grant under this subpart shall be entitled to re-  
16 ceive its full allotment of funds under this subpart for a  
17 fiscal year only if, for each year of the grant, the State  
18 provides—

19 “(1) State fiscal support for higher education  
20 per full-time equivalent student at a level equal to or  
21 exceeding the average amount of State fiscal support  
22 for higher education per full-time equivalent student  
23 provided for the 3 consecutive preceding fiscal years;

24 “(2) financial support for operating expenses  
25 (excluding capital expenses and research and devel-

1        opment costs) for public 4-year institutions of higher  
2        education at a level equal to or exceeding the aver-  
3        age amount provided for the 3 consecutive preceding  
4        State fiscal years; and

5            “(3) financial support for need-based financial  
6        aid at a level equal to or exceeding the average  
7        amount provided for the 3 consecutive preceding  
8        State fiscal years.

9        “(d) NO ADDITIONAL ELIGIBILITY REQUIRE-  
10       MENTS.—A State or eligible Tribal College or University  
11       that receives a grant under this subpart may not impose  
12       additional eligibility requirements on eligible students  
13       other than the requirements under this subpart.

14       “(e) ELIGIBILITY FOR BENEFITS.—No individual  
15       shall be determined to be ineligible to receive benefits pro-  
16       vided under this subpart (including tuition and fees set  
17       to \$0 and other aid provided under this subpart) on the  
18       basis of citizenship, alienage, or immigration status.

19       **“SEC. 789. ALLOWABLE USES OF FUNDS.**

20       “(a) IN GENERAL.—Except as provided in subsection  
21       (b)—

22            “(1) a State shall use a grant under this sub-  
23        part only to provide funds to each community college  
24        operated or controlled by the State to enable each  
25        such community college to set community college

1       tuition and fees for eligible students to \$0 as re-  
2       quired under section 788(a); and

3           “(2) an eligible Tribal College or University  
4       shall use a grant under this subpart only to set com-  
5       munity college tuition and fees for eligible students  
6       to \$0 as required under section 788(a).

7       “(b) ADDITIONAL USES.—If a State or an eligible  
8       Tribal College or University demonstrates to the Secretary  
9       that the State or eligible Tribal College or University has  
10      grant funds remaining after meeting the demand for ac-  
11      tivities described in subsection (a), the State or eligible  
12      Tribal College or University shall use the remaining funds  
13      to carry out 1 or more of the following:

14           “(1) Providing need-based financial aid to stu-  
15      dents that may be used by such students to pay any  
16      component of cost of attendance, as defined under  
17      section 472.

18           “(2) Reducing unmet need at public 4-year in-  
19      stitutions of higher education.

20           “(3) Improving student outcomes by imple-  
21      menting evidence-based institutional reforms or  
22      practices, including reforms or practices that are de-  
23      scribed in section 795D(b)(1) or that meet an evi-  
24      dence tier defined in section 795E(2).

1           “(4) Expanding access to dual or concurrent  
2           enrollment programs or early college high school  
3           programs.

4           “(c) SUPPLEMENT, NOT SUPPLANT.—Except as pro-  
5           vided in section 786(b)(2)(A), funds made available under  
6           this subpart shall be used to supplement, and not sup-  
7           plant, other Federal, State, tribal, and local funds that  
8           would otherwise be expended to carry out activities de-  
9           scribed in this section.

10          “(d) CONTINUATION OF FUNDING.—

11           “(1) IN GENERAL.—Except as provided in para-  
12           graph (2), a State or an eligible Tribal College or  
13           University receiving a grant under this subpart for  
14           an award year may continue to receive funding  
15           under this subpart for subsequent award years con-  
16           ditioned on the availability of budget authority and  
17           on meeting the requirements of the grant, as deter-  
18           mined by the Secretary.

19           “(2) DISCONTINUATION.—The Secretary shall  
20           discontinue or reduce funding of the Federal share  
21           of a grant under this subpart if the State or an eli-  
22           gible Tribal College or University has violated the  
23           terms of the grant.

24           “(e) RULE OF CONSTRUCTION REGARDING BIE  
25           FUNDS.—Nothing in this subpart shall be construed to

1 impact the availability of funds from, or uses of funds pro-  
2 vided by, the Bureau of Indian Education for Tribal Col-  
3 leges and Universities.

4 **“SEC. 790. AUTOMATIC STABILIZERS FOR AMERICA’S COL-**  
5 **LEGE PROMISE.**

6 “(a) MAINTENANCE OF EFFORT RELIEF.—A State  
7 that meets the qualifying spending requirement may re-  
8 quest a waiver of the requirements under section 788(c).  
9 Upon request by such a State, the Secretary shall waive  
10 the requirements of section 788(c) for the State as follows:

11 “(1) TIER I.—With respect to each State eligi-  
12 ble for relief under tier I, such requirements shall be  
13 waived for the fiscal year succeeding the fiscal year  
14 for which the determination of the State’s eligibility  
15 for such relief is made.

16 “(2) TIERS II THROUGH V.—With respect to  
17 each State eligible for relief under tier II, III, IV,  
18 or V, such requirements shall be waived, in accord-  
19 ance with subsection (d), for—

20 “(A) the fiscal year for which the deter-  
21 mination of the State’s eligibility for such relief  
22 is made;

23 “(B) the fiscal year succeeding the fiscal  
24 year described in subparagraph (A); or

25 “(C) both such fiscal years.

1 “(b) STATE SHARE RELIEF.—

2 “(1) STATE SHARE RELIEF.—A State that  
3 meets the qualifying spending requirement and is el-  
4 igible for relief under tier II, III, IV, or V may re-  
5 quest relief with respect to the requirements of sec-  
6 tion 786(b)(1)(B). Upon request by such a State,  
7 the Secretary shall provide relief from the require-  
8 ments of section 786(b)(1)(B), for the applicable  
9 award year or years, for the State as follows:

10 “(A) TIER II.—With respect to a State  
11 that is eligible for relief under tier II, the Sec-  
12 retary shall—

13 “(i) apply section 786(a)(1)(B)(v) by  
14 substituting ‘85 percent’ for ‘80 percent’;  
15 and

16 “(ii) apply section 786(b)(1)(B)(v) by  
17 substituting ‘15 percent’ for ‘20 percent’.

18 “(B) TIER III.—With respect to a State  
19 that is eligible for relief under tier III, the Sec-  
20 retary shall—

21 “(i) apply section 786(a)(1)(B)(iv) by  
22 substituting ‘90 percent’ for ‘85 percent’;

23 “(ii) apply section 786(a)(1)(B)(v) by  
24 substituting ‘90 percent’ for ‘80 percent’;

1 “(iii) apply section 786(b)(1)(B)(iv)  
2 by substituting ‘10 percent’ for ‘15 per-  
3 cent’; and

4 “(iv) apply section 786(b)(1)(B)(v) by  
5 substituting ‘10 percent’ for ‘20 percent’.

6 “(C) TIER IV.—With respect to a State  
7 that is eligible for relief under tier IV, the Sec-  
8 retary shall—

9 “(i) apply section 786(a)(1)(B)(iii) by  
10 substituting ‘95 percent’ for ‘90 percent’;

11 “(ii) apply section 786(a)(1)(B)(iv) by  
12 substituting ‘95 percent’ for ‘85 percent’;

13 “(iii) apply section 786(a)(1)(B)(v) by  
14 substituting ‘95 percent’ for ‘80 percent’;

15 “(iv) apply section 786(b)(1)(B)(iii)  
16 by substituting ‘5 percent’ for ‘10 percent’;

17 “(v) apply section 786(b)(1)(B)(iv) by  
18 substituting ‘5 percent’ for ‘15 percent’;

19 and

20 “(vi) apply section 786(b)(1)(B)(v) by  
21 substituting ‘5 percent’ for ‘20 percent’.

22 “(D) TIER V.—With respect to a State  
23 that is eligible for relief under tier V, the Sec-  
24 retary shall—

1 “(i) apply section 786(a)(1)(B)(ii) by  
2 substituting ‘100 percent’ for ‘95 percent’;

3 “(ii) apply section 786(a)(1)(B)(iii) by  
4 substituting ‘100 percent’ for ‘90 percent’;

5 “(iii) apply section 786(a)(1)(B)(iv)  
6 by substituting ‘100 percent’ for ‘85 per-  
7 cent’;

8 “(iv) apply section 786(a)(1)(B)(v) by  
9 substituting ‘100 percent’ for ‘80 percent’;

10 “(v) apply section 786(b)(1)(B)(ii) by  
11 substituting ‘0 percent’ for ‘5 percent’;

12 “(vi) apply section 786(b)(1)(B)(iii)  
13 by substituting ‘0 percent’ for ‘10 percent’;

14 “(vii) apply section 786(b)(1)(B)(iv)  
15 by substituting ‘0 percent’ for ‘15 percent’;

16 and

17 “(viii) apply section 786(b)(1)(B)(v)  
18 by substituting ‘0 percent’ for ‘20 percent’.

19 “(2) APPLICABLE AWARD YEARS.—With respect  
20 to each State eligible for relief under tier II, III, IV,  
21 or V, the Secretary shall provide the relief under  
22 paragraph (1), in accordance with subsection (d),  
23 for—

1           “(A) the award year for which the deter-  
2           mination of the State’s eligibility for such relief  
3           is made;

4           “(B) the award year succeeding the award  
5           year described in subparagraph (A); or

6           “(C) both such award years.

7           “(c) STATE ELIGIBILITY.—A State’s eligibility for re-  
8           lief under this section shall be determined as follows:

9           “(1) TIER I.—A State shall be eligible for relief  
10          under tier I for a fiscal year for which—

11           “(A) the State is in an elevated unemploy-  
12           ment period at any point in the fiscal year; and

13           “(B) the State is not eligible for relief  
14           under any other tier.

15           “(2) TIER II.—A State shall be eligible for re-  
16           lief under tier II for a fiscal or award year, as appli-  
17           cable, for which—

18           “(A)(i) the State average unemployment  
19           rate is equal to or greater than 6.5 percent but  
20           less than 7.5 percent at any point in the fiscal  
21           or award year; or

22           “(ii) the national average unemployment  
23           rate is equal to or greater than 6.5 percent but  
24           less than 7.5 percent at any point in the fiscal  
25           or award year; and

1           “(B) the State is not eligible for relief  
2           under tier III, IV, or V.

3           “(3) TIER III.—A State shall be eligible for re-  
4           lief under tier III for a fiscal or award year, as ap-  
5           plicable, for which—

6           “(A)(i) the State average unemployment  
7           rate is equal to or greater than 7.5 percent but  
8           less than 8.5 percent at any point in the fiscal  
9           or award year; or

10          “(ii) the national average unemployment  
11          rate is equal to or greater than 7.5 percent but  
12          less than 8.5 percent at any point in the fiscal  
13          or award year; and

14          “(B) the State is not eligible for relief  
15          under tier IV or V.

16          “(4) TIER IV.—A State shall be eligible for re-  
17          lief under tier IV for a fiscal or award year, as ap-  
18          plicable, for which—

19          “(A)(i) the State average unemployment  
20          rate is equal to or greater than 8.5 percent but  
21          less than 9.5 percent at any point in the fiscal  
22          or award year; or

23          “(ii) the national average unemployment  
24          rate is equal to or greater than 8.5 percent but

1 less than 9.5 percent at any point in the fiscal  
2 or award year; and

3 “(B) the State is not eligible for relief  
4 under tier V.

5 “(5) TIER V.—A State shall be eligible for relief  
6 under tier V for a fiscal or award year, as applica-  
7 ble, for which—

8 “(A) the State average unemployment rate  
9 is equal to or greater than 9.5 percent at any  
10 point in the fiscal or award year; or

11 “(B) the national average unemployment  
12 rate is equal to or greater than 9.5 percent at  
13 any point in the fiscal or award year.

14 “(d) DISCRETION IN THE PROVISION OF RELIEF.—  
15 In determining the fiscal years for which to provide relief  
16 in accordance with subsection (a)(2), or the award years  
17 for which to provide relief in accordance with subsection  
18 (b), to a State that is eligible under tier II, III, IV, or  
19 V, the Secretary shall take into account the following:

20 “(1) In the case of a State that requests relief  
21 under subsection (a)(2), the fiscal years for which  
22 the State requests such relief, including—

23 “(A) if the State requests such relief for  
24 the fiscal year for which the determination of  
25 the State’s eligibility for such relief is made, the

1 amount by which the State is unable to meet  
2 the requirements of section 788(c) for such fis-  
3 cal year; and

4 “(B) if the State requests such relief for  
5 the fiscal year succeeding the year described in  
6 subparagraph (A), the amount by which the  
7 State anticipates being unable to meet such re-  
8 quirements for such succeeding fiscal year.

9 “(2) In the case of a State that requests relief  
10 under subsection (b), the award years for which the  
11 State requests such relief, including—

12 “(A) if the State requests such relief for  
13 the award year for which the determination of  
14 the State’s eligibility for such relief is made, the  
15 extent to which the State is unable to meet the  
16 requirements of section 786(b)(1)(B) for such  
17 award year; and

18 “(B) if the State requests such relief for  
19 the award year succeeding the year described in  
20 subparagraph (A), the extent to which the State  
21 anticipates being unable to meet such require-  
22 ments for such succeeding award year.

23 “(3) The actual or anticipated timing, severity,  
24 and duration of the unemployment rate increase  
25 during—

1           “(A) the fiscal or award year, as applica-  
2           ble, for which the determination of the State’s  
3           eligibility for such relief is made;

4           “(B) the fiscal or award year, as applica-  
5           ble, succeeding the fiscal or award year de-  
6           scribed in subparagraph (A); and

7           “(C) the fiscal or award year, as applica-  
8           ble, preceding the fiscal or award year described  
9           in subparagraph (A).

10          “(4) Other factors determined to be relevant by  
11          the Secretary.

12          “(e) CONTINUED PAYMENT TO EMPLOYEES.—A  
13          State that receives relief under subsection (a) or (b) shall,  
14          to the greatest extent practicable, continue to pay its em-  
15          ployees of, and contractors with, public institutions of  
16          higher education in the State during the period in which  
17          the State is receiving such relief.

18          “(f) DEFINITIONS.—In this section:

19                 “(1) ELEVATED UNEMPLOYMENT PERIOD.—  
20          The term ‘elevated unemployment period’—

21                 “(A) when used with respect to the Nation  
22                 as a whole, means a consecutive, 3-month pe-  
23                 riod in a fiscal year for which the national aver-  
24                 age unemployment rate is not less than 0.5 per-  
25                 centage points above the lowest national aver-

1           age unemployment rate for the 12-month period  
2           preceding such 3-month period; and

3           “(B) when used with respect to a State,  
4           means a consecutive, 3-month period in a fiscal  
5           year in which the State average unemployment  
6           rate is not less than 0.5 percentage points  
7           above the lowest State average unemployment  
8           rate for such State for the 12-month period  
9           preceding such 3-month period.

10          “(2) QUALIFYING SPENDING REQUIREMENT.—  
11          The term ‘qualifying spending requirement’, when  
12          used with respect to determining whether a State  
13          has met such requirement, means the State has not  
14          disproportionately decreased spending for any of the  
15          categories described in paragraphs (1) through (3)  
16          of section 788(c) relative to such State’s overall de-  
17          crease in spending averaged over the 3 consecutive  
18          preceding fiscal years.

19          “(3) NATIONAL AVERAGE UNEMPLOYMENT  
20          RATE.—The term ‘national average unemployment  
21          rate’ means the average (seasonally adjusted) rate of  
22          total unemployment in all States for a consecutive,  
23          3-month period in a fiscal year, based on data from  
24          the Bureau of Labor Statistics of the Department of  
25          Labor.

1 “(4) STATE AVERAGE UNEMPLOYMENT RATE.—

2 The term ‘State average unemployment rate’ means  
3 the average (seasonally adjusted) rate of total unem-  
4 ployment in a State for a consecutive, 3-month pe-  
5 riod in a fiscal year, based on data from the Bureau  
6 of Labor Statistics of the Department of Labor.

7 **“SEC. 791. DEFINITIONS.**

8 “In this subpart:

9 “(1) CAREER PATHWAY.—The term ‘career  
10 pathway’ has the meaning given the term in section  
11 3 of the Workforce Innovation and Opportunity Act  
12 (29 U.S.C. 3102).

13 “(2) COMMUNITY COLLEGE.—The term ‘com-  
14 munity college’ means—

15 “(A) a degree-granting public institution of  
16 higher education at which—

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

19 “(ii) an associate degree is the pre-  
20 dominant degree awarded;

21 “(B) an eligible Tribal College or Univer-  
22 sity;

23 “(C) a degree-granting branch campus of a  
24 4-year public institution of higher education, if,  
25 at such branch campus—

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

3 “(ii) an associate degree is the pre-  
4 dominant degree awarded; or

5 “(D) at the designation of the Secretary,  
6 in the case of a State that does not operate or  
7 control any institution that meets a definition  
8 under subparagraph (A) or (C), a college or  
9 similarly defined and structured academic enti-  
10 ty—

11 “(i) that was in existence on July 1,  
12 2021;

13 “(ii) within a 4-year public institution  
14 of higher education; and

15 “(iii) at which—

16 “(I) the highest degree awarded  
17 is an associate degree; or

18 “(II) an associate degree is the  
19 predominant degree awarded.

20 “(3) DUAL OR CONCURRENT ENROLLMENT  
21 PROGRAM.—The term ‘dual or concurrent enrollment  
22 program’ has the meaning given the term in section  
23 8101 of the Elementary and Secondary Education  
24 Act of 1965.

1           “(4) EARLY COLLEGE HIGH SCHOOL.—The  
2           term ‘early college high school’ has the meaning  
3           given the term in section 8101 of the Elementary  
4           and Secondary Education Act of 1965.

5           “(5) ELIGIBLE STUDENT.—The term ‘eligible  
6           student’ means a student who—

7                   “(A) is enrolled as an undergraduate stu-  
8                   dent in an eligible program (as defined in sec-  
9                   tion 481(b)) at a community college on not less  
10                  than a half-time basis;

11                  “(B) in the case of a student who is en-  
12                  rolled in a community college that charges dif-  
13                  ferent tuition rates on the basis of in-State or  
14                  in-district residency, either—

15                          “(i) qualifies for in-State or in-district  
16                          resident tuition at such community college;  
17                          or

18                          “(ii) would qualify for such in-State  
19                          or in-district resident tuition at such com-  
20                          munity college, but for the immigration  
21                          status of such student;

22                  “(C) has not been enrolled (whether full-  
23                  time or less than full-time) for more than 6 se-  
24                  mesters (or the equivalent) for which the com-

1 community college tuition and fees of the student  
2 were set to \$0 pursuant to section 788(a);

3 “(D) is not enrolled in a dual or concur-  
4 rent enrollment program or early college high  
5 school; and

6 “(E) in the case of a student who is a  
7 United States citizen, has filed a Free Applica-  
8 tion for Federal Student Aid described in sec-  
9 tion 483 for the applicable award year for  
10 which the student is enrolled.

11 “(6) ELIGIBLE TRIBAL COLLEGE OR UNIVER-  
12 SITY.—The term ‘eligible Tribal College or Univer-  
13 sity’ means—

14 “(A) a 2-year Tribal College or University;  
15 or

16 “(B) a degree-granting Tribal College or  
17 University—

18 “(i) at which the highest degree  
19 awarded is an associate degree; or

20 “(ii) an associate degree is the pre-  
21 dominant degree awarded.

22 “(7) INSTITUTION OF HIGHER EDUCATION.—  
23 The term ‘institution of higher education’ has the  
24 meaning given the term in section 101.

1           “(8) MEANS-TESTED FEDERAL BENEFIT PRO-  
2           GRAM.—The term ‘means-tested Federal benefit pro-  
3           gram’ has the meaning given the term in section  
4           479.

5           “(9) RECOGNIZED POSTSECONDARY CREDEN-  
6           TIAL.—The term ‘recognized postsecondary creden-  
7           tial’ has the meaning given the term in section 3 of  
8           the Workforce Innovation and Opportunity Act (29  
9           U.S.C. 3102).

10          “(10) STATE FISCAL SUPPORT FOR HIGHER  
11          EDUCATION.—

12                 “(A) INCLUSIONS.—

13                         “(i) IN GENERAL.—Except as pro-  
14                         vided in subparagraph (B), the term ‘State  
15                         fiscal support for higher education’, used  
16                         with respect to a State for a fiscal year,  
17                         means an amount that is equal to—

18                                 “(I) the gross amount of applica-  
19                                 ble State funds appropriated or dedi-  
20                                 cated, and expended by the State, in-  
21                                 cluding funds from lottery receipts, in  
22                                 the fiscal year, that are used to sup-  
23                                 port institutions of higher education  
24                                 and student financial aid for higher  
25                                 education in the State; and

1                   “(II) any funds described in  
2                   clause (ii), if applicable.

3                   “(ii) LOCAL FUNDS.—In the case of a  
4                   State that includes, as part of the State  
5                   share under section 786(b)(2)(B) for an  
6                   award year, funds provided to community  
7                   colleges by local governments in such State  
8                   for the purpose of carrying out this sub-  
9                   part, local funds provided to community  
10                  colleges operated or controlled by such  
11                  State for operating expenses (excluding  
12                  capital expenses and research and develop-  
13                  ment costs) shall be included in the cal-  
14                  culation of the State fiscal support for  
15                  higher education for such award year  
16                  under clause (i).

17                  “(B) EXCLUSIONS.—State fiscal support  
18                  for higher education for a State for a fiscal  
19                  year shall not include—

20                       “(i) funds described in subparagraph  
21                       (A) that are returned to the State;

22                       “(ii) State-appropriated funds derived  
23                       from Federal sources, including funds pro-  
24                       vided under section 786(a) and section  
25                       795A(a)(2);

1                   “(iii) funds that are included in the  
2                   State share under section 786(b), including  
3                   funds included in the State share in ac-  
4                   cordance with paragraph (2)(A) of such  
5                   section;

6                   “(iv) amounts that are portions of  
7                   multiyear appropriations to be distributed  
8                   over multiple years that are not to be  
9                   spent for the year for which the calculation  
10                  under this paragraph is being made, sub-  
11                  ject to subparagraph (C);

12                  “(v) tuition, fees, or other educational  
13                  charges paid directly by a student to a  
14                  public institution of higher education or to  
15                  the State;

16                  “(vi) funds for—

17                          “(I) financial aid to students at-  
18                          tending, or operating expenses of—

19                                  “(aa) out-of-State institu-  
20                                  tions of higher education;

21                                  “(bb) proprietary institu-  
22                                  tions of higher education (as de-  
23                                  fined in section 102(b));

24                                  “(cc) institutions of higher  
25                                  education not accredited by an

1 agency or association recognized  
2 by the Secretary pursuant to sec-  
3 tion 496;

4 “(II) financial aid to students  
5 awarded predominantly on the basis  
6 of merit, including programs awarded  
7 on the basis of predicted or actual  
8 academic performance or assessments;

9 “(III) research and development;  
10 or

11 “(IV) hospitals, athletics, or  
12 other auxiliary enterprises;

13 “(vii) corporate or other private dona-  
14 tions directed to one or more institutions  
15 of higher education permitted to be ex-  
16 pended by the State; or

17 “(viii) any other funds that the Sec-  
18 retary determines shall not be included in  
19 the calculation of State fiscal support for  
20 higher education for such State.

21 “(C) ADJUSTMENTS FOR BIENNIAL APPRO-  
22 PRIATIONS.—The Secretary shall take into con-  
23 sideration any adjustments to the calculations  
24 under this paragraph that may be required to  
25 accurately reflect State fiscal support for higher

1 education in States with biennial appropriation  
2 cycles.

3 “(11) STATE FISCAL SUPPORT FOR HIGHER  
4 EDUCATION PER FULL-TIME EQUIVALENT STU-  
5 DENT.—The term ‘State fiscal support for higher  
6 education per full-time equivalent student’, when  
7 used with respect to a State for a fiscal year, means  
8 the amount that is equal to—

9 “(A) the State fiscal support for higher  
10 education for the previous fiscal year; divided  
11 by

12 “(B) the number of full-time equivalent  
13 students enrolled in public institutions of higher  
14 education in such State for such previous fiscal  
15 year.

16 “(12) TRIBAL COLLEGE OR UNIVERSITY.—The  
17 term ‘Tribal College or University’ has the meaning  
18 given such term in section 316(b)(3).

19 **“SEC. 792. SUNSET.**

20 “(a) IN GENERAL.—The authority to make grants  
21 under this subpart shall expire at the end of award year  
22 2027–2028.

23 “(b) INAPPLICABILITY OF GEPA CONTINGENT EX-  
24 TENSION OF PROGRAMS.—Section 422 of the General

1 Education Provisions Act (20 U.S.C. 1226a) shall not  
2 apply to this subpart.

3 **“SEC. 793. APPROPRIATION.**

4 “In addition to amounts otherwise available, there is  
5 appropriated for fiscal year 2022, out of any money in  
6 the Treasury not otherwise appropriated, such sums as  
7 may be necessary, to remain available until September 30,  
8 2030, for carrying out this subpart.”.

9 **SEC. 20022. RETENTION AND COMPLETION GRANTS.**

10 Part F of title VII of the Higher Education Act of  
11 1965 (20 U.S.C. 1133 et seq.), as added by section 20021,  
12 is further amended by adding at the end the following:

13 **“Subpart 2—Retention and Completion Grants**

14 **“SEC. 795. RETENTION AND COMPLETION GRANTS.**

15 “Beginning with award year 2023-2024, from  
16 amounts appropriated to carry out this subpart for any  
17 fiscal year, the Secretary shall carry out a grant program  
18 to make grants (which shall be known as ‘retention and  
19 completion grants’) to eligible States and Tribal Colleges  
20 and Universities to enable the eligible States and Tribal  
21 Colleges and Universities to carry out the activities de-  
22 scribed in section 795D.

23 **“SEC. 795A. GRANT AMOUNTS.**

24 “(a) RESERVATION.—From the amounts appro-  
25 priated to carry out this subpart, the Secretary shall—

1 “(1) reserve an amount equal to 3 percent of  
2 such amounts to allocate grants to Tribal Colleges  
3 and Universities, which shall be distributed accord-  
4 ing to the formula in section 316(d)(3)(B), to carry  
5 out the activities described in section 795D(b)(1)  
6 and implement reforms or practices that meet an  
7 evidence tier defined in section 795E(2); and

8 “(2) use the amount remaining after the alloca-  
9 tion under paragraph (1) to award competitive  
10 grants to eligible States that have submitted applica-  
11 tions under section 795B.

12 “(b) SUPPLEMENT, NOT SUPPLANT.—Grant funds  
13 awarded under this subpart shall be used to supplement,  
14 and not supplant, other Federal, State, tribal, and local  
15 funds that would otherwise be expended to carry out ac-  
16 tivities assisted under this subpart.

17 “(c) GRANT PERIOD.—Subject to the requirements  
18 under section 795C, a grant under this subpart shall be  
19 for a period of not more than 7 years.

20 **“SEC. 795B. APPLICATIONS.**

21 “(a) IN GENERAL.—As a condition of receiving a  
22 grant under this subpart, an eligible State shall submit  
23 an application to the Secretary that includes—

24 “(1) a description of—

1           “(A) how the eligible State will use the  
2 funds to implement evidence-based institutional  
3 reforms or practices at institutions of higher  
4 education in such State to improve student out-  
5 comes and meet the requirements of section  
6 795D(b)(2), including—

7           “(i) how such eligible State will use  
8 grant funds to implement 1 or more re-  
9 forms or practices described in section  
10 795D(b)(1) at such institutions;

11           “(ii) the extent to which each reform  
12 or practice to be implemented meets an  
13 evidence tier defined in section 795E(2);  
14 and

15           “(iii) annual implementation bench-  
16 marks that the eligible State will use to  
17 track progress in implementing such re-  
18 forms or practices;

19           “(B) how such eligible State will increase  
20 support for the public institutions of higher  
21 education identified in accordance with para-  
22 graph (2)(B); and

23           “(C) the improvements the eligible State  
24 anticipates in student outcomes, including im-  
25 provements in retention, completion, or transfer

1 rates or labor market outcomes, or a combina-  
2 tion of such student outcomes, disaggregated by  
3 student demographics including, at a minimum,  
4 race, ethnicity, income, disability status, reme-  
5 diation, and status as a first generation college  
6 student;

7 “(2)(A) with respect to each State public insti-  
8 tution of higher education—

9 “(i) the total per-student funding;

10 “(ii) the amount of per-student funding  
11 that is from State-appropriated funds; and

12 “(iii) the share of students at the institu-  
13 tion who are students of color, low-income stu-  
14 dents, students with disabilities, students in  
15 need of remediation, or first generation college  
16 students; and

17 “(B) an identification of public institutions  
18 of higher education in the eligible State that re-  
19 ceived less funding on a per-student basis as  
20 described in clause (i) or (ii), or both, of sub-  
21 paragraph (A), and are serving disproportion-  
22 ately high shares of students of color, low-in-  
23 come students, students with disabilities, stu-  
24 dents in need of remediation, or first generation  
25 college students;

1 “(3) a description of the steps the eligible State  
2 will take to ensure the sustainability of the institu-  
3 tional reforms or practices identified in paragraph  
4 (1)(A); and

5 “(4) a description of how the eligible State will  
6 evaluate the effectiveness of activities funded under  
7 this subpart, including how such eligible State will  
8 assess impacts on student outcomes, including reten-  
9 tion, transfer, and completion rates and labor mar-  
10 ket outcomes.

11 “(b) PRIORITIES.—In awarding funds under this sub-  
12 part, the Secretary shall give priority to eligible States  
13 that do one or more of the following:

14 “(1) Propose to use a significant share of grant  
15 funds for reforms or practices that meet an evidence  
16 tier defined in section 795E(2).

17 “(2) Propose to use a significant share of grant  
18 funds to improve retention, transfer, and completion  
19 rates and labor market outcomes among students of  
20 color, low-income students, students with disabilities,  
21 students in need of remediation, first generation col-  
22 lege students, and other underserved student popu-  
23 lations in such State.

24 “(3) Propose to use a significant share of grant  
25 funds to improve retention, transfer, and completion

1 rates and labor market outcomes among students at-  
2 tending institutions identified in subsection  
3 (a)(2)(B).

4 “(4) Demonstrate a commitment to supporting  
5 activities funded under this subpart with non-Fed-  
6 eral funds.

7 **“SEC. 795C. PROGRAM REQUIREMENTS.**

8 “(a) IN GENERAL.—As a condition of continuing to  
9 receive funds under this subpart, for each year in which  
10 an eligible State participates in the program under this  
11 subpart, the eligible State shall submit to the Secretary  
12 the eligible State’s progress—

13 “(1) in meeting the annual implementation  
14 benchmarks included in the application of such eligi-  
15 ble State under section 795B(a)(1)(A)(iii);

16 “(2) in increasing funding for the public insti-  
17 tutions of higher education identified in accordance  
18 with section 795B(a)(2)(B), as included in the appli-  
19 cation of such eligible State under section  
20 795B(a)(1)(B); and

21 “(3) in improving the student outcomes identi-  
22 fied by the State under section 795B(a)(1)(C).

23 “(b) ELIGIBILITY FOR BENEFITS.—No individual  
24 shall be determined to be ineligible to receive benefits pro-  
25 vided under this subpart (including services and other aid

1 provided under this subpart) on the basis of citizenship,  
2 alienage, or immigration status.

3 **“SEC. 795D. USES OF FUNDS.**

4 “(a) GENERAL REQUIREMENT FOR STATES.—Except  
5 as provided in subsection (c), an eligible State shall use  
6 a grant under this subpart only to carry out activities de-  
7 scribed in the application for such year under section  
8 795B(a)(1).

9 “(b) EVIDENCE-BASED INSTITUTIONAL REFORMS OR  
10 PRACTICES.—

11 “(1) IN GENERAL.—An eligible State or Tribal  
12 College or University receiving a grant under this  
13 subpart shall, directly or in collaboration with insti-  
14 tutions of higher education and other non-profit or-  
15 ganizations, use the grant funds to implement one or  
16 more of the following evidence-based institutional re-  
17 forms or practices:

18 “(A) Providing comprehensive academic,  
19 career, and student support services, including  
20 mentoring, advising, case management services,  
21 or career pathway navigation.

22 “(B) Providing assistance in applying for  
23 and accessing direct support services, means-  
24 tested Federal benefit programs, or similar  
25 State, tribal, or local benefit programs.

1           “(C) Providing emergency financial aid  
2           grants to students for unexpected expenses and  
3           to meet basic needs.

4           “(D) Providing accelerated learning oppor-  
5           tunities, including dual or concurrent enroll-  
6           ment programs and early college high school  
7           programs, and pathways to graduate and pro-  
8           fessional degree programs, and reforming  
9           course scheduling and credit awarding policies.

10          “(E) Reforming remedial and develop-  
11          mental education.

12          “(F) Utilizing career pathways, including  
13          through building capacity for career and tech-  
14          nical education as defined in section 3 of the  
15          Carl D. Perkins Career and Technical Edu-  
16          cation Act of 2006 (20 U.S.C. 2302), programs  
17          of study as defined in such section, or degree  
18          pathways.

19          “(G) Improving transfer pathways between  
20          community colleges and four-year institutions of  
21          higher education in the eligible State, or, in the  
22          case of a Tribal College or University, between  
23          the Tribal College or University and other insti-  
24          tutions of higher education.

1           “(2) STATE ALLOCATION MINIMUMS WITH RE-  
2       SPECT TO EVIDENCE TIERS.—An eligible State re-  
3       ceiving a grant under this subpart shall use not less  
4       than 30 percent of the grant funds for evidence-  
5       based reforms or practices that meet an evidence  
6       tier defined in section 795E(2), of which at least  
7       two-thirds shall be used for evidence-based reforms  
8       or practices that meet evidence tier 1.

9           “(c) USE OF FUNDS FOR ADMINISTRATIVE PUR-  
10      POSES.—An eligible State or Tribal College or University  
11      that receives a grant under this subpart may use—

12           “(1) not more than 3 percent of such grant for  
13      administrative purposes relating to the grant under  
14      this subpart; and

15           “(2) not more than 3 percent of such grant to  
16      evaluate the effectiveness of activities carried out  
17      under this subpart.

18      **“SEC. 795E. DEFINITIONS.**

19           “‘In this subpart:

20           “(1) ELIGIBLE STATE.—The term ‘eligible  
21      State’ means a State that is a recipient of a grant  
22      under subpart 1.

23           “(2) EVIDENCE TIERS.—

24           “(A) EVIDENCE TIER 1.—The term ‘evi-  
25      dence tier 1’, when used with respect to a re-

1 form or practice, means a reform or practice  
2 that meets the criteria for receiving an expansion  
3 grant from the education innovation and  
4 research program under section 4611 of the Elementary  
5 and Secondary Education Act of 1965  
6 (20 U.S.C. 7261), as determined by the Secretary  
7 in accordance with such section.

8 “(B) EVIDENCE TIER 2.—The term ‘evidence  
9 tier 2’, when used with respect to a reform  
10 or practice, means a reform that meets  
11 the criteria for receiving a mid-phase grant  
12 from the education innovation and research program  
13 under section 4611 of the Elementary  
14 and Secondary Education Act of 1965 (20  
15 U.S.C. 7261), as determined by the Secretary  
16 in accordance with such section.

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

20 “(4) INSTITUTION OF HIGHER EDUCATION.—  
21 The term ‘institution of higher education’ has the  
22 meaning given the term in section 101.

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

1   **“SEC. 795F. SUNSET.**

2           “(a) IN GENERAL.—The authority to make grants  
3 under this subpart shall expire at the end of award year  
4 2029–2030.

5           “(b) INAPPLICABILITY OF GEPA CONTINGENT EX-  
6 TENSION OF PROGRAMS.—Section 422 of the General  
7 Education Provisions Act (20 U.S.C. 1226a) shall not  
8 apply to this subpart.

9   **“SEC. 795G. APPROPRIATION.**

10           “In addition to amounts otherwise available, there is  
11 appropriated for fiscal year 2022, out of any money in  
12 the Treasury not otherwise appropriated, \$9,000,000,000,  
13 to remain available until September 30, 2030, for carrying  
14 out this subpart.”.

15   **SEC. 20023. TUITION ASSISTANCE FOR STUDENTS AT HIS-**  
16                   **TORICALLY BLACK COLLEGES AND UNIVER-**  
17                   **SITIES, TRIBAL COLLEGES AND UNIVER-**  
18                   **SITIES, AND MINORITY-SERVING INSTITU-**  
19                   **TIONS.**

20           Part F of title VII of the Higher Education Act of  
21 1965 (20 U.S.C. 1133 et seq.), as added and amended  
22 by this Act, is further amended by adding at the end the  
23 following:

1 **“Subpart 3—Tuition Assistance for Students at His-**  
2 **torically Black Colleges and Universities, Tribal**  
3 **Colleges and Universities, and Minority-serving**  
4 **Institutions**

5 **“SEC. 796. TUITION ASSISTANCE FOR HISTORICALLY BLACK**  
6 **COLLEGES AND UNIVERSITIES.**

7 “Beginning with award year 2023-2024, from  
8 amounts appropriated to carry out this subpart for any  
9 fiscal year, the Secretary shall award grants to partici-  
10 pating historically Black colleges and universities that are  
11 eligible institutions.

12 **“SEC. 796A. TUITION ASSISTANCE FOR TRIBAL COLLEGES**  
13 **AND UNIVERSITIES.**

14 “Beginning with award year 2023-2024, from  
15 amounts appropriated to carry out this subpart for any  
16 fiscal year, the Secretary shall award grants to partici-  
17 pating Tribal Colleges and Universities that are eligible  
18 institutions.

1   **“SEC. 796B. TUITION ASSISTANCE FOR ALASKA NATIVE-**  
2                   **SERVING INSTITUTIONS, ASIAN AMERICAN**  
3                   **AND NATIVE AMERICAN PACIFIC ISLANDER-**  
4                   **SERVING INSTITUTIONS, HISPANIC-SERVING**  
5                   **INSTITUTIONS, NATIVE AMERICAN-SERVING**  
6                   **NONTRIBAL INSTITUTIONS, NATIVE HAWAI-**  
7                   **IAN-SERVING INSTITUTIONS, AND PREDOMI-**  
8                   **NANTLY BLACK INSTITUTIONS.**

9       “(a) IN GENERAL.—Beginning with award year  
10 2023-2024, from amounts appropriated to carry out this  
11 subpart for any fiscal year, the Secretary shall award  
12 grants to participating Alaska Native-serving institutions,  
13 Asian American and Native American Pacific Islander-  
14 serving institutions, Hispanic-serving institutions, Native  
15 American-serving nontribal institutions, Native Hawaiian-  
16 serving institutions, and Predominantly Black institutions  
17 that are eligible institutions.

18       “(b) STATUS OF INSTITUTION.—An institution’s sta-  
19 tus as an eligible institution described in subsection (a)  
20 shall—

21               “(1) be based on the most recent data available;  
22       and

23               “(2) be reviewed annually to ensure that the in-  
24 stitution continues to meet the requirements for sta-  
25 tus as an institution described in subsection (a).

1   **“SEC. 796C. GRANT TERMS.**

2       “(a) GRANT AMOUNT.—

3           “(1) IN GENERAL.—For each year for which an  
4       eligible institution participates in the grant program  
5       under this subpart, such eligible institution shall re-  
6       ceive a grant in an amount equal to the product  
7       of—

8           “(A) the number of eligible students en-  
9       rolled at the institution for such year; and

10          “(B)(i) for the 2023–2024 award year, the  
11       median resident community college tuition and  
12       fees per student in all States, not weighted for  
13       enrollment, for the most recent award year for  
14       which data are available; and

15          “(ii) for the 2024–2025 award year and  
16       each subsequent award year, the amount deter-  
17       mined under this subparagraph for the pre-  
18       ceding award year, increased by the lesser of—

19           “(I) a percentage equal to the esti-  
20       mated percentage increase in the Con-  
21       sumer Price Index (as determined by the  
22       Secretary) since the date of such deter-  
23       mination; or

24           “(II) 3 percent.

25          “(2) FIRST-YEAR TUITION AND FEES.—As a  
26       condition of receiving a grant under this subpart, an

1 eligible institution shall not increase tuition and fees  
2 during the first year of participation in the grant  
3 program under this subpart at a rate greater than  
4 the average annual increase at the eligible institution  
5 in the previous 5 years.

6 “(3) STUDENTS ENROLLED LESS THAN FULL-  
7 TIME.—The Secretary shall develop and implement a  
8 formula for making adjustments to grant amounts  
9 under this subpart based on the number of eligible  
10 students at each eligible institution enrolled less  
11 than full-time and the associated tuition and fees  
12 charged to such students in proportion to the degree  
13 to which each such student is not attending on a  
14 full-time basis.

15 “(4) DATA ADJUSTMENTS.—

16 “(A) IN GENERAL.—The Secretary shall  
17 establish a process through which each eligible  
18 institution that participates in the program  
19 under this section—

20 “(i) provides the necessary eligible  
21 student enrollment data at the start of the  
22 award year; and

23 “(ii) initially receives grant funds, as  
24 calculated under this subsection, based on  
25 such data.

1 “(B) ADJUSTMENT OF GRANT AMOUNT.—

2 For each year for which an eligible institution  
3 receives a grant under this subpart, the Sec-  
4 retary shall, once final enrollment data for such  
5 year are available—

6 “(i) in consultation with the eligible  
7 institution concerned, determine the actual  
8 number of eligible students for the year  
9 covered by the grant; and

10 “(ii) adjust the grant amount received  
11 by the eligible institution to reflect the ac-  
12 tual number of eligible students, which  
13 may include applying the relevant adjust-  
14 ment to such grant amount in the subse-  
15 quent award year.

16 “(b) DUPLICATE GRANTS PROHIBITED.—An institu-  
17 tion shall not receive more than one grant at a time under  
18 this subpart.

19 “(c) APPLICATION.—An eligible institution that de-  
20 sires a grant under this subpart shall submit an applica-  
21 tion to the Secretary that includes—

22 “(1) an assurance that the institution commits  
23 to maintaining, expanding, or adopting and imple-  
24 menting evidence-based institutional reforms or  
25 practices to improve student outcomes, which shall

1 include one or more of the practices described in sec-  
2 tion 795D(b)(1); and

3 “(2) in the case of an eligible institution that  
4 enrolls students who transfer from another institu-  
5 tion, an assurance that the institution—

6 “(A) commits to increasing the transfer-  
7 ability of individual courses within certificate or  
8 associate programs offered by community col-  
9 leges in the State to related baccalaureate pro-  
10 grams offered by such institution to maximize  
11 the transferability of credits for students who  
12 transfer before completing an associate degree;

13 “(B) will ensure that students attending  
14 community colleges in the State have access to  
15 comprehensive counseling and other easily ac-  
16 cessible tools regarding the process for transfer-  
17 ring to such institution; and

18 “(C) has a formal, statewide articulation  
19 agreement with community colleges in the State  
20 in which such institution operates that, at a  
21 minimum, ensures that associate degrees  
22 awarded by community colleges in the State are  
23 fully transferable to, and credited as, the first  
24 2 years of related baccalaureate programs at  
25 such institution.

1 “(d) USE OF FUNDS.—

2 “(1) REQUIRED USE.—Funds awarded under  
3 this subpart to a participating eligible institution  
4 shall be used to reduce tuition and fees for eligible  
5 students by an amount that is not less than the min-  
6 imum per-student amount described in paragraph  
7 (2), unless the actual cost of tuition and fees at such  
8 institution is not more than such per-student  
9 amount, in which case such institution shall use  
10 such funds to waive all such tuition and fees charged  
11 to such students and use any remaining funds in ac-  
12 cordance with paragraph (3).

13 “(2) MINIMUM PER-STUDENT AMOUNT.—The  
14 minimum per-student amount described in this para-  
15 graph shall be equal to—

16 “(A) for the 2023–2024 award year, the  
17 median resident community college tuition and  
18 fees per student in all States, not weighted for  
19 enrollment, for the most recent award year for  
20 which data are available; and

21 “(B) for the 2024–2025 award year and  
22 each subsequent award year, the amount deter-  
23 mined under this paragraph for the preceding  
24 award year, increased by the lesser of—

1                   “(i) a percentage equal to the esti-  
2                   mated percentage increase in the Con-  
3                   sumer Price Index (as determined by the  
4                   Secretary) since the date of such deter-  
5                   mination; or

6                   “(ii) 3 percent.

7                   “(3) ADDITIONAL USES.—A participating eligi-  
8                   ble institution shall use any grant funds remaining  
9                   after meeting the requirements of paragraph (1) to  
10                  provide financial aid to eligible students that may be  
11                  used by such students to pay for any component of  
12                  cost of attendance other than tuition and fees, which  
13                  may include emergency financial aid grants.

14                  “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made  
15                  available to carry out this subpart shall be used to supple-  
16                  ment, and not supplant, other Federal, State, tribal, and  
17                  local funds that would otherwise be expended to carry out  
18                  activities under this subpart.

19                  “(f) SIXTY CREDITS.—Funds under this subpart may  
20                  only be used to waive or reduce tuition and fees for the  
21                  first 60 credits for which an eligible student is enrolled  
22                  in the participating eligible institution except that, when  
23                  calculating the number of credits in which the student has  
24                  been enrolled for the purpose of carrying out this sub-  
25                  part—

1           “(1) no student shall be considered to have  
2           been enrolled for more than 12 credits per semester  
3           (or the equivalent) during the period for which the  
4           student is receiving benefits under this subpart; and

5           “(2) the participating eligible institution may  
6           exclude any credits that a student enrolled in and  
7           did not complete at such institution if the institution  
8           determines that such exclusion would be in the best  
9           interest of the student, except that an institution  
10          may exclude no more than 15 credits under this  
11          paragraph for each individual student.

12          “(g) ELIGIBILITY FOR BENEFITS.—No individual  
13          shall be determined to be ineligible to receive benefits pro-  
14          vided under this subpart (including reduction of tuition  
15          and fees and other aid provided under this subpart) on  
16          the basis of citizenship, alienage, or immigration status.

17          **“SEC. 796D. DEFINITIONS.**

18          “In this subpart:

19                  “(1) ALASKA NATIVE-SERVING INSTITUTION.—  
20                  The term ‘Alaska Native-serving institution’ has the  
21                  meaning given such term in section 317(b).

22                  “(2) ASIAN AMERICAN AND NATIVE AMERICAN  
23                  PACIFIC ISLANDER-SERVING INSTITUTION.—The  
24                  term ‘Asian American and Native American Pacific

1       Islander-serving institution’ has the meaning given  
2       such term in section 371(c).

3           “(3) COST OF ATTENDANCE.—The term ‘cost of  
4       attendance’ has the meaning given such term in sec-  
5       tion 472.

6           “(4) ELIGIBLE INSTITUTION.—

7               “(A) IN GENERAL.—The term ‘eligible in-  
8       stitution’ means a public or nonprofit 4-year in-  
9       stitution of higher education that has an under-  
10      graduate student body of which not less than  
11      35 percent are low-income students.

12           “(B) CONTINUING ELIGIBILITY.—The Sec-  
13      retary’s determination of whether an institution  
14      meets the requirement under subparagraph (A)  
15      shall be based on the most recent data avail-  
16      able, and shall be reviewed annually to ensure  
17      that the institution continues to meet the re-  
18      quirements for participation.

19           “(5) ELIGIBLE STUDENT.—

20               “(A) IN GENERAL.—The term ‘eligible stu-  
21      dent’ means a student, regardless of age, who—

22                   “(i) is enrolled as an undergraduate  
23                  student in an eligible program (as defined  
24                  in section 481(b)) at a participating eligi-

1           ble institution, on at least a half-time  
2           basis;

3           “(ii) is a low-income student;

4           “(iii) has been enrolled at such par-  
5           ticipating eligible institution under this  
6           subpart for not more than 60 credits, sub-  
7           ject to section 796C(f);

8           “(iv) has not been enrolled (whether  
9           full-time or less than full-time) for more  
10          than 6 semesters (or the equivalent) for  
11          which the student received a benefit under  
12          this subpart;

13          “(v) is not enrolled in a dual or con-  
14          current enrollment program or early col-  
15          lege high school;

16          “(vi) has not completed an under-  
17          graduate baccalaureate course of study;  
18          and

19          “(vii) in the case of a student who is  
20          a United States citizen, has filed a Free  
21          Application for Federal Student Aid de-  
22          scribed in section 483 for the applicable  
23          award year for which the student is en-  
24          rolled.

1           “(B) CONTINUED ELIGIBILITY.—In the  
2           case of an eligible student who receives assist-  
3           ance under this subpart and attends an institu-  
4           tion that loses status as an eligible institution  
5           or as an institution described in section  
6           796B(a), the student may continue to receive  
7           such assistance for the period for which the stu-  
8           dent would have been eligible if the institution  
9           at which they are enrolled had retained such  
10          status.

11          “(6) HISPANIC-SERVING INSTITUTION.—The  
12          term ‘Hispanic-serving institution’ has the meaning  
13          given such term in section 502.

14          “(7) HISTORICALLY BLACK COLLEGE OR UNI-  
15          VERSITY.—The term ‘historically Black college or  
16          university’ means a part B institution as defined in  
17          section 322.

18          “(8) LOW-INCOME STUDENT.—The term ‘low-  
19          income student’ means a student who meets the fi-  
20          nancial eligibility criteria for receiving a Federal Pell  
21          Grant under section 401, regardless of whether such  
22          student is otherwise eligible to receive such Federal  
23          Pell Grant.

24          “(9) NATIVE AMERICAN-SERVING NONTRIBAL  
25          INSTITUTION.—The term ‘Native American-serving

1 nontribal institution’ has the meaning given such  
2 term in section 319.

3 “(10) NATIVE HAWAIIAN-SERVING INSTITU-  
4 TION.—The term ‘Native Hawaiian-serving institu-  
5 tion’ has the meaning given such term in section  
6 317(b).

7 “(11) PREDOMINANTLY BLACK INSTITUTION.—  
8 The term ‘Predominantly Black institution’ has the  
9 meaning given such term in section 371(c).

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

13 **“SEC. 796E. SUNSET.**

14 “(a) IN GENERAL.—The authority to make grants  
15 under this subpart shall expire at the end of award year  
16 2029–2030.

17 “(b) INAPPLICABILITY OF GEPA CONTINGENT EX-  
18 TENSION OF PROGRAMS.—Section 422 of the General  
19 Education Provisions Act (20 U.S.C. 1226a) shall not  
20 apply to this subpart.

21 **“SEC. 796F. APPROPRIATION.**

22 “In addition to amounts otherwise available, there is  
23 appropriated for fiscal year 2022, out of any money in  
24 the Treasury not otherwise appropriated, such sums as

1 may be necessary, to remain available until September 30,  
2 2030, for carrying out this subpart.”.

3 **SEC. 20024. NORTHERN MARIANA ISLANDS, AMERICAN**  
4 **SAMOA, UNITED STATES VIRGIN ISLANDS,**  
5 **AND GUAM COLLEGE ACCESS.**

6 Part F of title VII of the Higher Education Act of  
7 1965 (20 U.S.C. 1133 et seq.), as added and amended  
8 by this Act, is further amended by adding at the end the  
9 following:

10 **“SEC. 798. NORTHERN MARIANA ISLANDS, AMERICAN**  
11 **SAMOA, UNITED STATES VIRGIN ISLANDS,**  
12 **AND GUAM COLLEGE ACCESS GRANTS.**

13 “(a) GRANTS.—

14 “(1) GRANT AMOUNTS.—

15 “(A) IN GENERAL.—Beginning with award  
16 year 2023–2024, from amounts appropriated to  
17 carry out this section, the Secretary shall pro-  
18 vide such sums as may be necessary to the Gov-  
19 ernors of each outlying area for such Governors  
20 to award grants to eligible institutions that en-  
21 roll eligible students to pay the difference be-  
22 tween the tuition and fees charged for in-State  
23 students and the tuition and fees charged for  
24 out-of-State students on behalf of each eligible  
25 student enrolled in the eligible institution.

1                   “(B) MAXIMUM STUDENT AMOUNTS.—The  
2                   amount paid on behalf of an eligible student  
3                   under this section shall be—

4                   “(i) not more than \$15,000 for any  
5                   one award year (as defined in section 481);  
6                   and

7                   “(ii) not more than \$75,000 in the  
8                   aggregate.

9                   “(C) PRORATION.—The Governor shall  
10                  prorate payments under this section with re-  
11                  spect to eligible students who attend an eligible  
12                  institution on less than a full-time basis.

13                  “(2) APPLICATION.—Each eligible student de-  
14                  siring a payment under this section shall submit an  
15                  application to the eligible institution at which such  
16                  student is enrolled or plans to enroll.

17                  “(3) ELIGIBILITY FOR BENEFITS.—No indi-  
18                  vidual shall be determined to be ineligible to receive  
19                  benefits provided under this subpart (including tui-  
20                  tion payments and other aid provided under this  
21                  subpart) on the basis of citizenship, alienage, or im-  
22                  migration status.

23                  “(b) ADMINISTRATION OF PROGRAM.—

24                  “(1) IN GENERAL.—Each Governor shall carry  
25                  out the program under this section in consultation

1 with the Secretary. Each Governor may enter into a  
2 grant, contract, or cooperative agreement with an-  
3 other public or private entity to administer the pro-  
4 gram under this section.

5 “(2) MEMORANDUM OF AGREEMENT.—Each  
6 Governor and the Secretary shall enter into a memo-  
7 randum of agreement that describes—

8 “(A) the manner in which the Governor  
9 will consult with the Secretary with respect to  
10 administering the program under this section;  
11 and

12 “(B) any technical or other assistance to  
13 be provided to the Governor by the Secretary  
14 for purposes of administering the program  
15 under this section (which may include access to  
16 the information in the Free Application for  
17 Federal Student Aid described in section 483).

18 “(3) CONSTRUCTION.—Nothing in this section  
19 shall be construed to require an institution of higher  
20 education to alter the institution’s admissions poli-  
21 cies or standards in any manner to enable an eligible  
22 student to enroll in the institution.

23 “(4) GRANT AUTHORITY.—The authority to  
24 make grants under this section shall expire at the  
25 end of award year 2029–2030.

1       “(c) INAPPLICABILITY OF GEPA CONTINGENT EX-  
2 TENSION OF PROGRAMS.—Section 422 of the General  
3 Education Provisions Act (20 U.S.C. 1226a) shall not  
4 apply to this section.

5       “(d) DEFINITIONS.—In this section:

6           “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-  
7 ble institution’ means an institution that—

8           “(A) is a public four-year institution of  
9 higher education located in one of the several  
10 States of the United States, the District of Co-  
11 lumbia, Puerto Rico, or an outlying area;

12           “(B) is eligible to participate in the stu-  
13 dent financial assistance programs under title  
14 IV; and

15           “(C) enters into an agreement with the  
16 Governor of an outlying area, or with two or  
17 more of such Governors (except that such insti-  
18 tution may not enter into an agreement with  
19 the Governor of the outlying area in which such  
20 institution is located), containing such condi-  
21 tions as each Governor may specify, including a  
22 requirement that the institution use the funds  
23 made available under this section to supplement  
24 and not supplant assistance that otherwise

1           would be provided to eligible students from out-  
2           lying areas.

3           “(2) ELIGIBLE STUDENT.—The term ‘eligible  
4           student’ means an individual who—

5                   “(A) was domiciled in an outlying area for  
6                   not less than 12 consecutive months preceding  
7                   the commencement of the freshman year at an  
8                   institution of higher education;

9                   “(B) has not completed an undergraduate  
10                  baccalaureate course of study;

11                  “(C) begins the individual’s course of study  
12                  at an eligible institution within 3 calendar years  
13                  (excluding any period of service on active duty  
14                  in the Armed Forces or service under the Peace  
15                  Corps Act (22 U.S.C. 2501 et seq.) or subtitle  
16                  D of title I of the National and Community  
17                  Service Act of 1990 (42 U.S.C. 12571 et seq.))  
18                  of—

19                   “(i) graduation from secondary  
20                   school, or obtaining the recognized equiva-  
21                   lent of a secondary school diploma; or

22                   “(ii) transfer from an institution of  
23                   higher education located in an outlying  
24                   area (including transfer following the com-

1                   pletion of an associate degree or certificate  
2                   at such institution); and

3                   “(D) is enrolled or accepted for enrollment,  
4                   on at least a half-time basis, in a baccalaureate  
5                   degree or other program (including a program  
6                   of study abroad approved for credit by the insti-  
7                   tution at which such student is enrolled) lead-  
8                   ing to a recognized educational credential at an  
9                   eligible institution.

10                  “(3) INSTITUTION OF HIGHER EDUCATION.—  
11                  The term ‘institution of higher education’ has the  
12                  meaning given the term in section 101.

13                  “(4) GOVERNOR.—The term ‘Governor’ means  
14                  the Governor of an outlying area.

15                  “(5) OUTLYING AREA.—The term ‘outlying  
16                  area’ means the Northern Mariana Islands, Amer-  
17                  ican Samoa, the United States Virgin Islands, and  
18                  Guam.

19                  “(e) APPROPRIATIONS.—In addition to amounts oth-  
20                  erwise available, there is appropriated for fiscal year 2022,  
21                  out of any money in the Treasury not otherwise appro-  
22                  priated, such sums as may be necessary, to remain avail-  
23                  able until September 30, 2030, for carrying out this sec-  
24                  tion.”.

1           **Subpart B—Pell Grants and Student Loans**

2   **SEC. 20031. INCREASING THE MAXIMUM FEDERAL PELL**  
3           **GRANT.**

4           (a) AWARD YEAR 2022–2023.—Section 401(b)(7) of  
5 the Higher Education Act of 1965 (20 U.S.C.  
6 1070a(b)(7)) is amended—

7               (1) in subparagraph (A)(iii), by inserting “and  
8 such sums as may be necessary for fiscal year 2022  
9 to carry out the \$500 increase provided under sub-  
10 paragraph (C)(iii)” before “; and”; and

11              (2) in subparagraph (C)(iii), by inserting before  
12 the period at the end the following: “, except that,  
13 for award year 2022–2023, such amount shall be in-  
14 creased by \$500”.

15           (b) SUBSEQUENT AWARD YEARS THROUGH 2029–  
16 2030.—

17               (1) IN GENERAL.—Section 401(b) of the High-  
18 er Education Act of 1965 (20 U.S.C. 1070a(b)), as  
19 amended by section 703 of the FAFSA Simplifica-  
20 tion Act (title VII of division FF of Public Law  
21 116–260), is amended—

22                       (A) in paragraph (5)(A)—

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

25                               (ii) by redesignating clause (ii) as  
26 clause (iii); and

1 (iii) by inserting after clause (i) the  
2 following:

3 “(ii) for each of award years 2023–  
4 2024 through 2029–2030, an additional  
5 \$500; and”; and

6 (B) in paragraph (6)(A)—

7 (i) in clause (i)—

8 (I) by striking “appropriated)  
9 such” and inserting the following:  
10 “appropriated)—

11 “(I) such”; and

12 (II) by adding at the end the fol-  
13 lowing:

14 “(II) such sums as are necessary  
15 to carry out paragraph (5)(A)(ii) for  
16 each of fiscal years 2023 through  
17 2029; and”; and

18 (ii) in clause (ii), by striking  
19 “(5)(A)(ii)” and inserting “(5)(A)(iii)”.

20 (2) EFFECTIVE DATE.—The amendments made  
21 by paragraph (1) shall take effect as if included in  
22 section 703 of the FAFSA Simplification Act (title  
23 VII of division FF of Public Law 116–260) and in  
24 accordance with section 701(b) of such Act.

1 **SEC. 20032. FEDERAL STUDENT AID ELIGIBILITY.**

2 Section 484(a)(5) of the Higher Education Act of  
3 1965 (20 U.S.C. 1091(a)(5)) is amended by inserting “,  
4 or, with respect to any grant, loan, or work assistance re-  
5 ceived under this title for award years 2022–2023 through  
6 2029–2030, be subject to a grant of deferred enforced de-  
7 parture or have deferred action pursuant to the Deferred  
8 Action for Childhood Arrivals policy of the Secretary of  
9 Homeland Security or temporary protected status under  
10 section 244 of the Immigration and Nationality Act (8  
11 U.S.C. 1254a)” after “becoming a citizen or permanent  
12 resident”.

13 **SEC. 20033. ACTIVE DUTY DEFERMENT PERIODS COUNTED**  
14 **TOWARD PUBLIC SERVICE LOAN FORGIVE-**  
15 **NESS.**

16 Section 455(m) of the Higher Education Act of 1965  
17 (20 U.S.C. 1087e(m)) is amended—

18 (1) by redesignating paragraphs (2) through

19 (4) as paragraphs (3) through (5), respectively; and

20 (2) in paragraph (1), in the matter preceding  
21 subparagraph (A), by striking “paragraph (2)” and  
22 inserting “paragraph (3)”; and

23 (3) by inserting after paragraph (1) the fol-  
24 lowing:

25 “(2) ACTIVE DUTY DEFERMENT PERIODS.—

1           “(A) IN GENERAL.—Notwithstanding para-  
2           graph(1)(A) and subject to subparagraph (B),  
3           the Secretary shall deem each month for which  
4           a loan payment was in deferment under sub-  
5           section (f)(2) of this section or for which a loan  
6           payment was in forbearance under section  
7           685.205(a)(7) of title 34, Code of Federal Reg-  
8           ulations, (or similar successor regulations), for  
9           a borrower described in subsection (f)(2)(C) as  
10          if the borrower of the loan had made a payment  
11          for the purpose of public service loan forgive-  
12          ness under this subsection.

13          “(B) LIMITATION.—Subparagraph (A)  
14          shall apply only to eligible Federal Direct Loans  
15          originated before the first day of fiscal year  
16          2031.”.

17 **Subpart C—Investments in Historically Black Col-**  
18 **leges and Universities, Tribal Colleges and Uni-**  
19 **versities, and Minority-Serving Institutions**

20 **SEC. 20041. INSTITUTIONAL AID.**

21          (a) IN GENERAL.—In addition to amounts otherwise  
22          available, there is appropriated for fiscal year 2022, out  
23          of any money in the Treasury not otherwise appro-  
24          priated—

1           (1) \$113,738,000, to remain available until  
2     September 30, 2022, for carrying out section  
3     371(b)(2)(B) of the Higher Education Act of 1965  
4     (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2022;

5           (2) \$113,738,000, to remain available until  
6     September 30, 2023, for carrying out section  
7     371(b)(2)(B) of the Higher Education Act of 1965  
8     (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2023;

9           (3) \$113,738,000, to remain available until  
10    September 30, 2024, for carrying out section  
11    371(b)(2)(B) of the Higher Education Act of 1965  
12    (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2024;

13          (4) \$113,738,000, to remain available until  
14    September 30, 2025, for carrying out section  
15    371(b)(2)(B) of the Higher Education Act of 1965  
16    (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2025;

17          (5) \$113,738,000, to remain available until  
18    September 30, 2026, for carrying out section  
19    371(b)(2)(B) of the Higher Education Act of 1965  
20    (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2026;

21          (6) \$113,738,000, to remain available until  
22    September 30, 2022, for carrying out section  
23    371(b)(2)(C) of the Higher Education Act of 1965  
24    (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2022;

1           (7) \$113,738,000, to remain available until  
2     September 30, 2023, for carrying out section  
3     371(b)(2)(C) of the Higher Education Act of 1965  
4     (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2023;

5           (8) \$113,738,000, to remain available until  
6     September 30, 2024, for carrying out section  
7     371(b)(2)(C) of the Higher Education Act of 1965  
8     (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2024;

9           (9) \$113,738,000, to remain available until  
10    September 30, 2025, for carrying out section  
11    371(b)(2)(C) of the Higher Education Act of 1965  
12    (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2025;

13          (10) \$113,738,000, to remain available until  
14    September 30, 2026, for carrying out section  
15    371(b)(2)(C) of the Higher Education Act of 1965  
16    (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2026;

17          (11) \$34,104,000, to remain available until  
18    September 30, 2022, for carrying out section  
19    371(b)(2)(D)(i) of the Higher Education Act of  
20    1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year  
21    2022;

22          (12) \$34,104,000, to remain available until  
23    September 30, 2023, for carrying out section  
24    371(b)(2)(D)(i) of the Higher Education Act of

1       1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year  
2       2023;

3           (13) \$34,104,000, to remain available until  
4       September 30, 2024, for carrying out section  
5       371(b)(2)(D)(i) of the Higher Education Act of  
6       1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year  
7       2024;

8           (14) \$34,104,000, to remain available until  
9       September 30, 2025, for carrying out section  
10      371(b)(2)(D)(i) of the Higher Education Act of  
11      1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year  
12      2025;

13          (15) \$34,104,000, to remain available until  
14      September 30, 2026, for carrying out section  
15      371(b)(2)(D)(i) of the Higher Education Act of  
16      1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year  
17      2026;

18          (16) \$17,052,000, to remain available until  
19      September 30, 2022, for carrying out section  
20      371(b)(2)(D)(ii) of the Higher Education Act of  
21      1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year  
22      2022;

23          (17) \$17,052,000, to remain available until  
24      September 30, 2023, for carrying out section  
25      371(b)(2)(D)(ii) of the Higher Education Act of

1       1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year  
2       2023;

3           (18) \$17,052,000, to remain available until  
4       September 30, 2024, for carrying out section  
5       371(b)(2)(D)(ii) of the Higher Education Act of  
6       1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year  
7       2024;

8           (19) \$17,052,000, to remain available until  
9       September 30, 2025, for carrying out section  
10       371(b)(2)(D)(ii) of the Higher Education Act of  
11       1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year  
12       2025;

13           (20) \$17,052,000, to remain available until  
14       September 30, 2026, for carrying out section  
15       371(b)(2)(D)(ii) of the Higher Education Act of  
16       1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year  
17       2026;

18           (21) \$5,684,000, to remain available until Sep-  
19       tember 30, 2022, for carrying out section  
20       371(b)(2)(D)(iii) of the Higher Education Act of  
21       1965 (20 U.S.C. 1067q(b)(2)(D)(iii)) in fiscal year  
22       2022;

23           (22) \$5,684,000, to remain available until Sep-  
24       tember 30, 2023, for carrying out section  
25       371(b)(2)(D)(iii) of the Higher Education Act of

1       1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year  
2       2023;

3           (23) \$5,684,000, to remain available until Sep-  
4       tember 30, 2024, for carrying out section  
5       371(b)(2)(D)(iii) of the Higher Education Act of  
6       1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year  
7       2024;

8           (24) \$5,684,000, to remain available until Sep-  
9       tember 30, 2025, for carrying out section  
10       371(b)(2)(D)(iii) of the Higher Education Act of  
11       1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year  
12       2025;

13           (25) \$5,684,000, to remain available until Sep-  
14       tember 30, 2026, for carrying out section  
15       371(b)(2)(D)(iii) of the Higher Education Act of  
16       1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year  
17       2026;

18           (26) \$5,684,000, to remain available until Sep-  
19       tember 30, 2022, for carrying out section  
20       371(b)(2)(D)(iv) of the Higher Education Act of  
21       1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year  
22       2022;

23           (27) \$5,684,000, to remain available until Sep-  
24       tember 30, 2023, for carrying out section  
25       371(b)(2)(D)(iv) of the Higher Education Act of

1       1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year  
2       2023;

3           (28) \$5,684,000, to remain available until Sep-  
4       tember 30, 2024, for carrying out section  
5       371(b)(2)(D)(iv) of the Higher Education Act of  
6       1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year  
7       2024;

8           (29) \$5,684,000, to remain available until Sep-  
9       tember 30, 2025, for carrying out section  
10      371(b)(2)(D)(iv) of the Higher Education Act of  
11      1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year  
12      2025; and

13          (30) \$5,684,000, to remain available until Sep-  
14      tember 30, 2026, for carrying out section  
15      371(b)(2)(D)(iv) of the Higher Education Act of  
16      1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year  
17      2026;

18      (b) USE OF FUNDS.—The Secretary shall use 15 per-  
19      cent of each of the amounts appropriated under para-  
20      graphs (6) through (10) of subsection (a) to award 25 ad-  
21      ditional grants under section 371(b)(2)(C)(ii).

22      **SEC. 20042. RESEARCH AND DEVELOPMENT INFRASTRUC-**  
23                                   **TURE COMPETITIVE GRANT PROGRAM.**

24      Title III of the Higher Education Act of 1965 (20  
25      U.S.C. 1051 et seq.) is amended—

1 (1) by redesignating part G as part H; and

2 (2) by inserting after section 371 the following:

3 **“PART G—IMPROVING RESEARCH & DEVELOP-**  
4 **MENT INFRASTRUCTURE FOR MINORITY-**  
5 **SERVING INSTITUTIONS**

6 **“SEC. 381. IMPROVING RESEARCH & DEVELOPMENT INFRA-**  
7 **STRUCTURE FOR MINORITY-SERVING INSTI-**  
8 **TUTIONS.**

9 “(a) ELIGIBLE INSTITUTION.—In this section, the  
10 term ‘eligible institution’ means an institution that—

11 “(1) is described in section 371(a);

12 “(2) is a 4-year institution; and

13 “(3) is not an institution classified as very high  
14 research activity by the Carnegie Classification of  
15 Institutions of Higher Education.

16 “(b) AUTHORIZATION OF GRANT PROGRAMS.—

17 “(1) PLANNING GRANTS.—The Secretary shall  
18 award planning grants, on a competitive basis, to eli-  
19 gible institutions to assist the eligible institutions in  
20 developing a strategic plan, assessing capacity, and  
21 carrying out other activities to develop and submit  
22 an application for an implementation grant under  
23 paragraph (2) to support research and development  
24 infrastructure. Planning grants awarded under this  
25 paragraph shall be for a period of 1 to 2 years.

1           “(2) IMPLEMENTATION GRANTS.—The Sec-  
2       retary shall award implementation grants, on a com-  
3       petitive basis, to eligible institutions to assist the eli-  
4       gible institutions in supporting research and develop-  
5       ment infrastructure. Implementation grants awarded  
6       under this paragraph shall be for a period of 1 to  
7       5 years.

8       “(c) APPLICATIONS.—

9           “(1) IN GENERAL.—

10           “(A) PLANNING GRANTS.—An eligible in-  
11       stitution that desires to receive a planning  
12       grant under subsection (b)(1) shall submit an  
13       application to the Secretary. Such application  
14       shall include—

15           “(i) a description of the activities that  
16       will be carried out with grant funds; and

17           “(ii) an assurance that the grant  
18       funds provided under subsection (b)(1)  
19       shall be used to supplement, and not sup-  
20       plant, other Federal, State, tribal, and  
21       local funds that would otherwise be ex-  
22       pended to develop a plan, assess capacity,  
23       or carry out other activities related to re-  
24       search and development infrastructure.

25       “(B) IMPLEMENTATION GRANTS.—

1 “(i) IN GENERAL.—An eligible institu-  
2 tion that desires to receive an implementa-  
3 tion grant under subsection (b)(2) shall  
4 submit an application to the Secretary.  
5 Such application shall include—

6 “(I) a description of the projects  
7 that will be carried out with grant  
8 funds and, in the case of an institu-  
9 tion that was previously awarded a  
10 planning grant under subsection  
11 (b)(1), the strategic plan developed as  
12 part of such planning grant;

13 “(II) a description of how such  
14 projects will support the research and  
15 development infrastructure of the in-  
16 stitution; and

17 “(III) an assurance that the  
18 grant funds provided under subsection  
19 (b)(2) shall be used to supplement,  
20 and not supplant, other Federal,  
21 State, tribal, and local funds that  
22 would otherwise be expended to sup-  
23 port research and development infra-  
24 structure.

1           “(2) CONSORTIA.—An eligible institution may  
2       apply to receive a grant under this section on behalf  
3       of a consortium, which may include institutions clas-  
4       sified as very high research activity by the Carnegie  
5       Classification of Institutions of Higher Education,  
6       two-year institutions of higher education, and other  
7       academic partners, philanthropic organizations, and  
8       industry partners, provided that the eligible institu-  
9       tion is the lead member and fiscal agent of the con-  
10      sortium.

11           “(3) NO COMPREHENSIVE DEVELOPMENT  
12      PLAN.—The requirement under section 391(b)(1)  
13      shall not apply to grants awarded under this section.

14           “(d) PRIORITY IN AWARDS.—In awarding planning  
15      and implementation grants under this section, the Sec-  
16      retary shall give priority to eligible institutions that meet  
17      any of the following:

18           “(1) Received less than \$10,000,000 for the  
19      previous fiscal year for research and development  
20      from all Federal sources combined, except that, in  
21      the case of an eligible institution being considered  
22      for an implementation grant, the calculation of such  
23      amount shall not include a planning grant under  
24      this section.

1           “(2) In the case of eligible institutions being  
2           considered for an implementation grant, have re-  
3           ceived a planning grant under this section and have  
4           developed and submitted to the Secretary a high-  
5           quality strategic plan, in accordance with the re-  
6           quirements of such planning grant.

7           “(e) USE OF FUNDS.—

8           “(1) PLANNING GRANTS.—An eligible institu-  
9           tion that receives a planning grant under subsection  
10          (b)(1) shall use the grant funds to develop a stra-  
11          tegic plan, assess capacity, and carry out other ac-  
12          tivities to develop and submit an application for an  
13          implementation grant to support research and devel-  
14          opment infrastructure. In carrying out the activities  
15          under such grant, each such eligible institution—

16               “(A) shall develop a high-quality strategic  
17               plan for improving institutional research and  
18               development infrastructure that includes—

19                       “(i) an assessment of the existing in-  
20                       stitutional research capacity and research  
21                       and development infrastructure; and

22                       “(ii) a detailed description of how re-  
23                       search and development infrastructure  
24                       funds provided by an implementation grant  
25                       under this section would be used to in-

1           crease institutional research capacity and  
2           support research and development infra-  
3           structure; and

4           “(B) in developing such strategic plan,  
5           may work in partnership with entities described  
6           in subsection (c)(2) to identify and secure non-  
7           Federal funding to support research and devel-  
8           opment infrastructure.

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

15               “(A) Providing funding for a program  
16               under paragraph (1), (2), or (9) of section  
17               311(c) or under paragraph (1), (2), or (8) of  
18               section 503(b) related to research and develop-  
19               ment infrastructure that is being carried out by  
20               the eligible institution on the date on which the  
21               eligible institution receives a grant under this  
22               section.

23               “(B) Providing for the improvement of in-  
24               frastructure existing on the date of the grant  
25               award, including deferred maintenance, or the

1 establishment of new physical infrastructure,  
2 including instructional program spaces, labora-  
3 tories, or research facilities relating to the fields  
4 of science, technology, engineering, the arts,  
5 mathematics, health, agriculture, education,  
6 medicine, law, and other disciplines.

7 “(C) Hiring and retaining faculty, stu-  
8 dents, research-related staff, or other personnel,  
9 including research personnel skilled in oper-  
10 ating, using, or applying technology, equipment,  
11 or devices used to conduct or support research.

12 “(D) Supporting research internships and  
13 fellowships for students, including under-  
14 graduate, graduate, and post-doctoral positions,  
15 which may include providing direct student fi-  
16 nancial assistance to such students.

17 “(E) Creating new, or expanding existing,  
18 academic positions, including internships, fel-  
19 lowships, and post-doctoral positions, in fields  
20 of research for which research and development  
21 infrastructure funds have been awarded under  
22 this section.

23 “(F) Creating and supporting inter- and  
24 intra-institutional research centers (including  
25 formal and informal communities of practice) in

1 fields of research for which research and devel-  
2 opment infrastructure funds have been awarded  
3 under this section, including hiring staff, pur-  
4 chasing supplies and equipment, and funding  
5 travel to relevant conferences and seminars to  
6 support the work of such centers.

7 “(G) Building new institutional support  
8 structures and departments that help faculty  
9 learn about, and increase faculty and student  
10 access to, Federal research and development  
11 grant funds and non-Federal academic research  
12 grants.

13 “(H) Building data and collaboration in-  
14 frastructure so that early findings and research  
15 can be securely shared to facilitate peer review  
16 and other appropriate collaboration.

17 “(I) Providing programs of study and  
18 courses in fields of research for which research  
19 and development infrastructure funds have been  
20 awarded under this section.

21 “(J) Paying operating and administrative  
22 expenses for, and coordinating project partner-  
23 ships with members of, a consortium described  
24 in subsection (c)(2) on behalf of which the eligi-

1 ble institution has received a grant under this  
2 section.

3 “(K) Installing or extending the life and  
4 usability of basic systems and components of  
5 campus facilities related to research, including  
6 high-speed broadband internet infrastructure  
7 sufficient to support digital and technology-  
8 based learning.

9 “(L) Expanding, remodeling, renovating,  
10 or altering biomedical and behavioral research  
11 facilities existing on the date of the grant  
12 award that receive support under section 404I  
13 of the Public Health Service Act (42 U.S.C.  
14 283k).

15 “(M) Acquiring and installing furniture,  
16 fixtures, and instructional research-related  
17 equipment and technology for academic instruc-  
18 tion in campus facilities in fields of research for  
19 which research and development infrastructure  
20 funds have been awarded under this section.

21 “(N) Providing increased funding to pro-  
22 grams that support research and development  
23 at the eligible institution that are funded by  
24 National Institutes of Health, including the

1 Path to Excellence and Innovation program  
2 with the National Institutes of Health.

3 “(f) ELIGIBILITY FOR BENEFITS.—No individual  
4 shall be determined to be ineligible to receive benefits pro-  
5 vided with grant funds awarded under this section (includ-  
6 ing direct student financial assistance) on the basis of citi-  
7 zenship, alienage, or immigration status.

8 “(g) SUNSET.—

9 “(1) IN GENERAL.—The authority to make—  
10 “(A) planning grants under subsection  
11 (b)(1) shall expire at the end of fiscal year  
12 2025; and

13 “(B) implementation grants under sub-  
14 section (b)(2) shall expire at the end of fiscal  
15 year 2027.

16 “(2) INAPPLICABILITY OF GEPA CONTINGENT  
17 EXTENSION OF PROGRAMS.—Section 422 of the  
18 General Education Provisions Act (20 U.S.C.  
19 1226a) shall not apply to this section.

20 “(h) APPROPRIATIONS.—In addition to amounts oth-  
21 erwise available, there is appropriated for fiscal year 2022,  
22 out of any money in the Treasury not otherwise appro-  
23 priated, \$2,000,000,000, to remain available until Sep-  
24 tember 30, 2028, for carrying out this section.”.

1                   **PART 3—MISCELLANEOUS**

2   **SEC. 20051. OFFICE OF INSPECTOR GENERAL.**

3           In addition to amounts otherwise available, there is  
4 appropriated to the Department of Education for fiscal  
5 year 2022, out of any money in the Treasury not otherwise  
6 appropriated, \$35,000,000, to remain available until ex-  
7 pended, for the Office of Inspector General of the Depart-  
8 ment of Education, for salaries and expenses necessary for  
9 oversight, investigations, and audits of programs, grants,  
10 and projects funded under this part carried out by the  
11 Office of Inspector General.

12   **SEC. 20052. PROGRAM ADMINISTRATION FUNDS.**

13           In addition to amounts otherwise available, there is  
14 appropriated to the Department of Education for fiscal  
15 year 2022, out of any money in the Treasury not otherwise  
16 appropriated, \$738,000,000, to remain available until ex-  
17 pended, for necessary administrative expenses associated  
18 with carrying out this subtitle and sections 22101 and  
19 22102.

20   **SEC. 20053. STUDENT AID ADMINISTRATION.**

21           In addition to amounts otherwise available, there is  
22 appropriated to the Department of Education for fiscal  
23 year 2022, out of any money in the Treasury not otherwise  
24 appropriated, \$91,000,000, to remain available through  
25 September 30, 2030, for Student Aid Administration with-

1 in the Department of Education for necessary administra-  
2 tive expenses associated with carrying out this subtitle.

## 3 **Subtitle B—Labor Matters**

### 4 **SEC. 21001. DEPARTMENT OF LABOR.**

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

10 (1) \$195,000,000 to the Employee Benefits Se-  
11 curity Administration for carrying out enforcement  
12 activities.

13 (2) \$707,000,000 to the Occupational Safety  
14 and Health Administration for carrying out enforce-  
15 ment, standards development, whistleblower inves-  
16 tigation, compliance assistance, funding for State  
17 plans, and related activities within the Occupational  
18 Safety and Health Administration.

19 (3) \$133,000,000 to the Mine Safety and  
20 Health Administration for carrying out enforcement,  
21 standard setting, technical assistance, and related  
22 activities.

23 (4) \$405,000,000 to the Wage and Hour Divi-  
24 sion for carrying out activities.

1           (5) \$121,000,000 to the Office of Workers'  
2       Compensation Programs for carrying out activities  
3       of the Office relating to claims activity, policy and  
4       standards development, and monitoring of State  
5       workers' compensation programs.

6           (6) \$201,000,000 to the Office of Federal Con-  
7       tract Compliance Programs for carrying out audit,  
8       investigation, enforcement, and compliance assist-  
9       ance, and other activities.

10          (7) \$176,000,000 to the Office of the Solicitor  
11       for carrying out necessary legal support for activities  
12       carried out by the Office related to and in support  
13       of the activities of those Department of Labor agen-  
14       cies receiving additional funding in this section.

15   **SEC. 21002. NATIONAL LABOR RELATIONS BOARD.**

16       In addition to amounts otherwise available, out of any  
17       money in the Treasury not otherwise appropriated, there  
18       are appropriated to the National Labor Relations Board  
19       for fiscal year 2022, \$350,000,000, to remain available  
20       until September 30, 2026, for carrying out the activities  
21       of the Board, of which not more than \$5,000,000 shall  
22       be for the implementation of systems to conduct electronic  
23       voting for union representation elections.

1   **SEC. 21003. EQUAL EMPLOYMENT OPPORTUNITY COMMIS-**  
2                   **SION.**

3           In addition to amounts otherwise available, out of any  
4 money in the Treasury not otherwise appropriated, there  
5 are appropriated to the Equal Employment Opportunity  
6 Commission for fiscal year 2022, \$321,000,000, to remain  
7 available until September 30, 2026, for carrying out inves-  
8 tigation, enforcement, outreach, and related activities.

9   **SEC. 21004. ADJUSTMENT OF CIVIL PENALTIES.**

10          (a) OCCUPATIONAL SAFETY AND HEALTH ACT OF  
11 1970.—Section 17 of the Occupational Safety and Health  
12 Act of 1970 (29 U.S.C. 666) is amended—

13               (1) in subsection (a)—

14                       (A) by striking “\$70,000” and inserting  
15 “\$700,000”; and

16                       (B) by striking “\$5,000” and inserting  
17 “\$50,000”;

18               (2) in subsection (b), by striking “\$7,000” and  
19 inserting “\$70,000”; and

20               (3) in subsection (d), by striking “\$7,000” and  
21 inserting “\$70,000”.

22          (b) FAIR LABOR STANDARDS ACT OF 1938.—Section  
23 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C.  
24 216(e)) is amended—

25               (1) in paragraph (1)(A)—

1 (A) in clause (i), by striking “\$11,000”  
2 and inserting “\$132,270”; and

3 (B) in clause (ii), by striking “\$50,000”  
4 and inserting “\$601,150”; and

5 (2) in paragraph (2)—

6 (A) in the first sentence, by striking  
7 “\$1,100” and inserting “\$20,740”; and

8 (B) in the second sentence, by striking  
9 “\$1,100” and inserting “\$11,620”.

10 (c) MIGRANT AND SEASONAL AGRICULTURAL WORK-  
11 ER PROTECTION ACT.—Section 503(a)(1) of the Migrant  
12 and Seasonal Agricultural Worker Protection Act (29  
13 U.S.C. 1853(a)(1)) is amended by striking “\$1,000” and  
14 inserting “\$25,790”.

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

17 **SEC. 21005. CIVIL MONETARY PENALTIES FOR PARITY VIO-**  
18 **LATIONS.**

19 (a) CIVIL MONETARY PENALTIES RELATING TO PAR-  
20 ITY IN MENTAL HEALTH AND SUBSTANCE USE DIS-  
21 ORDERS.—Section 502(c)(10) of the Employee Retirement  
22 Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A))  
23 is amended—

24 (1) in the heading, by striking “USE OF GE-  
25 NETIC INFORMATION” and inserting “USE OF GE-

1       NETIC INFORMATION AND PARITY IN MENTAL  
2       HEALTH AND SUBSTANCE USE DISORDER BENE-  
3       FITS”; and

4               (2) in subparagraph (A)—

5                       (A) by striking “any plan sponsor of a  
6                       group health plan” and inserting “any plan  
7                       sponsor or plan administrator of a group health  
8                       plan”; and

9                       (B) by striking “for any failure” and all  
10                      that follows through “in connection with the  
11                      plan.” and inserting “for any failure by such  
12                      sponsor, administrator, or issuer, in connection  
13                      with the plan—

14                               “(i) to meet the requirements of sub-  
15                               section (a)(1)(F), (b)(3), (c), or (d) of sec-  
16                               tion 702 or section 701 or 702(b)(1) with  
17                               respect to genetic information; or

18                               “(ii) to meet the requirements of sub-  
19                               section (a) of section 712 with respect to  
20                               parity in mental health and substance use  
21                               disorder benefits.”.

22       (b) EXCEPTION TO THE GENERAL PROHIBITION ON  
23       ENFORCEMENT.—Section 502 of such Act (29 U.S.C.  
24       1132) is amended—

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

3 (2) in subsection (b)(3)—

4 (A) by striking “subsections (c)(9) and  
5 (a)(6)” and inserting “subsections (c)(9),  
6 (c)(10), and (a)(6)”;  
7

8 (B) by striking “under subsection (c)(9))”  
9 and inserting “under subsections (c)(9) and  
10 (c)(10)), and except with respect to enforce-  
ment by the Secretary of section 712”; and

11 (C) by striking “706(a)(1)” and inserting  
12 “733(a)(1)”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 subsection (a) shall apply with respect to group health  
15 plans, or any health insurance issuer offering health insur-  
16 ance coverage in connection with such plan, for plan years  
17 beginning after the date that is 1 year after the date of  
18 enactment of this Act.

19 **SEC. 21006. PENALTIES UNDER THE NATIONAL LABOR RE-**  
20 **LATIONS ACT.**

21 (a) IN GENERAL.—Section 12 of the National Labor  
22 Relations Act (29 U.S.C. 162) is amended—

23 (1) by striking “**SEC. 12.** Any person” and in-  
24 serting the following:

1   **“SEC. 12. PENALTIES.**

2           “(a) VIOLATIONS FOR INTERFERENCE WITH  
3 BOARD.—Any person”; and

4           (2) by adding at the end the following:

5           “(b) CIVIL PENALTIES FOR UNFAIR LABOR PRAC-  
6 TICES.—Any employer who commits an unfair labor prac-  
7 tice within the meaning of section 8(a) affecting commerce  
8 shall be subject to a civil penalty in an amount not to  
9 exceed \$50,000 for each such violation, except that, with  
10 respect to such an unfair labor practice within the mean-  
11 ing of paragraph (3) or (4) of section 8(a) or such a viola-  
12 tion of section 8(a) that results in the discharge of an em-  
13 ployee or other serious economic harm to an employee, the  
14 Board shall double the amount of such penalty, to an  
15 amount not to exceed \$100,000, in any case where the  
16 employer has within the preceding 5 years committed an-  
17 other such violation of such paragraph (3) or (4) or such  
18 violation of section 8(a) that results in such discharge or  
19 other serious economic harm. A civil penalty under this  
20 paragraph shall be in addition to any other remedy or-  
21 dered by the Board.

22           “(c) CONSIDERATIONS.—In determining the amount  
23 of any civil penalty under this section, the Board shall con-  
24 sider—

25           “(1) the gravity of the actions of the employer  
26           resulting in the penalty, including the impact of such

1 actions on the charging party or on other persons  
2 seeking to exercise rights guaranteed by this Act;

3 “(2) the size of the employer;

4 “(3) the history of previous unfair labor prac-  
5 tices or other actions by the employer resulting in a  
6 penalty; and

7 “(4) the public interest.

8 “(d) DIRECTOR AND OFFICER LIABILITY.—If the  
9 Board determines, based on the particular facts and cir-  
10 cumstances presented, that a director or officer’s personal  
11 liability is warranted, a civil penalty for a violation de-  
12 scribed in this section may also be assessed against any  
13 director or officer of the employer who directed or com-  
14 mitted the violation, had established a policy that led to  
15 such a violation, or had actual or constructive knowledge  
16 of and the authority to prevent the violation and failed  
17 to prevent the violation.”.

18 (b) ADDITIONAL PENALTIES.—The National Labor  
19 Relations Act (29 U.S.C. 151 et seq.) is amended by in-  
20 serting after section 12 (29 U.S.C. 162) the following:

21 **“SEC. 12A. ADDITIONAL PENALTIES.**

22 “(a) CIVIL PENALTIES FOR ADDITIONAL CON-  
23 DUCT.—Any employer who violates subsection (d) affect-  
24 ing commerce shall be subject to a civil penalty in an  
25 amount not to exceed \$50,000 for each such violation, ex-

cept that, with respect to such a violation that results in the discharge of an employee or other serious economic harm to an employee, the Board shall double the amount of such penalty, to an amount not to exceed \$100,000, in any case where the employer has within the preceding 5 years committed another such violation of subsection (d) that results in such discharge or other serious economic harm.

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

“(1) the gravity of the actions of the employer resulting in the penalty, including the impact of such actions on the charging party or on other persons seeking to exercise rights guaranteed by this Act;

“(2) the size of the employer;

“(3) the history of previous unfair labor practices or other actions by the employer resulting in a penalty; and

“(4) the public interest.

“(c) DIRECTOR AND OFFICER LIABILITY.—If the Board determines, based on the particular facts and circumstances presented, that a director or officer’s personal liability is warranted, a civil penalty for a violation described in this section may also be assessed against any

1 director or officer of the employer who directed or com-  
2 mitted the violation, had established a policy that led to  
3 such a violation, or had actual or constructive knowledge  
4 of and the authority to prevent the violation and failed  
5 to prevent the violation.

6 “(d) PROHIBITION.—It shall be unlawful for an em-  
7 ployer—

8 “(1) to promise, threaten, or take any action—

9 “(A) to permanently replace an employee  
10 who participates in a strike as defined by sec-  
11 tion 501(2) of the Labor Management Rela-  
12 tions Act, 1947 (29 U.S.C. 142(2));

13 “(B) to discriminate against an employee  
14 who is working or has unconditionally offered to  
15 return to work for the employer because the  
16 employee supported or participated in such a  
17 strike; or

18 “(C) to lockout, suspend, or otherwise  
19 withhold employment from employees in order  
20 to influence the position of such employees or  
21 the representative of such employees in collec-  
22 tive bargaining prior to a strike;

23 “(2) to communicate or misrepresent to an em-  
24 ployee under section 2(3) that such employee is ex-

1       cluded from the definition of employee under section  
2       2(3);

3           “(3) to require or coerce an employee to attend  
4       or participate in such employer’s campaign activities  
5       unrelated to the employee’s job duties, including ac-  
6       tivities that are subject to the requirements under  
7       section 203(b) of the Labor-Management Reporting  
8       and Disclosure Act of 1959 (29 U.S.C. 433(b)); or  
9           “(4) to violate subsection (e).

10       “(e) COLLECTIVE ACTION.—

11           “(1) IN GENERAL.—No employer shall—

12           “(A) enter into or attempt to enforce any  
13       agreement, express or implied, whereby prior to  
14       a dispute to which the agreement applies, an  
15       employee undertakes or promises not to pursue,  
16       bring, join, litigate, or support any kind of  
17       joint, class, or collective claim arising from or  
18       relating to the employment of such employee in  
19       any forum that, but for such agreement, is of  
20       competent jurisdiction;

21           “(B) coerce an employee into undertaking  
22       or promising not to pursue, bring, join, litigate,  
23       or support any kind of joint, class, or collective  
24       claim arising from or relating to the employ-  
25       ment of such employee; or

1           “(C) retaliate or threaten to retaliate  
2           against an employee for refusing to undertake  
3           or promise not to pursue, bring, join, litigate,  
4           or support any kind of joint, class, or collective  
5           claim arising from or relating to the employ-  
6           ment of such employee.

7           “(2) EXCEPTION.—This subsection shall not  
8           apply to any agreement embodied in or expressly  
9           permitted by a contract between an employer and a  
10          labor organization.

11          “(f) ENFORCEMENT.—The provisions of section 10  
12          and 11 shall apply to a violation of this section in the  
13          same manner as such provisions apply to an unfair labor  
14          practice, except that—

15               “(1) an order under section 10 with respect to  
16               a violation of this section—

17                       “(A) shall require only that the person in  
18                       such violation pay a civil penalty under sub-  
19                       section (a); and

20                       “(B) shall not include a requirement for a  
21                       person to cease and desist such violation or any  
22                       form of affirmative action other than the pay-  
23                       ment of such penalty;

24               “(2) a petition under subsection (e) of section  
25          10 with respect to a violation of this section may be

1       only for enforcement of an order for the payment of  
2       a civil penalty under subsection (a);

3           “(3) a petition under subsection (f) of section  
4       10 with respect to a violation of this section may be  
5       only for review of an order for the payment of such  
6       a civil penalty; and

7           “(4) a court under section 10 may not grant  
8       any form of relief, including temporary relief, a re-  
9       straining order, or any other form of injunctive re-  
10      lief, for a violation of this section other than a de-  
11      cree to enforce, modify, or set aside in whole or in  
12      part an order of the Board imposing a civil penalty  
13      under subsection (a) for a violation of this section.”.

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

## 16                   **Subtitle C—Workforce** 17                   **Development Matters**

### 18                   **PART 1—DEPARTMENT OF LABOR**

#### 19      **SEC. 22001. DISLOCATED WORKER EMPLOYMENT AND** 20                   **TRAINING ACTIVITIES.**

21      (a) IN GENERAL.—In addition to amounts otherwise  
22      made available, there is appropriated to the Department  
23      of Labor for fiscal year 2022, out of any money in the  
24      Treasury not otherwise appropriated, \$16,000,000,000, to  
25      remain available until September 30, 2026, except that no

1 amounts may be expended after September 30, 2031,  
2 which shall be reserved and allotted to States in accord-  
3 ance with subsection (b)(2) of section 132 of the Work-  
4 force Innovation and Opportunity Act (29 U.S.C. 3172),  
5 reserved and allocated to local areas in accordance with  
6 subsections (a) and (b)(1)(B) of section 133 of such Act  
7 (29 U.S.C. 3173), and reserved by such local areas as fol-  
8 lows:

9           (1) Not less than 20 percent shall be reserved  
10       for carrying out the career services authorized under  
11       subsection (c)(2) of section 134 of the Workforce In-  
12       novation and Opportunity Act (29 U.S.C. 3174) and  
13       expanding access to the individualized career serv-  
14       ices described in section 134(c)(2)(A)(xii) of such  
15       Act (29 U.S.C. 3174(c)(2)(A)(xii)).

16           (2) Not less than 20 percent shall be reserved  
17       for carrying out the supportive services and pro-  
18       viding the needs-related payments authorized under  
19       paragraphs (2) and (3) of section 134(d) of the  
20       Workforce Innovation and Opportunity Act (29  
21       U.S.C. 3174(d)), except that for purposes of the res-  
22       ervation under this paragraph the requirements of  
23       subparagraphs (B) and (C) of paragraph (3) of such  
24       section shall not apply; and

1           (3) Not less than 50 percent shall be reserved  
2       for carrying out the training services—

3           (A) of which, not less than 60 percent  
4       shall be made available for individual training  
5       accounts authorized under section 134(c)(3) of  
6       the Workforce Innovation and Opportunity Act  
7       (29 U.S.C. 3174(c)(3)).

8           (B) except that for purposes of providing  
9       transitional jobs as part of those services under  
10      this section, section 134(d)(5) of such Act (29  
11      U.S.C. 3174(d)(5)) shall be applied by sub-  
12      stituting “40 percent” for “10 percent”.

13      (b) SUPPLEMENT NOT SUPPLANT.—Amounts made  
14      available to carry out this section shall be used to supple-  
15      ment and not supplant other Federal, State, and local  
16      public funds expended to provide employment and training  
17      activities for dislocated workers, including funds provided  
18      under the Workforce Innovation and Opportunity Act (29  
19      U.S.C. 3101 et seq.).

20      **SEC. 22002. ADULT WORKER EMPLOYMENT AND TRAINING**  
21                                      **ACTIVITIES.**

22      (a) IN GENERAL.—In addition to amounts otherwise  
23      made available, there is appropriated to the Department  
24      of Labor for fiscal year 2022, out of any money in the  
25      Treasury not otherwise appropriated, \$15,000,000,000, to

1 remain available until September 30, 2026, except that no  
2 amounts may be expended after September 30, 2031,  
3 which shall be reserved and allotted to States in accord-  
4 ance with subsection (b)(1) of section 132 of the Work-  
5 force Innovation and Opportunity Act (29 U.S.C. 3172),  
6 reserved and allocated to local areas in accordance with  
7 subsections (a) and (b)(1)(A) of section 133 of such Act  
8 (29 U.S.C. 3173), and reserved by such local areas as fol-  
9 lows:

10           (1) Not less than 20 percent shall be reserved  
11           for carrying out the career services authorized under  
12           subsection (c)(2) of section 134 of the Workforce In-  
13           novation and Opportunity Act (29 U.S.C. 3174) and  
14           expanding access to the individualized career serv-  
15           ices described in section 134(c)(2)(A)(xii) of such  
16           Act (29 U.S.C. 3174(c)(2)(A)(xii)).

17           (2) Not less than 10 percent shall be reserved  
18           for carrying out the supportive services and pro-  
19           viding the needs-related payments authorized under  
20           paragraphs (2) and (3) of section 134(d) of the  
21           Workforce Innovation and Opportunity Act (29  
22           U.S.C. 3174(d)).

23           (3) Not less than 50 percent shall be reserved  
24           for carrying out the training services—

1 (A) of which, not less than 60 percent  
2 shall be made available for individual training  
3 accounts or contracts authorized under of sec-  
4 tion 134(c)(3) of the Workforce Innovation and  
5 Opportunity Act (29 U.S.C. 3174(c)(3)); and

6 (B) except that for purposes of providing  
7 incumbent worker training as part of those  
8 services under this section, if such training is  
9 provided to low-wage workers, section  
10 134(d)(4)(A)(i) of the Workforce Innovation  
11 and Opportunity Act (29 U.S.C.  
12 3174(d)(4)(A)(i)) shall be applied by sub-  
13 stituting “40 percent” for “20 percent”.

14 (b) SUPPLEMENT NOT SUPPLANT.—Amounts made  
15 available to carry out this section shall be used to supple-  
16 ment and not supplant other Federal, State, and local  
17 public funds expended to provide adult employment and  
18 training activities, including funds provided under the  
19 Workforce Innovation and Opportunity Act (29 U.S.C.  
20 3101 et seq.).

21 **SEC. 22003. YOUTH WORKFORCE INVESTMENT ACTIVITIES.**

22 (a) IN GENERAL.—In addition to amounts otherwise  
23 made available, there is appropriated to the Department  
24 of Labor for fiscal year 2022, out of any money in the  
25 Treasury not otherwise appropriated, \$9,054,000,000, to

1 remain available until September 30, 2026, except that no  
2 amounts may be expended after September 30, 2031,  
3 which shall be reserved and allotted to States in accord-  
4 ance with subparagraphs (B) and (C) of section 127(b)(1)  
5 of the Workforce Innovation and Opportunity Act (29  
6 U.S.C. 3162(b)(1)), reserved and allocated to local areas  
7 in accordance with subsections (a) and (b) of section 128  
8 of such Act (29 U.S.C. 3163), and reserved by such local  
9 areas as follows:

10 (1) 25 percent shall be reserved for carrying  
11 out the youth workforce investment activities author-  
12 ized under section 129 of the Workforce Innovation  
13 and Opportunity Act (29 U.S.C. 3164 et seq.).

14 (2) 75 percent shall be reserved to provide op-  
15 portunities for in-school youth and out-of-school  
16 youth to participate in paid work experiences de-  
17 scribed in subsection (c)(2)(C) of section 129 of the  
18 Workforce Innovation and Opportunity Act (29  
19 U.S.C. 3164).

20 (b) PARTNERSHIPS.—Not less than 20 percent of  
21 amounts made available under subsection (a) shall be used  
22 by local areas to partner with community-based organiza-  
23 tions serving out-of-school youth to carry out activities de-  
24 scribed in paragraphs (1) and (2) of subsection (a), in-  
25 cluding those residing in high-crime or high-poverty areas.

1 (c) SUPPLEMENT NOT SUPPLANT.—Amounts made  
2 available to carry out this section shall be used to supple-  
3 ment and not supplant other Federal, State, and local  
4 public funds expended for youth workforce investment ac-  
5 tivities, including funds provided under the Workforce In-  
6 novation and Opportunity Act (29 U.S.C. 3101 et seq.).

7 **SEC. 22004. EMPLOYMENT SERVICE.**

8 In addition to amounts otherwise made available,  
9 there is appropriated to the Department of Labor for fis-  
10 cal year 2022, out of any money in the Treasury not other-  
11 wise appropriated, the following amounts, to remain avail-  
12 able until September 30, 2026, except that no amounts  
13 may be expended after September 30, 2031

14 (1) \$1,250,000,000 for carrying out the State  
15 grant activities authorized under section 7 of the  
16 Wagner-Peyser Act (29 U.S.C. 49f), which shall be  
17 allotted in accordance with section 6 of such Act (29  
18 U.S.C. 49e), except that, for purposes of this sec-  
19 tion, funds shall also be provided to the Common-  
20 wealth of the Northern Mariana Islands and Amer-  
21 ican Samoa in amounts the Secretary determines ap-  
22 propriate prior to the allotments being made in ac-  
23 cordance with section 6 of such Act (29 U.S.C. 49d).

24 (2) \$100,000,000 for carrying out improve-  
25 ments to the workforce and labor market informa-

1        tion systems authorized under section 15 of the  
2        Wagner-Peyser Act (29 U.S.C. 491-2).

3        **SEC. 22005. RE-ENTRY EMPLOYMENT OPPORTUNITIES.**

4        In addition to amounts otherwise made available,  
5        there is appropriated to the Department of Labor for fis-  
6        cal year 2022, out of any money in the Treasury not other-  
7        wise appropriated, \$3,600,000,000, to remain available  
8        until September 30, 2026, except that no amounts may  
9        be expended after September 30, 2031, for carrying out  
10       ex-offender activities, under the authority of section 169  
11       of the Workforce Innovation and Opportunity Act (29  
12       U.S.C. 3224). Not less than 25 percent of such funds shall  
13       be for competitive grants to national and regional inter-  
14       mediaries for activities that prepare for employment of  
15       young adults with criminal records, young adults who have  
16       been justice system-involved, or young adults who have  
17       dropped out of school or other educational programs, with  
18       a priority for projects serving high-crime, high-poverty  
19       areas.

20       **SEC. 22006. REGISTERED APPRENTICESHIPS, YOUTH AP-**  
21                                **PRENTICESHIPS, AND PRE-APPRENTICE-**  
22                                **SHIPS.**

23        (a) IN GENERAL.—In addition to amounts otherwise  
24        made available, there is appropriated to the Department  
25        of Labor for fiscal year 2022, out of any amounts in the

1 Treasury not otherwise appropriated, \$5,000,000,000, to  
2 remain available until September 30, 2026, except that no  
3 amounts may be expended after September 30, 2031, to  
4 carry out activities through grants, cooperative agree-  
5 ments, contracts or other arrangements, with States and  
6 other appropriate entities, including equity intermediaries  
7 and business and labor industry partner intermediaries,  
8 to create or expand only—

9           (1) apprenticeship programs registered under  
10 the Act of August 16, 1937 (commonly known as  
11 the “National Apprenticeship Act”; 50 Stat. 664,  
12 chapter 663; 29 U.S.C. 50 et seq.); and

13           (2) youth apprenticeship programs and pre-ap-  
14 prenticeship programs that articulate to apprentice-  
15 ship programs described in paragraph (1).

16       (b) RESERVATION.—Not less than 50 percent of the  
17 funds made available under section (a) shall be reserved  
18 for—

19           (1) entities serving a high number or high per-  
20 centage of individuals with barriers to employment  
21 (as defined in section 3 of the Workforce Innovation  
22 and Opportunity Act (29 U.S.C. 3102)), including  
23 individuals with disabilities, or nontraditional ap-  
24 prenticeship populations; or

1           (2) youth apprenticeships or pre-apprentice-  
2       ships that articulate to such registered apprentice-  
3       ships programs.

4   **SEC. 22007. COMMUNITY COLLEGE AND INDUSTRY PART-**  
5       **NERSHIP GRANTS.**

6       (a) DEFINITIONS.—In this section—

7           (1) ELIGIBLE INSTITUTION.—The term “eligi-  
8       ble institution” means an institution of higher edu-  
9       cation (as defined in section 101 or 102(c) of the  
10      Higher Education Act of 1965 (20 U.S.C. 1001,  
11      1002(c)), including a Tribal College or University  
12      (as defined in section 316 of such Act (20 U.S.C.  
13      1059c)), or a consortium of such institutions—

14           (A) at which the highest degree awarded is  
15      an associate degree; or an associate degree is  
16      the predominant degree awarded; and

17           (B) that is working directly with an indus-  
18      try or sector partnership, or in the process of  
19      establishing such partnership, to carry out a  
20      grant under this section.

21       (2) PERKINS CTE DEFINITIONS.—The terms  
22      “career and technical education”, “career guidance  
23      and academic counseling” , “dual or concurrent en-  
24      rollment program”, “evidence-based” and “work-  
25      based learning” have the meanings given the terms

1 in section 3 of the Carl D. Perkins Career and Tech-  
2 nical Education Act of 2006 (20 U.S.C. 2302).

3 (3) REGISTERED APPRENTICESHIP PROGRAM.—

4 The term “registered apprenticeship program”  
5 means an apprenticeship registered under the Act of  
6 August 16, 1937 (commonly known as the “National  
7 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29  
8 U.S.C. 50 et seq.).

9 (4) SECRETARY.—The term “Secretary” means  
10 the Secretary of Labor.

11 (5) WIOA DEFINITIONS.—

12 (A) IN GENERAL.—The terms “career  
13 pathway”, “in-demand industry sector or occu-  
14 pation”, “individual with a barrier to employ-  
15 ment”, “industry or sector partnership”, “inte-  
16 grated education and training”, “recognized  
17 postsecondary credential” and “supportive serv-  
18 ices” have the meanings given the terms in sec-  
19 tion 3 of the Workforce Innovation and Oppor-  
20 tunity Act (29 U.S.C. 3102).

21 (B) CAREER SERVICES.—The term “career  
22 services” means services described in section  
23 134(c)(2) of the Workforce Innovation and Op-  
24 portunity Act (29 U.S.C. 3174(c)(2)).

1 (b) IN GENERAL.—In addition to amounts otherwise  
2 made available, there is appropriated to the Department  
3 of Labor for fiscal year 2022, out of any money in the  
4 Treasury not otherwise appropriated, \$2,000,000,000, to  
5 remain available until September 30, 2026, except that no  
6 amounts may be expended after September 30, 2031, to  
7 carry out this section.

8 (c) GRANTS.—From funds appropriated under sub-  
9 section (b) and not reserved under subsection (e), and  
10 under the authority of section 169(b)(5) of the Workforce  
11 Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)),  
12 the Secretary shall award grants on a competitive basis  
13 to eligible institutions for the purposes of expanding work-  
14 force development and employment opportunities in high-  
15 skill, high-wage, or in-demand industry sectors or occupa-  
16 tions. To receive such a grant, an eligible institution shall  
17 submit to the Secretary an application at such time, in  
18 such manner, and containing such information as specified  
19 by the Secretary, including a description of the related  
20 programs, recognized postsecondary credentials, and em-  
21 ployment opportunities.

22 (d) USE OF GRANT FUNDS.—

23 (1) IN GENERAL.—An eligible institution  
24 awarded a grant under this section shall use such  
25 grant funds to expand opportunities for attainment

1 of recognized postsecondary credentials that are na-  
2 tionally portable and stackable for high-skill, high-  
3 wage, or in-demand industry sectors or occupations  
4 by—

5 (A) establishing, improving, or scaling  
6 high-quality, evidence-based education and  
7 training programs, such as career and technical  
8 education programs, career pathway programs,  
9 and work-based learning programs (including  
10 programs of registered apprenticeships or pre-  
11 apprenticeships that articulate to registered ap-  
12 prenticeships);

13 (B) creating, developing, or expanding ar-  
14 tication agreements (as defined in section  
15 486A(a) of the Higher Education Act of 1965  
16 (20 U.S.C. 1093a(a))), credit transfer agree-  
17 ments, corequisite remediation programs, dual  
18 or concurrent enrollment programs, or policies  
19 and processes to award academic credit for  
20 prior learning or career training programs sup-  
21 ported by the funds described in subsection (c);

22 (C) making available open, searchable, and  
23 comparable information on curriculum or recog-  
24 nized postsecondary credentials, including those  
25 created or developed using such funds, and in-

1 formation on the related skills or competencies,  
2 and related employment and earnings outcomes;

3 (D) establishing or implementing plans for  
4 providers of programs supported with such  
5 funds to be included on the eligible training  
6 services provider list described in section 122(d)  
7 of the Workforce Innovation and Opportunity  
8 Act (29 U.S.C. 3152(d));

9 (E) purchasing, leasing, or refurbishing  
10 specialized equipment necessary to carry out  
11 the education or career training programs sup-  
12 ported by such funds;

13 (F) reducing or eliminating out-of-pocket  
14 expenses related to participants' cost of attend-  
15 ance in the education or career training activi-  
16 ties supported by such funds; or

17 (G) establishing or expanding industry or  
18 sector partnerships to successfully carry out the  
19 activities described in subparagraphs (A)  
20 through (F).

21 (2) RESERVATION.—An eligible institution  
22 awarded a grant under this section shall use not less  
23 than 15 percent of such grant funds to provide serv-  
24 ices to help individuals with barriers to employment  
25 complete and successfully transition out of education

1 or career training programs supported by such  
2 funds, which shall include providing supportive serv-  
3 ices, career services, career guidance and academic  
4 counseling, or job placement assistance.

5 (e) RESERVATIONS.—From the amounts made avail-  
6 able under subsection (b), the Secretary shall reserve not  
7 more than 5 percent for—

8 (1) targeted outreach to eligible institutions  
9 serving a high number or high percentage of low-in-  
10 come individuals or individuals with barriers to em-  
11 ployment, and rural-serving eligible institutions, to  
12 provide guidance and assistance in the grant appli-  
13 cation process under this section;

14 (2) administration of the program described in  
15 this section, including providing technical assistance  
16 and oversight to support eligible institutions (includ-  
17 ing consortia of eligible institutions); and

18 (3) evaluating and reporting on the perform-  
19 ance and impact of programs funded under this sec-  
20 tion.

21 (f) SUPPLEMENT NOT SUPPLANT.—Amounts avail-  
22 able to carry out this section shall be used to supplement  
23 and not supplant other Federal, State, and local public  
24 funds expended to support community college education  
25 or career training programs.

1 **SEC. 22008. INDUSTRY OR SECTOR PARTNERSHIP GRANTS.**

2 (a) IN GENERAL.—In addition to amounts otherwise  
3 made available, there is appropriated to the Department  
4 of Labor for fiscal year 2022, out of any money in the  
5 Treasury not otherwise appropriated, \$10,000,000,000, to  
6 remain available until September 30, 2026, except that no  
7 amounts may be expended after September 30, 2031, to  
8 carry out this section.

9 (b) GRANTS.—From amounts appropriated under  
10 subsection (a) and not reserved under subsection (d), and  
11 under the authority of section 169(b)(5) of the Workforce  
12 Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)),  
13 the Secretary shall award grants on a competitive basis  
14 to eligible partnerships for the purposes of expanding  
15 workforce development and employment opportunities for  
16 high-skill, high-wage, or in-demand industry sectors or oc-  
17 cupations, including information technology, clean energy,  
18 infrastructure and transportation, advanced manufac-  
19 turing, public health, home care, and early childhood care  
20 and education. To receive such a grant, an eligible part-  
21 nership shall submit to the Secretary an application at  
22 such time, in such manner, and containing such informa-  
23 tion as specified by the Secretary.

24 (c) USES OF FUNDS.—An eligible partnership award-  
25 ed such a grant under this section shall use—

1           (1) such grant funds to engage and regularly  
2       convene stakeholders in a collaborative structure to  
3       identify, develop, improve, or expand training, em-  
4       ployment, and growth opportunities for the high-  
5       skill, high-wage, or in-demand industry sector or oc-  
6       cupation on which such partnership is focused;

7           (2) not less than 50 percent of such grant  
8       funds to directly provide, or arrange for the provi-  
9       sion of, high-quality, evidence-based training for the  
10      high-skill, high-wage, or in-demand industry sector  
11      or occupation on which such partnership is focused,  
12      which shall include—

13           (A) training services described in any  
14      clause of subparagraph (D) of section 134(c)(3)  
15      of the Workforce Innovation and Opportunity  
16      Act (29 U.S.C. 3174(c)(3))) provided through  
17      contracts that meet the requirements of that  
18      section 134(c)(3); or

19           (B) training provided through registered  
20      apprenticeship programs, youth apprenticeship,  
21      or pre-apprenticeship programs that articulate  
22      to registered apprenticeship programs, or  
23      through joint labor-management partnerships;  
24      and

1 (C) establishing or implementing plans for  
2 providers of programs supported with such  
3 funds to be included on the eligible training  
4 services provider list described in section 122(d)  
5 of the Workforce Innovation and Opportunity  
6 Act (29 U.S.C. 3152(d)).

7 (3) not less than 15 percent of such grant  
8 funds to directly provide, or arrange for the provi-  
9 sion of, services to help individuals with barriers to  
10 employment complete and successfully transition out  
11 of training described in paragraph (2), which serv-  
12 ices shall include career services, supportive services,  
13 or the provision of needs-related payments author-  
14 ized under subsections (c)(2), (d)(2), and (d)(3) of  
15 section 134 of the Workforce Innovation and Oppor-  
16 tunity Act (29 U.S.C. 3174).

17 (d) RESERVATIONS.—

18 (1) IN GENERAL.—From the amounts made  
19 available under subsection (a), the Secretary shall  
20 reserve not more than 5 percent for—

21 (A) targeted outreach and support to eligi-  
22 ble partnerships serving local areas with high  
23 unemployment rates or high percentages of in-  
24 dividuals with low incomes or individuals with  
25 barriers to employment, to provide guidance

1           and assistance in the grant application process  
2           under this section;

3                 (B) administration of the program de-  
4           scribed in this section, including providing com-  
5           prehensive technical assistance and oversight to  
6           support eligible partnerships; and

7                 (C) evaluating and reporting on the per-  
8           formance and impact of programs funded under  
9           this section.

10           (2) STATE BOARD OR LOCAL BOARD FUNDS.—

11       From amounts made available under subsection (a),  
12       the Secretary shall reserve not less than 5 percent  
13       to provide direct assistance to State boards or local  
14       boards to support the creation or expansion of in-  
15       dustry or sector partnerships in local areas with  
16       high unemployment rates or high percentages of in-  
17       dividuals with low incomes or individuals with bar-  
18       riers to employment, as compared to State or na-  
19       tional averages for such rates or percentages.

20           (e) SUPPLEMENT NOT SUPPLANT.—Amounts made  
21       available to carry out this section shall be used to supple-  
22       ment and not supplant other Federal, State, and local  
23       public funds expended to support activities described in  
24       this section.

25           (f) DEFINITIONS.—In this section:

1 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-  
2 ble partnership” means—

3 (A) an industry or sector partnership,  
4 which shall include multiple representatives de-  
5 scribed in each of clauses (i) through (iii) of  
6 paragraph (26)(A) of section 3 of the Work-  
7 force Innovation and Opportunity Act (29  
8 U.S.C. 3102); or

9 (B) a partnership of multiple entities de-  
10 scribed in section 3(26) of such Act (29 U.S.C.  
11 3102(26)), and a State board or local board,  
12 that is in the process of establishing an indus-  
13 try or sector partnership.

14 (2) PERKINS CTE DEFINITIONS.—The terms  
15 “career guidance and academic counseling” and  
16 “evidence-based” have the meanings given the terms  
17 in section 3 of the Carl D. Perkins Career and Tech-  
18 nical Education Act of 2006 (20 U.S.C. 2302).

19 (3) REGISTERED APPRENTICESHIP PROGRAM.—  
20 The term “registered apprenticeship program”  
21 means an apprenticeship registered under the Act of  
22 August 16, 1937 (commonly known as the “National  
23 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29  
24 U.S.C. 50 et seq.).

1           (4) SECRETARY.—The term “Secretary” means  
2       the Secretary of Labor.

3           (5) WIOA DEFINITIONS.—The terms “career  
4       pathway”, “in-demand industry sector or occupa-  
5       tion”, “individual with a barrier to employment”,  
6       “industry or sector partnership”, “local area”, “local  
7       board”, and “State board” have the meanings given  
8       the terms in section 3 of the Workforce Innovation  
9       and Opportunity Act (29 U.S.C. 3102).

10 **SEC. 22009. JOB CORPS.**

11       In addition to amounts otherwise made available,  
12       there is appropriated to the Department of Labor for fis-  
13       cal year 2022, out of any amounts in the Treasury not  
14       otherwise appropriated, \$1,500,000,000, to remain avail-  
15       able until September 30, 2026, except that no amounts  
16       may be expended after September 30, 2031, for the Job  
17       Corps program authorized under section 143 of the Work-  
18       force Innovation and Opportunity Act (29 U.S.C. 3193 et  
19       seq.) and for the purposes of improving and expanding ac-  
20       cess to allowances and supports described in section 150  
21       of such Act (29 U.S.C. 3200). Of such funds, no less than  
22       \$750,000,000 shall be reserved for construction, rehabili-  
23       tation and acquisition of Job Corps Centers.

1   **SEC. 22010. NATIVE AMERICAN PROGRAMS.**

2       In addition to amounts otherwise made available,  
3 there is appropriated to the Department of Labor for fis-  
4 cal year 2022, out of any amounts in the Treasury not  
5 otherwise appropriated, \$450,000,000, to remain available  
6 until September 30, 2026, except that no amounts may  
7 be expended after September 30, 2031, for the Native  
8 American programs authorized under the Workforce Inno-  
9 vation and Opportunity Act.

10   **SEC. 22011. MIGRANT AND SEASONAL FARMWORKER PRO-**  
11                   **GRAMS.**

12       In addition to amounts otherwise made available,  
13 there is appropriated to the Department of Labor for fis-  
14 cal year 2022, out of any amounts in the Treasury not  
15 otherwise appropriated, \$450,000,000, to remain available  
16 until September 30, 2026, except that no amounts may  
17 be expended after September 30, 2031, for the migrant  
18 and seasonal farmworker programs authorized under  
19 Workforce Innovation and Opportunity Act, except that,  
20 for purposes of providing services under those programs  
21 to low-income individuals under this section, section  
22 3(36)(A)(ii)(I) of such Act (29 U.S.C. 3102(36)(A)(ii)(I))  
23 shall be applied by substituting “150 percent of the pov-  
24 erty line” for “the poverty line”.

1 **SEC. 22012. YOUTHBUILD PROGRAM.**

2 In addition to amounts otherwise made available,  
3 there is appropriated to the Department of Labor for fis-  
4 cal year 2022, out of any amounts in the Treasury not  
5 otherwise appropriated, \$500,000,000, to remain available  
6 until September 30, 2026, except that no amounts may  
7 be expended after September 30, 2031, for the YouthBuild  
8 program authorized under the Workforce Innovation and  
9 Opportunity Act (29 U.S.C. 3226), including for the pur-  
10 poses of improving and expanding access to services, sti-  
11 pends, wages, and benefits described in subsections  
12 (c)(2)(A)(vii) and (c)(2)(F) of section 171 of such Act.

13 **SEC. 22013. SENIOR COMMUNITY SERVICE EMPLOYMENT**  
14 **PROGRAM.**

15 In addition to amounts otherwise made available,  
16 there is appropriated to the Department of Labor for fis-  
17 cal year 2022, out of any amounts in the Treasury not  
18 otherwise appropriated, \$100,000,000, to remain available  
19 until September 30, 2026, except that no amounts may  
20 be expended after September 30, 2031, for the Senior  
21 Community Service Employment program authorized  
22 under title V of the Older Americans Act (42 U.S.C. 3056  
23 et seq.).

24 **SEC. 22014. PROGRAM ADMINISTRATION.**

25 In addition to amounts otherwise made available,  
26 there is appropriated to the Department of Labor for fis-

1 cal year 2022, out of any money in the Treasury not other-  
2 wise appropriated, \$720,000,000, to remain available until  
3 September 30, 2028, except that no amounts may be ex-  
4 pended after September 30, 2031, for program adminis-  
5 tration within the Department of Labor for salaries and  
6 expenses necessary to implement this part.

7 **PART 2—DEPARTMENT OF EDUCATION**

8 **SEC. 22101. ADULT EDUCATION AND LITERACY.**

9 (a) IN GENERAL.—In addition to amounts otherwise  
10 made available, there is appropriated to the Department  
11 of Education for fiscal year 2022, out of any money in  
12 the Treasury not otherwise appropriated, \$3,600,000,000,  
13 to remain available until September 30, 2028, to carry out  
14 title II of the Workforce Innovation and Opportunity Act  
15 (29 U.S.C. 3101 et seq.), which shall be reserved, and  
16 granted and allotted to eligible agencies in accordance with  
17 subsections (a), (b), and (c) of section 211 of such Act,  
18 respectively.

19 (b) REQUIREMENT.—With respect to each eligible  
20 agency that receives funds appropriated by this section,  
21 for each fiscal year for which such eligible agency receives  
22 such funds, section 222(a)(1) of the Workforce Innovation  
23 and Opportunity Act (29 U.S.C. 3302(a)(1)) the shall be  
24 applied by substituting “not less than 10 percent” for  
25 “not more than 20 percent”.

1 **SEC. 22102. CAREER AND TECHNICAL EDUCATION.**

2 (a) IN GENERAL.—In addition to amounts otherwise  
3 made available, there is appropriated to the Department  
4 of Education for fiscal year 2022, out of any money in  
5 the Treasury not otherwise appropriated, the following  
6 amounts, to remain available until September 30, 2028:

7 (1) \$3,000,000,000 for carrying out career and  
8 technical education programs authorized under sec-  
9 tion 124 and section 135 of the Carl D. Perkins Ca-  
10 reer and Technical Education Act of 2006 (20  
11 U.S.C. 2301 et seq.), which shall be allotted in ac-  
12 cordance with section 111 and section 112 of such  
13 Act (20 U.S.C. 2321, 2322), except that subsection  
14 (b) of section 112 of such Act (20 U.S.C. 2322)  
15 shall not apply.

16 (2) \$1,000,000,000 for carrying out the innova-  
17 tion and modernization program described in sub-  
18 section(e) of section 114 of the Carl D. Perkins Ca-  
19 reer and Technical Education Act of 2006 (20  
20 U.S.C. 2324(e)), except that for purposes of this  
21 paragraph—

22 (A) the 20 percent limitation in paragraph  
23 (1) of such subsection, and paragraph (2) of  
24 such subsection, shall not apply; and

1 (B) eligible agencies (as defined in section  
2 3 of such Act) shall be eligible to receive grants  
3 under section 114(e) of such Act.

4 (b) SUPPLEMENT NOT SUPPLANT.—Amounts made  
5 available to carry out this section shall be used to supple-  
6 ment and not supplant other Federal, State, and local  
7 public funds expended for career and technical education  
8 programs, including the funds provided under the Carl D.  
9 Perkins Career and Technical Education Act of 2006 (20  
10 U.S.C. 2301 et seq.).

11 **PART 3—COMPETITIVE INTEGRATED EMPLOY-**  
12 **MENT TRANSFORMATION GRANT PROGRAM**

13 **SEC. 22201. COMPETITIVE INTEGRATED EMPLOYMENT**  
14 **TRANSFORMATION GRANT PROGRAM.**

15 (a) IN GENERAL.—In addition to amounts otherwise  
16 made available, there is appropriated to the Department  
17 of Labor, \$300,000,000 for fiscal year 2022, out of any  
18 money in the Treasury not otherwise appropriated, to re-  
19 main available until expended, for the Secretary of Labor  
20 (referred to in this section as the “Secretary”) to award  
21 grants to States in accordance with this section to assist  
22 employers in such States who were issued special certifi-  
23 cates under section 14(c) of the Fair Labor Standards Act  
24 of 1938 (29 U.S.C. 214(c)) in transforming (or continuing  
25 to transform) their business and program models from

1 providing employment using special certificates to busi-  
2 ness and program models that employ and support people  
3 with disabilities in competitive integrated employment and  
4 to cover any administrative costs associated with such  
5 grants.

6 (b) RESERVATIONS AND ALLOTMENTS; DURATION OF  
7 AWARDS.—

8 (1) RESERVATIONS.—

9 (A) ALLOTMENTS TO NON-COVERED  
10 STATES.—

11 (i) IN GENERAL.—The Secretary shall  
12 reserve 10 percent of the amount appro-  
13 priated by subsection (a) to award grants,  
14 in accordance to clause (ii), to States de-  
15 scribed in subsection (c)(3) that submit an  
16 application under subsection (c) meeting  
17 the applicable requirements of such sub-  
18 section.

19 (ii) ALLOTMENT AMOUNT.—The Sec-  
20 retary shall allot grants to each State  
21 under clause (i) a grant in an amount that  
22 bears the same relationship to the total  
23 amount reserved under clause (i) as the  
24 population of the State bears to the total

1 population of all States described in such  
2 clause.

3 (B) NATIONAL TECHNICAL ASSISTANCE  
4 CENTER.—The Secretary shall use 2 percent of  
5 the amounts appropriated in subsection (a) to  
6 establish, either directly or through grants, con-  
7 tracts, or cooperative agreements, a national  
8 technical assistance center to provide technical  
9 assistance to employers who are transforming  
10 from employing people with disabilities using  
11 special certificates to providing competitive inte-  
12 grated employment and to collect and dissemi-  
13 nate evidence-based practices with respect to  
14 the transformations and in providing competi-  
15 tive integrated employment and integrated serv-  
16 ices.

17 (2) ALLOTMENTS TO COVERED STATES.—

18 (A) 15 OR MORE COVERED STATES.—

19 (i) IN GENERAL.—In the case that, as  
20 of a date determined appropriate by the  
21 Secretary, there are 15 or more covered  
22 States the Secretary shall allot to each cov-  
23 ered State a grant in an amount equal to  
24 the sum of the allotted to such State under  
25 clauses (ii) and (iii).

1 (ii) ALLOTMENT BASED ON NUMBER  
2 OF EMPLOYEES SPECIAL CERTIFICATES.—  
3 From the total amount that is 70 percent  
4 of the funds appropriated under subsection  
5 (a) and not reserved under paragraph (1),  
6 the Secretary shall allot to each covered  
7 State an amount that bears the same rela-  
8 tionship to such total amount as the num-  
9 ber of people with disabilities who are em-  
10 ployed under a special certificate in the  
11 covered State bears to the total number of  
12 people with disabilities who are employed  
13 under a special certificate in all covered  
14 States.

15 (iii) ALLOTMENT BASED ON EMPLOY-  
16 ERS WITH SPECIAL CERTIFICATES.—From  
17 the total amount that is 30 percent of the  
18 funds appropriated under subsection (a)  
19 and not reserved under paragraph (1), the  
20 Secretary shall allot to each covered State  
21 an amount that bears the same relation-  
22 ship to such total amount as the number  
23 of employers in the covered State who have  
24 in effect a special certificate bears to the  
25 total number of employers in all covered

1 States who have in effect such a certifi-  
2 cate.

3 (B) 14 OR FEWER COVERED STATES.—In  
4 the case that, as of the date determined appro-  
5 priate by the Secretary under subparagraph  
6 (A), there are fewer than 15 covered States, the  
7 Secretary shall award grants to each covered  
8 State on a competitive basis in an amount that  
9 the Secretary determines necessary to accom-  
10 plish the purpose of the grant described in sub-  
11 section (a).

12 (C) COVERED STATE.—In this subsection,  
13 the term “covered State” means a State that—

14 (i) is not described in subsection  
15 (c)(3); and

16 (ii) submits an application under sub-  
17 section (c) that meets the applicable re-  
18 quirements under such subsection.

19 (3) DURATION OF AWARDS.—A grant under  
20 this section shall be awarded for a period of 5 years.

21 (4) CUTOFF.—The Secretary may not issue a  
22 grant under this subsection after September 30,  
23 2025.

24 (c) APPLICATIONS.—

1           (1) IN GENERAL.—To be eligible to receive a  
2           grant under this section, a State shall submit an ap-  
3           plication to the Secretary at such time, in such man-  
4           ner, and including such information as the Secretary  
5           may reasonably require.

6           (2) CONTENTS.—In the case of a State not de-  
7           scribed in paragraph (3), an application submitted  
8           under paragraph (1) shall include—

9                   (A) a description of the status of the em-  
10                  ployers in the State providing employment  
11                  using special certificates, which may include—

12                           (i) the number of employers in the  
13                           State using special certificates to employ  
14                           and pay people with disabilities;

15                           (ii) the number of employees in the  
16                           State employed under a special certificate;

17                           (iii) the average number of hours such  
18                           employees work per week; and

19                           (iv) the average hourly wage for such  
20                           employees;

21                  (B) a description of activities to be funded  
22                  under the grant, and the goals of such activi-  
23                  ties, including the activities of the State with  
24                  respect to competitive integrated employment  
25                  for people with disabilities; and

1 (C) assurances that—

2 (i) the activities carried out under the  
3 grant will, by not later than the end of the  
4 5-year grant period, result in—

5 (I) each employer in the State  
6 voluntarily ceasing to use special cer-  
7 tificates by the end of the 5-year  
8 grant period and no longer applying  
9 for or renewing such certificates; or

10 (II) in the case of an employer in  
11 the State that, as of the date of enact-  
12 ment of this Act, provides employment  
13 using special certificates, the em-  
14 ployer—

15 (aa) transforms its business  
16 and program models as described  
17 in subsection (d)(1)(A); or

18 (bb) ceases providing spe-  
19 cialized employment services for  
20 people with disabilities; and

21 (ii) each individual in the State who is  
22 employed under a special certificate on or  
23 after the date of enactment will be em-  
24 ployed in competitive integrated employ-  
25 ment or a combination of competitive inte-

1           grated employment and integrated services,  
2           including by compensating all employees of  
3           the employer for all hours worked at a rate  
4           that is—

5                   (I) not less than the higher of  
6                   the rate specified in section 6(a)(1) of  
7                   the Fair Labor Standards Act of  
8                   1938 (29 U.S.C. 206(a)(1)) or the  
9                   rate specified in the applicable State  
10                  or local minimum wage law, or the ap-  
11                  plicable prevailing wage rate under  
12                  the McNamara-O’Hara Service Con-  
13                  tract Act (41 U.S.C. 6701 et seq.);  
14                  and

15                  (II) not less than the rate paid  
16                  by the employer for the same or simi-  
17                  lar work performed by other employ-  
18                  ees who are not people with disabil-  
19                  ities, and who are similarly situated in  
20                  similar occupations by the same em-  
21                  ployer and who have similar training,  
22                  experience, and skills; and

23                  (iii) the State will establish an advi-  
24                  sory council described in subsection (e) to  
25                  monitor and guide the process of trans-

1           forming business and program models of  
2           employers in the State as described in sub-  
3           section (d)(1)(A).

4           (3) APPLICATIONS FOR STATES RECEIVING  
5           AMOUNT FROM RESERVATION.—In the case of a  
6           State that, as of the date of enactment of this Act,  
7           is determined by the Secretary to have phased out  
8           or to be in the process of phasing out the use of spe-  
9           cial certificates in the State, an application under  
10          this subsection from such State shall include only  
11          the information described in paragraph (2)(B).

12          (d) USE OF FUNDS.—

13           (1) IN GENERAL.—In the case of a State not  
14           described in paragraph (2), such State shall use the  
15           grant funds for each of the following activities:

16           (A) Identifying each employer in the State  
17           that will transform its business and program  
18           models from employing people with disabilities  
19           using special certificates to employing people  
20           with disabilities in competitive integrated em-  
21           ployment settings, or a setting involving a com-  
22           bination of competitive integrated employment  
23           and integrated services.

24           (B) Implementing a service delivery infra-  
25           structure to support people with disabilities who

1           have been employed under special certificates  
2           through such a transformation, including pro-  
3           viding enhanced integrated services to support  
4           people with the most significant disabilities.

5           (C) Expanding competitive integrated em-  
6           ployment and integrated services to be provided  
7           to such people as a result of transformations  
8           described in subparagraph (A).

9           (2) STATES RECEIVING AMOUNT FROM RES-  
10          ERVATION.—A State that, as of the date of enact-  
11          ment of this Act, is determined by the Secretary to  
12          have phased out or to be in the process of phasing  
13          out the use of special certificates in the State, shall  
14          use the grant funds for expansion of competitive in-  
15          tegrated employment and integrated services to be  
16          provided to people with disabilities.

17          (e) MEMBERS OF THE ADVISORY COUNCIL.—A State  
18          receiving a grant under this section shall, for the purpose  
19          described in subsection (c)(2)(C)(iii), establish an advisory  
20          council composed of the following:

21               (1) People with disabilities, including people  
22               with intellectual or developmental disabilities and  
23               people with mental health disabilities, who are or  
24               were employed under a special certificate, who shall

1       comprise not less than 25 percent of the members  
2       of such advisory council.

3           (2) Family members of a person with an intel-  
4       lectual, developmental, or mental health disability  
5       who is or was employed under a special certificate  
6       or is employed in competitive integrated employ-  
7       ment.

8           (3) An employer providing competitive inte-  
9       grated employment.

10          (4) An employer providing employment under  
11       special certificates.

12          (5) Representatives of relevant State agencies  
13       with expertise in competitive integrated employment,  
14       disability organizations with such expertise, and dis-  
15       ability related offices and groups with such exper-  
16       tise.

17   **SEC. 22202. DEFINITIONS.**

18       In this part:

19           (1) COMPETITIVE INTEGRATED EMPLOY-  
20       MENT.—The term “competitive integrated employ-  
21       ment” has the meaning given such term in section  
22       7(5) of the Rehabilitation Act of 1973 (29 U.S.C.  
23       705(5)).

24           (2) EMPLOYEE; EMPLOYER.—The terms “em-  
25       ployee” and “employer” have the meanings given

1       such terms in section 3 of the Fair Labor Standards  
2       Act of 1938 (29 U.S.C. 203).

3           (3) INTEGRATED COMMUNITY PARTICIPATION  
4       AND WRAPAROUND SERVICES; INTEGRATED SERV-  
5       ICES.—The terms “integrated community participa-  
6       tion and wraparound services” or “integrated serv-  
7       ices” mean services for people with disabilities that  
8       are—

9           (A) designed to assist such people in devel-  
10       oping skills and abilities to reside successfully  
11       in home and community-based settings;

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

14          (C) created using evidence-based practices  
15       that lead to such people—

16           (i) maintaining competitive integrated  
17       employment;

18           (ii) achieving independent living; or

19           (iii) maximizing socioeconomic self-  
20       sufficiency, optimal independence, and full  
21       participation in the community;

22          (D) provided in a community location that  
23       is not specifically intended for people with dis-  
24       abilities;

25          (E) provided in a location that—

1 (i) allows the people receiving the  
2 services to interact with people without dis-  
3 abilities to the fullest extent possible; and

4 (ii) makes it possible for the people  
5 receiving the services to access community  
6 resources that are not specifically intended  
7 for people with disabilities and to have the  
8 same opportunity to participate in the  
9 community as people who do not have a  
10 disability; and

11 (F) provided in multiple locations to allow  
12 the individual receiving the services to have op-  
13 tions, thereby—

14 (i) optimizing individual initiative, au-  
15 tonomy, and independence; and

16 (ii) facilitating choice regarding serv-  
17 ices and supports, and choice regarding the  
18 provider of such services.

19 (4) PEOPLE WITH DISABILITIES.—The term  
20 “people with disabilities” includes individuals de-  
21 scribed in section 14(c)(1) of the Fair Labor Stand-  
22 ards Act of 1938 (29 U.S.C. 214(c)(1)).

23 (5) STATE.—The term “State” has the mean-  
24 ing given the term in section 3 of the Fair Labor  
25 Standards Act of 1938 (29 U.S.C. 203)).

1 **PART 4—RECRUITMENT, EDUCATION AND TRAIN-**  
2 **ING, RETENTION, AND CAREER ADVANCE-**  
3 **MENTS FOR THE DIRECT CARE WORKFORCE**

4 **SEC. 22301. DEFINITIONS.**

5 In this part:

6 (1) CTE DEFINITIONS.—The terms “evidence-  
7 based” and “work-based learning” have the mean-  
8 ings given such terms in section 3 of the Carl D.  
9 Perkins Career and Technical Education Act of  
10 2006 (20 U.S.C. 2302).

11 (2) WIOA DEFINITIONS.—The terms “career  
12 pathway”, “career planning”, “individual with a bar-  
13 rier to employment”, “local board”, “older indi-  
14 vidual”, “on-the-job training”, “recognized postsec-  
15 ondary credential”, and “State board” have the  
16 meanings given such terms in section 3 of the Work-  
17 force Innovation and Opportunity Act (29 U.S.C.  
18 3102).

19 (3) OTHER DEFINITIONS.—

20 (A) CAREER AND TECHNICAL EDUCATION  
21 SCHOOL.—The term “career and technical edu-  
22 cation school” has the meaning given the term  
23 “eligible recipient” in section 3 of the 3 of the  
24 Carl D. Perkins Career and Technical Edu-  
25 cation Act of 2006 (20 U.S.C. 2302).

1 (B) DIRECT CARE WORKER.—The term  
2 “direct care worker” means—

3 (i) a direct support professional;

4 (ii) any worker who provides direct  
5 care services in home or community-based  
6 setting;

7 (iii) a respite care provider who pro-  
8 vides short-term support and care to an in-  
9 dividual in order to provide relief to a fam-  
10 ily caregiver;

11 (iv) a palliative care worker;

12 (v) a direct care worker, as defined in  
13 section 799B of the Public Health Service  
14 Act (42 U.S.C. 795p); or

15 (vi) an individual in any other position  
16 or job related to those described in clauses  
17 (i) through (vi), as determined by the Sec-  
18 retary in consultation with the Secretary of  
19 Health and Human Services acting  
20 through the Administrator for the Admin-  
21 istration for Community Living.

22 (C) ELIGIBLE ENTITY.—The term “eligible  
23 entity” means an entity that is—

24 (i) a State;

1 (ii) a labor organization, a joint labor-  
2 management organization, or a Multi-Em-  
3 ployer Training and Education Fund;

4 (iii) a nonprofit organization with ex-  
5 perience in aging, disability, supporting the  
6 rights and interests of direct care workers,  
7 or training or educating direct care work-  
8 ers;

9 (iv) an Indian Tribe or Tribal organi-  
10 zation (as defined in section 4 of the In-  
11 dian Self-Determination and Education  
12 Assistance Act (25 U.S.C. 5304));

13 (v) an urban Indian organization (as  
14 defined in section 4 of the Indian Health  
15 Care Improvement Act (25 U.S.C. 1603));

16 (vi) a State board or local board;

17 (vii) an area agency on aging (as de-  
18 fined in section 102 of the Older Ameri-  
19 cans Act of 1965 (42 U.S.C. 3002));

20 (viii) when in partnership with an en-  
21 tity described in any of clauses (i) through  
22 (vii)—

23 (I) an institution of higher edu-  
24 cation (as defined in section 101 of  
25 the Higher Education Act of 1965 (20

1 U.S.C. 1001) or section 102(a)(1)(B)  
2 of such Act (20 U.S.C.  
3 1002(a)(1)(B))); or

4 (II) a career and technical edu-  
5 cation school; or

6 (ix) a consortium of entities listed in  
7 any of clauses (i) through (vii).

8 (D) FAMILY CAREGIVER.—The term “fam-  
9 ily caregiver” means a paid or unpaid adult  
10 family member or other individual who has a  
11 significant relationship with, and who provides  
12 a broad range of assistance to, an individual  
13 with a chronic or other health condition, dis-  
14 ability, or functional limitation.

15 (E) HOME AND COMMUNITY-BASED SERV-  
16 ICES.—The term “home and community-based  
17 services” has the meaning given such term in  
18 section 9817(a)(2) of the American Rescue  
19 Plan Act of 2021 (Public Law 117–2).

20 (F) PERSON WITH A DISABILITY.—The  
21 term “person with a disability” means an indi-  
22 vidual with a disability as defined in section 3  
23 of the Americans with Disabilities Act of 1990  
24 (42 U.S.C. 12102).

1 (G) PRE-APPRENTICESHIP PROGRAM.—The  
2 term “pre-apprenticeship program” means a  
3 program that articulates to a registered appren-  
4 ticeship program.

5 (H) REGISTERED APPRENTICESHIP PRO-  
6 GRAM.—The term “registered apprenticeship  
7 program” means an apprenticeship program  
8 registered under the Act of August 16, 1937  
9 (commonly known as the “National Apprentice-  
10 ship Act”; 50 Stat. 664, chapter 663; 29  
11 U.S.C. 50 et seq.).

12 (I) SECRETARY.—The term “Secretary”  
13 means the Secretary of Labor.

14 (J) STATE.—The term “State” means  
15 each of the 50 States of the United States, the  
16 District of Columbia, the Commonwealth of  
17 Puerto Rico, American Samoa, Guam, the  
18 United States Virgin Islands, and the Common-  
19 wealth of the Northern Mariana Islands.

20 **SEC. 22302. GRANTS TO SUPPORT THE DIRECT CARE WORK-**  
21 **FORCE.**

22 (a) GRANTS AUTHORIZED.—In addition to amounts  
23 otherwise available, there is appropriated to the Secretary  
24 for fiscal year 2022, out of any money in the Treasury  
25 not otherwise appropriated, \$1,480,000,000, to remain

1 available until September 30, 2031, for awarding, on a  
2 competitive basis, grants to eligible entities to carry out  
3 the activities described in subsection (c) with respect to  
4 direct care workers.

5 (b) APPLICATIONS; AWARD BASIS.—

6 (1) APPLICATIONS.—

7 (A) IN GENERAL.—An eligible entity seek-  
8 ing a grant under subsection (a) shall submit to  
9 the Secretary an application at such time, in  
10 such manner, and containing such information  
11 as the Secretary, in coordination with the Sec-  
12 retary of Health and Human Services acting  
13 through the Administrator of the Administra-  
14 tion for Community Living, may require.

15 (B) CONTENTS.—Each application under  
16 subparagraph (A) shall include—

17 (i) a description of the type or types  
18 of direct care workers the entity plans to  
19 serve through the activities supported by  
20 the grant;

21 (ii) a description of the one or more  
22 eligible partnering entities collaborating to  
23 carry out the activities described in sub-  
24 section (c);

25 (iii) an assurance that—

1 (I) the eligible entity will estab-  
2 lish a consultative process, as de-  
3 scribed in subsection (c)(2); and

4 (II) the eligible entity will consult  
5 on the implementation of the grant, or  
6 coordinate the activities of the grant,  
7 with the agencies in the State that are  
8 responsible for developmental dis-  
9 ability services, aging, education,  
10 workforce development, and Medicaid,  
11 to the extent that each such entity is  
12 not the eligible entity; and

13 (iv) a plan for ensuring that the eligi-  
14 ble entity will remain neutral in any orga-  
15 nizing effort involving direct care workers  
16 served by the grant who seek to form, join,  
17 or assist a labor organization.

18 (2) CONSIDERATION.—In awarding grants  
19 under subsection (a), the Secretary, in coordination  
20 with the Secretary of Health and Human services  
21 acting through the Administrator of the Administra-  
22 tion for Community Living, shall ensure equitable  
23 geographic diversity in distribution of the grants, in-  
24 cluding by selecting recipients in rural areas and se-  
25 lecting recipients in urban areas.

1           (3) DURATION OF GRANTS.—A grant awarded  
2       under this section shall be for a period of 3 years,  
3       and may be renewed. The Secretary, in coordination  
4       with the Secretary of Health and Human Services  
5       acting through the Administrator of the Administra-  
6       tion for Community Living, shall award grants (in-  
7       cluding any renewals) under this section in 3-year  
8       cycles subject to the limits set forth in subsection  
9       (a).

10       (c) USE OF FUNDS.—

11           (1) IN GENERAL.—

12               (A) REQUIRED USE OF FUNDS.—Each eli-  
13       gible entity receiving a grant under subsection  
14       (a) shall use the grant funds to provide com-  
15       petitive wages, benefits, and other supportive  
16       services, including transportation, child care,  
17       dependent care, workplace accommodations,  
18       and workplace health and safety protections, to  
19       the direct care workers served by the grant that  
20       are necessary to enable such workers to partici-  
21       pate in the activities supported by the grant.

22               (B) ADDITIONAL ACTIVITIES.—In addition  
23       to the requirement described in subparagraph  
24       (A), each eligible entity receiving a grant under

1 subsection (a) shall use the grant funds for one  
2 or more of the following activities:

3 (i) Developing and implementing a  
4 strategy for the recruitment of direct care  
5 workers.

6 (ii) Developing and implementing a  
7 strategy for the retention of direct care  
8 workers using evidence-based best prac-  
9 tices, such as providing mentoring to such  
10 workers.

11 (iii) Developing or implementing an  
12 education and training program for the di-  
13 rect care workers served by the grant,  
14 which shall include—

15 (I) education and training on—

16 (aa) the rights of direct care  
17 workers under applicable Fed-  
18 eral, State, or local employment  
19 law on—

20 (AA) wages and hours,  
21 including under the Fair  
22 Labor Standards Act of  
23 1938 (29 U.S.C. 201 et  
24 seq.);

1 (BB) safe working con-  
2 ditions, including under the  
3 Occupational Safety and  
4 Health Act of 1970 (29  
5 U.S.C. 651 et seq.);

6 (CC) forming, joining,  
7 or assisting a labor organi-  
8 zation, including under the  
9 National Labor Relations  
10 Act (29 U.S.C. 153 et seq.);  
11 and

12 (DD) other applicable  
13 terms and conditions of em-  
14 ployment; and

15 (bb) relevant Federal and  
16 State laws (including regulations)  
17 on the provision of home and  
18 community-based services; and

19 (II) providing a progressively in-  
20 creasing, clearly defined schedule of  
21 hourly wages to be paid to each direct  
22 care worker served by the grant for  
23 each hour the worker spends on edu-  
24 cation or training provided through  
25 the program described in this clause,

1 with a schedule of hourly wages  
2 that—

3 (aa) is consistent with meas-  
4 urable skill gains or attainment  
5 of a recognized postsecondary  
6 credential received as a result of  
7 participation in or completion of  
8 such education or training pro-  
9 gram; and

10 (bb) ensures that each such  
11 worker is compensated for each  
12 hour the worker spends on edu-  
13 cation or training through such  
14 program at an entry rate that is  
15 not less than the greater of the  
16 applicable minimum wage re-  
17 quired by other applicable Fed-  
18 eral, State, or local law, or a col-  
19 lective bargaining agreement;

20 (III) developing and imple-  
21 menting a strategy for the retention  
22 and career advancement of the direct  
23 care workers served by the grant, in-  
24 cluding providing career planning for  
25 the direct care workers served by the

1 grant to support the identification of  
2 advancement opportunities, and career  
3 pathways in the direct care or home  
4 care sectors; and

5 (IV) using evidence-based models  
6 and standards for achievement for the  
7 attainment of any associated recog-  
8 nized postsecondary credentials, which  
9 include—

10 (aa) supporting opportuni-  
11 ties to participate in pre-appren-  
12 ticeship or registered apprentice-  
13 ship programs, work-based learn-  
14 ing, or on-the-job training;

15 (bb) providing on-the-job su-  
16 pervision or mentoring to support  
17 the development of related skills  
18 and competencies throughout  
19 completion of such credentials;  
20 and

21 (cc) training on the in-de-  
22 mand skills and competencies of  
23 direct care workers served by the  
24 grant, including the provision of  
25 culturally competent and dis-

1 ability competent supports and  
2 services.

3 (2) CONSULTATION.—Each eligible entity re-  
4 ceiving a grant under this section shall consult in  
5 the development and implementation of the grant  
6 with—

7 (A) individuals with disabilities;

8 (B) older individuals;

9 (C) direct care workers;

10 (D) family caregivers, guardians, or family  
11 members; or

12 (E) representatives of—

13 (i) organizations representing the  
14 rights and interests of people receiving  
15 home and community-based services;

16 (ii) provider agencies or employers of  
17 direct care workers served by the grant;

18 (iii) labor or joint labor-management  
19 organizations, or advocacy organizations,  
20 representing direct care workers served by  
21 the grant; or

22 (iv) institutions of higher education or  
23 career and technical education schools pro-  
24 viding education and training on direct  
25 care.

1 (d) SUPPLEMENT AND NOT SUPPLANT.—An eligible  
2 entity receiving a grant under this section shall use such  
3 grant only to supplement, and not supplant, the amount  
4 of funds that, in the absence of such grant, would be avail-  
5 able to the eligible entity to address the recruitment, edu-  
6 cation and training, retention, or career advancement of  
7 direct care workers in the State served by the grant.

8 **PART 5—WORKFORCE DEVELOPMENT PRO-**  
9 **GRAMS IN SUPPORT OF COMMUNITIES AND**  
10 **THE ENVIRONMENT**

11 **SEC. 22401. CORPORATION FOR NATIONAL AND COMMU-**  
12 **NITY SERVICE.**

13 (a) IN GENERAL.—

14 (1) AMERICORPS STATE AND NATIONAL PRO-  
15 GRAMS.—

16 (A) IN GENERAL.—In addition to amounts  
17 otherwise made available, there is appropriated  
18 for fiscal year 2023, out of any money in the  
19 Treasury not otherwise appropriated, to the  
20 Corporation for National and Community Serv-  
21 ice, \$1,305,000,000, to remain available until  
22 September 30, 2027, for carrying out national  
23 service programs authorized under section  
24 122(a)(3)(B) of the National and Community  
25 Service Act of 1990 (42 U.S.C.

1           12572(a)(3)(B)) which shall be used to make  
2           funding adjustments to existing (as of the date  
3           of enactment of this Act) awards and make new  
4           awards to entities to support national service  
5           programs authorized under the AmeriCorps  
6           State and National program (whether or not  
7           the entities are already grant recipients under  
8           such provisions on the date of enactment of this  
9           Act) and to increase the living allowances of  
10          participants in national service programs.

11           (B) WAIVER OF MATCHING REQUIRE-  
12          MENT.—For the purposes of carrying out this  
13          subparagraph, the Corporation shall waive any  
14          match requirement in whole or in part where a  
15          grantee demonstrates such waiver would in-  
16          crease access and remove barriers for organiza-  
17          tions that serve communities that are adversely  
18          affected by persistent poverty, discrimination,  
19          or inequality.

20          (2) NATIONAL CIVILIAN COMMUNITY CORPS.—  
21          In addition to amounts otherwise made available,  
22          there is appropriated for fiscal year 2023, out of any  
23          money in the Treasury not otherwise appropriated,  
24          to the Corporation for National and Community  
25          Service, \$80,000,000, to remain available until Sep-

1       tember 30, 2027, for carrying out the National Civil-  
2       ian Community Corps authorized under section 152  
3       of the National and Community Service Act of 1990  
4       (42 U.S.C. 12612).

5           (3) VOLUNTEERS IN SERVICE TO AMERICA PRO-  
6       GRAM.—In addition to amounts otherwise made  
7       available, there is appropriated for fiscal year 2023,  
8       out of any money in the Treasury not otherwise ap-  
9       propriated, to the Corporation for National and  
10      Community Service, \$100,000,000, to remain avail-  
11      able until September 30, 2027, for carrying out the  
12      Volunteers in Service to America (VISTA) program  
13      for the purposes described in section 101 of the Do-  
14      mestic Volunteer Service Act of 1973 (42 U.S.C.  
15      4951), including to increase the living allowances of  
16      volunteers, described in section 105(b) of such Act  
17      (42 U.S.C. 4955).

18           (4) STATE COMMISSIONS.—In addition to  
19      amounts otherwise made available, there is appro-  
20      priated for fiscal year 2023, out of any money in the  
21      Treasury not otherwise appropriated, to the Cor-  
22      poration for National and Community Service,  
23      \$40,000,000, to remain available until September  
24      30, 2027, to make adjustments to existing (as of the  
25      date of enactment of this Act) awards and new and

1 additional awards, including awards to State Com-  
2 missions on National and Community Service, under  
3 section 126(a) of the National and Community Serv-  
4 ice Act of 1990 (42 U.S.C. 12576(a)).

5 (5) USE OF FUNDS.—Amounts made available  
6 under paragraphs (1) through (4) shall be used by  
7 the Corporation for National and Community Serv-  
8 ice to carry out activities described in section  
9 122(a)(3)(B) of the National and Community Serv-  
10 ice Act of 1990 (42 U.S.C. 12572(a)(3)(B)) and for  
11 activities related to environmental resiliency, remedi-  
12 ation, or mitigation by—

13 (A) ensuring at least 50 percent of such  
14 funds are awarded to entities that serve, and  
15 have representation from, low-income commu-  
16 nities, Tribal, Alaska Native, or Native Hawai-  
17 ian communities, or communities experiencing  
18 (or at risk of experiencing) adverse health and  
19 environmental conditions;

20 (B) taking into account the diversity of  
21 communities served by such entities and the di-  
22 versity of AmeriCorps members serving in these  
23 projects, including racial, ethnic, socioeconomic,  
24 linguistic, or geographic diversity, and utilizing  
25 culturally competent and multilingual strategies

1 in the provision of services to communities and  
2 in the recruitment of members;

3 (C) supporting projects that are planned  
4 and implemented with the community served by  
5 such activities;

6 (D) providing participants with workforce  
7 development opportunities such as pre-appren-  
8 ticeship programs that articulate to registered  
9 apprenticeships, and pathways to post-service  
10 employment in high-quality jobs or registered  
11 apprenticeships; and

12 (E) coordinating with and providing re-  
13 sources to the Departments of Labor and Edu-  
14 cation to improve the readiness of participants  
15 to transition to high-quality jobs or further edu-  
16 cation.

17 (b) ADMINISTRATIVE COSTS.—

18 (1) IN GENERAL.—In addition to amounts oth-  
19 erwise made available, there is appropriated for fis-  
20 cal year 2022, out of any money in the Treasury not  
21 otherwise appropriated, to the Corporation for Na-  
22 tional and Community Service, \$199,650,000, to re-  
23 main available until September 30, 2027, which  
24 shall be used for administrative expenses as provided  
25 under section 501(a)(5) of the National and Com-

1 community Service Act of 1990 (42 U.S.C. 12681(a)(5))  
2 and under section 504(a) of the Domestic Volunteer  
3 Service Act of 1973 (42 U.S.C. 5084(a)), including  
4 an evaluation of the Corporation's information tech-  
5 nology security, corrective actions to address rec-  
6 ommendations arising from audits of the agency and  
7 the National Service Trust, and, in consultation with  
8 the Inspector General, the development of grant  
9 fraud prevention and detection controls and risk-  
10 based anti-fraud grant monitoring. Not less than 5  
11 percent of funds under this paragraph shall be re-  
12 served for outreach to and recruitment of members  
13 from communities traditionally underrepresented in  
14 the programs and activities funded under this sec-  
15 tion.

16 (2) PROJECT, OPERATIONS, AND MANAGEMENT  
17 PLAN.—In addition to amounts otherwise made  
18 available, there is appropriated for fiscal year 2022,  
19 out of any money in the Treasury not otherwise ap-  
20 propriated, to the Corporation for National and  
21 Community Service, \$350,000, to remain available  
22 until September 30, 2023, which shall be used by  
23 the Chief Executive Officer of the Corporation for  
24 National and Community Service in collaboration  
25 with the Department of Labor, to develop, issue, and

1       implement a project, operations, and management  
2       plan for funds appropriated under this section. In  
3       developing the financial management portion of the  
4       plan, the Chief Executive Officer shall consult with  
5       the Inspector General. Such plan shall be provided  
6       to the Committee on Education and Labor of the  
7       House of Representatives and the Committee on  
8       Health, Education, Labor, and Pensions of the Sen-  
9       ate prior to obligating funds or making outlays for  
10      funds appropriated under subsection (a).

11      (c) OFFICE OF INSPECTOR GENERAL.—In addition  
12      to amounts otherwise made available, there is appro-  
13      priated for fiscal year 2022, out of any money in the  
14      Treasury not otherwise appropriated, to the Office of In-  
15      spector General of the Corporation for National and Com-  
16      munity Service, \$15,000,000 to remain available until  
17      September 30, 2030, which shall be used by the Office  
18      of Inspector General of the Corporation for National and  
19      Community Service for salaries and expenses necessary for  
20      oversight and audit of programs, activities and operations  
21      funded under this section.

22      (d) NATIONAL SERVICE TRUST.—In addition to  
23      amounts otherwise made available, there is appropriated  
24      for fiscal year 2023, out of any money in the Treasury

1 not otherwise appropriated, to the National Service Trust,  
2 \$260,000,000, to remain available until expended, for—

3 (1) administration of the National Service  
4 Trust; and

5 (2) payment to the Trust for the provision of  
6 educational awards pursuant to section 145(a)(1)(A)  
7 and section 148 of the National and Community  
8 Service Act of 1990 (42 U.S.C. 12601(a)(1)(A);  
9 12604).

10 **SEC. 22402. DEPARTMENT OF LABOR.**

11 (a) IN GENERAL.—

12 (1) YOUTHBUILD PROGRAM.—In addition to  
13 amounts otherwise made available, there is appro-  
14 priated for fiscal year 2023, out of any money in the  
15 Treasury not otherwise appropriated, to the Depart-  
16 ment of Labor, \$250,000,000, to remain available  
17 until September 30, 2027, except that no amounts  
18 may be expended after September 30, 2031, for the  
19 YouthBuild program authorized under section  
20 171(c)(1) of the Workforce Innovation and Oppor-  
21 tunity Act (29 U.S.C. 3226(c)(1)), including for the  
22 purposes of improving and expanding access to serv-  
23 ices, stipends, wages, and benefits described in sub-  
24 sections (c)(2)(A)(vii) and (c)(2)(F) of section 171  
25 of such Act.

1           (2) JOB CORPS PROGRAM.—In addition to  
2           amounts otherwise made available, there is appro-  
3           priated for fiscal year 2023, out of any money in the  
4           Treasury not otherwise appropriated, to the Depart-  
5           ment of Labor, \$500,000,000, to remain available  
6           until September 30, 2030, except that no amounts  
7           may be expended after September 30, 2031, for the  
8           Job Corps program authorized under section 143 of  
9           the Workforce Innovation and Opportunity Act (29  
10          U.S.C. 3193 et seq.), including Civilian Conservation  
11          Centers as described in section 147(d)(1) of such  
12          Act (29 U.S.C. 3197) and for the purposes of im-  
13          proving and expanding access to allowances and sup-  
14          ports described in section 150 of such Act (29  
15          U.S.C. 3200).

16          (3) EX-OFFENDER ACTIVITIES.—In addition to  
17          amounts otherwise made available, there is appro-  
18          priated for fiscal year 2023, out of any money in the  
19          Treasury not otherwise appropriated, to the Depart-  
20          ment of Labor, \$500,000,000, to remain available  
21          until September 30, 2027, except that no amounts  
22          may be expended after September 30, 2031, for ex-  
23          offender activities under the authority of section  
24          169(b)(5) of the Workforce Innovation and Oppor-  
25          tunity Act (29 U.S.C. 3224(b)(5)).

1           (4) APPRENTICESHIP PROGRAMS.—In addition  
2           to amounts otherwise made available, there is appro-  
3           priated for fiscal year 2023, out of any money in the  
4           Treasury not otherwise appropriated, to the Depart-  
5           ment of Labor, \$1,000,000,000, to remain available  
6           until September 30, 2027, except that no amounts  
7           may be expended after September 30, 2031, to carry  
8           out activities through grants, cooperative agree-  
9           ments, contracts or other arrangements, with States  
10          and other appropriate entities, including equity  
11          intermediaries and business and labor industry part-  
12          ner intermediaries, to create or expand only appren-  
13          ticeship programs registered under the Act of Au-  
14          gust 16, 1937 (commonly known as the “National  
15          Apprenticeship Act”; 50 Stat. 664, chapter 663; 29  
16          U.S.C. 50 et seq.), youth apprenticeship programs,  
17          and pre-apprenticeship programs articulating to ap-  
18          prenticeship programs registered under such Act.

19          (5) PAID YOUTH EMPLOYMENT ACTIVITIES.—In  
20          addition to amounts otherwise made available, there  
21          is appropriated for fiscal year 2023, out of any  
22          money in the Treasury not otherwise appropriated,  
23          to the Department of Labor, \$249,800,000, to re-  
24          main available until September 30, 2030, except  
25          that no amounts may be expended after September

1       30, 2031, for paid youth employment activities  
2       under the authority of section 169(b)(5) of the  
3       Workforce Innovation and Opportunity Act (29  
4       U.S.C. 3224(b)(5)) for in-school and out-of-school  
5       youth as defined in section 3 of such Act (29 U.S.C.  
6       3102).

7       (b) USE OF FUNDS.—Amounts made available under  
8       paragraphs (1) through (8) of subsection (a) shall be used  
9       for activities to include training for careers in industry  
10      sectors and occupations related to environmental resil-  
11      iency, remediation, or mitigation and activities to increase  
12      diversity within such industry sectors and occupations,  
13      taking into account the diversity of communities and par-  
14      ticipants served by such programs, including racial, ethnic,  
15      socioeconomic, linguistic, or geographic diversity.

16      (c) PROJECT, OPERATIONS, AND MANAGEMENT  
17      PLAN.—In addition to amounts otherwise made available,  
18      there is appropriated for fiscal year 2022, out of any  
19      money in the Treasury not otherwise appropriated, to the  
20      Department of Labor, \$200,000, to remain available until  
21      September 30, 2023, which shall be used by the Secretary  
22      of Labor in collaboration with the Chief Executive Officer  
23      of the Corporation for National and Community Service,  
24      to develop and issue a project, operations, and manage-  
25      ment plan for funds appropriated under this section. Such

1 plan shall be provided to the Committee on Education and  
2 Labor of the House of Representatives and the Committee  
3 on Health, Education, Labor, and Pensions of the Senate  
4 prior to obligating funds or making outlays for funds ap-  
5 propriated under subsection (a).

6 **PART 6—DEPARTMENT OF LABOR INSPECTOR**

7 **GENERAL FUNDING**

8 **SEC. 22501. DEPARTMENT OF LABOR INSPECTOR GENERAL**  
9 **FUNDING.**

10 In addition to amounts otherwise available, there is  
11 appropriated to the Office of Inspector General of the De-  
12 partment of Labor for fiscal year 2022, out of any money  
13 in the Treasury not otherwise appropriated,  
14 \$100,000,000, to remain available until expended for sala-  
15 ries and expenses necessary for oversight, investigations,  
16 and audits of programs, grants, and projects of the De-  
17 partment of Labor funded under this subtitle and subtitle  
18 B of this title.

19 **Subtitle D—Child Care and**  
20 **Universal Pre-Kindergarten**

21 **SEC. 23001. BIRTH THROUGH FIVE CHILD CARE AND EARLY**  
22 **LEARNING ENTITLEMENT.**

23 (a) SHORT TITLE.—This section may be cited as the  
24 “Birth Through Five Child Care and Early Learning En-  
25 titlement Act”.

1 (b) DEFINITIONS.—

2 (1) IN GENERAL.—The definitions in section  
3 658P of the Child Care and Development Block  
4 Grant Act of 1990 (42 U.S.C. 9858n) shall apply to  
5 this section, except as provided in subparagraph (2)  
6 and as otherwise specified.

7 (2) ADDITIONAL TERMS.—In this section:

8 (A) CHILD CARE CERTIFICATE.—

9 (i) IN GENERAL.—The term “child  
10 care certificate” means a certificate (that  
11 may be a check or other disbursement)  
12 that is issued by a State or local govern-  
13 ment under this section directly to a par-  
14 ent who may use such certificate only as  
15 payment for child care services or as a de-  
16 posit for child care services if such a de-  
17 posit is required of other children being  
18 cared for by the provider.

19 (ii) RULE.—Nothing in this section  
20 shall preclude the use of such certificates  
21 for sectarian child care services if freely  
22 chosen by the parent. For the purposes of  
23 this section, child care certificates shall be  
24 considered Federal financial assistance to  
25 the provider.

1 (B) CHILD EXPERIENCING HOMELESS-  
2 NESS.—The term “child experiencing homeless-  
3 ness” means an individual who is a homeless  
4 child or youth under section 725 of the McKin-  
5 ney-Vento Homeless Assistance Act (42 U.S.C.  
6 11434a).

7 (C) ELIGIBLE ACTIVITY.—The term “eligi-  
8 ble activity”, with respect to a parent, shall in-  
9 clude, at minimum, activities consisting of—

10 (i) full-time or part-time employment;

11 (ii) self-employment;

12 (iii) job search activities;

13 (iv) job training;

14 (v) secondary, postsecondary, or adult  
15 education, including education through a  
16 program of high school classes, a course of  
17 study at an institution of higher education,  
18 classes towards an equivalent of a high  
19 school diploma recognized by State law, or  
20 English as a second language classes;

21 (vi) health treatment (including men-  
22 tal health and substance use treatment) for  
23 a condition that prevents the parent from  
24 participating in other eligible activities;

1 (vii) activities to prevent child abuse  
2 and neglect, or family violence prevention  
3 or intervention activities;

4 (viii) employment and training activi-  
5 ties under the supplemental nutrition as-  
6 sistance program established under the  
7 Food and Nutrition Act of 2008 (7 U.S.C.  
8 2011 et seq.);

9 (ix) employment and training activi-  
10 ties under the Workforce Innovation and  
11 Opportunity Act (29 U.S.C. 3101)

12 (x) work activities under the program  
13 of block grants to States for temporary as-  
14 sistance for needy families under part A of  
15 title IV of the Social Security Act (42  
16 U.S.C. 601 et seq.); and

17 (xi) taking leave under the Family  
18 and Medical Leave Act of 1993 (29 U.S.C.  
19 2601 et seq.) (or equivalent provisions for  
20 Federal employees), a State or local paid  
21 or unpaid leave law, or a program of em-  
22 ployer-provided leave.

23 (D) ELIGIBLE CHILD.—The term “eligible  
24 child” means an individual (without regard to

1           the immigration status of the individual or of  
2           any parent of the individual)—

3                   (i) who is less than 6 years of age;

4                   (ii) who is not yet in kindergarten;

5                   (iii) whose family income does not ex-  
6           ceed—

7                           (I) for fiscal year 2022, 100 per-  
8                           cent of the State median income for a  
9                           family of the same size;

10                           (II) for fiscal year 2023, 115  
11                           percent of such State median income;

12                           (III) for fiscal year 2024, 130  
13                           percent of such State median income;  
14                           and

15                           (IV) for each of fiscal years 2025  
16                           through 2027, 200 percent of such  
17                           State median income;

18                           (iv) whose family assets do not exceed  
19                           \$1,000,000 (as certified by a member of  
20                           such family); and

21                           (v) who—

22                                   (I) resides with a parent partici-  
23                                   pating in an eligible activity;

24                                   (II) is included in a population of  
25                                   vulnerable children identified by the

1 lead agency involved, which at a min-  
2 imum shall include children experi-  
3 encing homelessness, children in foster  
4 care, children in kinship care, and  
5 children who are receiving, or need to  
6 receive, child protective services; or

7 (III) resides with a parent who is  
8 more than 65 years of age.

9 (E) ELIGIBLE CHILD CARE PROVIDER.—

10 (i) IN GENERAL.—The term “eligible  
11 child care provider” means a center-based  
12 child care provider, a family child care pro-  
13 vider, or other provider of child care serv-  
14 ices for compensation that—

15 (I) is licensed to provide child  
16 care services under State law;

17 (II) participates in the State’s  
18 tiered system for measuring the qual-  
19 ity of child care providers described in  
20 subsection(f)(4)(B)—

21 (aa) not later than the last  
22 day of the third fiscal year for  
23 which the State receives funds  
24 under this section; and

1 (bb) for the remainder of  
2 the period for which the provider  
3 receives funds under this section;  
4 and

5 (III) satisfies the State and local  
6 requirements applicable to eligible  
7 child care providers under the Child  
8 Care and Development Block Grant  
9 Act of 1990 (42 U.S.C. 9857 et seq.),  
10 including those requirements de-  
11 scribed in section 658E(c)(2)(I) of  
12 such Act (42 U.S.C. 9858c(c)(2)(I)).

13 (ii) SPECIAL RULE.—A child care pro-  
14 vider who has been eligible to provide child  
15 care services in a State for children receiv-  
16 ing assistance under the Child Care and  
17 Development Block Grant Act of 1990 (42  
18 U.S.C. 9857 et seq.) on the date the State  
19 submits an application for funds under this  
20 section and remains in good standing with  
21 the State, shall be deemed to be an eligible  
22 child care provider under this section for 3  
23 years after the State receives funding  
24 under this section.

1 (F) FMAP.—The term “FMAP” has the  
2 meaning given the term “Federal medical as-  
3 sistance percentage” in the first sentence of  
4 section 1905(b) of the Social Security Act (42  
5 U.S.C. 1396d(b)).

6 (G) FAMILY CHILD CARE PROVIDER.—  
7 Family child care provider means one or more  
8 individuals who provide child care services less  
9 than 24 hours per day per child, in a private  
10 residence other than the residences of the chil-  
11 dren, unless care for 24 hours is provided due  
12 to the nature of the parents’ work.

13 (H) INCLUSIVE CARE.—The term “inclu-  
14 sive”, with respect to care (including child  
15 care), means care provided by an eligible child  
16 care provider—

17 (i) for whom the percentage of chil-  
18 dren served by the provider who are chil-  
19 dren with disabilities or infants or toddlers  
20 with disabilities reflects the prevalence of  
21 children with disabilities and infants and  
22 toddlers with disabilities (whichever the  
23 provider serves) among children within the  
24 State involved; and

1 (ii) that provides care and full partici-  
2 pation for children with disabilities and in-  
3 fants and toddlers with disabilities (which-  
4 ever the provider serves) alongside children  
5 who are—

6 (I) not children with disabilities;  
7 and  
8 (II) not infants and toddlers with  
9 disabilities.

10 (I) INFANT OR TODDLER.—The term “in-  
11 fant or toddler” means an individual who is less  
12 than 3 years of age.

13 (J) INFANT OR TODDLER WITH A DIS-  
14 ABILITY.—The term “infant or toddler with a  
15 disability” has the meaning given the term in  
16 section 632 of the Individuals with Disabilities  
17 Education Act (20 U.S.C. 1432).

18 (K) LEAD AGENCY.—The term “lead agen-  
19 cy” means the agency designated or established  
20 under subsection (e).

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

23 (M) TERRITORY.—The term “territory”  
24 means the Commonwealth of Puerto Rico, the  
25 Virgin Islands of the United States, Guam,

1 American Samoa, and the Commonwealth of  
2 the Northern Mariana Islands.

3 (N) TRIBAL ORGANIZATION.—The term  
4 “Tribal organization” has the meaning given  
5 the term in section 4 of the Indian Self-Deter-  
6 mination and Education Assistance Act (25  
7 U.S.C. 450b).

8 (O) URBAN INDIAN ORGANIZATION.—The  
9 term “Urban Indian organization” has the  
10 meaning given the term in section 4 of the In-  
11 dian Health Care Improvement Act (25 U.S.C.  
12 1603).

13 (c) APPROPRIATIONS.—

14 (1) IN GENERAL.—In addition to amounts oth-  
15 erwise available, there is appropriated to the Depart-  
16 ment of Health and Human Services, out of any  
17 money in the Treasury not otherwise appropriated,  
18 for carrying out this section—

19 (A) \$20,000,000,000 for fiscal year 2022,  
20 to remain available until September 30, 2025,

21 (B) \$30,000,000,000 for fiscal year 2023,  
22 to remain available until September 30, 2026

23 (C) \$40,000,000,000 for fiscal year 2024,  
24 to remain available until September 30, 2027;

1 (D) such sums as may be necessary for  
2 each of fiscal years 2025 through 2027, to re-  
3 main available for one fiscal year.

4 (2) ADMINISTRATION.—

5 (A) FISCAL YEARS 2022 THROUGH 2024.—

6 There is appropriated, out of any money in the  
7 Treasury not otherwise appropriated, to the De-  
8 partment of Health and Human Services to  
9 carry out subsection (k), \$130,000,000 for each  
10 of fiscal years 2022, 2023, and 2024.

11 (B) FISCAL YEARS 2025 THROUGH 2027.—

12 From the amounts appropriated under sub-  
13 section (a), the Secretary shall reserve, to carry  
14 out subsection (k), up to 1 percent of such  
15 amounts for each of fiscal years 2025, 2026,  
16 and 2027.

17 (d) ESTABLISHMENT OF BIRTH THROUGH FIVE  
18 CHILD CARE AND EARLY LEARNING ENTITLEMENT PRO-  
19 GRAM.—

20 (1) IN GENERAL.—The Secretary is authorized  
21 to administer a child care and early learning entitle-  
22 ment program under which families, in States, terri-  
23 tories, and Indian Tribes with an approved applica-  
24 tion under subsection (f) or (g), shall be provided an  
25 opportunity to obtain high-quality child care services

1 for eligible children, subject to the requirements of  
2 this section.

3 (2) ASSISTANCE FOR EVERY ELIGIBLE  
4 CHILD.—Beginning on October 1, 2024, every family  
5 who applies for assistance under this section with re-  
6 spect to a child in a State with an approved applica-  
7 tion under subsection (g), or in a territory or Indian  
8 tribe with an approved application under subsection  
9 (f), and who is determined, by a lead agency (or  
10 other entity designated by a lead agency) following  
11 standards and procedures established by the Sec-  
12 retary by rule, to be an eligible child, shall be offered  
13 child care assistance in accordance with and subject  
14 to the requirements and limitations of this section.

15 (e) LEAD AGENCY.—The Governor of a State or the  
16 head of a territory or Indian tribe, desiring to receive as-  
17 sistance under this section shall designate an agency  
18 (which may be an appropriate collaborative agency), or es-  
19 tablish a joint interagency office—

20 (1) to serve as the lead agency for the State,  
21 territory, or Indian tribe under this section; and

22 (2) to administer, directly or through other gov-  
23 ernmental or nongovernmental agencies of the State,  
24 territory or Indian tribe the financial assistance re-  
25 ceived under this section by the State, territory, or

1 Indian tribe, including by certifying the eligibility of  
2 children.

3 (f) APPLICATIONS AND STATE PLANS.—

4 (1) APPLICATION.—To be eligible to receive as-  
5 sistance under this section, a State shall prepare  
6 and submit to the Secretary for approval an applica-  
7 tion at such time, in such manner, and containing  
8 a State plan that—

9 (A) for a transitional State plan, meets the  
10 requirements under subsection (c) and contains  
11 such information as the Secretary may require,  
12 to demonstrate the State will meet the require-  
13 ments of this section; and

14 (B) for a full State plan, meets the re-  
15 quirements under subsection (d) and contains  
16 that information.

17 (2) PERIOD COVERED BY PLAN.—A State plan  
18 contained in the application shall be designed to be  
19 implemented—

20 (A) for a transitional State plan, during a  
21 1-year period; and

22 (B) for a full State plan, during a 3-year  
23 period.

24 (3) REQUIREMENTS FOR TRANSITIONAL STATE  
25 PLANS.—For a period of 1 year following the date

1 of enactment of this Act, the Secretary shall award  
2 funds under this section to States with an approved  
3 application that contains a transitional State plan,  
4 submitted under paragraph (1)(A) that includes, at  
5 a minimum—

6 (A) an assurance that the State will sub-  
7 mit a State plan under paragraph (4); and

8 (B) a description of how the funds received  
9 by the State under this section will be spent to  
10 expand access to child care assistance and in-  
11 crease the supply and quality of child care pro-  
12 viders within the State, in alignment with the  
13 requirements of this section.

14 (4) REQUIREMENTS FOR FULL STATE PLANS.—

15 The Secretary may award funds under this section  
16 to States with an approved application that contains  
17 a subsequent State plan, submitted under subsection  
18 (a)(2), that includes, at a minimum, the following:

19 (A) PAYMENT RATES AND COST ESTI-  
20 MATION.—

21 (i) PAYMENT RATES.—The State plan  
22 shall certify that payment rates for the  
23 provision of child care services for which  
24 assistance is provided in accordance with  
25 this section for the period covered by the

1 plan, within 3 years after the State re-  
2 ceives funds under this section—

3 (I) will be sufficient to meet the  
4 cost of child care, and set in accord-  
5 ance with a cost estimation model or  
6 cost study described in clause (ii) that  
7 is approved by the Secretary; and

8 (II) will correspond to differences  
9 in quality (including improved quality)  
10 based on the State's tiered system for  
11 measuring the quality of eligible child  
12 care providers described in subpara-  
13 graph (B).

14 (ii) COST ESTIMATION.—Such State  
15 plan shall—

16 (I) demonstrate that the State  
17 has, after consulting with relevant en-  
18 tities and stakeholders, developed and  
19 uses a statistically valid and reliable  
20 cost estimation model or cost study  
21 for the payment rates of child care  
22 services in the State that reflect rates  
23 for providers at each of the tiers of  
24 the State's tiered system for meas-  
25 uring the quality of child care pro-

1           viders described in subparagraph (B),  
2           and variations in the cost of child care  
3           services by geographic area, type of  
4           provider, and age of child, and the ad-  
5           ditional costs associated with pro-  
6           viding inclusive child care services;  
7           and

8                       (II) certify that the State's pay-  
9           ment rates for child care services for  
10          which assistance is provided in accord-  
11          ance with this section—

12                       (aa) are set in accordance  
13          with the most recent estimates  
14          from the most recent cost esti-  
15          mation model or cost study under  
16          subclause (I), so that providers  
17          at each tier of the tiered system  
18          for measuring provider quality  
19          described in subparagraph (B)  
20          receive a payment that is suffi-  
21          cient to meet the requirements of  
22          such tier;

23                       (bb) are set so as to provide  
24          payments to providers not at the  
25          top tier of the tiered system that

1 are sufficient to enable the pro-  
2 viders to increase quality to meet  
3 the requirements for the next  
4 tier;

5 (cc) ensure adequate wages  
6 for staff of child care providers  
7 providing such child care services  
8 that—

9 (AA) at a minimum,  
10 provide a living wage for all  
11 staff of such child care pro-  
12 viders; and

13 (BB) are equivalent to  
14 wages for elementary edu-  
15 cators with similar creden-  
16 tials and experience in the  
17 State; and

18 (dd) are adjusted on an an-  
19 nual basis for cost of living in-  
20 creases to ensure those payment  
21 rates remain sufficient to meet  
22 the requirements of this section.

23 (iii) PAYMENT PRACTICES.—Such  
24 State plan shall include an assurance that  
25 the State will implement payment practices

1           that support the fixed costs of providing  
2           child care services.

3           (B) TIERED SYSTEM FOR MEASURING THE  
4           QUALITY OF CHILD CARE PROVIDERS.—Such  
5           State plan shall certify that the State has im-  
6           plemented, or assure that the State will imple-  
7           ment within 3 years after receiving funds under  
8           this section, a tiered system for measuring the  
9           quality of eligible child care providers who pro-  
10          vide child care services for which assistance is  
11          made available under this section. Such tiered  
12          system shall—

13               (i) include a set of standards, for de-  
14               termining the tier of quality of a child care  
15               provider, that—

16                       (I) uses standards for a highest  
17                       tier that at a minimum are equivalent  
18                       to Head Start program performance  
19                       standards described in section  
20                       641A(a)(1)(B) of the Head Start Act  
21                       (42 U.S.C. 9836a(a)(1)(B)) or other  
22                       equivalent evidence-based standards  
23                       approved by the Secretary; and

24                       (II) includes quality indicators  
25                       and thresholds that are appropriate

1 for child development in different  
2 types of child care provider settings,  
3 including child care centers and the  
4 settings of family child care providers,  
5 and are appropriate for providers  
6 serving different age groups (includ-  
7 ing mixed age groups) of children;

8 (ii) include a different set of stand-  
9 ards that includes indicators, when appro-  
10 priate, for care during nontraditional hours  
11 of operation; and

12 (iii) provide for sufficient resources  
13 and supports for child care providers at  
14 tiers lower than the highest tier to facili-  
15 tate progression toward higher quality  
16 standards.

17 (C) ACHIEVING HIGH QUALITY FOR ALL  
18 CHILDREN.—Such State plan shall certify the  
19 State has implemented, or will implement with-  
20 in 3 years of receiving funds under this section,  
21 policies and financing practices that will ensure  
22 all families of eligible children can choose for  
23 the children to attend child care at the highest  
24 quality tier within 6 years after the date of en-  
25 actment of this Act.

1 (D) COMPENSATION.—Such plan shall pro-  
2 vide a certification that the State has or will  
3 have within 3 years after receiving funds under  
4 this section, a wage ladder for staff of eligible  
5 child care providers receiving assistance under  
6 this section, including a certification that wages  
7 for such staff, at a minimum, will meet the re-  
8 quirements of subparagraph (A)(ii)(II)(cc).

9 (E) SLIDING FEE SCALE FOR COPAY-  
10 MENTS.—

11 (i) IN GENERAL.—Except as provided  
12 in clauses (ii)(I) and (iii), the State plan  
13 shall provide an assurance that the State  
14 will for the period covered by the plan use  
15 a sliding fee scale described in clause (ii)  
16 to determine a copayment for a family re-  
17 ceiving assistance under this section (or,  
18 for a family receiving part-time care, a re-  
19 duced copayment that is the proportionate  
20 amount of the full copayment).

21 (ii) SLIDING FEE SCALE.—A full co-  
22 payment described in clause (i) shall use a  
23 sliding fee scale that provides that, for a  
24 family with a family income—

1 (I) of not more than 75 percent  
2 of the State median income for a fam-  
3 ily of the same size, there shall be no  
4 copayment for the family, toward the  
5 cost of the child care involved for all  
6 eligible children in the family;

7 (II) of more than 75 percent but  
8 not more than 100 percent of the  
9 State median income for a family of  
10 the same size, the copayment shall be  
11 more than 0 but not more than 2 per-  
12 cent of that family income, toward  
13 such cost for all such children;

14 (III) of more than 100 percent  
15 but not more than 125 percent of the  
16 State median income for a family of  
17 the same size, the copayment shall be  
18 more than 2 but not more than 4 per-  
19 cent of that family income, toward  
20 such cost for all such children;

21 (IV) of more than 125 percent  
22 but not more than 150 percent of the  
23 State median income for a family of  
24 the same size, the copayment shall be  
25 more than 4 but not more than 7 per-

1 cent of that family income, toward  
2 such cost for all such children; and  
3 (V) of more than 150 percent but  
4 not more than 200 percent of the  
5 State median income for a family of  
6 the same size, the copayment shall be  
7 7 percent of that family income, to-  
8 ward such cost for all such children.

9 (iii) SPECIAL RULES.—The State shall  
10 not require a copayment under this sub-  
11 paragraph for any eligible child of a family  
12 with a child that is eligible for a Head  
13 Start program under the Head Start Act  
14 (42 U.S.C. 9831 et seq.), or a child who  
15 has been identified as a member of a popu-  
16 lation listed in subsection  
17 (b)(2)(D)(v)((II). A State or another entity  
18 may pay a copayment (full or reduced)  
19 under this subparagraph on behalf of a  
20 family, but may not receive Federal reim-  
21 bursement under this section for such pay-  
22 ment.

23 (F) PROHIBITION ON CHARGING MORE  
24 THAN COPAYMENT.—The State plan shall cer-  
25 tify that the State shall not permit a child care

1 provider receiving financial assistance under  
2 this section to charge, for child care for an eli-  
3 gible child, more than the total of—

4 (i) the financial assistance provided  
5 for the child under this section; and

6 (ii) any applicable copayment pursu-  
7 ant to subparagraph (E).

8 (G) ELIGIBILITY.—The State plan shall  
9 assure that each child who receives assistance  
10 under this section will be considered to meet all  
11 eligibility requirements for such assistance, and  
12 will receive such assistance, for not less than 24  
13 months, and the child’s eligibility determination  
14 and redetermination, including any determina-  
15 tion based on the State’s definition of eligible  
16 activities, shall be implemented in such a man-  
17 ner that supports child well-being and reduces  
18 barriers to enrollment, including continuity of  
19 services.

20 (H) POLICIES TO SUPPORT ACCESS TO  
21 CHILD CARE FOR UNDERSERVED POPU-  
22 LATIONS.—The State plan shall assure that the  
23 State will prioritize increasing access to, and  
24 the quality and the supply of, child care in the  
25 State for underserved populations, including at

1 a minimum, low-income children, children in  
2 underserved areas, infants and toddlers, chil-  
3 dren with disabilities and infants and toddlers  
4 with disabilities, children who are dual language  
5 learners, and children who receive care during  
6 nontraditional hours.

7 (I) POLICIES.—The State plan shall in-  
8 clude a certification that the State will apply,  
9 under this section, the policies and procedures  
10 described in subparagraphs (A), (B), (I), (J),  
11 (K)(i), (R), and (U) of section 658E(c)(2) of  
12 the Child Care and Development Block Grant  
13 Act of 1990 (42 U.S.C. 9858c(c)(2)), and the  
14 policies and procedures described in section  
15 658H of such Act, to child care services pro-  
16 vided under this section.

17 (J) LICENSING.—The State plan shall in-  
18 clude an assurance that the State has or will  
19 develop within 3 years after receiving funds  
20 under this section, licensing standards for child  
21 care providers and a pathway to such licensure  
22 that is available to and appropriate for child  
23 care providers in a variety of settings, to ensure  
24 providers eligible under the Child Care and De-  
25 velopment Block Grant Act of 1990 (42 U.S.C.

1           9857 et seq.), have a pathway to become eligi-  
2           ble providers under this section.

3           (K) REPORTS.—The State plan shall in-  
4           clude an agreement to provide to the Secretary  
5           such periodic reports, providing a detailed ac-  
6           counting of the uses of such funds received  
7           under this section, as the Secretary may require  
8           for the administration of this section.

9           (g) PAYMENTS.—

10           (1) TRANSITION PAYMENTS FOR FISCAL YEARS  
11           2022 THROUGH 2024.—

12           (A) RESERVATIONS AND ALLOTMENTS.—

13           (i) IN GENERAL.—For each of fiscal  
14           years 2022 through 2024, the Secretary  
15           shall, from the amount appropriated under  
16           subsection (c)(1)(A) for each such fiscal  
17           year—

18                   (I) reserve not less than 4 per-  
19                   cent for Indian Tribes, Tribal organi-  
20                   zations, and Urban Indian organiza-  
21                   tions for child care assistance;

22                   (II) reserve not less than 0.5 of  
23                   1 percent for Guam, American  
24                   Samoa, the Commonwealth of the  
25                   Northern Mariana Islands, and the

1 United States Virgin Islands for child  
2 care assistance; and

3 (III) from the amount so appro-  
4 priated and not reserved under sub-  
5 clauses (I) and (II), make allotments  
6 to each State in the same manner as  
7 the Secretary makes such allotments  
8 using the formula under section  
9 6580(b) of the Child Care and Devel-  
10 opment Block Grant Act of 1990 (42  
11 U.S.C. 9858n(b)).

12 (IV) \$1,250,000,000 annually for  
13 each of the fiscal years 2023 through  
14 2027 to carry out the program of  
15 grants to localities in subsection (i)

16 (ii) DEFINITION.—For purposes of  
17 this paragraph, the term “State” means  
18 the 50 States, the District of Columbia,  
19 and the Commonwealth of Puerto Rico.

20 (B) PAYMENTS.—

21 (i) INDIAN TRIBES, TRIBAL ORGANIZA-  
22 TIONS, AND URBAN INDIAN ORGANIZA-  
23 TIONS.—

24 (I) IN GENERAL.—For each of  
25 fiscal years 2022 through 2024, from

1 the amount reserved for Indian  
2 Tribes, Tribal organizations, and  
3 Urban Indian organizations under  
4 subparagraph (A)(i)(I), the Secretary  
5 shall make payments to Indian Tribes,  
6 Tribal organizations, and Urban In-  
7 dian organizations, and the Tribes,  
8 Tribal organizations, and Indian orga-  
9 nizations shall be entitled to such pay-  
10 ments, for carrying out programs or  
11 activities consistent with the objectives  
12 of this section.

13 (II) APPLICATIONS.—An Indian  
14 Tribe, Tribal organization, or Urban  
15 Indian organization seeking a pay-  
16 ment under this clause shall submit  
17 an application to the Secretary at  
18 such time, in such manner, and con-  
19 taining such information as the Sec-  
20 retary may specify, including the  
21 agreement described in subsection  
22 (f)(4)(K).

23 (ii) TERRITORIES.—

24 (I) IN GENERAL.—For each of  
25 fiscal years 2022 through 2024, from

1 the amount reserved for territories  
2 under subsection (A)(i)(II), the Sec-  
3 retary shall make payments to the ter-  
4 ritories specified in that paragraph,  
5 and the territories shall be entitled to  
6 such payments, for carrying out pro-  
7 grams or activities consistent with the  
8 objectives of this section.

9 (II) APPLICATIONS.—A territory  
10 specified in clause (i)(II) seeking a  
11 payment under this clause shall sub-  
12 mit an application to the Secretary at  
13 such time, in such manner, and con-  
14 taining such information as the Sec-  
15 retary may specify, including the  
16 agreement described in subsection  
17 (f)(4)(K).

18 (iii) STATES.—For each of fiscal years  
19 2022 through 2024, each State that has  
20 an application approved under subsection  
21 (f) shall be entitled to a payment under  
22 this clause in the amount equal to its allot-  
23 ment under subparagraph (A) for such fis-  
24 cal year.

1 (C) AUTHORITIES.—Notwithstanding any  
2 other provision of this paragraph, for each of  
3 fiscal years 2022 through 2024, the Secretary  
4 shall have the authority to reallocate funds that  
5 were allotted under subparagraph (A) from any  
6 State without an approved application under  
7 subsection (f) by the date required by the Sec-  
8 retary, to States with approved applications  
9 under that subsection, to Tribes with an ap-  
10 proved application under subparagraph (A)(ii),  
11 and to territories with an approved application  
12 under .

13 (2) PAYMENTS FOR FISCAL YEARS 2025  
14 THROUGH 2027.—

15 (A) IN GENERAL.—For each of fiscal years  
16 2025 through 2027:

17 (i) CHILD CARE ASSISTANCE FOR ELI-  
18 GIBLE CHILDREN.—

19 (I) IN GENERAL.—The Secretary  
20 shall pay to each State with an ap-  
21 proved application under subsection  
22 (f), and that State shall be entitled to,  
23 an amount for each quarter equal to  
24 90 percent of expenditures in the  
25 quarter for child care assistance for

1 eligible children described under sub-  
2 section (h)(2)(B). The Secretary shall  
3 pay to each State with an approved  
4 application under subsection (f), and  
5 that State shall be entitled to, an  
6 amount for each quarter equal to 90  
7 percent of expenditures in the quarter  
8 for the components of the child care  
9 entitlement program described under  
10 subsection (h)(2)(B).

11 (II) EXCEPTION.—Funds re-  
12 served from the amount under sub-  
13 section (h)(2)(C) shall be subject to  
14 clause (ii).

15 (ii) ACTIVITIES TO IMPROVE THE  
16 QUALITY AND SUPPLY OF CHILD CARE  
17 SERVICES.—The Secretary shall pay to  
18 each State with such an approved applica-  
19 tion, and that State shall be entitled to, an  
20 amount for each quarter equal to the  
21 FMAP of expenditures in the quarter to  
22 carry out the quality and supply building  
23 activities under subsection (h)(2)(C) sub-  
24 ject to the limit specified in clause (i) of  
25 such subsection.

1 (iii) ADMINISTRATION.—The Sec-  
2 retary shall pay to each State with such an  
3 approved application, and that State shall  
4 be entitled to, an amount for each quarter  
5 equal to 50 percent of expenditures in the  
6 quarter for the costs of administration in-  
7 curred by the State—

8 (I) which shall include reasonable  
9 costs incurred by the State in car-  
10 rying out the child care program es-  
11 tablished in this section; and

12 (II) which may include, at the  
13 option of the State, costs associated  
14 with carrying out requirements, poli-  
15 cies, and procedures described in sec-  
16 tion 658H of the Child Care and De-  
17 velopment Block Grant Act (42  
18 U.S.C. 9858f).

19 (B) ADVANCE PAYMENT; RETROSPECTIVE  
20 ADJUSTMENT.—For each of fiscal years 2025  
21 through 2027, the Secretary may make pay-  
22 ments under this subsection for each quarter on  
23 the basis of advance estimates of expenditures  
24 submitted by the State and such other inves-  
25 tigation as the Secretary may find necessary,

1 and shall reduce or increase the payments as  
2 necessary to adjust for any overpayment or un-  
3 derpayment for previous quarters.

4 (C) FLEXIBILITY IN SUBMITTAL OF  
5 CLAIMS.—Nothing in this subsection shall be  
6 construed as preventing a State from claiming  
7 as expenditures in a quarter expenditures that  
8 were incurred in a previous quarter and not  
9 claimed in such previous quarter.

10 (D) TERRITORIES AND TRIBES.—For each  
11 of fiscal years 2025 through 2027, the Sec-  
12 retary shall make payments to territories, and  
13 Indian tribes, tribal organizations, and Urban  
14 Indian organizations, with applications sub-  
15 mitted as described in subsection (a), and ap-  
16 proved by the Secretary. The territories, Indian  
17 tribes, tribal organizations, and Urban Indian  
18 organizations shall be entitled to such payments  
19 to carry out the activities described in section  
20 08\_\_(b).

21 (h) USE OF FUNDS.—

22 (1) USE OF FUNDS FOR TRANSITION YEARS.—  
23 For each of fiscal years 2022 through 2024, a State  
24 that receives a payment under subsection (g)(1)  
25 shall reserve and use—

1 (A) 50 percent of such payment for activi-  
2 ties to—

3 (i) expand access to child care assist-  
4 ance for eligible children (with priority for  
5 providing access for children in families  
6 with incomes less than 85 percent of the  
7 State median income); and

8 (ii) increase child care provider pay-  
9 ment rates to support the cost of providing  
10 high-quality child care services, including  
11 rates sufficient to support increased wages  
12 for staff of eligible child care providers;

13 (B) 25 percent of such payment for activi-  
14 ties described in subsection (b)(3); and

15 (C) 25 percent for activities under sub-  
16 paragraph (A) or activities under subparagraph  
17 (B), as determined by the State.

18 (2) USE OF FUNDS FOR FISCAL YEARS 2025  
19 THROUGH 2027.—

20 (A) IN GENERAL.—Starting on October 1,  
21 2024, a State shall use amounts provided to the  
22 State under subsection (g)(2) for child care  
23 services (provided on a sliding fee scale basis),  
24 activities to improve the quality and supply of  
25 child care services, and State administration.

1 (B) CHILD CARE ASSISTANCE FOR ELIGI-  
2 BLE CHILDREN.—

3 (i) IN GENERAL.—The State shall en-  
4 sure that parents of eligible children can  
5 access child care services provided by an  
6 eligible child care provider through a grant  
7 or contract under clause (ii) or a certifi-  
8 cate under clause (iii).

9 (ii) GRANTS AND CONTRACTS.—The  
10 State shall award grants or contracts to el-  
11 igible child care providers, consistent with  
12 the requirements under this section, for  
13 the provision of child care services for eli-  
14 gible children that, at minimum, support  
15 providers' operating expenses to meet and  
16 sustain health, safety, quality, and wage  
17 standards required under this section.

18 (iii) CERTIFICATES.—The State shall  
19 issue a child care certificate directly to a  
20 child care provider on behalf of a parent  
21 who may use such certificate only as pay-  
22 ment for child care services or as a deposit  
23 for child care services if such a deposit is  
24 required of other children being cared for

1 by the provider, consistent with the re-  
2 quirements under this section.

3 (C) ACTIVITIES TO IMPROVE THE QUALITY  
4 AND SUPPLY OF CHILD CARE SERVICES.—

5 (i) QUALITY CHILD CARE ACTIVI-  
6 TIES.—

7 (I) AMOUNT.—For each of fiscal  
8 years 2025 through 2027, from the  
9 total of the annual payments made to  
10 the State for a particular fiscal year,  
11 the State shall reserve and use a qual-  
12 ity child care amount equal to not less  
13 than 5 percent and not more than 10  
14 percent of the amount made available  
15 to the State through such payments  
16 for that particular fiscal year (and  
17 shall reserve and use a proportional  
18 amount from each quarterly payment  
19 made to the State for that particular  
20 fiscal year).

21 (II) USE OF QUALITY CHILD  
22 CARE AMOUNT.—Each State shall use  
23 the quality child care amount de-  
24 scribed in subclause (I) to implement  
25 activities described in subparagraphs

1 (B) and (C) that increase the quality  
2 and supply of eligible child care pro-  
3 viders, and the number of available  
4 slots in the State for child care serv-  
5 ices funded under this section,  
6 prioritizing assistance for child care  
7 providers who are in underserved com-  
8 munities and who are providing, or  
9 are seeking to provide, child care serv-  
10 ices for underserved populations iden-  
11 tified in subsection (f)(4)(H).

12 (III) ADMINISTRATION.—Assist-  
13 ance provided under this subpara-  
14 graph may be administered—

15 (aa) directly by the lead  
16 agency; or

17 (bb) through other State  
18 government agencies, local or re-  
19 gional child care resource and re-  
20 ferral organizations, community  
21 development financial institu-  
22 tions, other intermediaries with  
23 experience supporting child care  
24 providers, or other appropriate  
25 entities that enter into a contract

1 with the State to provide such  
2 assistance.

3 (ii) ACTIVITIES.—Activities funded  
4 under the quality child care amount de-  
5 scribed in clause (i) shall include each of  
6 the following:

7 (I) STARTUP GRANTS AND SUP-  
8 PLY EXPANSION GRANTS.—

9 (aa) IN GENERAL.—From a  
10 portion of the quality child care  
11 amount, a State shall make start-  
12 up and supply expansion grants  
13 to support child care providers  
14 who are providing, or seeking to  
15 provide, child care services to  
16 children receiving assistance  
17 under this section, with priority  
18 for providers providing or seeking  
19 to provide child care in under-  
20 served communities and for un-  
21 derserved populations identified  
22 in subsection (f)(4)(H), to—

23 (AA) support startup  
24 and expansion costs; and

1 (BB) assist such pro-  
2 viders in meeting health and  
3 safety requirements and  
4 achieving licensure.

5 (bb) REQUIREMENT.—As a  
6 condition of receiving a startup  
7 or supply expansion grant under  
8 this subclause, a child care pro-  
9 vider shall commit to meeting the  
10 requirements of an eligible pro-  
11 vider under this section, and pro-  
12 viding child care services to chil-  
13 dren receiving assistance under  
14 this section on an ongoing basis.

15 (II) QUALITY GRANTS.—From a  
16 portion of the quality child care  
17 amount, a State shall provide quality  
18 grants to eligible child care providers  
19 providing child care services to chil-  
20 dren receiving assistance under this  
21 section to improve the quality of such  
22 providers, including—

23 (aa) supporting such pro-  
24 viders in meeting or making  
25 progress toward the requirements

1 for the highest tier of the State's  
2 tiered system for measuring the  
3 quality of child care providers  
4 under subsection (f)(4)(B); and

5 (bb) supporting such pro-  
6 viders in sustaining child care  
7 quality.

8 (III) FACILITIES GRANTS.—

9 (aa) IN GENERAL.—From a  
10 portion of the quality child care  
11 amount, a State shall provide  
12 support, including through  
13 awarding facilities grants, for re-  
14 modeling, renovation, or repair of  
15 a building or facility to the ex-  
16 tent permitted under section  
17 658F(b) of the Child Care and  
18 Development Block Grant Act of  
19 1990 (42 U.S.C. 9858).

20 (bb) ADDITIONAL USES.—  
21 For fiscal years 2022 through  
22 2024, and in subsequent years  
23 with approval from the Secretary,  
24 a State may provide such facili-  
25 ties grants for construction, per-

1           manent improvement, or major  
2           renovation of a building or facil-  
3           ity primarily used for providing  
4           child care services, in accordance  
5           with the following:

6                   (AA) Federal interest  
7                   provisions will not apply to  
8                   the renovation or rebuilding  
9                   of privately-owned family  
10                  child care homes under this  
11                  subclause.

12                  (BB) Eligible child care  
13                  providers may not use funds  
14                  for buildings or facilities  
15                  that are used primarily for  
16                  sectarian instruction or reli-  
17                  gious worship.

18                  (CC) The Secretary  
19                  shall develop parameters on  
20                  the use of funds under this  
21                  subclause for family child  
22                  care homes.

23                  (DD) The Secretary  
24                  shall not retain Federal in-  
25                  terest after a period of 10

1 years in any facility built,  
2 renovated, or repaired with  
3 funds awarded under this  
4 subclause.

5 (IV) ADDITIONAL ACTIVITIES TO  
6 IMPROVE THE QUALITY OF CHILD  
7 CARE SERVICES.—A State shall use a  
8 portion of the quality child care  
9 amount to improve the quality of child  
10 care services, which shall include—

11 (aa) supporting the training  
12 and professional development of  
13 the early childhood workforce, in-  
14 cluding supporting degree attain-  
15 ment and credentialing for early  
16 childhood educators;

17 (bb) developing, imple-  
18 menting, or enhancing the  
19 State's tiered system for meas-  
20 uring the quality of child care  
21 providers under subsection  
22 (f)(4)(B);

23 (cc) improving the supply  
24 and quality of developmentally  
25 appropriate child care programs

1 and services for underserved pop-  
2 ulations described in subsection  
3 (f)(4)(H);

4 (dd) improving access to  
5 child care services for children  
6 experiencing homelessness and  
7 children in foster care; and

8 (ee) other activities to im-  
9 prove the supply and quality of  
10 child care services, including ac-  
11 tivities described in paragraphs  
12 (1) through (10) of section  
13 658G(b) of the Child Care and  
14 Development Block Grant Act of  
15 1990 42 U.S.C. 9858e).

16 (V) TECHNICAL ASSISTANCE.—  
17 From a portion of the quality child  
18 care amount, the State shall provide  
19 technical assistance to increase the  
20 supply and quality of eligible child  
21 care providers who are providing, or  
22 seeking to provide, child care services  
23 to children receiving assistance under  
24 this section, including providing sup-

1 port to enable providers to achieve li-  
2 censure.

3 (i) GRANTS TO LOCALITIES.—

4 (1) DEFINITION OF ELIGIBLE LOCALITY.—In  
5 this subsection the term “eligible locality” means a  
6 city, county, or other unit of general local govern-  
7 ment, or a Head Start grantee.

8 (2)(A) IN GENERAL.—The Secretary shall use  
9 funds reserved in subsection (g)(1)(A)(i)(IV)) to  
10 award local Birth through Five Child Care and  
11 Early Learning Grants to eligible localities located  
12 in States that have made it apparent that they will  
13 not apply for payments under subsection (f). The  
14 Secretary shall award the grants to eligible localities  
15 in a State from the allotment made for that State  
16 under subparagraph (B). The Secretary shall specify  
17 the requirements for an eligible locality to provide  
18 access to child care to eligible children, which shall,  
19 to the greatest extent practicable, be consistent with  
20 the requirements applicable to States under this sec-  
21 tion.

22 (B) ALLOTMENTS.—For each State de-  
23 scribed in subparagraph (A), the Secretary shall  
24 allot for the State an amount that bears the  
25 same relationship to the funds reserved under

1 subsection (g)(1)(A)(i)(IV) as the number of  
2 children 200 percent below the Federal poverty  
3 line in the State bears to the total of all such  
4 children in States described in subparagraph  
5 (A).

6 (C) APPLICATION.—To receive a grant  
7 from the corresponding State allotment under  
8 this subsection, an eligible locality shall submit  
9 an application to the Secretary at such time, in  
10 such manner, and containing such information  
11 as the Secretary may require. The requirements  
12 for the application shall, to the greatest extent  
13 practicable, be consistent with the State plan  
14 requirements applicable to States under this  
15 subsection (f).

16 (D) PRIORITY FOR LOCALITIES SERVING  
17 UNDERSERVED POPULATIONS.—In awarding a  
18 grant under this paragraph, the Secretary, shall  
19 give priority to eligible localities seeking to  
20 serve underserved populations.

21 (j) PROGRAM REQUIREMENTS.—

22 (1) NONDISCRIMINATION.—The following provi-  
23 sions of law shall apply to any program or activity  
24 that receives funds provided under this section:

1 (A) Title IX of the Education Amendments  
2 of 1972 (20 U.S.C. 1681 et seq.).

3 (B) Title VI of the Civil Rights Act of  
4 1964 (42 U.S.C. 2000d et seq.).

5 (C) Section 504 of the Rehabilitation Act  
6 of 1973 (29 U.S.C. 794).

7 (D) The Americans with Disabilities Act of  
8 1990 (42 U.S.C. 12101 et seq.).

9 (E) Section 654 of the Head Start Act (42  
10 U.S.C. 9849).

11 (2) MAINTENANCE OF EFFORT.—To be eligible  
12 to receive a grant under this section, a State shall  
13 that receives payments under this section for a fiscal  
14 year, in using the funds made available through the  
15 payments, shall maintain child care assistance for  
16 families at levels not less than the levels provided by  
17 the State in fiscal year 2021. The Secretary shall  
18 determine the State expenditures allowable under  
19 this requirement.

20 (k) MONITORING AND ENFORCEMENT.—

21 (1) REVIEW OF COMPLIANCE WITH REQUIRE-  
22 MENTS AND STATE PLAN.—The Secretary shall re-  
23 view and monitor State compliance with this section  
24 and the plan described in subsection (f)(4) of the  
25 State.

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

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

7           (B) notifying a State when the Secretary  
8       has determined there has been a failure by the  
9       State to comply with a requirement of this sec-  
10      tion; and

11          (C) imposing sanctions under this sub-  
12      section for such a failure.

13      (l) ADMINISTRATION.—Using funds reserved under  
14      subsection (b)(2), the Secretary shall provide technical as-  
15      sistance to States, territories and Indian Tribes and carry  
16      out research, evaluations, and administration related to  
17      this section.

18      (m) TRANSITION PROVISIONS.—

19          (1) TREATMENT OF CHILD CARE AND DEVEL-  
20      OPMENT BLOCK GRANT FUNDS.—For each of fiscal  
21      years 2025, 2026, and 2027, a State receiving as-  
22      sistance under this section shall not use more than  
23      10 percent of any funds received under the Child  
24      Care and Development Block Grant Act of 1990 to

1 provide child care assistance to children under the  
2 age of 6, who are eligible under that Act.

3 (2) SPECIAL RULES REGARDING ELIGIBILITY.—

4 Any child who is less than 6 years of age, is not yet  
5 in kindergarten, and is receiving assistance under  
6 the Child Care and Development Block Grant Act of  
7 1990 (42 U.S.C. 9857 et seq.) on the date funding  
8 is first allocated to the lead agency under this sec-  
9 tion—

10 (A) shall be deemed immediately eligible to  
11 receive assistance under this section; and

12 (B) may continue to use the child care pro-  
13 vider of the family's choice.

14 (3) TRANSITION PROCEDURES.—The Secretary  
15 is authorized to institute procedures for imple-  
16 menting this section, including issuing guidance for  
17 States receiving funds under subsection (g).

18 **SEC. 23002. UNIVERSAL PRESCHOOL.**

19 (a) DEFINITIONS.—In this section:

20 (1) CHILD EXPERIENCING HOMELESSNESS.—

21 The term “child experiencing homelessness” means  
22 an individual who is a homeless child or youth under  
23 section 725 of the McKinney-Vento Homeless Assist-  
24 ance Act (42 U.S.C. 11434a).

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

5           (3) COMPREHENSIVE SERVICES.—The term  
6           “comprehensive services” means services that are  
7           provided to low-income children and their families,  
8           and that are health, educational, nutritional, social,  
9           and other services that are determined, based on  
10          family needs assessments, to be necessary, within  
11          the means of section 636 of the Head Start Act (42  
12          U.S.C. 9831).

13          (4) DUAL LANGUAGE LEARNER.—The term  
14          “dual language learner” means an individual who is  
15          limited English proficient, as defined in section 637  
16          of the Head Start Act (42 U.S.C. 9832).

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

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

23                (A) a local educational agency, acting  
24                alone or in a consortium or in collaboration  
25                with an educational service agency (as defined

1 in section 8101 of the Elementary and Sec-  
2 ondary Education Act of 1965 (20 U.S.C.  
3 7801)), that is licensed by the State or meets  
4 comparable health and safety standards;

5 (B) a Head Start agency or delegate agen-  
6 cy funded under the Head Start Act (42 U.S.C.  
7 9831 et seq.);

8 (C) a licensed center-based child care pro-  
9 vider, licensed family child care provider, or  
10 community- or neighborhood-based network of  
11 licensed family child care providers; or

12 (D) a consortium of entities described in  
13 any of subparagraphs (A), (B), and (C).

14 (7) INDIAN TRIBE.—The term “Indian Tribe”  
15 has the meaning given the term in section 4 of the  
16 Indian Self-Determination and Education Assistance  
17 Act (25 U.S.C. 450b).

18 (8) LOCAL EDUCATIONAL AGENCY.—The term  
19 “local educational agency” has the meaning given  
20 the term in section 8101 of the Elementary and Sec-  
21 ondary Education Act of 1965.

22 (9) POVERTY GUIDELINES.—The term “poverty  
23 guidelines” means the poverty guidelines updated  
24 periodically in the Federal Register by the Depart-  
25 ment of Health and Human Services under the au-

1       thority of section 673 of the Community Services  
2       Block Grant Act (42 U.S.C. 9902).

3           (10) SECRETARY.—The term “Secretary”  
4       means the Secretary of Health and Human Services.

5           (11) STATE.—The term “State” means each of  
6       the several States and the District of Columbia.

7           (12) TERRITORY.—The term “territory” means  
8       each of the Commonwealth of Puerto Rico, the  
9       United States Virgin Islands, Guam, American  
10      Samoa, and the Commonwealth of the Northern  
11      Mariana Islands.

12          (13) TRIBAL ORGANIZATION.—The term “Trib-  
13      al organization” has the meaning given the term  
14      “tribal organization” in section 658P of the Child  
15      Care and Development Block Grant Act of 1990 (42  
16      U.S.C. 9858n).

17          (14) URBAN INDIAN ORGANIZATION.—The term  
18      “Urban Indian organization” has the meaning given  
19      the term in section 4 of the Indian Health Care Im-  
20      provement Act (25 U.S.C. 1602).

21      (b) UNIVERSAL PRESCHOOL.—

22          (1) APPROPRIATION.—In addition to amounts  
23      otherwise available, there is appropriated to the Sec-  
24      retary for each of fiscal years 2022 through 2028,  
25      out of any money in the Treasury not otherwise ap-

1       appropriated, such sums as may be necessary to carry  
2       out this section and provide the Federal share of the  
3       cost of universal, high-quality, free, inclusive, and  
4       mixed delivery preschool services, on a voluntary  
5       basis, to children throughout the States under this  
6       section, including providing the Federal share of the  
7       cost of State activities described in subsection (c)(4).

8               (2) SECRETARIAL RESERVATIONS.—The Sec-  
9       retary, in collaboration with the Secretary of Edu-  
10      cation, shall reserve, from the amount appropriated  
11      under this subsection—

12               (A) not less than 4 percent for payments  
13      to Indian Tribes, Tribal organizations, and  
14      Urban Indian organizations for activities de-  
15      scribed in this section;

16               (B) not more than  $\frac{1}{2}$  of 1 percent for the  
17      territories, to be distributed among the terri-  
18      tories on the basis of their relative need, as de-  
19      termined by the Secretary of Health and  
20      Human Services in accordance with the objec-  
21      tives of this section, for activities described in  
22      this section;

23               (C)  $\frac{1}{2}$  of 1 percent for eligible local enti-  
24      ties that serve children in families who are en-

1 gaged in migrant or seasonal agricultural labor,  
2 for activities described in this section;

3 (D) for Federal activities, including admin-  
4 istration, monitoring, technical assistance, and  
5 research—

6 (i) \$165,000,000 for fiscal year 2022  
7 and \$200,000,000 for fiscal year 2023;  
8 and

9 (ii) for each of fiscal years 2025  
10 through 2028, not more than 2 percent;

11 (E) \$2,500,000,000 for each of fiscal years  
12 2022 through 2027 to improve compensation of  
13 Head Start staff consistent with subparagraphs  
14 (A)(i) and (B)(viii) of section 640(a)(5) of the  
15 Head Start Act (42 U.S.C. 9835(a)(5)), not-  
16 withstanding section 653(a)(1) of such Act (43  
17 U.S.C. 9848(a)(1)); and

18 (F) \$1,250,000,000 annually for each of  
19 fiscal years 2023 through 2028 to carry out the  
20 program of grants to localities described in sub-  
21 section (e).

22 (c) PAYMENTS FOR STATE UNIVERSAL PRESCHOOL  
23 SERVICES.—

24 (1) IN GENERAL.—A State that has submitted,  
25 and had approved by the Secretary, a State plan for

1 universal preschool services is entitled to a payment  
2 under this subsection.

3 (2) PAYMENTS TO STATES.—

4 (A) PRESCHOOL SERVICES.—The Sec-  
5 retary shall pay to each State with an approved  
6 State plan under paragraph (6), an amount for  
7 each year equal to—

8 (i) 100 percent of the State's expendi-  
9 tures in the year for preschool services de-  
10 scribed in subsection (d), for each of fiscal  
11 years 2022, 2023, and 2024;

12 (ii) 90 percent of the State's expendi-  
13 tures in the year for such preschool serv-  
14 ices, for fiscal year 2025;

15 (iii) 80 percent of the State's expendi-  
16 tures in the year for such preschool serv-  
17 ices, for fiscal year 2026;

18 (iv) 70 percent of the State's expendi-  
19 tures in the year for such preschool serv-  
20 ices, for fiscal year 2027; and

21 (v) 60 percent of the State's expendi-  
22 tures in the year for such preschool serv-  
23 ices, for fiscal year 2028.

24 (B) STATE ACTIVITIES.—The Secretary  
25 shall pay to each State with an approved State

1 plan under paragraph (6) an amount for a fis-  
2 cal year equal to 50 percent of the amount of  
3 the State's expenditures for the activities de-  
4 scribed in paragraph (4), except that in no case  
5 shall a payment for a fiscal year under this sub-  
6 paragraph exceed the amount equal to 10 per-  
7 cent of the State's expenditures described in  
8 subparagraph (A) for such fiscal year.

9 (C) NON-FEDERAL SHARE.—The remain-  
10 der of the cost paid by the State for preschool  
11 services, that is not provided under subpara-  
12 graph (A), shall be considered the non-Federal  
13 share of the cost of those services. The remain-  
14 der of the cost paid by the State for State ac-  
15 tivities, that is not provided under subpara-  
16 graph (B), shall be considered the non-Federal  
17 share of the cost of those activities.

18 (3) ADVANCE PAYMENT; RETROSPECTIVE AD-  
19 JUSTMENT.—The Secretary may make a payment  
20 under subparagraph (A) or (B) of paragraph (2) for  
21 a year on the basis of advance estimates of expendi-  
22 tures submitted by the State and such other inves-  
23 tigation as the Secretary may find necessary, and  
24 may reduce or increase the payment as necessary to

1       adjust for any overpayment or underpayment for a  
2       previous year.

3           (4) STATE ACTIVITIES.—A State that receives a  
4       payment under paragraph (2)(B) shall carry out all  
5       of the following activities:

6           (A) State administration of the State's  
7       preschool services program described in this  
8       section.

9           (B) Supporting a continuous quality im-  
10      provement system through the use of data, re-  
11      searching, monitoring, training, technical assist-  
12      ance, professional development, and coaching to  
13      support providers participating or seeking to  
14      participate in the State's preschool services pro-  
15      gram and to support such providers in meeting  
16      the requirements of this section.

17          (C) Providing outreach and enrollment  
18      support for families of eligible children, includ-  
19      ing specific outreach to families of underserved  
20      populations.

21          (D) Supporting data systems building.

22          (E) Supporting staff of eligible providers  
23      in pursuing credentials and degrees, including  
24      baccalaureate degrees.

1 (F) Supporting activities that ensure ac-  
2 cess to inclusive preschool programs for chil-  
3 dren with disabilities, including, as applicable,  
4 activities that redesign or restructure existing  
5 preschool programs, as of the date of the activ-  
6 ity, to improve inclusive services for children  
7 with disabilities.

8 (G) Providing age-appropriate transpor-  
9 tation services for children, which at a min-  
10 imum shall include transportation services for  
11 children experiencing homelessness and children  
12 in foster care.

13 (H) Conducting or updating the State's  
14 statewide needs assessment used for purposes  
15 of paragraph (6)(B)(ii).

16 (5) LEAD AGENCY.—The Governor of a State  
17 desiring to receive a payment under this subsection  
18 shall designate a State lead agency (such as a State  
19 agency or joint interagency office) for the adminis-  
20 tration of the universal preschool services program  
21 under this section.

22 (6) STATE PLAN.—In order to be eligible for  
23 payments under this section, the Governor of a State  
24 shall submit a State plan for universal, high-quality,  
25 free, inclusive, and mixed delivery preschool services

1 to the Secretary for approval at such time, in such  
2 manner, and containing such information as the Sec-  
3 retary, in collaboration with the Secretary of Edu-  
4 cation, may require. Such plan shall include each of  
5 the following:

6 (A) A certification that the State has in  
7 place developmentally appropriate, evidence-  
8 based preschool standards that, at a minimum  
9 are as rigorous as the standards specified in  
10 subparagraph (B) of section 641A(a)(1) of the  
11 Head Start Act (42 U.S.C. 9836a(a)(1)) and  
12 include program standards for class sizes and  
13 ratios.

14 (B) A certification that the State will  
15 prioritize the establishment and expansion of  
16 universal, high-quality, free, inclusive, and  
17 mixed delivery preschool services in high-need  
18 communities, as identified by the State, includ-  
19 ing—

20 (i) a description of which high-need  
21 communities the State will prioritize for  
22 that establishment and expansion within  
23 and across those communities;

24 (ii) a description of how the State de-  
25 termined which communities are high-need

1 communities, including how the State used  
2 a research-based methodology, approved by  
3 the Secretary, to identify and serve such  
4 communities, as determined by—

5 (I) the rate of poverty among eli-  
6 gible children in the community;

7 (II) rates of access to high-qual-  
8 ity preschool within the community,  
9 including, as applicable, rates of dis-  
10 parities for underserved or vulnerable  
11 populations as identified through a  
12 periodic needs assessment conducted  
13 through the preschool development  
14 grants program under section 9212 of  
15 the Every Student Succeeds Act (42  
16 U.S.C. 9831 note) as applicable, or  
17 through another such statewide needs  
18 assessment; and

19 (III) other indicators of commu-  
20 nity need as required by the Sec-  
21 retary; and

22 (iii) an assurance that the State will  
23 distribute funding for such preschool serv-  
24 ices under this section within such a high-  
25 need community so that a majority of chil-

1           dren in the community are offered such  
2           preschool services before the State estab-  
3           lishes and expands free preschool services  
4           in communities with lower levels of need.

5           (C) As applicable, a description of how the  
6           State plans to use funding provided under this  
7           section to ensure that existing (as of the date  
8           of submission of the State plan) publicly funded  
9           preschool programs in the State meet the re-  
10          quirements of this section for a preschool pro-  
11          gram.

12          (D) A certification that the State will, in  
13          establishing and operating the program of pre-  
14          school services supported under this section,  
15          support a mixed delivery preschool system, in-  
16          cluding a certification that the State will facili-  
17          tate the participation in the system of Head  
18          Start programs and programs offered by other  
19          eligible providers, including providers of li-  
20          censed family child care).

21          (E) An assurance that the State will use  
22          funding provided under this section to ensure  
23          children with disabilities have access to and  
24          participate in inclusive preschool programs con-  
25          sistent with provisions in the Individuals with

1           Disabilities Education Act, including an assur-  
2           ance that the State will offer inclusive program-  
3           ming that supports the least restrictive environ-  
4           ment requirements in Section 619 of the Indi-  
5           viduals with Disabilities Act for all eligible chil-  
6           dren who are children with disabilities.

7           (F) A certification that the State will sup-  
8           port the continuous quality improvement of pro-  
9           grams providing preschool services under this  
10          section, including support through technical as-  
11          sistance, monitoring, and research.

12          (G) A certification that the State will en-  
13          sure a highly qualified early childhood work-  
14          force to support the requirements of this sec-  
15          tion.

16          (H) A description of how the State will co-  
17          ordinate the State's preschool standards de-  
18          scribed in subparagraph (A) with other early  
19          learning standards within the State.

20          (I) A description of how the State will—

21               (i) coordinate services and funding  
22               provided under this section with services  
23               and funding for other Federal, State, and  
24               local child care and early childhood devel-  
25               opment programs;

1                   (ii) at the option of an Indian Tribe  
2                   or Tribal organization in the State, col-  
3                   laborate and coordinate services and fund-  
4                   ing with such Indian Tribe or Tribal orga-  
5                   nization;

6                   (iii) partner with Head Start agencies  
7                   to ensure the full utilization of Head Start  
8                   programs within the State;

9                   (iv) collaborate with entities carrying  
10                  out programs under section 619 or part C  
11                  of the Individuals with Disabilities Edu-  
12                  cation Act, to support inclusive preschool  
13                  programs; and

14                  (v) improve transitions of children  
15                  from early childhood education to elemen-  
16                  tary school.

17                  (J) An assurance that the State will part-  
18                  ner with not less than 1 institution of higher  
19                  education to facilitate degree attainment for  
20                  staff of preschool programs.

21                  (K) An assurance that the State will en-  
22                  sure all preschool services in the State funded  
23                  under this section will be—

1 (i)(I) universally available to all chil-  
2 dren in the State without any additional  
3 eligibility requirements; and

4 (II) be high quality, free, and in-  
5 clusive;

6 (ii) by not later than 1 year after re-  
7 ceiving such funding, meet the State's pre-  
8 school education standards described in  
9 subparagraph (A);

10 (iii) offer programming that meets the  
11 duration requirements of at least 1,020 an-  
12 nual hours, in the program performance  
13 standards applicable to Head Start pro-  
14 grams described in section 641A of the  
15 Head Start Act (42 U.S.C. 9836a);

16 (iv) adopt policies and practices to  
17 conduct outreach and provide expedited en-  
18 rollment, including prioritization, to—

19 (I) children experiencing home-  
20 lessness;

21 (II) children in foster care or  
22 kinship care;

23 (III) children in families who are  
24 engaged in migrant or seasonal agri-  
25 cultural labor;

1 (IV) children with disabilities, in-  
2 cluding children served under part C  
3 of the Individuals with Disabilities  
4 Education Act who are an eligible  
5 child under section 101(a)(3) of this  
6 Act; and

7 (V) dual language learners;

8 (v) provide salaries, and set salary  
9 schedules, for staff that are equivalent to  
10 salaries of elementary school staff with  
11 similar credentials and experience; and

12 (vi) require educational qualifications  
13 for teachers (excluding individuals who  
14 were employed by an eligible child care  
15 provider or early education program for a  
16 cumulative three of the last five years from  
17 the date of enactment and have the nec-  
18 essary content knowledge and teaching  
19 skills for early childhood educators, as  
20 demonstrated through measures deter-  
21 mined by the State) in the preschool pro-  
22 gram including, at a minimum, requiring  
23 that lead teachers in the preschool pro-  
24 gram have a baccalaureate degree in early  
25 childhood education or a related field by

1 not later than 7 years after the date of en-  
2 actment of this Act (The requirements  
3 specified in this clause shall not apply to  
4 individuals who were employed by an eligi-  
5 ble child care provider or early education  
6 program for a cumulative 3 of the last 5  
7 years from the date of enactment and have  
8 the necessary content knowledge and  
9 teaching skills for early childhood edu-  
10 cators, as demonstrated through measures  
11 determined by the State.).

12 (L) An assurance that the State will meet  
13 the requirements of clauses (ii) and (iii) of sec-  
14 tion 658E(c)(2)(T) of the Child Care and De-  
15 velopment Block Grant Act of 1990 (42 U.S.C.  
16 9858c(c)(2)(T)), with respect to funding and  
17 assessments under this section.

18 (M) A certification that subgrant amounts  
19 described under subsection (d) are sufficient to  
20 enable the eligible provider to meet the require-  
21 ments of this title, and will provide for in-  
22 creased staff payment amounts based on the  
23 criteria described in (K)(v) and (vi).

24 (N) A certification that preschool seats will  
25 be distributed equitably among child care (in-

1 including family child care), Head Start, and  
2 schools within the State.

3 (7) DURATION OF THE PLAN.—Each State plan  
4 shall remain in effect for a period of 3 years.  
5 Amendments to the State plan shall remain in effect  
6 for the duration of the plan.

7 (8) Transitional State Plan—The Secretary  
8 shall make available a transitional State plan for a  
9 period of one year that contains such information as  
10 the Secretary may require, to demonstrate the State  
11 will meet the requirements of this title and that in-  
12 cludes—

13 (A) an assurance that the State will sub-  
14 mit a State plan under paragraph (6); and

15 (B) a description of how the funds received  
16 by the State under this title will be spent to ex-  
17 pand access to universal, high-quality, free, in-  
18 clusive, and mixed delivery preschool programs  
19 in alignment with the requirements of this title.

20 (d) SUBGRANTS AND CONTRACTS FOR LOCAL PRE-  
21 SCHOOL PROGRAMS.—

22 (1) SUBGRANTS AND CONTRACTS.—

23 (A) IN GENERAL.—A State that receives a  
24 payment under subsection (c)(2)(A) for a fiscal  
25 year shall use amounts provided through the

1 payment to pay the Federal share of the costs  
2 of subgrants to, or contracts with, eligible pro-  
3 viders to operate universal, high-quality, free,  
4 inclusive, and mixed delivery preschool pro-  
5 grams through the State preschool program in  
6 accordance with paragraph (2). A State shall  
7 reduce or increase the amounts provided under  
8 such subgrants or contracts if needed to adjust  
9 for any overpayment or underpayment de-  
10 scribed in subsection (c)(3).

11 (B) AMOUNT.—A State shall award a  
12 subgrant or contract under this subsection in a  
13 sufficient amount to enable the eligible provider  
14 to operate a universal, high-quality, free, and  
15 inclusive preschool program that meets the re-  
16 quirements of subsection (c)(6)(K) and which  
17 amount shall reflect variations in the cost of  
18 preschool services by geographic area, type of  
19 provider, and age of child, and the additional  
20 costs associated with providing inclusive pre-  
21 school services for children with disabilities .

22 (C) DURATION.—The State shall award a  
23 subgrant or contract under this subsection for  
24 a period of not less than 3 years, unless the  
25 subgrant or contract is terminated or sus-

1           pended, or the subgrant period is reduced, for  
2           cause.

3           (2) ENHANCED PAYMENTS FOR COMPREHEN-  
4           SIVE SERVICES.—In awarding subgrants or con-  
5           tracts under this subsection and in addition to meet-  
6           ing the requirements of paragraph (1)(B), the State  
7           shall award subgrants or contracts with enhanced  
8           payments to eligible providers that offer preschool  
9           programs funded under this subsection to a high  
10          percentage of low-income children to support—

11                 (A) comprehensive services, including so-  
12                 cial, emotional and other services that support  
13                 child well-being;

14                 (B) health and developmental screenings;  
15                 and

16                 (C) service referral for children and fami-  
17                 lies served by the program involved.

18           (3) ESTABLISHING AND EXPANDING UNIVERSAL  
19           PRESCHOOL PROGRAMS.—

20                 (A) ESTABLISHING AND EXPANDING UNI-  
21                 VERSAL PRESCHOOL PROGRAMS IN HIGH-NEED  
22                 COMMUNITIES.—In awarding subgrants or con-  
23                 tracts under this subsection, the State shall  
24                 first prioritize establishing and expanding uni-  
25                 versal preschool programs within and across

1 high-need communities identified under sub-  
2 section (c)(6)(B) by awarding subgrants or con-  
3 tracts to eligible providers operating within, or  
4 with capacity to operate within and across, such  
5 high-need communities. Such subgrants or con-  
6 tracts shall be used to enroll and serve children  
7 in the preschool program, including—

8 (i) personnel (including classroom and  
9 administrative personnel), including com-  
10 pensation and benefits;

11 (ii) costs associated with imple-  
12 menting the State's preschool standards,  
13 providing curriculum sports, and meeting  
14 early learning and development standards;

15 (iii) professional development, teacher  
16 supports, and training;

17 (iv) implementing developmentally ap-  
18 propriate health and safety standards (in-  
19 cluding licensure, where applicable), teach-  
20 er to child ratios, and group size maxi-  
21 mums;

22 (v) materials, equipment and supplies;

23 (vi) meeting health and safety stand-  
24 ards, including licensure; and

1 (vii) rent or mortgage, utilities, build-  
2 ing security, indoor and outdoor mainte-  
3 nance, and insurance.

4 (4) ESTABLISHING AND EXPANDING UNIVERSAL  
5 PRESCHOOL PROGRAMS IN ADDITIONAL COMMU-  
6 NITIES.—Once a State that receives a payment  
7 under subsection (c)(2)(A) meets the requirements  
8 of paragraph (2) with respect to establishing and ex-  
9 panding preschool programs within and across high-  
10 need communities, the State shall use any remaining  
11 funds from such payment to enroll and serve chil-  
12 dren in preschool programs, as described in such  
13 paragraph, to additional communities in accordance  
14 with the statewide needs assessment used for pur-  
15 poses of paragraph (6)(B)(ii). Such funds shall be  
16 used for the activities described in (2)(A)(i)-(viii).

17 (e) GRANTS TO LOCALITIES.—

18 (1) DEFINITIONS.—In this subsection:

19 (A) ELIGIBLE LOCALITY.—The term “eli-  
20 gible locality” means a city, county, or other  
21 unit of general local government, a local edu-  
22 cational agency, or a Head Start agency.

23 (B) LOW-INCOME YOUNG CHILD.—The  
24 term “low-income young child” means a child  
25 who is under age 6 and from a family with a

1 family income that is not more than 200 per-  
2 cent of the poverty guidelines.

3 (2) IN GENERAL.—The Secretary shall use  
4 funds reserved in subsection (b)(2)(F) to award local  
5 universal preschool grants to eligible localities lo-  
6 cated in States that, as of October 1, 2023, have  
7 made it apparent that they will not apply for pay-  
8 ments under subsection (c)(2)(A). The Secretary  
9 shall award the grants to eligible localities in a State  
10 from the allotment made for that State under para-  
11 graph (3). The Secretary shall specify the require-  
12 ments for an eligible locality to conduct a preschool  
13 services program under this subsection which shall,  
14 to the greatest extent practicable, be consistent with  
15 the requirements applicable to States under this sec-  
16 tion, including ensuring a free, universal, high-qual-  
17 ity, inclusive mixed delivery preschool system.

18 (3) ALLOTMENTS.—For each State described in  
19 paragraph (2), the Secretary shall allot for the State  
20 an amount that bears the same relationship to the  
21 funds reserved under subsection (b)(2)(F) as the  
22 number of low-income young children in the State  
23 bears to the total of all such children in States de-  
24 scribed in paragraph (2).

1           (4) APPLICATION.—To receive a grant from the  
2           corresponding State allotment under this subsection,  
3           an eligible locality shall submit an application to the  
4           Secretary at such time, in such manner, and con-  
5           taining such information as the Secretary may re-  
6           quire. The requirements for the application shall, to  
7           the greatest extent practicable, be consistent with  
8           the State plan requirements applicable to States  
9           under this section.

10           (5) PRIORITY FOR LOCALITIES SERVING UN-  
11           DERSERVED COMMUNITIES.—In awarding a grant  
12           under this subsection, the Secretary, in collaboration  
13           with the Secretary of Education, shall give priority  
14           to eligible localities serving high-need communities,  
15           determined in accordance with subsection (d)(2)(B).

16           (f) ALLOWABLE SOURCES OF NON-FEDERAL  
17           SHARE.—For purposes of calculating the amount of the  
18           non-Federal share, as determined under subsection (c), re-  
19           lating to a payment under such subsection, a State's non-  
20           Federal share—

21           (1) may be in cash or in kind, fairly evaluated,  
22           including facilities or property, equipment, or serv-  
23           ices;

24           (2) shall include any increase in amounts spent  
25           by the State to expand half-day kindergarten pro-

1       grams in the State, as of the day before the date of  
2       enactment of this Act, into full-day kindergarten  
3       programs;

4           (3) shall not include contributions being used as  
5       a non-Federal share or match for another Federal  
6       award;

7           (4) shall be provided from State or local  
8       sources, contributions from philanthropy or other  
9       private organizations, or a combination of such  
10      sources and contributions and

11          (5) shall count no more than 50 percent of the  
12      State's current spending on prekindergarten pro-  
13      grams (as of the date of enactment of this Act) to-  
14      ward the State match.

15      (g) MAINTENANCE OF EFFORT.—

16          (1) IN GENERAL.—If a State reduces its com-  
17      bined fiscal effort per child for the State's preschool  
18      program (whether a publicly funded preschool pro-  
19      gram or a program under this section) or through  
20      State supplemental assistance funds for Head Start  
21      programs assisted under the Head Start Act (42  
22      U.S.C. 9831 et seq.), or through any State spending  
23      on preschool services for any fiscal year that a State  
24      receives payments under subparagraphs (A) and (B)  
25      of subsection (c)(2) (referred to in this paragraph as

1       the “reduction fiscal year”) relative to the previous  
2       fiscal year, the Secretary, in collaboration with the  
3       Secretary of Education, shall reduce support for  
4       such State under such subsection by the same  
5       amount as the total reduction in State fiscal effort  
6       for such reduction fiscal year.

7           (2) WAIVER.—The Secretary, in collaboration  
8       with the Secretary of Education, may waive the re-  
9       quirements of paragraph (1) if—

10           (A) the Secretaries determine that a waiv-  
11       er would be appropriate due to a precipitous de-  
12       cline in the financial resources of a State as a  
13       result of unforeseen economic hardship, or a  
14       natural disaster, that has necessitated across-  
15       the-board reductions in State services during  
16       the 5-year period preceding the date of the de-  
17       termination, including for early childhood edu-  
18       cation programs; or

19           (B) due to the circumstance of a State re-  
20       quiring reductions in specific programs, includ-  
21       ing early childhood education, the State pre-  
22       sents to the Secretaries a justification and dem-  
23       onstration why other programs could not be re-  
24       duced and how early childhood education pro-

1           grams in the State will not be disproportion-  
2           ately harmed by such State reductions.

3           (h) SUPPLEMENT NOT SUPPLANT.—Funds received  
4 under this section shall be used to supplement and not  
5 supplant other Federal, State, and local public funds ex-  
6 pended on early childhood education programs in the  
7 State.

8           (i) NONDISCRIMINATION PROVISIONS.—The fol-  
9 lowing provisions of law shall apply to any program or ac-  
10 tivity that receives funds provided under this section:

11           (1) Title IX of the Education Amendments of  
12 1972 (20 U.S.C. 1681 et seq.).

13           (2) Title VI of the Civil Rights Act of 1964 (42  
14 U.S.C. 2000d et seq.).

15           (3) Section 504 of the Rehabilitation Act of  
16 1973 (29 U.S.C. 794).

17           (4) The Americans with Disabilities Act of  
18 1990 (42 U.S.C. 12101 et seq.).

19           (5) Section 654 of the Head Start Act (42  
20 U.S.C. 9849)

## 21           **Subtitle E—Child Nutrition and** 22           **Related Programs**

### 23           **SEC. 24001. EXPANDING COMMUNITY ELIGIBILITY.**

24           (a) MULTIPLIER AND THRESHOLD ADJUSTED.—

1           (1) MULTIPLIER.—Clause (vii) of section  
2       11(a)(1)(F) of the Richard B. Russell National  
3       School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is  
4       amended to read as follows:

5                       “(vii) MULTIPLIER.—

6                               “(I) IMPLEMENTATION IN 2022-  
7                               2030.—For each school year beginning  
8                               on or after July 1, 2022, and ending  
9                               before July 1, 2030, the Secretary  
10                              shall use a multiplier of 2.5.

11                             “(II) IMPLEMENTATION AFTER  
12                             2030.—For each school year beginning  
13                             on or after July 1, 2030, the Sec-  
14                             retary shall use a multiplier of 1.6.”.

15       (2) THRESHOLD.—Clause (viii) of section  
16       11(a)(1)(F) of the Richard B. Russell National  
17       School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is  
18       amended to read as follows:

19                       “(viii) THRESHOLD.—

20                             “(I) IMPLEMENTATION IN 2022-  
21                             2030.—For each school year beginning  
22                             on or after July 1, 2022, and ending  
23                             before July 1, 2030, the threshold  
24                             shall be not more than 25 percent.

1                   “(II) IMPLEMENTATION AFTER  
2                   2030.—For each school year beginning  
3                   on or after July 1, 2030, the thresh-  
4                   old shall be not more than 40 per-  
5                   cent.”.

6           (3) APPLICABILITY.—The amendments made  
7       by this subsection shall apply to a local educational  
8       agency with respect to a school year beginning on or  
9       after July 1, 2022, for which such local educational  
10      agency elects to receive special assistance payments  
11      under subparagraph (F) of section 11(a)(1) of the  
12      Richard B. Russell National School Lunch Act (42  
13      U.S.C. 1759a(a)(1)).

14      (b) STATEWIDE COMMUNITY ELIGIBILITY.—Section  
15   11(a)(1)(F) of the Richard B. Russell National School  
16   Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended by  
17   adding at the end the following:

18                   “(xiv) STATEWIDE COMMUNITY ELIGI-  
19                   BILITY.—For each school year beginning  
20                   on or after July 1, 2022, and ending be-  
21                   fore July 1, 2030, the Secretary shall es-  
22                   tablish a statewide community eligibility  
23                   program under which, in the case of a  
24                   State agency that agrees to provide fund-  
25                   ing from sources other than Federal funds

1 to ensure that local educational agencies in  
2 the State receive the free reimbursement  
3 rate for 100 percent of the meals served at  
4 applicable schools—

5 “(I) the multiplier described in  
6 clause (vii) shall apply;

7 “(II) the threshold described in  
8 clause (viii) shall be applied by sub-  
9 stituting zero for 25; and

10 “(III) the percentage of enrolled  
11 students who were identified students  
12 shall be calculated across all applica-  
13 ble schools in the State regardless of  
14 local educational agency.”.

15 **SEC. 24002. DIRECT CERTIFICATION FOR CHILDREN RE-**  
16 **CEIVING MEDICAID BENEFITS.**

17 (a) IN GENERAL.—Section 9 of the Richard B. Rus-  
18 sell National School Lunch Act (42 U.S.C. 1758(b)) is  
19 amended—

20 (1) in subsection (b)—

21 (A) by amending paragraph (5) to read as  
22 follows:

23 “(5) DISCRETIONARY CERTIFICATION.—

24 “(A) FREE LUNCHES OR BREAKFASTS.—

25 Subject to paragraph (6), any local educational

1           agency may certify any child as eligible for free  
2           lunches or breakfasts, without further applica-  
3           tion, by directly communicating with the appro-  
4           priate State or local agency to obtain docu-  
5           mentation of the status of the child as—

6                   “(i) a member of a family that is re-  
7                   ceiving assistance under the temporary as-  
8                   sistance for needy families program funded  
9                   under part A of title IV of the Social Secu-  
10                  rity Act (42 U.S.C. 601 et seq.) that the  
11                  Secretary determines complies with stand-  
12                  ards established by the Secretary that en-  
13                  sure that the standards under the State  
14                  program are comparable to or more re-  
15                  strictive than those in effect on June 1,  
16                  1995;

17                  “(ii) a homeless child or youth (de-  
18                  fined as 1 of the individuals described in  
19                  section 725(2) of the McKinney-Vento  
20                  Homeless Assistance Act (42 U.S.C.  
21                  11434a(2));

22                  “(iii) served by the runaway and  
23                  homeless youth grant program established  
24                  under the Runaway and Homeless Youth  
25                  Act (42 U.S.C. 5701 et seq.);

1 “(iv) a migratory child (as defined in  
2 section 1309 of the Elementary and Sec-  
3 ondary Education Act of 1965 (20 U.S.C.  
4 6399));

5 “(v) an eligible child (as defined in  
6 paragraph (15)(A)); or

7 “(vi)(I) a foster child whose care and  
8 placement is the responsibility of an agen-  
9 cy that administers a State plan under  
10 part B or E of title IV of the Social Secu-  
11 rity Act (42 U.S.C. 621 et seq.); or

12 “(II) a foster child who a court has  
13 placed with a caretaker household.

14 “(B) REDUCED PRICE LUNCHES OR  
15 BREAKFASTS.—Subject to paragraph (6), any  
16 local educational agency may certify any child  
17 who is not eligible for free school lunch or  
18 breakfast as eligible for reduced price lunches  
19 or breakfasts, without further application, by  
20 directly communicating with the appropriate  
21 State or local agency to obtain documentation  
22 of the status of the child as a child eligible for  
23 reduced price meals (as defined in paragraph  
24 (15)(A)).”;

1 (B) in paragraph (6)(A), by striking “or  
2 (5)” both places it appears and inserting “(5),  
3 or (15)”; and

4 (C) in paragraph (15)—

5 (i) in subparagraph (A)—

6 (I) by amending clause (i) to  
7 read as follows:

8 “(i) ELIGIBLE CHILD.—The term ‘eli-  
9 gible child’ means a child—

10 “(I)(aa) who is eligible for and  
11 receiving medical assistance under the  
12 Medicaid program; and

13 “(bb) who is a member of a fam-  
14 ily with an income as measured by the  
15 Medicaid program that does not ex-  
16 ceed 133 percent of the poverty line  
17 (as determined under the poverty  
18 guidelines updated periodically in the  
19 Federal Register by the Department  
20 of Health and Human Services under  
21 the authority of section 673(2) of the  
22 Community Services Block Grant Act  
23 (42 U.S.C. 9902(2), including any re-  
24 vision required by such section)) ap-  
25 plicable to a family of the size used

1 for purposes of determining eligibility  
2 for the Medicaid program;

3 “(II) who is eligible for the Med-  
4 icaid program because such child re-  
5 ceives supplemental security income  
6 benefits under title XVI of the Social  
7 Security Act (42 U.S.C. 1381–1385)  
8 or State supplementary benefits of the  
9 type referred to in section 1616(a) of  
10 such Act (or payments of the type de-  
11 scribed in section 212(a) of Public  
12 Law 93–66);

13 “(III) who is eligible for the  
14 Medicaid program because such child  
15 receives an adoption assistance pay-  
16 ment made under section 473(a) of  
17 the Social Security Act (42 U.S.C.  
18 673(a)) or under a similar State-fund-  
19 ed or State-operated program, as de-  
20 termined by the Secretary;

21 “(IV) who is eligible for the Med-  
22 icaid program because such child re-  
23 ceives a kinship guardianship assist-  
24 ance payment made under section  
25 473(d) of the Social Security Act (42

1 U.S.C. 673(d)) or under a similar  
2 State-funded or State-operated pro-  
3 gram, as determined by the Secretary,  
4 without regard to whether such child  
5 was previously in foster care; or

6 “(V) who is a member of a  
7 household (as that term is defined in  
8 section 245.2 of title 7, Code of Fed-  
9 eral Regulations (or successor regula-  
10 tions)) with a child described in sub-  
11 clause (I), (II), (III), or (IV).”; and

12 (II) by adding at the end the fol-  
13 lowing:

14 “(iii) CHILD ELIGIBLE FOR REDUCED  
15 PRICE MEALS.—The term ‘child eligible for  
16 reduced price meals’ means a child—

17 “(I)(aa) who is eligible for and  
18 receiving medical assistance under the  
19 Medicaid program; and

20 “(bb) who is a member of a fam-  
21 ily with an income as measured by the  
22 Medicaid program that does exceed  
23 133 percent but does not exceed 185  
24 percent of the poverty line (as deter-  
25 mined under the poverty guidelines

1 updated periodically in the Federal  
2 Register by the Department of Health  
3 and Human Services under the au-  
4 thority of section 673(2) of the Com-  
5 munity Services Block Grant Act (42  
6 U.S.C. 9902(2), including any revision  
7 required by such section)) applicable  
8 to a family of the size used for pur-  
9 poses of determining eligibility for the  
10 Medicaid program; or

11 “(II) who is a member of a  
12 household (as that term is defined in  
13 section 245.2 of title 7, Code of Fed-  
14 eral Regulations (or successor regula-  
15 tions)) with a child described in sub-  
16 clause (I).”;

17 (ii) by striking subparagraphs (B),  
18 (C), (D), (E), (G), and (H);

19 (iii) in subparagraph (F)—

20 (I) in the enumerator, by striking  
21 “(F)” and inserting “(D)”; and

22 (II) by striking “conducting the  
23 demonstration project under this  
24 paragraph” and inserting “carrying  
25 out this paragraph”;

1 (iv) by inserting after subparagraph

2 (A) the following:

3 “(B) AGREEMENTS TO CARRY OUT CER-  
4 TIFICATION.—To certify a child under subpara-  
5 graph (A)(v) or (B) of paragraph (5), a State  
6 agency shall enter into an agreement with 1 or  
7 more State agencies conducting eligibility deter-  
8 minations for the Medicaid program.

9 “(C) PROCEDURES.—Subject to paragraph  
10 (6), an agreement under subparagraph (B)  
11 shall establish procedures under which—

12 “(i) an eligible child may be certified  
13 for free lunches under this Act and free  
14 breakfasts under section 4 of the Child  
15 Nutrition Act of 1966 (42 U.S.C. 1773),  
16 without further application (as defined in  
17 paragraph (4)(G)); and

18 “(ii) a child eligible for reduced price  
19 meals may be certified for reduced price  
20 lunches under this Act or reduced price  
21 breakfasts under section 4 of the Child  
22 Nutrition Act of 1966 (42 U.S.C. 1773),  
23 without further application (as defined in  
24 paragraph (4)(G)).”; and

25 (v) by adding at the end the following:

1 “(E) SUNSET.—The authority under this  
2 paragraph shall terminate on the last day of  
3 school year 2030–2031.”; and

4 (2) in subsection (d)(2)(G), by inserting “or  
5 child eligible for reduced price meals” after “eligible  
6 child”.

7 (b) APPLICABILITY.—The amendments made by this  
8 section shall apply with respect to the period—

9 (1) beginning on July 1, 2022; and

10 (2) ending on the last day of school year 2030–  
11 2031.

12 **SEC. 24003. SUMMER ELECTRONIC BENEFITS TRANSFER**  
13 **FOR CHILDREN PROGRAM.**

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

17 **“SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER**  
18 **FOR CHILDREN PROGRAM.**

19 “(a) PROGRAM ESTABLISHED.—The Secretary shall  
20 establish a program under which States and covered In-  
21 dian Tribal organizations participating in such program  
22 shall, beginning with summer 2023 and annually for each  
23 summer before the date described in subsection (g), issue  
24 to eligible households summer EBT benefits—

25 “(1) in accordance with this section; and

1           “(2) for the purpose of providing nutrition as-  
2           sistance through electronic benefits transfer during  
3           the summer months for eligible children, to ensure  
4           continued access to food when school is not in ses-  
5           sion for the summer.

6           “(b) SUMMER EBT BENEFITS REQUIREMENTS.—

7           “(1) PURCHASE OPTIONS.—

8           “(A) BENEFITS ISSUED BY STATES.—

9           “(i) WIC PARTICIPATION STATES.—In  
10           the case of a State that participated in a  
11           demonstration program under section  
12           749(g) of the Agriculture, Rural Develop-  
13           ment, Food and Drug Administration, and  
14           Related Agencies Appropriations Act, 2010  
15           (Public Law 111–80; 123 Stat. 2132) dur-  
16           ing calendar year 2018 using a WIC  
17           model, summer EBT benefits issued pur-  
18           suant to subsection (a) by such a State  
19           may only be used by the eligible household  
20           that receives such summer EBT benefits to  
21           purchase—

22           “(I) supplemental foods from re-  
23           tailers that have been approved for  
24           participation in—

1                   “(aa) the special supple-  
2                   mental nutrition program for  
3                   women, infants, and children  
4                   under section 17 of the Child  
5                   Nutrition Act of 1966 (42 U.S.C.  
6                   1786); or

7                   “(bb) the program under  
8                   this section; or

9                   “(II) food (as defined in section  
10                  3(k) of the Food and Nutrition Act of  
11                  2008 (7 U.S.C. 2011(k))) from retail  
12                  food stores that have been approved  
13                  for participation in the supplemental  
14                  nutrition assistance program estab-  
15                  lished under such Act, in accordance  
16                  with section 7(b) of such Act (7  
17                  U.S.C. 2016(b)).

18                  “(ii) OTHER STATES.—Summer EBT  
19                  benefits issued pursuant to subsection (a)  
20                  by a State not described in clause (i) may  
21                  only be used by the eligible household that  
22                  receives such summer EBT benefits to  
23                  purchase food (as defined in section 3(k)  
24                  of the Food and Nutrition Act of 2008 (7  
25                  U.S.C. 2011(k))) from retail food stores

1           that have been approved for participation  
2           in the supplemental nutrition assistance  
3           program established under such Act, in ac-  
4           cordance with section 7(b) of such Act (7  
5           U.S.C. 2016(b)).

6           “(B) BENEFITS ISSUED BY COVERED IN-  
7           DIAN TRIBAL ORGANIZATIONS.—Summer EBT  
8           benefits issued pursuant to subsection (a) by a  
9           covered Indian Tribal organization may only be  
10          used by the eligible household that receives such  
11          summer EBT benefits to purchase supple-  
12          mental foods from retailers that have been ap-  
13          proved for participation in—

14               “(i) the special supplemental nutrition  
15               program for women, infants, and children  
16               under section 17 of the Child Nutrition  
17               Act of 1966 (42 U.S.C. 1786); or

18               “(ii) the program under this section.

19          “(2) AMOUNT.—Summer EBT benefits issued  
20          pursuant to subsection (a)—

21               “(A) shall be—

22               “(i) for calendar year 2023, in an  
23               amount equal to \$75 for each child in the  
24               eligible household per month during the  
25               summer; and

1 “(ii) for calendar year 2024 and each  
2 year thereafter, in an amount equal to the  
3 amount described in clause (i), adjusted to  
4 the nearest lower dollar increment to re-  
5 flect changes to the cost of the thrifty food  
6 plan (as defined in section 3(u) of the  
7 Food and Nutrition Act of 2008 (7 U.S.C.  
8 2012(u)) for the 12-month period ending  
9 on November 30 of the preceding calendar  
10 year; and

11 “(B) may be issued—

12 “(i) in the form of an EBT card; or

13 “(ii) through electronic delivery.

14 “(c) ENROLLMENT IN PROGRAM.—

15 “(1) STATE REQUIREMENTS.—States partici-  
16 pating in the program under this section shall—

17 “(A) with respect to a summer, automati-  
18 cally enroll eligible children in the program  
19 under this section without further application;

20 “(B) establish procedures to carry out the  
21 enrollment described in subparagraph (A); and

22 “(C) require local educational agencies to  
23 allow eligible households to opt out of participa-  
24 tion in the program under this section and es-

1           tablish procedures for opting out of such par-  
2           ticipation.

3           “(2) COVERED INDIAN TRIBAL ORGANIZATION  
4           REQUIREMENTS.—Covered Indian Tribal organiza-  
5           tions participating in the program under this section  
6           shall, to the maximum extent practicable, meet the  
7           requirements under subparagraphs (A) through (C)  
8           of paragraph (1).

9           “(d) IMPLEMENTATION GRANTS.—On and after Oc-  
10          tober 1, 2021, the Secretary shall carry out a program  
11          to make grants to States and covered Indian Tribal orga-  
12          nizations to build capacity for implementing the program  
13          under this section.

14          “(e) ALTERNATE PLANS IN THE CASE OF CONTIN-  
15          UOUS SCHOOL CALENDAR.—The Secretary shall establish  
16          alternative plans for when summer EBT benefits may be  
17          issued pursuant to subsection (a) in the case of children  
18          who are under a continuous school calendar.

19          “(f) FUNDING.—

20                 “(1) PROGRAM FUNDING.—In addition to  
21                 amounts otherwise available, there is appropriated  
22                 for each of fiscal years 2022 through 2029, out of  
23                 any money in the Treasury not otherwise appro-  
24                 priated, such sums, to remain available for the pe-  
25                 riod described in paragraph (2), as may be necessary

1 to carry out this section, including for administrative  
2 expenses incurred by the Secretary, States, covered  
3 Indian Tribal organizations, and local educational  
4 agencies.

5 “(2) PERIOD DESCRIBED.—With respect to  
6 each fiscal year under paragraph (1), amounts made  
7 available for such a fiscal year under such para-  
8 graph shall remain available for the 2-year period  
9 following the date such amounts are made available.

10 “(3) IMPLEMENTATION GRANT FUNDING.—In  
11 addition to amounts otherwise available, including  
12 under paragraph (1), there is appropriated for fiscal  
13 year 2022, out of any money in the Treasury not  
14 otherwise appropriated, \$50,000,000, to remain  
15 available until expended, to carry out subsection (d).

16 “(g) SUNSET.—The authority under this section shall  
17 terminate on September 30, 2029.

18 “(h) DEFINITIONS.—In this section:

19 “(1) COVERED INDIAN TRIBAL ORGANIZA-  
20 TION.—The term ‘covered Indian Tribal organiza-  
21 tion’ means an Indian Tribal organization that par-  
22 ticipates in the special supplemental nutrition pro-  
23 gram for women, infants, and children under section  
24 17 of the Child Nutrition Act of 1966 (42 U.S.C.  
25 1786).

1           “(2) ELIGIBLE CHILD.—The term ‘eligible  
2           child’ means, with respect to a summer, a child who  
3           was, during the school year immediately preceding  
4           such summer—

5                   “(A) certified to receive free or reduced  
6           price lunch under the school lunch program  
7           under this Act;

8                   “(B) certified to receive free or reduced  
9           price breakfast under the school breakfast pro-  
10          gram under section 4 of the Child Nutrition Act  
11          of 1966 (42 U.S.C. 1773); or

12                   “(C) enrolled in a school described in sub-  
13          paragraph (B), (C), (D), (E), or (F) of section  
14          11(a)(1).

15           “(3) ELIGIBLE HOUSEHOLD.—The term ‘eligi-  
16          ble household’ means a household that includes at  
17          least 1 eligible child.

18           “(4) SUPPLEMENTAL FOODS.—The term ‘sup-  
19          plemental foods’—

20                   “(A) means foods—

21                           “(i) containing nutrients determined  
22                           by nutritional research to be lacking in the  
23                           diets of children; and

24                           “(ii) that promote the health of the  
25                           population served by the program under

1           this section, as indicated by relevant nutri-  
2           tion science, public health concerns, and  
3           cultural eating patterns, as determined by  
4           the Secretary; and

5           “(B) includes foods not described in sub-  
6           paragraph (A) substituted by State agencies,  
7           with the approval of the Secretary, that—

8                   “(i) provide the nutritional equivalent  
9                   of foods described in such subparagraph;  
10                  and

11                   “(ii) allow for different cultural eating  
12                   patterns than foods described in such sub-  
13                   paragraph.”.

14   **SEC. 24004. SCHOOL KITCHEN EQUIPMENT GRANTS.**

15       (a) In addition to amounts otherwise available, there  
16   is appropriated to the Secretary of Agriculture for fiscal  
17   year 2022, out of any money in the Treasury not otherwise  
18   appropriated, \$500,000,000, to remain available until ex-  
19   pended, to award grants to States (as defined in section  
20   12(d) of the Richard B. Russell National School Lunch  
21   Act (42 U.S.C. 1760(d))) to make competitive subgrants  
22   to local educational agencies and schools to purchase  
23   equipment with a value of greater than \$1,000 that, with  
24   respect to the school lunch program established under the  
25   Richard B. Russell National School Lunch Act (42 U.S.C.

1 1751-1769j) and the school breakfast program established  
2 under section 4 of the Child Nutrition Act of 1966 (42  
3 U.S.C. 1773), is necessary to serve healthier meals, im-  
4 prove food safety, and increase scratch cooking.

5 (b) The Secretary may set aside up to 5 percent of  
6 the funds made available under subsection (a) for the pur-  
7 pose of training and technical assistance to support  
8 scratch cooking, which may be administered by States or  
9 other entities.

10 **SEC. 24005. HEALTHY FOOD INCENTIVES DEMONSTRATION.**

11 (a) In addition to amounts otherwise available, there  
12 is appropriated to the Secretary of Agriculture for fiscal  
13 year 2022, out of any money in the Treasury not otherwise  
14 appropriated, \$634,000,000, to remain available until ex-  
15 pended, to provide competitive grants to States in accord-  
16 ance with this section.

17 (b) A State that receives a grant under this section  
18 shall use such grant funds to make subgrants to local edu-  
19 cational agencies and schools for activities that support—

- 20 (1) serving healthy school meals and afterschool  
21 snacks that meet discretionary goals established by  
22 the Secretary;
- 23 (2) increasing scratch cooking;
- 24 (3) conducting experiential nutrition education  
25 activities, including school garden programs;

1           (4) procuring local, regional, and culturally ap-  
2       appropriate foods and foods produced by underserved  
3       or limited resource farmers, as defined by the Sec-  
4       retary, to serve as part of the child nutrition pro-  
5       grams under the Richard B. Russell National School  
6       Lunch Act (42 U.S.C. 1751-1769j) or the Child Nu-  
7       trition Act of 1966 (42 U.S.C. 1771-1793);

8           (5) reducing the availability of less healthy  
9       foods, as defined by the Secretary, during the school  
10      day; or

11          (6) carrying out additional activities to encour-  
12      age the development of healthy nutrition and phys-  
13      ical activity habits among children.

14      (c) A State that receives a grant under this section  
15   may use such grant funds to fund a statewide nutrition  
16   education coordinator to—

17          (1) support individual school food authority nu-  
18      trition education efforts; and

19          (2) facilitate collaboration with other nutrition  
20      education efforts in the State.

21      (d) A State that receives a grant under this section  
22   may not use more than 5 percent of such grant funds to  
23   carry out administrative activities.

1 (e) In this section, the term “State” has the meaning  
2 given the term in section 12(d) of the Richard B. Russell  
3 National School Lunch Act (42 U.S.C. 1760(d)).

4 **Subtitle F—Human Services and**  
5 **Community Supports**

6 **SEC. 25001. ASSISTIVE TECHNOLOGY.**

7 In addition to amounts otherwise available, there is  
8 appropriated for fiscal year 2022, out of any money in  
9 the Treasury not otherwise appropriated, \$10,000,000, to  
10 remain available until expended, to carry out the Assistive  
11 Technology Act of 1998 (29 U.S.C. 3001 et seq.).

12 **SEC. 25002. FAMILY VIOLENCE PREVENTION AND SERVICES**  
13 **FUNDING.**

14 In addition to amounts otherwise available, there is  
15 appropriated for fiscal year 2022, out of any money in  
16 the Treasury not otherwise appropriated, \$27,000,000, to  
17 remain available until expended, for necessary administra-  
18 tive expenses to carry out sections 303, 309, and 313 of  
19 the Family Violence Prevention and Services Act (42  
20 U.S.C. 10401-10414) and section 2204 of the American  
21 Rescue Plan Act of 2021 (Public Law 117-2).

22 **SEC. 25003. PREGNANCY ASSISTANCE FUND.**

23 Section 10214 of the Patient Protection and Afford-  
24 able Care Act (42 U.S.C. 18204) is amended by striking  
25 the period and inserting “, and \$25,000,000 for each of

1 fiscal years 2022 through 2024, to remain available until  
2 expended, to carry out this part.”.

3 **SEC. 25004. FUNDING FOR THE AGING NETWORK AND IN-**  
4 **FRASTRUCTURE.**

5 (a) APPROPRIATION.—In addition to amounts other-  
6 wise available, there are appropriated for fiscal year 2022,  
7 out of any money in the Treasury not otherwise appro-  
8 priated, to the Department of Health and Human Serv-  
9 ices—

10 (1) \$75,000,000 for the Research, Demonstra-  
11 tion, and Evaluation Center for the Aging Network  
12 to carry out the activities of the Center under sec-  
13 tion 201(g) of the Older Americans Act of 1965  
14 (OAA) (42 U.S.C. 3011(g));

15 (2) \$655,000,000 to carry out part B of title  
16 III of the OAA (42 U.S.C. 3030d), including for—

17 (A) supportive services of the type made  
18 available for fiscal year 2021 and authorized  
19 under such part;

20 (B) investing in the aging services network  
21 for the purposes of improving the availability of  
22 supportive services, including investing in the  
23 aging services network workforce;

1 (C) the acquisition, alteration, or renova-  
2 tion of facilities, including multipurpose senior  
3 centers and mobile units; and

4 (D) construction or modernization of facili-  
5 ties to serve as multipurpose senior centers;

6 (3) \$140,000,000 to carry out part C of title  
7 III of the OAA (42 U.S.C. 3030d-21-3030g-23),  
8 including to support the modernization of infrastruc-  
9 ture and technology, including kitchen equipment  
10 and delivery vehicles, to support the provision of  
11 congregate nutrition services and home delivered nu-  
12 trition services under such part;

13 (4) \$150,000,000 to carry out part E of title  
14 III of the OAA (42 U.S.C. 3030s-3030s-2), includ-  
15 ing section 373(e) of such part (42 U.S.C. 3030s-  
16 1(e));

17 (5) \$50,000,000 to carry out title VI of the  
18 OAA (42 U.S.C. 3057-3057o), including part C of  
19 such title (42 U.S.C. 3057k-11);

20 (6) \$50,000,000 to carry out the long-term care  
21 ombudsman program under title VII of the OAA (42  
22 U.S.C. 3058-3058ff);

23 (7) \$59,000,000 for technical assistance centers  
24 or national resource centers supported under the  
25 OAA, including all such centers that received fund-

1       ing under title IV of the OAA (42 U.S.C. 3031–  
2       3033a) for fiscal year 2021, in order to support  
3       technical assistance and resource development re-  
4       lated to culturally appropriate care management and  
5       services for older individuals with the greatest social  
6       need, including racial and ethnic minority individ-  
7       uals;

8           (8) \$15,000,000 for technical assistance centers  
9       or national resource centers supported under the  
10      OAA that are focused on providing services for older  
11      individuals who are underserved due to their sexual  
12      orientation or gender identity;

13           (9) \$1,000,000 for efforts of national training  
14      and technical assistance centers supported under the  
15      OAA to—

16           (A) support expanding the reach of the  
17      aging services network to more effectively assist  
18      older individuals in remaining socially engaged  
19      and active;

20           (B) provide additional support in technical  
21      assistance and training to the aging services  
22      network to address the social isolation of older  
23      individuals;

24           (C) promote best practices and identify in-  
25      novation in the field; and

1 (D) continue to support a repository for  
2 innovations designed to increase the ability of  
3 the aging services network to tailor social en-  
4 gagement activities to meet the needs of older  
5 individuals; and

6 (10) \$5,000,000 to carry out section 417 of the  
7 OAA (42 U.S.C. 3032f).

8 Amounts appropriated by this subsection shall remain  
9 available until expended.

10 (b) NONAPPLICABILITY OF CERTAIN REQUIRE-  
11 MENTS.—The non-Federal contribution requirements  
12 under sections 304(d)(1)(D) and 431(a) of the Older  
13 Americans Act of 1965 (42 U.S.C. 3024(d)(1)(D),  
14 3033(a)), and section 373(h)(2) of such Act (42 U.S.C.  
15 3030s–1(h)(2)), shall not apply to—

16 (1) any amounts made available under this sec-  
17 tion; or

18 (2) any amounts made available under section  
19 2921 of the American Rescue Plan Act of 2021  
20 (Public Law 117–2).

21 **SEC. 25005. OFFICE OF THE INSPECTOR GENERAL OF THE**  
22 **DEPARTMENT OF HEALTH AND HUMAN SERV-**  
23 **ICES.**

24 In addition to amounts otherwise available, there is  
25 appropriated to the Department of Health and Human

1 Services for fiscal year 2022, out of any money in the  
2 Treasury not otherwise appropriated, \$50,000,000, to re-  
3 main available until expended, for the Office of Inspector  
4 General of the Department of Health and Human Serv-  
5 ices, for salaries and expenses necessary for oversight, in-  
6 vestigations, and audits of programs, grants, and projects  
7 funded under subtitles D and F of this title.

8 **SEC. 25006. TECHNICAL ASSISTANCE CENTER FOR SUP-**  
9 **PORTING DIRECT CARE AND CAREGIVING.**

10 (a) IN GENERAL.—In addition to amounts otherwise  
11 available, there is appropriated to the Secretary of Health  
12 and Human Services, acting through the Administrator  
13 for the Administration for Community Living, for fiscal  
14 year 2022, out of any money in the Treasury not otherwise  
15 appropriated, \$5,000,000, to remain available until Sep-  
16 tember 30, 2026, to establish, directly or through grants,  
17 contracts, or cooperative agreements, a national technical  
18 assistance center (referred to in this section as the “Cen-  
19 ter”) to—

20 (1) provide technical assistance for supporting  
21 direct care workforce recruitment, education and  
22 training, retention, career advancement, and for sup-  
23 porting family caregivers and caregiving activities;

1           (2) develop and disseminate a set of replicable  
2       models or evidence-based or evidence-informed strat-  
3       egies or best practices for—

4           (A) recruitment, education and training,  
5       retention, and career advancement of direct  
6       care workers;

7           (B) reducing barriers to accessing direct  
8       care services; and

9           (C) increasing access to alternatives to di-  
10      rect care services, including assistive tech-  
11      nology, that reduce reliance on such services;

12          (3) provide recommendations for education and  
13      training curricula for direct care workers; and

14          (4) provide recommendations for activities to  
15      further support paid and unpaid family caregivers,  
16      including expanding respite care.

17      (b) DIRECT CARE WORKER DEFINED.—The term  
18      “direct care worker” has the meaning given such term in  
19      section 22301.